

**PALM BEACH COUNTY CRIMINAL JUSTICE COMMISSION
LAW ENFORCEMENT PLANNING COUNCIL**

FINAL MINUTES

Thursday, February 3, 2011 – 9:30 a.m.

Clayton Hutchinson Agricultural Center
Exhibit Hall "B"
559 North Military Trail
West Palm Beach, Florida

Members Present

Chief Matt Immler-Chair
Chief Frank Kitzerow-Vice-Chair
Stephen Barborini, Resident Agent in Charge
Chief Kirk Blouin (Represented by Major Dan Szarszewski)
Chief Roger M. Crane
Michael Driscoll, Resident Agent in Charge
Pete Garcia, Federal Security Director
Chief Craig Hartmann
Chief James Kelly
Chief Steve Kniffin
Matthew Lynch, Resident Agent In Charge
John McKenna, Assistant Special Agent in Charge
John Modlin, Patrol Agent in Charge
Major Carol Owsiany-Himmel
Major Luis Ramil
Chief John Stewart
Edward (Eddie) Thompson, Resident Agent In Charge
Chief Clay Walker
Chief Clarence Williams, III (Represented by Commander Leonard Mitchell)
Chief Christopher Yannuzzi

Members Absent

Chief Daniel Alexander
Danny Auer, Special Agent In Charge
Steven Burdelski, Senior Supervisory Resident Agent
Chief Delsa Bush
Sheriff Ric Bradshaw
Chief Mark Hall
Major Jeffrey Hubert
Chief Charles Lowe
Chief Robert Mangold
Dana Morrison, Special Agent Supervisor
Chief Robert O'Neill
Acting Director Michael Porath
Chief Rick Ricciardi
Chief Wes Smith
Chief Stephen Stepp
Lt. Anthony Stafford
Chief Anthony Strianese
Chief Jeff Tyson
Mike Waites, Chief Investigator
Chief Garrett Ward
Chief Dennis Weiner

Glen Wilner, Assistant Chief Deputy

Advisory Members Present

Rosalyn Baker, Circuit Administrator (Represented by Donald Monroe)
Rolando Garcia, Deputy Chief
Feirmon Johnson, Chief Probation Officer
Hon. Michael McAuliffe, State Attorney

Advisory Members Absent

Dr. Michael Bell, Palm Beach County Medical Examiner
Joni Livingston, Florida Department of Law Enforcement (FDLE)
Director Larry Schroeder

- I. Welcome and opening comments by Chief Matt Immler, Chairman.
- II. Roll Call
- III. Introduction of Guests
- IV. Approval and/or additions to the agenda
 - a. The February 3, 2011 agenda was approved.
- V. Approval of the minutes
 - a. The January 6, 2011 minutes were approved.
- VI. Under Chairman's Comments, Chairman Matt Immler:
 - a. Thanked Vice-Chairman Kitzerow for filling in for him at the January meeting and mentioned that Elections will be held under Old Business. He also advised that according to the LEPC bylaws the President of the Palm Beach Association of Chiefs of Police, Chief Clarence Williams, will become the Vice-Chairman.
 - b. Advised that Katherine Hatos will be filling in for Damir Kukec while he is on leave.
 - c. Congratulated Chief Mark Hall, Palm Springs Public Safety Department, and Chief John Stewart, Jupiter Inlet Colony, on their recent appointments. He also congratulated Chief Joseph Benevento on his retirement and welcomed Acting Director Michael Porath from Greenacres Public Safety Department.
- VII. Presentations
 - a. Judge Ted Booras provided information about the Palm Beach County Veteran's Court Docket that is designed to serve combat and non-combat veterans defendants (felony or misdemeanor). The court was formed by a

partnership between the Judiciary, Veterans Administration, West Palm Beach VA Medical Center, State Attorney, Public Defender, Probation (Felony and Misdemeanor), Clerk and Comptroller, Administration Office of the Court, Sheriff, and other community partners from the criminal justice and treatment communities. It attempts to address underlying health and psychosocial problems. The use of veteran mentors is a critical component of the program. Mr. McAuliffe recognized Chief Judge Blanc and Judge Booras for their efforts in establishing the Veteran's Court. Docket dates should be available from the Clerk's Office by the Spring.

