

MINUTES
CRIMINAL JUSTICE COMMISSION
WORKSHOP ON THE MACARTHUR SAFETY & JUSTICE CHALLENGE GRANT

MONDAY, FEBRUARY 25, 2019
8:00 A.M. – 11:00 A.M.

McEaddy Conference Room
301 North Olive Avenue, 12th Floor, West Palm Beach, FL 33401

Members Attending:

Marcia Andrews
Dave Aronberg
Barbara Cheives
Rachel Docekal
Douglas Duncan
George Elmore
Carey Haughwout
Kimber Heddon
Joe Ianno, Jr.
Kevin Jones
Krista Marx
Frank Mercurio
Sarah Mooney
Christina Morrison
Tina Polsky (by telephone)
Gerald Richman

Guests Attending:

Dina Keever, Judge, 15th Judicial Circuit
Cassandra Atkin-Plunk, FAU
Louis Tomeo, Clerk & Comptroller
Michael Gauger, PBSO
Barbara Dawicke, Court Administration
Michelle Cruz, Court Administration
Nicole Bishop, PBC Public Safety
Latronda Hayes, PBC Public Safety
Mike Edmondson, State Attorney's Office
Jennifer Loyless, Public Defender's Office
Marshamarie Mosely, PBC School District
Lisa Robinson, PBC Crime Prevention Officers Assoc.
Keith Clinkscales, PBC Strategic Planning
Derek Gibson, Florida Department of Corrections
Darren Romelus, PBC BOCC District 7
Jeffrey Colbath, Judge, 15th Judicial Circuit
Verdenia Baker, PBC County Administrator
David Bernhardt, PBC BOCC District 3
Sandra L. Ortiz, PBC Public Safety

Staff Attending:

Jervonte Edmonds, Temporary Professional, RED Project

Jonathan Hackley, Senior Criminal Justice Analyst

Kristina Henson, Executive Director

Danny Kreshak, Financial Analyst

Damir Kukec, Manger, Research and Planning

Althea Mones, Temporary Staff

Rosalind Murray, Senior Criminal Justice Analyst

Allison Orr, Administrative Assistant

Jacqueline Schoenfeld, FUSE Program Coordinator

Katherine Shover, Senior Criminal Justice Analyst

Candee Villapando, Criminal Justice Analyst

Bert Winkler, Manager of Criminal Justice Programs

Business Meeting:

Roll Call was taken and a quorum was established. Mr. Doug Duncan made a motion to approve the agenda and upon a second by Chief Judge Krista Marx the motion passed unanimously. Mr. George Elmore made a motion to approve the minutes of the January 28, 2019 full CJC meeting and upon a second by Chief Judge Krista Marx, the motion passed unanimously.

Chair Gerald Richman welcomed the members and guests.

Executive Director's Comments:

Executive Director Kristina Henson congratulated Mr. Jonathan Hackley on his promotion to Senior Criminal Justice Analyst working on the MacArthur Safety & Justice Racial and Ethnic Disparities Project. Director Henson also thanked Ms. Barbara Cheives for serving on the interview panel.

Director Henson reported that the Racial and Ethnic Disparities Team served on two discussion panels, with over 60 attendees at the Race to Equity Summit on February 20, and on February 22 at the PBC Bench Bar Conference, where it was noted there was great interest in the pretrial assessment tool.

MacArthur Safety & Justice Challenge Workshop:

Director Kristina Henson explained the purpose of the workshop on the MacArthur Safety and Justice Challenge Grant (SJC) was to update the members on the various strategies, spark discussion, review key data findings, and gain feedback for next steps and future direction for the upcoming renewal grant. She said that she would start the presentation with an overview of the SJC and the PBC jail, then Bert Winkler and Damir Kukec will speak to the programmatic and data outcomes of each of the strategies. Finally, she will provide an overview of the funding and discuss next steps.

