MEMBERS PRESENT: Commissioner Barbara Revels; Jacob Bryant for Ivan Cosimi; Greg Feldman; Chief Thomas Foster; David Kerr; Robin King; Jason Lewis; Karen Lloyd; Sheriff James Manfre; Judge Melissa Moore-Stens; Bill Partington for James Purdy; Becky Quintieri; and Tammi Schimming.

MEMBERS ABSENT: Arnold Anderson; Paul Finn; Judge Matthew Foxman; Linda Murphy; Lynette Shott; Judge Lee Smith; Mark Weinberg; and Jeff White.

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

GUESTS: County Commissioner Charles Ericksen, Jr.; Mayor Jon Netts; Jack Carall; Dan Davis; Commissioner Marshall Shupe; Jerry O'Gara; Rick Blaine; Douglas Daniel; Pierre Tristam; Carrie Baird; Kathleen Moore; Ed Fuller; Chief Deputy Jeff Hoffman; Diana Lebrun; and Matt Bruce.

1. Pledge of Allegiance – Commissioner Revels called the meeting to order at 8:45 a.m. and led the Pledge of Allegiance.

2. Roll Call – A silent roll call showed a quorum was present.

3. Chair Comments -- Chair Revels welcomed Ms. Robin King and Ms. Karen Lloyd as new council members. She also acknowledged Mr. Jacob Bryant who is filling in for Ivan Cosimi.

4. Approval of July 13, 2016 Meeting Minutes – The motion was made by Sheriff Manfre and seconded by Chief Foster to approve the July 13, 2016 meeting minutes. The motion was unanimously carried.

5. Old Business
   a. Jail Occupancy Report – The jail occupancy report through July 2016 was distributed along with the agenda (Attachment 1). Ms. Quintieri noted the average daily population has steadily been increasing, with the current population being 135. There were 32 females at the facility yesterday, occupying three of the new ports (due to classifications). Sheriff Manfre noted this is the first time the County has had the ability to separate the female population, thanks to the new facility.

   b. Juvenile Civil Citation Program Report – Mr. Partington announced that Mr. Purdy is absence his attending a conference with Public Defenders from throughout the state. There was no update on the statistics since last month.
c. Crisis Triage and Treatment Unit (CTTU) Report – This report was distributed as part of the agenda for today’s meeting (Attachment 2). Mr. Bryant noted that the only area lacking is the CIT training. However, their efforts are continuing in this area, with training in September with the Sheriff’s office, inmate facility staff, and WARM staff. This calendar year they have had 188 clients, of which 106 individuals were Baker Acted and transported. They were able to divert 19 clients from arrest, 50 individuals from Baker Acts, and 9 from Stewart Marchman.

Mr. Bryant then distributed an outline for a grant for which they are applying under the CJMHSA Reinvestment Grant Program (Attachment 3). This application is being submitted in conjunction with Ms. Carrie Baird of Flagler Cares, which is due September 21, 2016. The purpose of this grant will be to reduce substance abuse and the rates of recidivism among youth as well as adults. The current program only addresses individuals 18 years of age and older. Chair Revels will be looking at all of the grant details, including any monetary match as the grant support request comes back to this council at the next meeting. Mr. Kerr mentioned his office has been asked for a letter of support from Ms. Baird for this grant. Mrs. Sherman will research if that would be a conflict as he is also a member of this council.

The current CJMHSA grant funding the CTTU program expires in March 2017. Mrs. Sherman is currently working with Stewart Marchman representatives and others to identify funding source(s). Mrs. Sherman noted that the County needs to be certain if we move forward if the grant will stay under the guidance of the County.

d. Pre-Trial Release Program Report – In the absence of Mr. Weinberg and Ms. Olson, Judge Moore-Stens reported they are hovering above capacity but doing well.

e. Sally’s Safe Haven Report – The report for June 2016 was provided as part of the agenda (Attachment 4). With three new referrals this month, there haven been 102 cases to date.