- b. State Attorney Michael McAuliffe provided an update about the activities of the Florida Innocence Commission concerning eyewitness identifications. Several issue areas have been identified that can be addressed through policy or procedural changes. He acknowledged the Best Practices work that his predecessor Barry Krischer started in 2008 and recommended the continuation of that work to address inconsistencies in policies. A model policy was developed by the State Attorney's Office and Palm Beach County Sheriff's Office. He requested that agencies voluntarily act by either adopting the policy or using it as a guideline to draft new or modify existing policies by the end of February. He also recognized that Palm Beach Gardens and Jupiter Police Departments already have policies in place. There was also a discussion concerning show-ups and photos arrays.
- c. Ms. Elizabeth Parker, State Attorney's Office, provided Traffic Fatalities Hearing guidelines (notebook & cd presented to members) to assist officers with these cases. Chief Crane commended Ms. Parker and her office. Chief Kitzerow also acknowledged that Ms. Parker's work far exceeded their expectations and thanked her for her assistance.

VIII. New Business

Mr. Mike Rodriguez, Criminal Justice Commission, advised that \$140,000 has accumulated in the Domestic Violence Trust Fund that can be used to offset domestic violence incarceration costs or domestic violence response training for officers. Mr. Rodriguez also suggested that it could be used for the Domestic Violence protocols. Chief Kelly advised that funding should first address training costs. Ms. Parker was asked to provide funding recommendations at the March LEPC meeting.

IX. Old Business

- a. Chief Frank Kitzerow was unanimously elected as LEPC Chairman. Chief Clarence Williams serves in the capacity of the Vice-Chairman by virtue of being President of the Palm Beach Association of Chiefs of Police. Mr. Rodriguez thanked Chief Matt Immler for his service as Chairman of the Law

Enforcement Planning Council and Chief Frank Kitzerow for serving on the Criminal Justice Commission.

- b. There was a motion to approve the contents and scope of the Homeless Protocol Committee's findings. The motion was approved with one dissenting vote. Chief Yannuzzi mentioned his concerns about payment of security costs, transportation, and property.
- c. Mr. Barry Krischer discussed proposed Knock-and-Announce legislation to neutralize the State v. Cable Florida Supreme Court case. This legislation would prevent evidence from being suppressed by application of the exclusionary rule if an officer fails to properly knock and announce prior to entry. This would still allow for civil remedies for violations. Todd Weicholz supported Mr. Krischer's position and referenced the Hudson v. Michigan US Supreme Court case. There was a motion by Chief Yannuzzi to support the legislation changes, which was unanimously approved.

X. Committee Reports

- a. Book and Release Committee: Chief Crane discussed several Senate bills SB 372 (pretrial program), SB 124- (probation and community control), SB 494 (sexual offenders and predators), and concerns about the number of juveniles waiting to determine if they will be adjudicated as adults.
- b. Domestic Violence Committee: Ms. Parker will provide a report at the March meeting.
- c. Homeless Protocol Committee: No report was presented.
- d. Recruitment and Retention Committee: Chief Yannuzzi advised that last quarter's report is pending receipt of information. He also noted that the report will cover the last quarter, which will reflect the fiscal impact of the agency's new budgets on personnel.
- e. Traffic Committee: Chief Crane deferred his Chairman position to Chief Mark Hall, as he has experience with red light traffic camera issues. Chief Crane will act as the Co-Chairman. A motion was made and unanimously approved.
- f. Vulnerable Adult Protocol: Chief Walker advised that only 11 agencies have signed and returned the MOU. At the request of the Area Agency on Aging, training will be postponed until May to correspond with Elder Education Awareness month. Training will last 90 minutes and officers will receive a checklist and cd.

XI. Liaison Updates

- a. Data Sharing: Chairman Kitzerow advised that all of the agencies in Palm Beach County are linked together and there was a demonstration for the first federal agency that was interested in participating with LEX.
- b. Child Abuse Protocol: No report was presented.
- c. Crime Prevention Officers Association: No report was presented.
- d. Criminal Justice Commission: Mr. Rodriguez advised that the Annual Planning Meeting will be held the last day of February.
- e. Criminal Justice Institute: Report was included in the packet.
- f. High-Intensity Drug Trafficking Area: Executive Board meeting will be held later this month.
- g. High School Criminal Justice Academies: No report was presented.
- h. Municipal Public Safety Communications Consortium: No report was presented.

Next Meeting: March 3, 2011