

**Public Safety Coordinating Council
Meeting May 11, 2016
Minutes**

APPROVED AT PSCC JULY 13, 2016 MEETING.

MEMBERS PRESENT: Commissioner Barbara Revels; Arnold Anderson; Sonny Donaldson for Ivan Cosimi; Winnie Costello; Chief Thomas Foster; Judge Matthew Foxman; Dan Merrithew for David Kerr; Jason Lewis; Sheriff James Manfre; Judge Melissa Moore-Stens; Linda Murphy; Amy Nelson; Jack Pitman; Bill Partington for James Purdy; Sr. Commander Sam Ferris for Becky Quintieri; and Andre Williams

MEMBERS ABSENT: Paul Finn; Tammi Schimming; Lynette Shott; Mark Weinberg; and Jeff White.

STAFF PRESENT: Sally Sherman, Deputy County Administrator; and Christie Mayer, Recording Secretary.

GUESTS: Mayor Jon Netts; Jack Carall; Dan Davis; Mayor Catherine Robinson; Commissioner Marshall Shupe; Larry Newsom; Jerry O’Gara; Councilman Jason DeLorenzo; and Matt Bruce; Pierre Tristam.

1. Pledge of Allegiance – Commissioner Revels called the meeting to order at 8:44 a.m. and led the Pledge of Allegiance.
2. Roll Call – A silent roll call showed a quorum was present.
3. Chair Comments
 - a. Chair Revels welcomed all the dignitaries from the cities in attendance today for the discussion on the Adult Civil Citation Program.
 - b. Chair Revels recognized Jack Pitman, outgoing council member, for his service on this council since 2007. She thanked him for spearheading the drug take back program and for his input on the many other topics that have been brought before the council over the years.
4. Approval of April 13, 2016 Meeting Minutes – The motion was made by Ms. Costello and seconded by Chief Foster to approve the April 13, 2016 meeting minutes. The motion was unanimously carried.
5. Old Business
 - a. Jail Occupancy Report – Sr. Commander Ferris distributed the jail occupancy report through April 2016 (Attachment 1). The average daily population for the month was 115. The female population today is above capacity by 13 individuals.

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- b. Juvenile Civil Citation Program Report – Mr. Partington pointed out that Flagler County is beating both the circuit and state in the percentage of citations being issued by as much as 15%.

Judge Foxman arrived at 9:00 a.m.

- c. Crisis Triage and Treatment Unit (CTTU) Report – Mr. Donaldson distributed the report for April 2016 (Attachment 2).

Stewart-Marchman is brainstorming to see how funding from SB 12 “No Wrong Door” program may be applicable to our program. This is how someone in need of mental health services enter the system, providing for collaboration with law enforcement, providers, and local governments. Basically the number of individuals with mental illnesses who are in jail is rising. So, they have prepared information on the CTTU (Attachment 3), showing the arrest diversions, number of Baker Acts, etc.

- c. Pre-Trial Release Program Report – No report this month.

In the absence of Mr. Weinberg and Ms. Olson, Judge Moore-Stens reported the program is currently above the goal. They are monitoring the program on a daily basis but the current number of participants is in the 70s with 65 being the maximum. Therefore, you can see that the program is being utilized by the court system.

Mr. Donaldson also noted they are working with those individuals in the program to provide services.

- d. Sally’s Safe Haven Report – Mrs. Sherman ~~asked that the report be accepted as presented and~~ deferred ~~the report~~ any comments until ~~to~~ next month when she will also have the report on the conference in Washington, D.C.

- e. Jail Construction Project Update – Sr. Commander Ferris reported the final inspection, testing of the electronics and punch list are wrapping up. The kitchen inspection will be this Thursday and they are hoping to begin service from the new kitchen on May 23rd. Site work is also wrapping up.

6. New Business

Adult Civil Citation Ordinance Discussion – A sample draft ordinance prepared by County staff as a rough draft (Attachment 4) as well as a comparison of programs (Attachment 5) from throughout the State of Florida where other jurisdictions are attempting to lessen the outcome of certain offenses ~~was~~ were shared with the council.

Sheriff Manfre supplied the report from the International Association of Chiefs of Police (Attachment 6), which was sent to the council as part of today’s meeting packet. Where adult civil citation programs have been initiated there is only about a 1% negative feeling

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on the part of law enforcement, with 65% having a positive feeling and 33% being neutral on the subject. On the part of his office, the most dramatic statistic is the difference between the time taken for an arrest and civil citation is an hour, with the average time for an arrest of 85 minutes while it only averages 24 minutes to issue a civil citation. For a county growing like ours and the inability to add personnel due to economics, this is a very positive thing. There are also positive affects downstream with the cases not going through the criminal justice system and the individuals being held at the inmate facility. This report is very positive for the adult civil citation program nationally, with the most citations being issued for theft (40-50%) and (16%) for marijuana possession. From his perspective he feels the benefits greatly outweigh the challenges and he encouraged everyone to read the report.

