

MINUTES

BROWARD COUNTY PUBLIC SAFETY COORDINATING COUNCIL

ADVISORY BOARD

January 9, 2020

- MEMBERS** Wayne Spath, Bond Industry, Chair
- PRESENT:** Gordon Weekes, Public Defender's Office
Maria Schneider, State Attorney's Office
Raul Fernandes, Florida DOC Probation
David Scharf, BSO Department of Community Programs
Jack Feinberg, BARC
Greg M. Lauer, Broward County Bar Association
Dr. Steven Ronik, Henderson Behavioral Health
Captain Michael Dodson for Chief Rick Maglione, Police Chief's Association
Lori Alhadeff, Broward School Board
Alfreda Coward, Community Representative
- MEMBERS** Commissioner Michael Udine, Board of County Commissioners
- ABSENT:** Chief Judge Jack Tuter, 17th Judicial Court
Brenda Forman, Clerk of Courts
Lieutenant Colonel Angela Neely, BSO Department of Detention
Kathleen Pugh, Court Administrator
Alan Levy, Broward Workshop
- Also Present:** Darren Sieger, BSO
Alphonso Jefferson, Broward County Administration
Tamica Gaynor, Broward County Human Services Department
Melinda Bradley-Lee, Florida DOC Probation
Keoki Baron, Assistant County Attorney
Nancy Cavender, The Laws Group

A meeting of the Broward County Public Safety Coordinating Council Advisory Board of Broward County, Florida, was held in the Public Defender's Conference Room, North Wing, 3rd Floor, 201 Southeast 6th Street, Fort Lauderdale, Florida at 3:00 p.m., Thursday, January 9, 2020.

(The following is a near-verbatim transcript of the meeting.)

AGENDA ITEM 1 - CALL TO ORDER

CHAIR SPATH: I'm going to call the Public Safety Council meeting, call it to order, please.

AGENDA ITEM 2 - MOMENT OF COMMEMORATIVE SILENCE

CHAIR SPATH: I'd like to have a moment of commemorative silence.

(Moment of silence.)

AGENDA ITEM 3 - SELF INTRODUCTIONS

CHAIR SPATH: We'll start with self-introductions. Darren?

MR. SIEGER: Darren Sieger, Broward Sheriff's Office.

MS. ALHADEF: Lori Alhadeff, School Board member, District 4.

MR. SCHARF: Dave Scharf, Sheriff's Office Community Programs.

MR. FEINBERG: Jack Feinberg, BARC.

DR. RONIK: Steve Ronik with Henderson Behavioral Health.

MS. SCHNEIDER: Maria Schneider, State Attorney's Office.

MR. FERNANDEZ: Raul Fernandez, Florida Department of Corrections.

MS. BRADLEY-LEE: Melinda Bradley-Lee, Florida Department of Corrections

Corrections.

CAPTAIN DODSON: Mike Dodson. I'm the Executive Officer for the Fort Lauderdale Police Department.

MR. LAUER: Greg Lauer, Broward -- the Broward County Bar Association.

MS. COWARD: Alfreda Coward. I'm community representative, local attorney, and advocate (inaudible).

CHAIR SPATH: Alphonso and two people in the back?

MR. JEFFERSON: Alphonso Jefferson, County Administration.

MS. GAYNOR: Tamica Gaynor, Broward County Human Services Department.

MR. BARON: Keoki Baron, Broward County Attorney's Office.

CHAIR SPATH: Wayne Spath representing the bail bond industry.

AGENDA ITEM 4 - NOMINATION FOR CATEGORIES IN COMMUNITY REPRESENTATIVE

CHAIR SPATH: Nominations for community representative. We took care of that.

MR. JEFFERSON: No, that's -- bypass that.

CHAIR SPATH: Okay. That's what I thought.

AGENDA ITEM 5 - APPROVAL OF MINUTES

CHAIR SPATH: Has everyone here read the minutes? The Chair will entertain a motion for the minutes to stand approved as read. Do I have a motion?

MR. SCHARF: I'll do it.

CHAIR SPATH: Do I have a second?

MR. FEINBERG: Second.

CHAIR SPATH: All those in favor, signify by saying aye. Opposed?

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 6 - STATUS UPDATE

CHAIR SPATH: Status update.

AGENDA ITEM 7 - REPORT OUTS

A.750 REPORT - DARREN SIEGER, CLASSIFICATION MANAGER, BSO

CHAIR SPATH: Report outs. The 750 Day Report, Darren Sieger.

MR. SIEGER: Good afternoon, everybody. I passed out the list and the graphs for the detainees in custody 750 days or longer. For December, we averaged 233 inmates. That is down five inmates from the previous month. If you look at the annual for the year, it's actually a 13-month look. We started December 2018 at 254, and we ended up at December 2019 at 233 inmates on the list. So we've been pretty consistent over the year. You have the details of the inmates listed, primarily serious charges, the majority of them. I really don't have too much to say other than if you have any questions.

The court dates are listed. The judges assigned are listed. And I will just share for the good of maybe some new attendees, the list is fluid. It changes day to day. We work on this for a couple of days at the end of the month. It's -- at the moment, it's a manual process to review each of these case -- these defendants and their cases. So it does change. If we finished it a week ago, some of these judges might be different. It's possible. But I don't really have anything else to add. If anybody has a question, happy to answer it.

CHAIR SPATH: Any questions? Greg, do you have anything on 750 day --

MR. LAUER: Yeah.

CHAIR SPATH: -- from your research?

MR. LAUER: Yeah, I do. All right. So I emailed the stuff out. Just in case

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you didn't want to read it or didn't print it, this is a little spreadsheet that I created, and then behind it, behind the spreadsheet, you have all my actual source material. So it's based on public records requests.

What I did was I looked at every county in Florida that was roughly similar to Broward to see if they had about the same amount of inmates who've been housed without a trial for two years or longer. And then I selected some other counties, and it's not completely random. I picked Multnomah County because I grew up in Portland, Oregon. I picked Los Angeles County because it's the biggest county in the United States. And I picked Travis County because that's where Austin Texas is, and that's where I went to law school.

(Laughter.)

MR. LAUER: So that was my methodology. It's a little strange, but that's why I picked those three that are from other states. And if you look at the chart that I made with Pinellas County and Hillsborough County, I put them on either side of our County, because I think that they are similar in size, and the demographics didn't look too different, the entire population. Yes, Broward's the biggest, but what I was looking at was the percentage of inmates who've been housed for more than two -- more than two years. And they're both, you know, one percent, below two percent, and Broward is 6.79 percent of our inmates have been housed for more than two years. What I was trying to do with this was to see if Broward County was outside of the norm within the State of Florida and was outside of the norm nationally. You'll notice that Dade County's blank and Orange County's blank.

