

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: March 14, 2023  Consent  Regular  
 Ordinance  Public Hearing

Department: Criminal Justice Commission  
Submitted By: Criminal Justice Commission

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to receive and file: First Amendment to the Interlocal Agreement with Florida State University, College of Criminology and Criminal Justice (FSU) (R2022-0565) to perform research and evaluation of the efficacy of Pretrial changes intended to reduce jail population and the first appearance frequent utilizer's project, increasing the Agreement amount by \$242,629 for a not to exceed amount of \$309,879, and extending the term of the Agreement through December 31, 2024.

**Summary:** On September 1, 2021, the County, through its Criminal Justice Commission (CJC), executed a Memorandum of Understanding with FSU to collaborate on policy/practice relevant research. The Interlocal Agreement with FSU supports this MOU. FSU is providing research and evaluation services to the County's CJC in support of its ongoing commitment to the MacArthur Foundation's Safety and Justice Challenge (SJC). The key objectives of the SJC are to: 1) safely reduce jail populations and 2) address racial and ethnic disparities. On June 7, 2022 the Palm Beach County Board of County Commissioners delegated signature authority to the County Administrator or designee to execute amendments related to said Interlocal Agreement. In accordance with County PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating department as a receive and file agenda item. **No county match is required.**  
**Countywide (HH)**

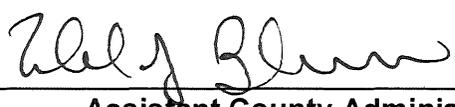
**Background and Justification:** In 2015, Palm Beach County was chosen out of 191 applicants from across the country to be one of 20 partners in the SJC. In May 2015, the county was awarded \$150,000 to develop strategies toward achieving the goals of safely reducing the local jail population and reducing racial and ethnic disparities in the jail population in Palm Beach County. An additional \$150,000 was awarded for planning in March 2016. In October 2017, implementation funding in the amount of \$2 million was awarded to the CJC (R2017-1709). In December 2019, an additional \$1.4 million in renewal funding was awarded for the CJC to continue its work (R2020-0484; R2020-0485). Since the implementation of the SJC project, the jail's average daily population in Palm Beach County has been reduced by approximately 18%; however, the racial and ethnic disparities in the jail population persist.

**Attachments:**

- 1) First Amendment to Interlocal Agreement with FSU

Regenia Herring   
S. Digitally signed by Regenia Herring S.  
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Regenia Herring S., E=RHERRING@pbegov.org  
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Recommended by: \_\_\_\_\_  
Department Director Date

Approved by:  \_\_\_\_\_ 3/1/23  
Assistant County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2023	2024	2025	2026	2027
Personal Services					
Operating Costs					
Grants & Aids	\$94,368	\$95,000	\$53,261		
External Revenues	(\$94,368)	(\$95,000)	(\$53,261)		
Program Income (County)					
In-Kind Match (County)					
<b>NET FISCAL IMPACT</b>	\$0	\$0	\$0		
#ADDITIONAL FTE					
POSITIONS (CUMULATIVE)					

Is Item Included in Current Budget? Yes  No   
 Does this item include the use of federal funds? Yes  No

Budget Account Exp No: Fund 1513 Dept 762 Unit 7722 Obj. 8101  
 Rev No: Fund 1513 Dept 762 Unit 7722 Obj. 8101

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

Grant: MacArthur Foundation Safety and Justice Challenge  
 Fund: 1513 MacArthur Foundation's Safety and Justice Challenge \$1.4M  
 Unit: 7722 MacArthur Foundation \$1.4M FY20-FY21

The MacArthur \$1.4M grant is due to expire September 30, 2023. However, a Sustainability Grant Application has been made to extend the grant period and enhance grant funding.



Digitally signed by Mariana Diaz  
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 Mariana Diaz, E=MDiaz@pubgov.org  
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**C. Departmental Fiscal Review**

**III. REVIEW COMMENTS:**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

Luna Mauer 2/7/2023  
 OFMB GA 212 MB 217

[Signature] 2/10/23  
 Contract Administration  
 MB 2/12/23

**B. Legal Sufficiency**

[Signature] 2-15-23  
 Assistant County Attorney

**C. Other Department Review**

\_\_\_\_\_  
 Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

**FIRST AMENDMENT TO  
INTERLOCAL AGREEMENT**

THIS FIRST AMENDMENT is dated the 19<sup>th</sup> day of January, 2023, between the FLORIDA STATE UNIVERSITY (College of Criminology and Criminal Justice) for and on behalf of its Board of Trustees (hereinafter "FSU"), whose FEIN ID is 59-1961248, and Palm Beach County, a political subdivision of the State of Florida, by and through its Board of Commissioners (hereinafter "COUNTY"), each one constituting a public agency as defined in Part I of Chapter 163, Florida Statutes.