- **Overview of the Safety and Justice Challenge:** Kristina Henson gave an overview of the SJC as rethinking the way we use our local jails. The pillars of the SJC include, safely reducing the jail population, reducing racial and ethnic disparities, community engagement, and data collection. She gave a brief timeline of the SJC and the strategies and explained the quantitative and qualitative reasons for participating in the SJC. She explained that the SJC is a data-driven process to identify the drivers of our local jail and then craft strategies to reduce admissions and/or the length of stay of the pretrial population.
- **Know Your Palm Beach County Jail:** Director Henson highlighted four key data points of the PBC County Jail:
 1. Our jail population is 37% below the national average;
 2. Average Daily Population is down by 18% since 2015;
 3. Admissions are down by 21%; and
 4. Average Length of Stay is down by 16%
- **Strategy 1 – Reduce pretrial jail population for low/medium risk inmates:** Mr. Bert Winkler gave a brief overview of major objectives under this strategy, shared that \$627,500 or 31% of total grant funds were allocated for this strategy, and Mr. Kukec briefed members on the key data findings:
 - Pretrial Assessment Instrument and Risk Management Matrix
 - The Pretrial Team reviewed five tools and chose the Virginia Pretrial Risk Assessment Instrument and matrix.
 - The Pretrial Justice Institute provided technical assistance for this strategy.
 - 13,457 assessments completed since implementation September 17, 2017.
 - Risk score breakdown shows that 48% scored low risk, 40% medium risk, and 12% high risk.
 - The matrix recommended 23% be released on their own recognizance, 52% on supervised release, and 25% were serious cases left to judicial decision with no recommendation.
 - Actual decisions by the court showed 33% were ordered to post a cash bond, 24% supervised release, 12% on their own recognizance, 7% a combination of bond and supervised release, 11% were time served, 7% were reset, and 5% were no bond hold.
 - The judicial match rate was 39% which is when the judge's decision matched the recommendation of the matrix; the goal is 75%.
 - Enhanced Pretrial Services Program
 - The program is under the County's Public Safety Department, Justice Services Division and was created by the CJC back in 1991.
 - The program changed to four levels of supervision from the previous single one in order to spend more time with those who score higher on the assessment tool.
 - Second Look Procedure/Jail Population Review Committee
 - This has not yet been implemented and is currently in the planning stage.
 - This will review inmates who remain in jail on low bonds and work to craft alternatives for their pretrial release.

There was discussion and questions about the current effectiveness and use of the tool and the matrix. Members heard from First Appearance Judge Dina Keever on some of the concerns and challenges with the tool. Mr. Winkler explained that the Pretrial Team of stakeholders chose this tool and are monitoring its implementation and will work with Florida State University to analyze the performance of the tool in predicting those who fail to appear and commit new criminal activity. When FSU completes their study in September, the Team will work to identify modifications to the tool to align with our system's norms and population.

- **Strategy 2 – Diversion and warrant reduction for low-level defendants:** Mr. Winkler gave a brief overview of major objectives under this strategy, shared that \$565,000 or 28% of total grant funds were allocated for this strategy, and Mr. Kuvec briefed members on the key data findings:
 - The PalmFUSE Program housed the first two clients in August and September of 2018.
 - FAU was contracted to conduct an evaluation of PalmFUSE.
 - The Corporation for Supportive Housing, which created the FUSE model nationwide, provided technical assistance for the implementation and design.
 - The Court Reminder System was implemented November 19, 2018 and is funded for a one-year pilot program by the Robert F. Kennedy Human Rights.
 - Clients must sign a consent form to be enrolled and are sent texts seven and one day prior to their court hearings.
 - To date clients the appearance rate is 98% compared to 87% for 2018 showing great promise.
 - There was discussion on the plans to expand the program.