I put in this packet the request that I made to those counties, and you'll see the responses I got. So, you know, I kind of expect Dade not even to know how many people they have in jail. They don't track people in custody until they've been in there for over three years. So that's why I left question marks for how many inmates have been in there for more than two years and what their percentage is. And Orange County's response is they don't track any of that. Whether it's true or not, that's the response that they gave me. So that -- you know, it was interesting to me because I wanted to see if Broward was, you know, within the norm. And, secondary, Darren sent out the 750 day list, and I clicked on the tab next to the graph that he had made, and it's a list of -- and I've got a few of them -- it's a list of how many 750-day inmates we had in Broward County going back to --

UNIDENTIFIED SPEAKER: (Inaudible.)

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MR. LAUER: -- yeah, I only list six of them, so I only counted that. It's a list of how many 750-day inmates we have going to back to 2001. And if you look at it, you'll notice that up until 2010, we were down in the -- in the single digits. We had 40, we had 60, we had, you know, 90. And then all of a sudden in 2010, it starts spiking up into the hundreds. And if you look at the back page of that pamphlet that I handed out to everybody, where I have all my, you know, work, if you look at the very back of it, what it is is that's the Broward jail population. It's the back of this packet right here. There, if anybody -- so it's right here. It's the very last page. All right? So this is the historic average daily population of our jail. And you can see in, you know, 2007, 2008 we had 5,300 people on any given day. I'm just looking at January of 2007, 2008.

In 2019 January, we're down to 3,643. So our jail population has been dropping substantially. However, at the same time, our population of inmates who've been in there for more than 750 days is going in the opposite direction and has increased from one percent, which is what it was in 2010, which is in line with Pinellas County and Hillsborough County, and was below Duvall County, and has increased exponentially. I don't -- I don't know why. It's -- that's beyond anything I think I can figure out on my own, why it's happening. But I was trying to gather information to see if what I felt was happening and what this, you know, 750-day list looked like to me was actually happening. And I think that there is something going on. I don't know why we're this different, and I don't know what caused the spike.

You know, you'd assume that as our jail population decreases from 5,400 down to 3,600, you'd have a corresponding drop in our inmates who've been in there for more than two years, but you don't. It's the opposite. So I don't know what the correct procedure is to, you know, request -- I don't know if the Broward County Commission -- because I read the bylaws, the enabling statutes from the Broward County Code, and it says that we're actually allowed to request funding for something that feels necessary. If you guys would be willing to request from the Broward County Commission some funds to find an expert who can look into this and figure out why our county is different and what can possibly be done to correct it. There are people throughout the country that this is their job, and they're experts, and they know what to look for and the right questions to ask. Am I doing this in the right order, Wayne?

CHAIR SPATH: I think so. Did you -- I think that -- that -- who's read the Austin study?

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MR. LAUER: I did.

CHAIR SPATH: What did it say in the Austin study? What's one of the biggest things that caused the jail population to spike, (Inaudible) to stay, is the cases. You've got some cases that go back in here, for whatever reason -- Rumsden (Phonetic), that's 12 years. How much did that cost the County?

MR. LAUER: It's -- I -- BSO has said I think it's 200-and-something dollars per day to house an individual, and you tack on healthcare --

CHAIR SPATH: It used to be a hundred-and-some dollars per day.

MR. LAUER: -- and everything else. Yeah, I've heard 200. So he's been in there, I don't know --

CHAIR SPATH: Your -- your arrests --

MR. LAUER: -- 12,000 days, so --

CHAIR SPATH: -- your arrests have went down in Broward County from 2000 -- from 2006 was the last year of 65,000. And I don't think there's probably any more than under -- how many arrests? 140,000 --

MR. SIEGER: We --

CHAIR SPATH: -- I can say that for sure. I would think 35,000.

MR. SIEGER: -- 2019, 36,000.

CHAIR SPATH: And guess what, compared to 65,000.

MR. SIEGER: Well, I mean, I'll give a little bit of a contrarian view.

CHAIR SPATH: Okay.

MR. SIEGER: I don't know -- again, it's anecdotal, because I don't have any -- any research. But there was a time where we talked about where do you focus your attention. And I know there's a shift. So I get it. 40/80 to 250. But, you know, a lot of attention has been given to -- through -- especially through Judge Tuter and his being Chief Judge, looking at third degree

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felons, the people that are -- that you can turn around pretty quickly versus a smaller group of serious offenders, long-term offenders. So -- but I understand what you're saying about evaluating like criminal justice process. And in Florida, you would say it's the same rules of criminal justice procedure, how could we be so different.

MR. LAUER: Well, and to me, these are the murders and rapes. So you've got victims that, you know, it's going on unresolved for decades or --

MR. SIEGER: Right. I understand.

MR. LAUER: -- five years, and that's tough.

CAPTAIN DODSON: Can I ask you a question? In your -- in your comparison, if you compared -- because I'm looking at the list of the ones that are being held in Broward County, there's some serious crimes. You're looking at a lot of murder, kidnapping --

MR. SIEGER: Uh-huh.

CAPTAIN DODSON: -- some serious crimes. So did you compare the seriousness of the crimes in the other counties that are seeing a (inaudible) -
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UNIDENTIFIED SPEAKER: That's a good question.

CAPTAIN DODSON: -- to see if --

MR. LAUER: I did not, but my -- sort of my base -- well, because I wasn't able to get that information. I didn't request it from Hillsborough and Pinellas County, but my gut assumption's going to be -- well, actually, I did look up murder rates in Pinellas and Hillsborough, and they weren't very different from Broward. I mean, Dade County has a lot more murders than we have, you know, per capita or however you want to break it down. Their murder rate's much higher. But Pinellas and Hillsborough weren't.

Most of the people we have in custody for over two years, it seems to be all sex offenses and murders. In Travis County, they actually list what the crimes were. They have a really good public, you know, database. And then the other one -- yeah, they wrote down what -- you know, murder. And I attached that from Travis County. So some counties just had better, I don't know,

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record keeping than other ones. But, no, I haven't.

CAPTAIN DODSON: The reason for my question --

MR. LAUER: Yeah.

CAPTAIN DODSON: -- is I just want to make sure that, you know, if you're going to peel that onion, that it gets can peeled down and we're comparing apples to apples --

MR. LAUER: Yeah.

CAPTAIN DODSON: -- and we're not saying that a county that -- that has a lot of misdemeanants, and they're, you know, pretty much in and out, that we're not holding us up in comparison to them when we've got 250 people being held on murder charges.

MR. LAUER: Yeah, no, I mean, I tried to get, you know, comparable. I thought Duvall County, Hillsborough County, Pinellas County -- I would have liked to have seen Orange -- were going to be comparable to the amount of crimes that we had, you know, in Broward. So I -- yeah, I mean, I did it the best that I could. And also, this percentage is people who've been in custody for over two years, so I don't think anybody with a misdemeanor. I think they're all going to be peeled away long before they're housed for two years in a county jail awaiting trial. I mean, so I think, yeah, these are going to be all the serious crimes that haven't been adjudicated on the merits yet, is what I'm thinking.