Mrs. Sherman introduced Ms. Bertha Henry, Broward County Administrator, who will share with the council the issues they have experienced since adopting their ordinance. She spoke at the Florida Association of Counties recent meeting on the subject. She will be sharing with us their updated ordinance as well as the Administrative Procedures, showing how it will work in practice. Ms. Kim Campbell, Human Services Director, joined the discussion. They have made this more of a human services issue instead of a law enforcement issue.

Why did they start this [program:program?:](#)

- They feel individuals should not have criminal arrest records when possible due to the impact on their future.
- Their jail population approaches 92%; therefore, they did not want to have individuals incarcerated for misdemeanors because it does not make economic sense.

The points from her presentation include:

- Make sure everyone understands the difference between “decriminalizing” verses “legalizing” cannabis.
- They have made it analogous to a traffic accident.
- The law enforcement officers in these incidences act as Code Enforcement Officers.
- Leon County started this program after the concern of college students having records in the criminal justice system.
- Leon County has a completely different program from other cities/counties.
- They used Miami-Dade program to start the process elaborating on it further.
- It is still not legal to have cannabis but they give the law enforcement officers the discretion to issue a civil citation rather than arrest record.
- There is no technical relationship with the criminal justice system unless the individual does not follow-through on the civil citation.
- They have three steps in the process with fines and community service hours required varying. The third offense requires an assessment of addiction. This is coordinated with an alcohol and recovery center, which allows them to get treatment.

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- You need to establish a structure to be certain the individuals are tracked in the number of offenses (i.e., database).
- When community service is required, who will determine whether the individual performed the service? They use a non-profit (Hands on Broward) who work with individuals so they can sign up for work they may be interested in performing; thus making it less difficult for the individual to fulfill this requirement and also benefit the community.
- They felt it was necessary to find a way to allow individuals who cannot pay a monetary fine to otherwise meet the civil citation requirements. Therefore, the community service hours are provided as an alternative to paying a fine.
- One lesson learned is that law enforcement and state attorney's office should be included in the discussions from the outset to be certain they are in agreement with the enforcement of the program.
- They allowed municipalities to opt out of the program and some did to have a more simple program. Currently, if an offense occurs in a jurisdiction outside of those covered, the citation would not count toward the three offenses in Broward County. ~~They intend to revise their ordinance in the future to include those offenses as well. They are currently looking at a uniform database throughout their 31 cities so offenses throughout the county can be counted toward the three offenses in Broward County.~~
 - ~~Citations issued in other counties are not counted in Broward County since it is not a statewide program.~~
 - ~~The fines money collected goes to help provide the services of the program; but it is not a money-making program. Most individuals choose the community service hours instead of paying the fine. The county's general fund is required to implement and run the program.~~
 - ~~If the program is treated like a traffic citation, then the program would not cost the county money. If you offer the community service and treatment options, then it could be costly to the county.~~

Challenges faced:

- Not having all the key stakeholders involved from the beginning. -The Mayor for Broward brought forward the ordinance and now staff is having to work on relationship and implementation issues.
- The citation form needs to have certain information, such as a waiver of the 90 day speedy trial requirement for misdemeanors. The civil citation is separate as it is a code enforcement violation (not a law enforcement violation) and, therefore, the 90-day clock does not start at the time the citation is issued.
- In the event someone challenges the citation and requests a court hearing, the law enforcement unions had a concern that the officers would have to appear in court and then overtime becomes an issue. Therefore, Broward County has agreed that a subpoena would be issued for the officers to appear in court in these instances. ~~There have been very few individuals who have requested a court hearing because the evidence (the cannabis) is taken into possession by the law~~

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~~enforcement officers at the time the citation is written. In _____, of the 2,000 citation that have been issued, only 13 have requested a hearing.~~



Linda Murphy arrived at 9:15 a.m.

The program in Leon County is between law enforcement, the judiciary, and a non-profit agency, but not the county. Each community needs to craft the ordinance around what the goals are in the particular county.

Chair Revels noted that our group contains the state attorney's office, public defender and law enforcement agencies; therefore, we are hoping to avoid some of the challenges others experienced in not bringing them into the discussion from the start.

Sr. Commander Ferris and Ms. Nelson departed at 9:25 a.m.

~~Council members and the public then engaged in a question and answer period with Ms. Henry and Ms. Campbell.~~

~~Council members then engaged in a question and answer period with Ms. Henry and Ms. Campbell. (Responses incorporated into the minutes.)~~

~~Mr. Lewis' questions included:~~

- ~~If someone picked up a citation in another Broward County city, are they being counted as part of the offenses in the county? Ms. Henry responded that they intend to revise their ordinance in the future to include those offenses as well. They are currently looking at a uniform database throughout their 31 cities so offenses throughout the county can be counted toward the three offenses in Broward County.~~
- ~~If someone receives citations in Miami-Dade County, are they counted in Broward County? Ms. Campbell responded that citations issued in other counties are not counted in Broward County since it is not a statewide program. If the officer finds previous convictions in other counties, it is up to the officer to determine if a citation will be issued or move forward with an arrest.~~
- ~~Who gets the fines collected? Ms. Henry explained the fines collected go to help provide the services of the program; but it is not a money-making program. Most individuals choose the community service hours instead of paying the fine. The county's general fund is required to implement and run the program.~~
- ~~Does this program cost more money than going through the criminal justice system? Ms. Henry noted it would depend on how the program is structured. If it is like Broward County's program with the services available for treatment then it will cost money. If it is treated like a traffic citation, and have programs available in the county for community service, then the program would not have to cost the county anything financially. The individuals doing other duties in Broward County have access to the database and enter the information.~~