**W I T N E S S E T H**

**WHEREAS**, on June 07, 2022, the COUNTY, through its Criminal Justice Commission (CJC), and FSU entered into an Interlocal Agreement (R2022-0565) (the Interlocal Agreement) for a total not to exceed the amount of Sixty-Seven Thousand Two-Hundred and Fifty Dollars (\$67,250); and

**WHEREAS**, FSU's responsibility under this Agreement was to provide professional/consultation services in the area of data analysis, research, and evaluation of aspects of the John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge grant awarded to the CJC as more specifically set forth in the Scope of Work detailed in Exhibit A of the original agreement; and

**WHEREAS**, the parties desire to extend the term of the agreement to December 31, 2024, increase the not-to-exceed amount, and amend the Scope of Work and Budget to include evaluations of the First Appearance Frequent Utilizer Pilot Project and the efficacy of Pretrial changes intended to reduce the jail population.

**NOW THEREFORE**, the above-named parties mutually agree that the Interlocal Agreement is amended as follows:

- I. The foregoing recitals are true and correct and incorporated herein by reference.
- II. **Section 4. Effective Date/Term** is hereby replaced in its entirety with the following:

This Agreement shall take effect on June 7, 2022. FSU shall complete all services by December 31, 2024, unless this Agreement is otherwise terminated as provided herein.

III. Paragraph A of **Section 7. Payments/Invoicing and Reimbursement** of the Agreement is hereby amended to read as follows:

A. The total amount to be paid by the COUNTY under this Agreement for all services and materials shall not exceed a total Agreement amount of Three Hundred Nine Thousand Eight Hundred and Seventy-Nine Dollars (\$309,879). FSU will bill the COUNTY as provided and at the amounts set forth in Exhibit B-1 for services rendered toward the completion of the Scope of Work.

IV. Exhibit A to the Agreement is replaced in its entirety with Exhibit A-1, attached hereto and incorporated herein by reference.

V. Exhibit B to the Agreement is replaced in its entirety with Exhibit B-1, attached hereto and incorporated herein by reference.

VI. All other provisions of the Agreement not in conflict with this First Amendment remain in full force and effect.

*REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY*

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this First Amendment on behalf of the COUNTY and the Florida State University, for and on behalf of its Board of Trustees, has hereunto set its hand the day and year above written.

FSU

Rose Driber for  
Stacey Patterson,  
VP for Research  
By: \_\_\_\_\_  
Digitally signed by Rose Driber for Stacey Patterson, VP for Research  
Date: 2023.01.12 12:48:09 -05'00'  
Dr. Stacey Patterson  
Vice President for Research  
Office of Research

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
BY REGENIA HERRING, EXECUTIVE  
DIRECTOR OF THE CRIMINAL  
JUSTICE COMMISSION  
Regenia Herring S.  
By: \_\_\_\_\_  
Regenia Herring  
Executive Director  
Criminal Justice Commission

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Helene Hvizd  
By: \_\_\_\_\_  
Helene C. Hvizd  
Assistant County Attorney

APPROVED AS TO TERMS AND  
CONDITIONS

Katherine Shover  
By: \_\_\_\_\_  
Katherine Shover  
Criminal Justice Systems Manager  
Criminal Justice Commission

**EXHIBIT A-1**

**SCOPE OF WORK**

**A. An Evaluation of Pretrial Release Practices in Palm Beach County**

**PURPOSE OF THE PROJECT**

The Research Partner (FSU) will provide research and evaluation services to Palm Beach County's Criminal Justice Commission (CJC) in support of their ongoing commitment to the MacArthur Foundation's Safety and Justice Challenge (SJC). Key objectives of the SJC are to: 1) reduce jail populations and 2) address racial and ethnic disparities. This project will address both of these objectives by focusing on current pretrial practices in Palm Beach County, FL. In support of these objectives, FSU will conduct a series of analyses to evaluate current pretrial practices, including an analysis of the effectiveness of existing release mechanisms and a comparison of regular and duty judges. All work will be completed in consultation with the CJC.