UNIDENTIFIED SPEAKER: The question is what can you do about it.

CHAIR SPATH: Maria had -- Maria had something.

MS. SCHNEIDER: Yeah, I wanted to say something. I think that we need to be careful when we do comparisons, obviously, and I think you alluded to this. You know, we're one of the few states that allow depositions in criminal cases, so obviously, that right there is going to --

MR. LAUER: Uh-huh.

MS. SCHNEIDER: -- have a significantly built in, you know, factor. So and I don't know if, you know, Oregon or Texas allows depositions in criminal

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cases.

MR. LAUER: No. Texas, they don't even have to give you the discovery. You have to go to the DA's Office --

MS. SCHNEIDER: Okay.

MR. LAUER: -- with a pencil and paper --

MS. SCHNEIDER: So --

MR. LAUER: -- and look at their file.

MS. SCHNEIDER: -- right there, that's a significant difference that would, you know, account for a delay. And -- but I can tell you, you know, we can spend money doing research if you want to, but if judges stop granting continuances, cases will go to trial sooner.

CHAIR SPATH: Uh-huh. I think, Maria, they talked last time, they said sometimes they don't want to get anything that's overturned, and somebody may come up with something that they have to stop and wait to get done, and that slows the process down.

MS. SCHNEIDER: Yes. But I think if you start looking and analyzing -- you had sent us a list, I think it was last year, and Jeff had me look into it, of cases --

MR. LAUER: That's --

MS. SCHNEIDER: -- that --

MR. LAUER: -- the top ten, yeah.

MS. SCHNEIDER: -- and I started -- the top ten. And I looked --

MR. LAUER: Yeah.

MS. SCHNEIDER: -- at each and every single one, and I counted how many continuances were defense continuances and how many continuances were State continuances. And I think there were like two State continuances in one case and none in any other.

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MR. LAUER: Right.

MS. SCHNEIDER: And, you know, then you start looking, there are guys that have absconded and things like that. So an analysis that I think, you know, could be done, maybe by a local university, which would be a lot cheaper than, you know, doing something nationwide, is let's start looking at why continuances are granted, you know, because I think you are right. There are times when you have a case that's old. You've got your DNA or -- that should be the exception. That does not happen commonly. And I think there's reasonable time that any judge has to give a case so that it's adequately prepared, but two and a half years, you know, you would think would be adequate time to prepare a case.

CHAIR SPATH: My -- my daughter has an office over in another county, Fort Meyers. And the cases go through pretty fast. I mean, I've had cases here that lasted for seven years. If the person's out of jail, there's a big difference. But what about the person who was in custody make a difference. And Greg said something also. He said you might be able to get a grant. The grant could be used maybe to put on some more judges to move those cases.

MR. LAUER: No, I don't --

CHAIR SPATH: You move a couple of those cases and we could get the money to -- to put on people to take them -- to speed it up a little bit and still give them their due process, and do something with the continuances. That's one thing to get done with this.

MS. SCHNEIDER: We could, but I think that if you looked at the number of cases per judge in this County as opposed to the number of cases per judge in other counties, I don't think we're out of whack.

CHAIR SPATH: Okay.

MS. SCHNEIDER: You know what? I haven't really looked at the numbers, so I can't for sure say. But that's just my guess. But, you know, I mean --

MS. COWARD: I would -- I think we should be cautious and a little bit sensitive, and, of course, as being a criminal defense lawyer for the last 25 years, my perspective may be a little different. But I would be concerned if we start putting the priority on what we consider -- might be considered rushing a case. But as a council, we don't have the information. Like, you

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know, we're not the State Attorney or the other private attorney, or the PD on the case, so we don't know what the allegations -- how significant it is. And oftentimes, we might start taking some depositions, we realize -- somebody said, oh, and so-and-so was there. It wasn't on the State's discovery exhibit, but now they've got to go find this person and produce it to us so we have it. So there are legitimate reasons for continuances. It's hard to look at a piece of paper and be able to judge.

But as a process system, my question would be, as a counsel, what are we expected to do as it relates to -- to me, I think we're doing systems. I think I'm thinking big picture systems. But things in particular we're discussing about individual continuances, I don't think we could, as a council, can have much influence in that, other than encouraging judges to limit continuances on murder case to so many continuances, but legally we cannot do so. So help me understand what, as a -- what possibilities can the council have other than collecting data and saying this is what we found out?

MR. LAUER: Well, because I think that if other counties are doing something with the same size population, the same number of arrests, the same number of serious violent crimes, and somehow they only have, you know, one percent of their individuals have been housed in custody for over two years waiting for trial, they must be doing something different.

MS. COWARD: Okay.

MR. LAUER: And so I'd like to see what it is that they are doing different than we are, and maybe we can implement some of those things. Maybe we can't, but, you know, like we're all just kind of within the exact same system, talking about, you know, the way things have happened in Broward for the last, you know, years that I've been working here. And so I -- it's just hard to figure out what -- how there may be a different way when I've never been exposed to what some of the different ways are. And I know that there are people out there who it is their job to figure out -- you know, and I don't want to use the word efficiencies, because that's, you know, kind of an inhuman thing, but to make a system work better for everyone involved.

So you know, it sounds like funds are available from the, you know, Broward County Commission, that they'd be willing, if we request it properly, they might give us some funds. And I was thinking, you know, there are plenty of universities and people to study this. We can come up with names and, you know, see who has the best resume and ask them if they'll, you know,

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authorize somebody to be able to study it, maybe give us some recommendations, give them some recommendations. It's not going to be anything binding. I just --

CHAIR SPATH: No. Okay. I mean, let's look into it. I mean, we could sit down and call somebody over in Pinellas County and find out what they -- why -- how they could -- give them a call, or somebody over there in Hillsborough County, Palm Beach County. There's three counties in there.

MR. LAUER: Actually, Palm Beach is not doing a great job.

CHAIR SPATH: No?

MR. LAUER: No. They're on there. They're --

UNIDENTIFIED SPEAKER: They're close to us.

MR. LAUER: -- yeah, they're close to us. They're at 5.8 percent, yeah.

CHAIR SPATH: East coast then.

MR. LAUER: Yeah.

MR. SIEGER: I mean, one of the things you could do, I mean, you could even start small. You don't -- you could start by -- like, Greg, you brought up the top ten. Maybe those are outliers because of --

MR. LAUER: Yeah.

MR. SIEGER: -- some of the situations. But if you just pulled some off the -- off the list, and if there could be -- somebody could do like a case study on like how -- you know, the continuances or how many times a person goes to court. There could be somewhat of a cursory review done, kind of mapping out a couple of those cases and see how that looks. I mean, and we can probably have some discussion about it at -- at a future meeting, just to see how -- like when you look at the life cycle of a case --

MR. LAUER: Okay.