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- What percentage of those cited have appealed? There have been very few individuals who have requested a court hearing because the evidence (the cannabis) is taken into possession by the law enforcement officers at the time the citation is written. In Miami-Dade County, of the 2,000 citations that have been issued, only 13 have requested a hearing. Code Enforcement officers hear the appeals so it does not go into the criminal justice system until it is determined there have been several infractions and, at that point, the case will go to the criminal justice system.
- With the passing of the ordinance has there been a rise in DUIs or manslaughter as a result of decriminalizing cannabis? They have not done a study but some are available contradicting each other. Again, it is not legalizing the possession of 20 grams or less of cannabis.

Mayor Netts inquired if there is any movement at the state level for a statewide uniform ordinance. Ms. Henry reported there was a draft bill but it did not pass during the last legislative session. He would like the League of Cities and Association of Counties to get together to push for a statewide ordinance.

Regarding the tracking system for issued civil citations, Leon County has a database structure they are sharing with other municipalities. The fee for Broward was \$50,000 with no maintenance on the part of Broward County. There are other less expensive options to sharing the database structure.

Sheriff Manfre inquired:

- How long has the Broward County ordinance been in place? It was approved in November 2015.
- What has been the overall affect of the ordinance? Not having been in place very long, they do not have the ability to do an assessment. There has been a lot of support from the community, however.
- Did they consider the Leon County program? The Leon County program included offenses other than the possession of 20 grams or less of cannabis (ex: removing shopping carts from establishments, etc.) and they wanted to stay just with the possession of 20 grams or less of cannabis initially.

Jasons' questions.....

The council then continued discussion without the participation of Ms. Henry and Ms. Campbell.

Chief Foster shared with everyone a report on the impact of a civil citation program in Colorado. The report will be made a part of these minutes (Attachment 7). Chief Foster noted the report showed there were increases in accidents, deaths, and use of cannabis since the ordinance was passed. Overall, he spoke in opposition to such an ordinance.

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However, he feels that if an ordinance is passed, it should be for one offense only. He also suggested a lesser amount of cannabis than the 12 grams suggested.

Judge Foxman [indicated he could not speak on the ordinance itself, but would carry out whatever is approved.](#) He feels the community needs to decide what it wants to accomplish with this ordinance and then move forward. He feels each ordinance should be decided at the local level.

~~There was a~~ discussion [ensued](#) as to whether or not marijuana is a “gateway” drug leading to other drugs [with differing opinions.](#)

Mr. Pitman departed at 10:04 a.m.

Sheriff Manfre reiterated that this would not legalize marijuana. He would like to see this be a statewide program. He would like to get a report as to how the Leon County program is working. He also expressed the opinion that there should only be one chance and include other minor offenses. He would like to see statistics from areas whose program have been in place longer than Broward County.

Mr. Lewis would not be in favor of having an ordinance where there is a victim (ex: theft, minor battery, etc.). He suggested a portion of the fines go to the Clerk’s office for their services in this program. Mrs. Sherman reported that the Clerk’s office already has a process in place for tracking the code enforcement cases and collection of fines, but she has not yet spoken to their office directly.

Mr. Lewis inquired [as to the implementation of the ordinance such as,](#) if it would become a judgment if the individual fails to pay the fine. Would this have driver’s license implications? If an individual [challengesechallenges](#) the citation, then it would go to the County court and he is concerned this would be more burden to the judges. Also, what would be the burden of proof?

Mr. Partington feels it is critical to do as much research on both sides of the issue before moving forward as well as take into consideration how the juvenile civil citation program works (i.e., admission of guilt [in order to receive a civil citation](#)).

Sheriff Manfre feels it should be part of the ordinance that the individual must admit to the offense or the offense goes into the justice system. Several council members felt that once the individual admits to the offense then there would not be an opportunity for appeal.

Mr. Carall spoke [te-on](#) the proposed ordinance as did Mr. O’Gara.

7. Council Comments

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- a. Sheriff Manfre announced the [upcoming Law Enforcement Memorial](#) ceremony [to be held](#) on May 19th at 10:00 a.m. at their office.
 - b. Judge Foxman spoke to the overall capacity at the jail doing well with the exception of the female population.
8. Public Comments – See noted above.
9. Next Meeting -- The subcommittee meeting will be May 17th at 1:00 p.m. at the Emergency Operations Center. The next regular meeting of the PSCC will be June 8, 2016, at the Emergency Operations Center at 8:45 a.m.
10. Adjournment -- The meeting was adjourned at 10:40 a.m. following a motion made, seconded and unanimously carried.