Mrs. Sherman thanked Judge Smith for attending the training in Boston, where Flagler County was one of only 10 communities across the country who have Safe Haven facilities and were chosen to participate in the NIFDV conference.

f. Adult Civil Citation Ordinance Discussion
i. Frequently Asked Questions (FAQs) – The revised FAQs were distributed as part of the agenda packet (Attachment 5) with the changes indicated in red. Ms. King feels the revisions made everything clear and, overall, this was nicely prepared. This will be provided to all council members and municipalities as they explore participation in the program, posted on the
County website, and provided to the County Commission and others to help better understand the overall concept of the proposed ordinance.

ii. Ordinance – The draft ordinance with the changes requested at the last PSCC meeting were distributed as part of the agenda packet (Attachment 6).

Chair Revels recently attended a City of Bunnell Commission meeting where the proposed ordinance was discussed. Chief Foster noted that the purpose of that discussion was to inform the Bunnell Commissioners with updates of the discussions. Once the ordinance is finalized, it will be presented to the Bunnell Commission for consideration.

Mrs. Sherman reported that the County Attorney addressed some of the concerns expressed at the last PSCC meeting in section 20-4.2 (as indicated in red). In addition, the County Attorney recently attended a statewide attorneys’ conference where this was discussed. As a result, items 4 and 5 were added for clarification. New items 8 and 11 had clarification language added as well. (See red highlighted language for modifications.)

The council then further reviewed and discussed the contents of the ordinance. The motion was made by Mr. Lewis to strike new item 12 as it appeared to be in contrast to item 9. The motion was seconded by Sheriff Manfre. The motion pass unanimously.

Mr. Feldman asked for further clarification about the program in Broward County, where he feels their program is more about helping people. Mrs. Sherman noted that their program is one of diversion and run by a third-party. Chair Revels noted that Flagler County’s proposal is quite different due to the size of the county and the limited number of individuals who may be able to take advantage of the program.

Ms. King spoke about some possible programs run by volunteers that are available and where law enforcement could have options.

Chair Revels invited sub-committee members to participate in the discussions, with no one coming forward.

Mr. Kerr expressed concern about what the sanctions will be for those not paying the fine. Chair Revels noted that the citation will stay on the individual’s record with the clerk of court until cleared up.

Chair Revels then asked for public comment:
Diana Lebrun spoke in support of the ordinance.
Jack Carall feels the County should allow the state to decide if it will be a summons or arrest. He also asked who pays the citations on the juvenile justice citation program to which the response from Mr. Kerr was that there is not a monetary fine; there is community service work, prevention assessment, etc. The council members then responded to other questions from Mr. Carall about the determination of the quantity of cannabis found to be in possession and the dispossession of the cannabis. Sheriff Manfre noting that the law enforcement officers are trained to know approximate quantities. Chief Foster reiterated that if there is a question about the quantity, then an arrest would be made. Mr. Lewis clarified that unless there is a trial and then special approval is obtained, the substances are generally not tested.

Sheriff Manfre then made the motion to pass the ordinance deleting item 12, seconded by Ms. King. The vote on the motion was taken verbally with the results being 7 members in favor; 5 members opposed; with Judge Moore-Stens abstaining (Form 8B on file).


7. Council Comments
   a. Sheriff Manfre would like a future meeting to include legislative representatives to talk about a statewide adult civil citation program. He understands the bill was ready to go before the legislature during the last session but was stalled. He feels it does not make sense to have a civil citation program for juveniles and not adults. He feels the statewide program could still include the discretion of the law enforcement agency/officer to participate in the program.

   b. Mr. Kerr’s main concern is that the sanctioning component of the adult civil citation program ordinance for those who elect not to participate in the program could have been addressed more thoroughly. He does, however, support a statewide system. In the juvenile civil citation program, if the individual chooses not to participate in the program or is not successful in the program, it is turned over to the courts/State Attorney’s office.

8. Public Comments – Mr. Ed Fuller briefly spoke about a proposal he will be bringing to the County Commission at their next workshop on the establishment of a Veterans Court (Attachment 7). A similar program was established in 2008 in New York where it has been very successful. Local efforts began in late 2015.

The presentation was well received. Sheriff Manfre feels law enforcement monitors veterans coming into the inmate facility and refers them to the Veterans Administration for services. He feels strongly about our obligation to our veterans.
9. Next Meeting -- The next regular meeting of the PSCC will be September 14, 2016, at the Emergency Operations Center at 8:45 a.m.