MR. SIEGER: -- and if the person only goes to court twice a year -- the theme has been, over the years, when you -- when you talk about a case

specific, every case is its own patient and has its own reasons. And we've never gotten to, you know, what are those reasons. You know --

MR. LAUER: Yeah.

MR. SIEGER: -- it never gets that far as to, well, maybe the person was incompetent to proceed, and they went to state hospital, and they were there for two years, then they come back. And, you know, those people might -- you know, well -- well, those days are counting, clocking while they're in state hospital. So they're -- but they're not really available. So I'm just saying there's -- we'd have to kind of do almost like a post mortem on that to get into those details.

MR. LAUER: So what if --

MR. SIEGER: I mean, that's -- that's just a suggestion.

MS. SCHNEIDER: I would suggest that if we do that, though, it not just be a quantitative analysis. It has to be a qualitative analysis so that you look at things like what you say.

MR. LAUER: Okay.

MS. SCHNEIDER: Well, was this person in state hospital, or was there newly discovered DNA. You know, I mean, because I think, to Counsel's point, there are going to be some really good reasons --

MR. LAUER: Oh, yeah.

MS. SCHNEIDER: -- why cases at the last minute are continued. But, then again, there are some really not good reasons.

MR. LAUER: What if I selected every -- off the 250-day list, I select every case that ends with a 7 and go through and do a procedural history on that --

MS. SCHNEIDER: Yeah.

MR. LAUER: -- how many continuances, if they've been to a state hospital --

MS. SCHNEIDER: I'll help out if you want to send me some of the stuff --

MR. LAUER: Is that all right?

MS. SCHNEIDER: -- and look at it.

MR. LAUER: Okay.

MS. SCHNEIDER: And I'll give you like -- count continuances or, you know, or ask, maybe, the --

MR. LAUER: So it'll be random.

MS. SCHNEIDER: -- lawyers, why.

UNIDENTIFIED SPEAKER: Cases that end in 7; right?

MS. SCHNEIDER: You could ask him to look into why from the defense and not why from the State, you know.

MR. WEEKES: Can I just say this? I know this issue of length of time to process a case is oftentimes discussed. However, what is the real ultimate goal? Case processing time should never be a metric when due process is at stake. Due process and the length that it takes for a just verdict or a just conclusion should always be paramount to case processing time. And if this County has set a standard of taking time in order to make sure that all parties, including the defense, the State, victims, are properly having enough time to prepare so there's a just resolution, then that -- that's what it is.

You know, these are oftentimes the most serious cases in the County, these 750 cases -- 750-day cases. And as such, they should require the most serious and most thoughtful level of practice in preparing those cases, not only from the defense's side, but from the State's side. And I know folks like to look at how many continuances as a metric for how long a case should take place and be prepared. And I'm going to suggest to you that is not -- that is not an appropriate metric, because every court is going to have a different length of time between the calendar calls. Some courts will have a 30-day review of a case. Some courts will have a 60-day review. Some courts will have a more frequent review. And as such, it will look like some cases are getting more continuances when they're, in fact, not. It's just the court has set them in a more frequent period of time to come back before the court, so --

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CAPTAIN DODSON: If I may, I'm not -- I'm not -- I agree with you, oddly. Actually, not so oddly. But I think that the point that we're -- we're discussing is whether or not we need to peel this onion and see if there's a systemic issue that's keeping people unadjudicated sitting in jail for longer than need be, people that could either be released or be sent into the state system. If I'm mistaken, then perhaps I'm not following the train of the conversation.

MR. LAUER: No.

CAPTAIN DODSON: I don't think anybody's looking for like a continuance to be the issue for a lack of -- of verve in prosecution or anything, or if we can blame a judge. I think we just want to find out why we have all these people sitting in jail for that long.

MR. WEEKES: And I suggest to you that not one of these 750-day cases is going to be eligible for release from jail. They're all the most serious cases in this County. So bond has probably already been addressed on these cases, if they are even eligible for bond. And if there is some bond, there's probably going to be some very high level of bond. So the only other thing to look at is how long it's taking. And when you start getting into trying to judge the quality of a criminal practice based on the length of time it takes to prepare, you start to put process over due process.

And due process means the consideration of whether the State is able to prove the charges, whether the State has enough evidence to go forward, whether the victims are challenged or evidence is looked at properly, whether all of the issues in the case are properly addressed prior to resolution. And I don't think anyone in the criminal justice system wants to put time as a barometer over the importance of justice in a case.

CAPTAIN DODSON: I think we all agree. I completely agree with your point. My point was simply trying to --

UNIDENTIFIED SPEAKER: Look at it.

CAPTAIN DODSON: -- find the cause --

UNIDENTIFIED SPEAKER: (Inaudible.)

CAPTAIN DODSON: -- or find a -- a nexus --

UNIDENTIFIED SPEAKER: (Inaudible.)

CAPTAIN DODSON: -- why this is. It may not necessarily be related to what the solution is, if there is one. We may research it, find out why it is, and say, there's not a solution --

CHAIR SPATH: That's right.

CAPTAIN DODSON: -- that doesn't put these people on railroad tracks that they don't need to be on.

UNIDENTIFIED SPEAKER: (Inaudible.)

CAPTAIN DODSON: So I agree with you. I just think we're looking at two different things.

CHAIR SPATH: I think -- I think you've kind of hit it on the head. Let's look at it, just -- and evaluate it and take it from there. Nobody should sit down and get their rights, I don't care what it is, taken away. Due process, we're -- I think we all agree with. But just look at it and find out if there's a reason for it. Gordon's got some points I think are good.

MR. LAUER: I'm just not sure that we're equipped to figure out what the reason is.

CHAIR SPATH: No.

MR. LAUER: But I know there are people out there who actually study this. I mean, there's a field of study at these colleges and universities where they look at these types of things. And I think if, you know, the Broward County Commission would be willing to give us some money to ask Dr. Austin or somebody else who's qualified to assist us, we --

CHAIR SPATH: Okay.

MR. LAUER: -- might as well try.

CHAIR SPATH: I think so.

MR. LAUER: Okay.

CHAIR SPATH: Let's move on. Is there anything else on the 750-day report? Anybody like to say anything else? Darren, would you like to say anything else before we move on?

MR. SIEGER: No, sir.

CHAIR SPATH: Thank you.

MS. COWARD: I have a question. Who would be the person responsible or would you be the person responsible to look and see what's available and say --

MR. LAUER: No. I just kind of want -- wanted to -- yeah, I'd like to have some closure to this, like what's the next step? What do we do now?

CHAIR SPATH: No. I think -- listen, you're doing it. If you want some help, just get some help out there. You're doing a good job.

MR. LAUER: So --

CHAIR SPATH: You've already put the counties in line where we were. I've been on this Public Safety Council for nine years, and we come up here and we meet and we talk, and we talk about everything. And what happens, and then we come back and talk about it at the next meeting. And we talk about it. Am I right, Steve? How long? You've seen it?