**TIMEFRAME**

June 7, 2022 – January 31, 2023

**BACKGROUND**

Since 2016, FSU has partnered with the Palm Beach CJC to perform research activities and evaluation services in support of the SJC. This has included work related to pretrial risk assessment and money bail. In carrying out these activities, FSU has worked extensively with Palm Beach County data from multiple sources, including the jail, court, and pretrial services. In reviewing these data, FSU learned the following: 1) money bail is the modal form of release in Palm Beach County, 2) relative to other release mechanisms used in the county (e.g., personal recognizance, SOR), money bail contributes to greater levels of pretrial detention and longer average pretrial custody lengths, and 3) money bail has a disparate impact on individuals of color. In light of these observations, there is a need for a systematic evaluation of pretrial practices in Palm Beach County to understand the extent to which different release mechanisms contribute to levels of pretrial detention, and to identify linkages between mechanisms of release and pretrial compliance. Findings from such work could shed light on approaches that maximize release and reduce racial disparities in pretrial detention, all while maintaining public safety and court efficiency. Such an effort is in line with the desire of county government and community members to work towards developing a system that produces more efficient and equitable outcomes.

## **RESEARCH PROJECT**

The following research project will be completed in partnership with the Palm Beach County CJC.

There is a growing body of research on the efficacy of money bail, and the empirical findings from this work provide no evidence that secured money bail is more effective than unsecured bail or other non-financial release mechanisms (e.g., own recognizance, supervised release) at promoting court appearance or public safety. Nevertheless, jurisdictions across the country continue to rely heavily on financial forms of release to incentivize pretrial compliance (e.g., court appearance and no new criminal activity). These practices drive up pretrial detention rates—often unintentionally so—and compound racial and ethnic disparities in pretrial incarceration and outcomes. Across the country, jurisdictions have made policy changes to reduce their reliance on money bail. Preliminary evidence suggests that efforts to prioritize non-financial forms of release or lower bond amounts, for example, have not increased rates of non-appearance in court or new criminal activity. However, few of these changes have been subject to rigorous evaluation.

In this project, FSU will leverage its existing partnership with Palm Beach County to explore the effectiveness of existing release mechanisms, including own recognizance (OR), supervised own recognizance (SOR), and cash/surety bonds. In particular, FSU will compare levels of pretrial release, in addition to pretrial compliance (i.e., court appearance, no new criminal activity), across the different release mechanisms, accounting for relevant defendant, case, and criminal history information. We will also consider the specific conditions under which release mechanisms are more (or less) effective, based on available current charge, criminal history, and defendant characteristics. As noted above, money bail is the modal form of release in Palm Beach County, and yet the county has yet to determine whether money bail is more effective than other existing release mechanisms at ensuring pretrial compliance. This is important, as money bail has been linked to a greater likelihood of pretrial detention and pretrial detention stays of longer length, particularly among members of racial and ethnic minority groups. Furthermore, despite recent pretrial process improvements, including the expansion of pretrial services, research has yet to evaluate the impact of these improvements on the pretrial system in Palm Beach County. The FSU research team will also compare bail setting tendencies and failure rates across regular and duty judges to determine whether judges' familiarity with the first appearance courtroom influences bail levels and pretrial compliance. Findings from this research will have broad appeal, as they may be used to inform future pretrial practices in Palm Beach County and will provide a rigorous set of conclusions regarding the efficacy of different release mechanisms—the theoretical and practical import of which for the field cannot be overstated.

### **B. Evaluating the Efficacy of Pretrial Changes Intended to Reduce the Jail Population**

#### **PURPOSE OF THE PROJECT**

The Research Partner (FSU) will provide research and evaluation services to Palm Beach County's Criminal Justice Commission (CJC) in support of their ongoing commitment to the MacArthur Foundation's Safety and Justice Challenge (SJC). Key objectives of the SJC are to: 1) reduce jail populations and 2) address racial and ethnic disparities. This project will address

both of these objectives by focusing on changes to pretrial practices in Palm Beach County, FL; namely, the introduction of 4 separate levels of pretrial supervision and the introduction of a client navigator/community-based services for clients of the Public Defender's office.