- **Strategy 3 – Case processing efficiencies for pretrial inmates:** Mr. Winkler gave a brief overview of major objectives under this strategy, shared that \$480,000 or 24% of total grant funds were allocated for this strategy, and Mr. Kuvec briefed members on the key data findings:
 - The Public Defender Client Navigator position has realized a 19% reduction in those clients served who were ordered released on a bond of \$10,000 or less and a 36% reduction for those ordered released on a bond of \$10,000 to \$20,000.
 - The State Attorney Public Safety Specialist position has reviewed 688 outstanding warrants and worked to administratively dismiss 126.
 - The goal of these two staff positions is to reduce the average length of stay for pretrial inmates.
 - Technical assistance from the Justice Management Institute analyzed our circuit's case processing time comparing them to national and state standards.
 - Technical assistance from the JFA Institute conducted two jail stress tests with stakeholders to identify inmate populations for reduction in length of stay.
 - Grant funds were recently allocated to the Public Defender's Office for community-based services as alternative to pretrial incarceration.

- **Strategy 4 – Reduce racial and ethnic disparities:** Mr. Winkler gave a brief overview of major objectives under this strategy, shared that \$221,000 or 11% of total grant funds were allocated for this strategy, and Mr. Kuvec briefed members on the key data findings:
 - System-wide training on Implicit Bias and systemic racism will be conducted for non-law enforcement professionals in 2019 and law enforcement in 2020.
 - Technical assistance from the W. Haywood Burns Institute analyzed disparities in our jail admissions and met with our RED Team monthly.
 - Key data findings:
 - Blacks are three times more likely than whites to be admitted to our jail.
 - There was a slight disparity in Latino jail admissions.
 - Blacks were more likely to be admitted to the jail than whites by charge type:
 - 4.5 times more for violations of probation on a new arrest
 - 3.3 times more for felonies
 - 3.2 times more for violations of probation on a technical violation
 - 3.1 times more for a failure to appear
 - 2.1 times more for a misdemeanor
 - Felony average lengths of stay showed:

- 37 days for blacks
- 34 for Latinos
- 30 for whites
- Community engagement efforts were discussed as a complement to the RED strategy wherein communities of color are sought for feedback and dialogue about the local criminal justice system.

- **Strategy 5 – Build data capacity for policy decision-making:** Mr. Kukec gave a brief overview of major objectives under this strategy, shared that \$80,000 or 4% of total grant funds were allocated for this strategy, and briefed members on the progress. He discussed the various data sources and the development of the data dashboard. He thanked the Sheriff's Office for access to the jail data and their ongoing work to refine that data, as well as, the Clerk's Office for the same related to court data, and Pretrial Services for access to the risk assessment instrument outcomes. He explained the requirements of the SJC pertaining to monthly data given to the City University of New York (CUNY), Institute for State and Local Governance (ISLG) under the Data User Agreement the CJC entered into as required by the SJC.

- **The Path Forward:**

Director Kristina Henson discussed the realignment of unexpended grant dollars explaining that there is a projected \$1-million remaining in the grant to be used for fiscal year 2020. MacArthur has approved her request for a no cost extension to September 30, 2020 to expend those funds. She explained that these funds are enough to keep the six grant funded positions and the current strategies going through September 30, 2020.

She spoke to the continuation of the various strategic teams that work on each of the strategies and the lessening of the frequency of the meetings to be mindful of meeting fatigue.

She shared the dedication of CJC staff resources to the SJC explaining that 82% of CJC management time and 58% of other staff is dedicated to the SJC. She pointed out that the CJC needs to confirm this dedication of resources for the SJC as it will not provide flexibility in addressing other issues that may come before the CJC.

She then sought direction from members on the continuation of the current strategies and desires for the renewal grant which would be for December 2019 through November 2021. General discussion around this request focused on the resources of not only CJC staff, but of the stakeholder agencies involved, recognition of the benefits of the SJC, societal issues that continue to impact the jail with behavioral health needs, and the procedures and the testing of risk tolerance of our local system as it pertains to the pretrial assessment tool and matrix.

It was determined by general consensus that the CJC should continue the current strategies of the SJC and the Core Team should bring back recommendations and strategies for the renewal grant for CJC approval.

Adjournment:

With no further business or comments, Chair Gerald Richman adjourned the meeting at approximately 11:00 a.m.