DR. RONIK: Right.

CHAIR SPATH: Everybody talks about it, so let's do something about it.

MS. COWARD: And so that's what I was trying to get --

MR. LAUER: So how about anybody who wants to look for an individual who would be a qualified expert, you can find some CVs, talk to somebody, you know.

CHAIR SPATH: Get -- get back with -- get with you and I.

MR. LAUER: And then at the next meeting, we can, you know, pass around some CVs and see if we can agree on somebody and then we can actually pitch --

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CHAIR SPATH: Absolutely.

MR. LAUER: -- something to --

UNIDENTIFIED SPEAKER: So --

MR. LAUER: -- the Broward County Commission.

CHAIR SPATH: Okay.

MR. SCHARF: We've used Florida State University for a number of different studies, so particularly Bill Bales. He's familiar with our processes here. A little expensive. Probably -- you're probably looking at 15 to 20,000 off-the-bat to do it. But I'll reach out to FSU --

CHAIR SPATH: That's great.

MR. SCHARF: -- and see if --

CHAIR SPATH: You'll work -- you'll work with -- with Greg, too, on it?

MS. SCHNEIDER: In the juvenile justice system, we've had a group from the Public Administration Department at FAU look at our systems. Like when we were doing diversion, we had a lot of kids who were just straight out refusing, and we couldn't figure out why. And they did a qualitative look and -- and I think --

MR. SCHARF: We've used Nova --

MS. SCHNEIDER: -- really --

MR. SCHARF: -- did a contract with Nova for some time.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MR. LAUER: If you have that contact, then I'd love to --

MS. SCHNEIDER: I do.

CHAIR SPATH: Alphonso's got his hand up. Go ahead.

MR. JEFFERSON: Regarding experts, okay? Before you start contacting people, you have to understand exactly what you want to do. You have no scope that you have agreed to at all from this particular Council.

MR. LAUER: Okay.

MR. JEFFERSON: So you have to develop what scope you want to do before you even approach the County Commission, because as soon as you send a letter over to the County Commission asking for some money, they're going to send it right back to you, and say, what are you trying to do? What's your scope?

MR. LAUER: Okay. So what's our scope; right?

MR. JEFFERSON: I don't know.

MR. LAUER: No, I know, it's --

MR. JEFFERSON: Somebody has to write up something that this Council --

MR. LAUER: All right.

MR. JEFFERSON: -- all agrees to --

CHAIR SPATH: We'll do it.

MS. SCHNEIDER: But --

MR. JEFFERSON: -- that you want to do.

MS. SCHNEIDER: -- isn't it simply just finding out why we have so many --

CHAIR SPATH: People 750 days.

MS. SCHNEIDER: -- serious cases that stay in custody beyond 750 days? Because I think if we narrow it more than that, then we're almost telling --

CHAIR SPATH: Yeah.

MS. SCHNEIDER: -- the researchers what to look for. We don't want to do that. We want the researchers to tell us what makes the difference.

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UNIDENTIFIED SPEAKER: Why is some of the language --

MR. JEFFERSON: Yeah, but when we go out to ask for a researcher, you don't want a researcher who is going to say --

MS. SCHNEIDER: Well --

MR. JEFFERSON: -- I need \$30,000 --

MR. LAUER: Yeah.

MR. JEFFERSON: -- to do what?

MR. LAUER: Yeah, if we make the scope too big, then they have more work to do, and they can bill us by the hour, you know, excessive rates.

MS. SCHNEIDER: I think that's pretty narrow. Why do (inaudible).

MR. SIEGER: I know you guys are suggesting a -- you know, a paid -- paid person, but I know -- I mean, I haven't done it myself with the schools, but I've always believed that we have a lot of universities locally, and I know it was mentioned, and where -- there's a lot of good data. It's a great -- it's a great graduate student project. We might be able to find somebody that would just like venue, and they would do it at no cost.

MR. SCHARF: No. They'd still charge, even if it's a graduate student.

MR. SIEGER: Yeah?

CHAIR SPATH: Let's -- look, let's --

MR. JEFFERSON: Let me make another point.

CHAIR SPATH: Okay. So one point, then we've got to move on.

MR. JEFFERSON: You know, I don't believe that it is this Council's role and responsibility to say who is going to do it. You're going to have a scope. You're going to make a request for funding. It is our job, from the County standpoint, to make the determination where we go. Now, if we feel there's somebody from Nova that can do this job based on your scope, and it's within our price range, that's what we'll (inaudible).

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CHAIR SPATH: You know, Alphonso, I --

MR. JEFFERSON: You can make a suggestion on who you would like to suggest.

CHAIR SPATH: -- I got it. I think we got all that. I think I agree with you. You guys are footing the bill, you'll pay for it. But at the same time, David can go out and make some suggestions.

MR. SCHARF: No, I'm not. I'm not.

CHAIR SPATH: No?

MR. LAUER: No, like, yeah, I -- I didn't know that's the way it worked.

CHAIR SPATH: Okay.

MR. LAUER: That works for me. So we'll come up with the scope, and then --

CHAIR SPATH: You guys pick your own --

MR. LAUER: Okay.

MR. JEFFERSON: You come up with the scope. You vote on that scope. You make a request through the Chair to the County Administrator that you would like to do a study of whatever the scope is saying, and allow the County Administrator to determine who is the best fit for this particular scope and potentially what you think the funding is going to -- that you're requesting --

MR. LAUER: Okay.

MR. JEFFERSON: -- and we'll go from there. That's typically how it's done.

MR. LAUER: So for our homework --

MS. COWARD: I don't --

MR. LAUER: -- everybody who wants --

MS. COWARD: -- I don't --

MR. LAUER: -- to come up with a scope, come up with one, and we can vote on what our scope's going to be as a committee --

CHAIR SPATH: That's fine.

MR. LAUER: -- at the next meeting.

MS. COWARD: -- just one thing. We should do what we were just talking about doing, reaching out to those people, because there's a benefit. We're not contracting with them. We're just finding out what services they have available. We may not know that there's something that they may have already had some existing studies of, something that we think is relevant. But us just reaching out to them, having a conversation about what they can provide, how much -- how that -- how much that will cost. To me that -- I mean, that's no -- absolutely no harm in that. And we --

CHAIR SPATH: The County's going to make the decision anyway.

MS. COWARD: Right. We're not saying who's going to actually do the work. We're going to say this is what we want, the price range, you know, the average for this kind of service, we deemed it to be so and so and so and so. And we could even recommend somebody, but they don't have to listen to it. We can just say, you know --

UNIDENTIFIED SPEAKER: Absolutely.

MS. COWARD: -- but I don't see the harm in --

MR. LAUER: Okay.

MS. COWARD: -- just doing the legwork so we can seem more competent at what we're doing, and not just --

CHAIR SPATH: Okay.