### **TIMEFRAME**

January 1, 2023 – December 31, 2023

### **RESEARCH PROJECT**

The following research project will be completed in partnership with the Palm Beach County CJC. The first stage of this project will draw on existing data to compare the efficacy of the current pretrial services supervision model to the model in place prior to 2017. Prior to Palm Beach County's involvement in the SJC, Pretrial Services' Supervision Unit (SOR) provided a single level of supervision for individuals released from jail pending the disposition of their cases. Since then, the SOR has expanded their range of services to offer four different levels of supervision for individuals released to their custody. This approach is consistent with best practices in supervision conditions, which recommend that conditions be realistic (i.e., few in number and attainable) and relevant (e.g., tailored to individual risks and needs). Remaining questions, however, are whether these changes have a) resulted in increased levels of pretrial release and b) improved outcomes (e.g., reductions in pretrial failure to appear and new criminal activity) among individuals released on SOR. To evaluate these changes, FSU researchers will leverage existing data to compare release rates and failure rates during the pre- and post-SJC periods. In addition, we will employ quasi-experimental analytic methods to compare the outcomes of individuals who were released on SOR during these different periods. Findings from this research will help determine whether the changes to the SOR levels have achieved their intended goals. Supplemental analyses will explore whether and how these changes impacted racial disparities in rates of incarceration and pretrial release, as well as any variability in the assignment of supervision levels and client outcomes on the basis of racial and ethnic minority group membership.

In the second stage, we will evaluate the efficacy of a program operated by the Public Defender's office intended to facilitate the release of individuals detained pretrial due to their inability to satisfy the conditions of their monetary bond. In addition to securing their clients' pretrial release from jail on non-monetary bond, a secondary goal of this program is to connect clients with community-based services to meet their individual needs. Eligibility criteria is based on 1) whether an individual has been issued a monetary bond which they are unable to satisfy and 2) the nature of their charges and criminal histories are such that a bond motion is likely to result in their non-monetary release from jail pending adjudication. Given that the Public Defender's office tracks eligible individuals who do and do not participate in the program, FSU researchers will have access to an appropriate comparison group to determine whether those who participate in the program have lower levels of recidivism than their similarly situated peers. Additional information provided on the nature and extent of services provided will permit a preliminary exploration of the conditions under which program participants fare better (or worse). In keeping with the thrust of the SJC, analyses will focus on whether the program has increased release rates and racial and ethnic disparities in pretrial detention. Furthermore, we will consider the potential

for disproportionate program participation, service provision, and collateral consequences on the basis of race/ethnicity.

### **C. First Appearance Frequent Utilizer Pilot Project Evaluation**

#### **BACKGROUND**

The Palm Beach County's Criminal Justice Commission is one of twenty-seven sites selected from across the country to participate in the MacArthur Foundation's Safety and Justice Challenge. Given the Safety and Justice Challenge focus on data-driven policymaking and the significant role research plays in safely and effectively reducing jail population, this work is vital to the Commission.

In keeping with the goals of the MacArthur Safety and Justice Challenge, the Palm Beach County has determined that there is a need to increase access to resources for individuals who are identified as "high utilizers" with behavioral health challenges who cycle through the jail for low-level offenses based upon previous Sequential Intercept Mapping exercises and input from stakeholders. For the purpose of this project, high utilizers are defined as individuals with 3 or more jail bookings in the 24-month period preceding a First Appearance hearing at which they are sentenced to 10 days or less in jail (most frequently to "time served"). The First Appearance Frequent Utilizer Pilot Project has three initial goals: 1) reduce recidivism; 2) facilitate connections to services that address identified needs, thereby assisting participants in stabilizing their lives; 3) reduce racial and ethnic disparities in the criminal justice system.

#### **TIMEFRAME**

November 1, 2022 to December 31, 2024.

#### **RESEARCH PROJECT**

The following research project will be completed in partnership between FSU and the Palm Beach County Criminal Justice Commission. As research partners, this work will be conducted in support of the overall Research Program carried out by Criminal Justice Commission staff and the MacArthur Foundation SJC Team.

In this project, FSU will examine the effectiveness of the First Appearance Frequent Utilizer Pilot Project using data collected by the multidisciplinary team consisting of the jail release navigator, case manager, and peer support specialist, in addition to data provided by the local jail. This work will be completed in multiple stages.

First, FSU will develop a quasi-experimental design in which program participants will be compared to non-participants. In particular, the project team will track refusals among eligible individuals such that FSU researchers may create an appropriate comparison group. Then, using statistical matching techniques, FSU researchers will determine whether program participation

corresponds to reductions in recidivism (measured based on rebookings into the Palm Beach County Jail during a 6-month follow-up period).

Second, FSU will consider variability in the outcomes of program participants as a function of their engagement with the various services rendered during the project period. For example, drawing on service data collected by the project team, FSU researchers will compare participant outcomes based on the nature and extent of services and support received during the course of the project. Understanding the conditions under which program participants fare best will help inform best practices and future efforts to optimize the reentry process for high utilizer populations.

Finally, FSU researchers will select a subset of program participants to participate in qualitative interviews. These interviews will help shed light on aspects of the project that proved most beneficial, from the perspective of participants, as well as those areas that may be in need of improvement. The findings from the qualitative interviews will nicely complement the outlined quantitative analyses, as they will enable the FSU researchers to unpack the mechanisms underlying any observed associations between program participation and individuals' outcomes.

**EXHIBIT B-1**

**BUDGET AND DELIVERABLES**

The following tables outline the project budget and deliverables to be provided by the FSU research team within the contract period. \$7,250 has been disbursed through December 1, 2022, of the total budget of \$67,250 for the Pretrial Release Practices in Palm Beach County evaluation. The remaining deliverables and payment schedule are provided below. Deliverables should be submitted to the Criminal Justice Commission Criminal Justice Systems Manager in electronic format via email for each evaluation.

**A. An Evaluation of Pretrial Release Practices in Palm Beach County**

**DELIVERABLES**

The deliverables and payment schedule are provided below. Budget amounts listed support four project staff, including efforts from three faculty (Drs. Jennifer Copp and Thomas Blomberg) and one graduate research assistant (TBD). The budget includes the approved MacArthur Foundation Safety and Justice Challenge indirect rate of 15%. Equipment and supply costs are not requested.

<b>Deliverables</b>	<b>Projected Due Date</b>	<b>Amount</b>
Project start-up activities, collaborative meetings, data acquisition, IRB approval	July 31, 2022	\$7,250
Interim report/presentation, comparing the effectiveness of the release mechanism	September 30, 2022	\$15,000
Interim report/presentation, comparing bond setting across regular and duty judges	November 30, 2022	\$15,000
Final analyses and results on bond settings and release mechanisms specified in the scope of work	January 31, 2023	\$15,000
Final project report and presentation, including all findings related to the projects listed in the scope of work	January 31, 2023	\$15,000
	<b>TOTAL</b>	<b>\$67,250</b>

**B. Evaluating the Efficacy of Pretrial Changes Intended to Reduce the Jail Population**

**DELIVERABLES**

The deliverables and payment schedule are provided below. Budget amounts listed support three project staff, including effort from two faculty (Drs. Jennifer Copp and Thomas Blomberg) and one graduate research assistant (TBD). The budget includes the approved MacArthur Foundation Safety and Justice Challenge indirect rate of 15%. Equipment and supply costs are not requested.

<b>Deliverables</b>	<b>Due Date</b>	<b>Amount</b>
Project start-up activities, collaborative meetings, data acquisition, IRB approval	January 1, 2023	\$11,894
<b>SOR LEVELS</b>		
Interim report/presentation, examining the efficacy of changes to SOR		\$15,000
Final analyses and results on changes to SOR levels specified in the scope of work	June 30, 2023	\$20,000
<b>PUBLIC DEFENDER PROJECT</b>		
Additional data acquisition from public defender's office and county administration to compare program participants to non-participants, start-up activities	July 1, 2023	\$7,474
Interim report/presentation, examining the efficacy of the Public Defender's program targeting individuals detained on unattainable bond		\$15,000
Final project report and presentation including all findings related to the projects listed in the scope of work	December 31, 2023	\$25,000
<b>Phase 1 total</b>		<b>\$94,368</b>

**C. First Appearance Frequent Utilizer Pilot Project Evaluation**

**DELIVERABLES**

The deliverables and payment schedule are provided below. Budget amounts listed support two project staff including effort from two faculty (Drs. Jennifer Copp and Thomas Blomberg). The budget also supports travel for two project staff to take four trips to Palm Beach for data collection, collaborative research, and/or a presentation of findings. The budget includes the approved MacArthur Foundation Safety and Justice Challenge indirect rate of 15%. Equipment and supply costs are not requested.

<b>Deliverables</b>	<b>Projected Due Date</b>	<b>Amount</b>
Project start-up activities, collaborative meetings, data acquisition, IRB approval	June 30, 2023	\$25,000
Interim report/presentation	December 31, 2023	\$35,000
Interim report/presentation	June 30, 2024	\$35,000
Final Report Final Analysis and Results Presentation of findings Post report follow-up and consultation	December 31, 2024	\$53,261
<b>Total Project Cost</b>		<b>\$148,261</b>