MS. COWARD: -- talking in circles.

CHAIR SPATH: All right. Let's do that, then. Let's -- let's move on. We know what we're going to do. We're going to put a package together, and

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we're going to go out and look for some people, get back to Alphonso, let him take it from there.

MR. JEFFERSON: I would prefer that you develop the scope and the scope comes back to this council (inaudible).

MS. COWARD: Oh, yes.

CHAIR SPATH: We're going to do that.

MS. COWARD: Definitely.

CHAIR SPATH: We're going to do it. I mean, we're just going to come back and we'll get together. We can have a little committee. We can get together and put a committee to bring it back here --

MS. COWARD: Sure.

CHAIR SPATH: -- and then we can send it over to Alphonso, and you guys can do what you want to do. But the bottom line is it's costing the County a lot of money. And if we can find a way to --

MR. LAUER: Yes.

CHAIR SPATH: -- reduce it down so much, that little bit of money we're going to spend is going to save a lot of money at the end.

MR. LAUER: Yes.

CHAIR SPATH: And it's good for everybody. Okay.

MR. JEFFERSON: I don't know -- it may. Well, when I first got here, the -- how much was -- the average cost was, what, one -- 115?

MR. SIEGER: Well --

MR. JEFFERSON: 115?

MR. SIEGER: -- the thing about the average cost is, I mean, we could have a whole hour talk about average costs. I mean --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. SIEGER: -- average cost has to do with how many inmates we're holding on a daily basis. So --

MR. JEFFERSON: The County's cost doesn't change until you are able to lower as a unit. I've got fixed costs (inaudible).

MR. SIEGER: Right. So average -- you know, the -- the ADP dictates what your average costs are, unless you then introduce changes in funding, and that's going to be linked to other issues.

CHAIR SPATH: Okay.

B. REPORTS ON CIVIL CITATION AND JUVENILE PREDISPOSITION SERVICES PROGRAM - TAMICA GAYNOR, ADMINISTRATOR BROWARD COUNTY HUMAN SERVICE DEPARTMENT

CHAIR SPATH: All right. Let's look at reports on the civil citation and the juvenile predisposition services program.

MS. GAYNOR: I'll start with the juvenile civil citation program. And since October, since we start -- every year we start over from the County's fiscal year. So since October, we've had 140 referrals, and of those -- well, 140 referrals. We closed 132 cases. And of those cases that -- for October through December, the recidivism rate for those cases have been -- oh, four percent.

CHAIR SPATH: Four percent. That's better.

(Laughter.)

CHAIR SPATH: That's -- that's critical.

MS. GAYNOR: The juvenile civil citation program --

MS. SCHNEIDER: How long out are you looking at?

UNIDENTIFIED SPEAKER: It's a year.

MS. GAYNOR: Well, we use the state criteria, which is 12 months. So if you

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look at, for example, looking at 12 months. So when I look at recidivism for December, I'm not -- I'm looking at -- when I look at recidivism in December of 2019, I'm looking at those cases in December of (inaudible).

UNIDENTIFIED SPEAKER: So that's -- that's great.

MS. GAYNOR: For the juvenile disposition (inaudible) program, there has been 27 new referrals to programs since October, and there have been 27 referrals and then there have been 26 releases from the program.

THE COURT REPORTER: And 26 what?

MS. GAYNOR: Twenty-six discharges.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MS. GAYNOR: Also, for the adult program, since October, there have been 12 referrals.

MR. SIEGER: I think you had a question over here.

MS. ALHADEFF: What was the recidivism rate last year?

MS. GAYNOR: The recidivism, I don't have the exact number, but the recidivism rate for juvenile civil citation has ranged anywhere from two to three percent. And if we're looking at four percent from October to December, that's not a whole year. So at the -- at the end of the year, we have the total recidivism rate for that year between two and three percent (inaudible). And so for the adult, again, it's 12 referrals since October.

CHAIR SPATH: Okay. Thank you.

MS. GAYNOR: And since -- since we began accepting referrals under the expanded program, there's been a total of 30 referrals.

AGENDA ITEM 9 - AGENCY REPORTS

A. JUDICIARY

CHAIR SPATH: All right. I'm going to move to the judiciary.

(Laughter.)

CHAIR SPATH: Everybody knows what's happening. We'll read that, obviously.

B. CLERK OF THE COURT

CHAIR SPATH: Clerk of the Court.

C. STATE ATTORNEY

CHAIR SPATH: State Attorney.

MS. SCHNEIDER: Your know, we're having an issue right now with the fact that the contracted doctors that do mental health evaluations, competency evaluations, are refusing to be videotaped. And we've gotten the opinions from the Courts saying that we are correct, that they need to be videotaped. But I believe that at last count, there's only three, maybe four doctors on the list who will agree to be videotaped. We have reasons that we suspect why some of them are not agreeing to. For instance, we found that some of them are going into the jail, spending two hours there, and doing six or seven evaluations. So that means that depending --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. SCHNEIDER: -- it could be spending 30 minutes --

UNIDENTIFIED SPEAKER: Yeah.

MS. SCHNEIDER: -- you know, when you account for, you know, the time bringing someone in and out. And the Courts are agreeing with us that they should be recorded. Unfortunately, we are -- that is not a requirement of our court administration contract that they agree to be recorded. And we are lobbying for that to be a requirement, that any doctor who gets on the wheel agrees that, upon request, the evaluation will be videotaped. So that's our biggest issue right now. I'll keep it to one.

CHAIR SPATH: Okay. Is there anything else?

C. PUBLIC DEFENDER

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CHAIR SPATH: Public Defender, Gordon.

MR. WEEKES: I would like to respond to that but I won't.

(Laughter.)

MR. WEEKES: There are legitimate reasons why doctors don't like to be videotaped. For example, some of the testing that they conduct is proprietary and governed by copyright. And, as a result, pursuant of the testing and to honor those rights, they don't want to videotape the portions that are governed by copyright.

The major issues that would affect the length of time case preparation, things of that sort, something to that effect, because that belongs in litigation, but there's also been a move by the State Attorney's Office to object to our practice of using digital court reporters, and they are demanding that we use stenographic court reporters. And as a result, there's a shortage of stenographic court reporters in this community, and we have long used digital court reporters for upwards of five to six years. And all of a sudden, we're off on a side tangent, fighting about digital court reporters as opposed to stenographic court reporters, and trying to find stenographic court reporters to fill the gap. We set over 800 depositions a month, somewhere in that range. And for there to be stenographic court reporters available, probably not going to happen. And that's going to also cause a little bit more time. But until the State Attorney --

MS. SCHNEIDER: I'll respond to that.

(Laughter.)

MR. WEEKES: -- but these are the types of things that cause problems. The State has issues with doctors. Then they have issues with stenographers. Then they have issues with, you know, digital court reporting, and it causes side issues that need to be addressed by the courts and resolved before you can get to --

MS. SCHNEIDER: Right.

MR. WEEKES: -- the ultimate issues. So maybe the State will be amenable to come to some resolution and get this whole issue resolved with digital court reporting, so we can continue to move forward on depositions and

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move cases along. But until then, I have gone from courtroom to courtroom to courtroom to courtroom arguing this issue, because the State has decided, you know, they don't want to have digital court reporters anymore. They want to have stenographic court reports.

CHAIR SPATH: Maria, did you want to say anything?

MS. SCHNEIDER: Okay. So our response to that. What ended up happening -- and it's not that we have an objection, first of all, to digital recording. We found out, because, obviously, you only find out when issues come up, unfortunately, that what the PD's Office was doing is they have these court reporters sit there, and they just sit there while they record the conversation. Unfortunately, the court reporter that eventually types it up is not the court reporter who's there listening. Okay?

If they would agree that the court reporter who is sitting there, listening and making corrections as they come up, will be the person that records it, we would have a lot less of an objection. But what ended up happening was that there was a big dispute between the two lawyers as to exactly what was said. The tape, because everybody's talking over each other, you know, was not clear. And there was no court reporter who was present to say, I recall this. You know, it's just somebody else who's just basically listening to a recording and typing down what they think they heard. So that's the problem. And we are not requesting it on every case. We are requesting it mostly on the serious cases where (inaudible) --

CHAIR SPATH: The 750-day list.

MS. SCHNEIDER: -- where issues can come up. So --

(Laughter.)

MS. SCHNEIDER: -- I don't -- I don't have a problem, and I'm sure that I speak for, you know, the rest of the office, if we could come to an agreement where, at a minimum, whoever is sitting there, listening in and making corrections, is the same person that records it.

CHAIR SPATH: All right. We got -- we got that. I think you both --

MS. SCHNEIDER: Okay. thank you.

CHAIR SPATH: -- put it out on the table.

D. BSO DETENTION

CHAIR SPATH: Okay. Let's move on to BSO Detention.

MR. SIEGER: That's -- I'm sitting in for Detention. I have nothing to report today.

E. BSO DEPARTMENT OF COMMUNITY PROGRAMS

CHAIR SPATH: Okay. Community Programs, Colonel Scharf.

MR. SCHARF: Just a couple of quick things. We have reintroduced an evidence-based practice of utilizing an assessment tool at first appearance court, magistrate court, to help the court make the release and/or detention decision process. So far, it's been going well. We are preparing that assessment on every single person who appears before the first appearance court judge. We're going to be evaluating that with an outside entity, probably FIU, to look at effectiveness there. So the idea is that we're able to give the judge an objective view on a number of different items that are statutorily required through the Rules of Criminal Procedure to make that decision. So that's working very well.

There's been some talk in Tallahassee about folding in opioid related task forces to Public Safety Coordinating Councils in different jurisdictions. I've asked Wayne to come to the last Board of Governors meeting on substance abuse. It hasn't come up, so we haven't heard anything particularly yet, but it's something we'll need to consider if that comes up. In regards to that, and I want to go on record saying this, it's a shame and a travesty that our County is not -- has not been included in the governor's ex-offender -- governor's opioid task force. We've made pleas to both the Attorney General's Office and to the governor's wife, who's taken a strong lead on this. We have no representative on that particular task force, and we think we should have one.

The other thing I want to report on is that, as an agency, we have incorporated -- we have over a thousand people on GPS right now, global positioning satellite tracking. We're utilizing our real-time crime center. I don't know if anybody's been over and seen it, but that's a 24/7 operation to help us enforce and respond to any violations that occurred with those people who are actually responders, so we'll be evaluating that, as well, in

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the near future. We're happy to report that that center is up and running and that we're utilizing it to the best of our ability on our side of the shop, so.

CHAIR SPATH: Thank you very much.

F. BOND INDUSTRY

CHAIR SPATH: There's nothing to report from the bond industry.

G. BARC

CHAIR SPATH: BARC.

MR. FEINBERG: BARC continues to run at capacity on a daily basis, and a large element of that capacity continues to be folks that are involved with the criminal justice system or have strong criminal justice histories. So we're continuing to do what we're supposed to do.

H. BROWARD POLICE CHIEF'S ASSOCIATION

CHAIR SPATH: Broward Police Chiefs Association.

CAPTAIN DODSON: Nothing to report.

I. BROWARD WORKSHOP

CHAIR SPATH: Broward Workshop.

J. BROWARD COUNTY BAR ASSOCIATION

CHAIR SPATH: Bar Association.

MR. LAUER: Nothing further.

K. MENTAL HEALTH TREATMENT

CHAIR SPATH: Mental Health.

DR. RONIK: Thanks, Wayne. Just a couple words on the centralized receiving system. You know, we're continuing to be pretty busy. We see between 700 and 800 people every single month now. We've seen about

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16,000 people since inception. And, of course, there is a jail diversion and also a hospital diversion component to that. We're diverting -- just for the month of December, for example, we diverted 97 percent of people from hospitalizations, and 99 percent of the folks were connected with community resources. That's it.

MR. SCHARF: (Inaudible.)

DR. RONIK: We see about -- we saw about 8,000 people for the year.

MR. SCHARF: I just wanted to, again, thank you guys for this project. This project was long -- long overdue. The community worked hard to get this project up and running. The idea was to divert those people who needed help from people like Steve away from the hospitals and away from the County jail. So we're ecstatic with how you guys are working --

DR. RONIK: Thank you.

MR. SCHARF: -- on this. The courts are using you at first appearance --

DR. RONIK: Yeah.

MR. SCHARF: -- on occasion. So it's touching every part of the criminal justice system. So we appreciate it. In conjunction with so many of our deputies being CIT certified.

DR. RONIK: Yeah.

MR. SCHARF: So the idea, again, is to divert the appropriate people away from the system and to the professionals. So I want to say thanks.

L. FLORIDA DOC PROBATION

CHAIR SPATH: Okay. Probation.

MR. FERNANDEZ: We have nothing.

M. COUNTY COMMISSIONER

CHAIR SPATH: The County Commissioner is not here.

N. CHAIR OF THE PUBLIC SAFETY COORDINATING COUNCIL

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CHAIR SPATH: The only thing I'd like to -- like to mention, it kind of bothered me the other day. It's really -- I don't have -- I just picked up the paper and I read about a little 16-year-old kid, and the kid was living in a -- homeless, his mother was homeless, and he walked in front of a train. What are we going to do about that? People should not be -- we should do something. This kid had a full ride scholarship. I watched him play -- I watched him play ball.

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR SPATH: You know, as an adult, that got to me. You know?

AGENDA ITEM 10 - OPEN FORUM

CHAIR SPATH: Since there's nothing else, I'll entertain a motion to adjourn.

MR. JEFFERSON: We've got to add the School Board to the list. We haven't put it on there before, but --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. JEFFERSON: -- we have a School Board representative.

CHAIR SPATH: Oh, okay. I'm sorry. I'm sorry.

MS. ALHADEFF: Can I just say something?

CHAIR SPATH: Yeah.

MS. ALHADEFF: I just wanted to say that the School Board is collaborating with BSO, and we're giving them live time feed access to our cameras but also working with all the other law enforcement agencies. But not all of the different law enforcement agencies have finalized and completed their contracts with the School Board.

CHAIR SPATH: Is there anything else before we close?

MR. LAUER: Well, actually, since we have the attorney, we have the County Attorney here, and I had -- I asked him to take a look at what our scope is and what our purpose is on this council and --

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UNIDENTIFIED SPEAKER: (Inaudible.)

MR. LAUER: -- give us a legal opinion, because I think there's some confusion. Some people seem to think that all we're supposed to do is deal with the caps and --

CHAIR SPATH: Yeah.

MR. LAUER: -- you know, once we're below it, then we -- there's no purpose for this council anymore. And so I wanted to get a legal opinion.

MR. BARON: Yeah, hi, everyone.

THE COURT REPORTER: Can you stand, please, and repeat your name, please?

MR. BARON: Keoki Baron, Broward County Attorney's Office. Just as a general overview, so as you guys are all obviously familiar with the purpose of the council is to continuously study our correctional facility population in Broward County. As you know, there is the ability by this council to make recommendations to the appropriate agencies, including the Broward County Commission, you know, and the Broward County administrative code --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. BARON: -- specifically enumerates those responsibilities and purposes that this council (inaudible).

MR. LAUER: Could you read some of those off? Because it seems -- my reading of it's broader than what I think some other people might think it is.

MR. BARON: Yeah. Just quickly, here are some examples. The council's supposed to formulate recommendations on any issue related directly or indirectly to the Broward County jail population in an effort to ensure that the capacities of such facilities are not exceeded and that these limited resources are used as efficiently as possible. Assess -- also to assess the impact to the jail population on things like Broward's court case processing time. To review pertinent data to the population of each Broward County correctional facility in order to identify trends and issues that impact these facilities. And then there's another purpose that's contemplated. That's to

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provide quarterly reports to the Broward County Commissioners on the population of the correctional facilities. And that's pretty much an overview of the purposes. As far as attendance, if there's any confusion, the Broward County administrative code requires that the council meet on a bi-monthly basis, at a minimum, and at a time deemed necessary.

MR. LAUER: And as far as dissolving this council if somebody wanted to --

UNIDENTIFIED SPEAKER: Yeah.

MR. LAUER: -- how does it get dissolved.

CHAIR SPATH: It can't. It can't be.

MR. LAUER: No, I know. What's the --

MR. BARRON: All right. So the relevant statute is Section 951.26 of the Florida Statutes, and it essentially, the Statute requires that councils such as this be created by each county. And so our -- my understanding would be that disbandment or discontinuation of a council like this is not allowed under the Statute.

CHAIR SPATH: Okay.

UNIDENTIFIED SPEAKER: That's what we have.

CHAIR SPATH: That's right. There was a note from Judge Tuter. I can't seem to find it, but he kind of addressed it a little bit in there. And it said --- hold on. Yeah, it said:

“Alphonso, I wish to question the necessity of the PSCC meetings going forward. The current jail cap is 78 percent. The days in custody have been reduced by five days over the past year. We continue to work on other plans to address jail cap issues. I am not sure of the mission of the PSCC, and therefore my office will no longer attend.”

But I'm sure --

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR SPATH: -- Judge Tuter will be -- we'll get the message to him that we're not going to disband. That's all there is to it. And I just want to look at - - try to do some things besides -- I mean, a lot of the homeless people go to jail. I know that they've got safe harbor over there in Pinellas County. Where they take them, they don't book them in. They don't -- some of these people want to go to jail because it's cold, you know. And some of these people have mental issues. It's not the place to deal with them. We've got to find a place to put them. That makes the police work, everybody's work, makes it a lot harder. Is there anything else before I close this meeting?

MS. COWARD: I have a question. It said in Judge Tuter's email, "We continue to work on other plans to address jail cap issues." Does anybody know who the we is and what those plans he's referencing?

UNIDENTIFIED SPEAKER: I don't know where that's coming from.

MS. COWARD: Okay.

MR. SCHARF: I could -- I could say that community court is an attempt to divert people away from the traditional criminal justice system, so that he'd work with us at BSO in regard to the risk assessment process. We're working at implementing best practices in how we deal with criminal offenders, with the -- with the primary goal of reducing recidivism rates for those we touch, with the ultimate goal of reducing crime in the community. So he's been supportive of things like that. Our inmate portal where we are trying to reduce that 62.5 percent recidivism rate for inmates coming out of state prison to the County, he's been supportive of that and working with us on that. So I think he's looking at a lot of different things that are happening within the criminal justice system and supporting those.

MR. WEEKES: And I also have to echo that, you know, the Chief Judge has been very supportive in creating initiatives to try to decrease the length of time for minor offenses in the jail, particularly by modifying the bond schedule for misdemeanors for the presumption of the release rather than monetary bail. That would direct bail reform for misdemeanors in Broward County, and that came through the leadership of the Chief Judge. The Chief Judge also put in a -- through some work with some other parties, the alternative sanctions program for violations of probation for technicals, so when folks are arrested, they get directly sent to their assigned judge as opposed to spending a length of time in jail and then having to then go to the judge. That would also reduce the length of stay in jail.

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So, you know, this council is addressing those issues, but I think the Chief Judge is also trying to address them in his creative ways where he has authority through administrative order or through some administrative function to try to address jail population. And I think he's done that, and I hope he will continue to move in that direction. I don't see anything that would suggest he would not be going that direction.

MR. SCHARF: Gordon, and many of those were born out of this council.

MR. WEEKES: I know. But they were -- they were actually very innovative. They were very bold. It took a lot of courage to do a lot of those things. And they were done under this Chief Judge, so I have to credit the Chief Judge for having the courage to take those initiatives forward.

AGENDA ITEM 11 - PUBLIC COMMENTS

CHAIR SPATH: Okay. Are -- is there any other public comments?

AGENDA ITEM 12 - FUTURE MEETING DATES

- A. MARCH 5, 2020**
- B. MAY 7, 2020**
- C. JULY 9, 2020**
- D. SEPTEMBER 3, 2020**
- E. NOVEMBER 5, 2020**

CHAIR SPATH: Future meetings dates. March 5th, May 7th, July 9th, September 3rd, and November 5th.

AGENDA ITEM 13 - ADJOURN

CHAIR SPATH: Do I have a motion to adjourn?

MS. SCHNEIDER: So moved.

CHAIR SPATH: We're adjourned.

UNIDENTIFIED SPEAKERS: (Inaudible.)
(The meeting concluded at 4:03 p.m.)