10. Adjournment -- The meeting was adjourned at 9:43 a.m. following a motion made, seconded and unanimously carried.
Flagler County Sheriff's Office Inmate Facility
Trends and Fiscal Year ADP Comparison

Recent History of ADP
FY 2012-13 - ADP 131
FY 2013-14 - ADP 149
FY 2014-15 - ADP 137
FY 2015-16 - ADP 127

Authorized Design Capacity: 137

Current FY 2015-16 (YTD) - 127

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August 8, 2016

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CTTU Performance Measures

90% of program participants will report that they have received increased access to comprehensive community based behavioral health services.

80% of those program participants who were not residing in stable housing as the time of program admission will report living in stable housing.

100% of program participants who were eligible for social security or other benefits will be linked to applicable services.

One hundred (100) law enforcement officers will receive Crisis Inter Teams (CIT)/CIT-Refresher training annually.
CTTU PERFORMANCE MEASURES

One hundred (100) Flagler county residents will receive Mental Health First Aid (MHFA) training annually.

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Number of monthly transports provided by the CTTU

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Figure 5

Figure 6
Criminal Justice, Mental Health, and Substance Abuse Reinvestment
Grant (RFA06H16GS1)
Application Due: September 21, 2016

Purpose of Funding: The purpose of this Request for Applications (RFA) is to provide funding to counties which they may use to plan, implement, or expand initiatives that increase public safety, avert increased spending on criminal and juvenile justice systems, and improve the accessibility and effectiveness of treatment services for adults and juveniles who have a mental illness, substance abuse disorders, or co-occurring mental health and substance abuse disorders, who are in, or at risk of entering, the criminal or juvenile justice systems.

Eligible Applicants: A County, or a not-for-profit community provider or managing entity designated by the county planning council or committee (PSCC).

Mandatory Requirements:
- A not-for-profit community provider or managing entity applying for a Planning Grant must submit a letter certified by the county planning council or committee designating them to apply for the RFA on behalf of the county.
- For each Applicant, the Board of County Commissioners must designate the county Public Safety Coordinating Council (PSCC) as the planning council or committee for the Program.
- The Public Safety Coordinating Council or other designated criminal or juvenile justice mental health and substance abuse council, or committee, in coordination with the county offices of planning and budget, must make a formal recommendation to the board of county commissioners regarding how the Program may best be implemented within a community.
- The PSCC must include representation from the following sectors/organizations:

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<th>Sector/Organization</th>
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<tr>
<td>State Attorney or Designee</td>
<td>State Attorney R. J. Larizza</td>
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<tr>
<td>County Court Judge</td>
<td>Judge Melissa Moore-Stens</td>
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<tr>
<td>Local Court Administrator or Designee</td>
<td>Mark Weinberg</td>
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<td>County Commission Chair</td>
<td>Commissioner Barbara Revels</td>
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<td>Sheriff or Designee</td>
<td>Sheriff James Manfre</td>
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<td>Area Homeless or Supportive Housing Program Representative</td>
<td>Jeff White</td>
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<td>DJJ - Director of Detention Facility or Designee</td>
<td>Paul Finn</td>
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<td>DCF - Substance Abuse and Mental Health Program Office</td>
<td>Arnold Anderson</td>
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<tr>
<td>Representative</td>
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<tr>
<td>Community Mental Health Agency Director or Designee</td>
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<td>Primary Consumer of Community-Based Treatment Family Member</td>
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<tr>
<td>Public Defender or Designee</td>
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<td>Circuit Court Judge</td>
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<td>State Probation Circuit Administrator or Designee</td>
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<td>County Director of Probation</td>
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<td>Police Chief or Designee</td>
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<td>David Kerr</td>
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<td>Primary Consumer of Substance Abuse Services</td>
<td>Amy Nelson</td>
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<tr>
<td>Representatives from county and state jobs programs and other community groups who work with offenders and victims</td>
<td>Winnie Costello</td>
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Planning Grant Funding:
- Maximum of $100,000 per county for a 12-month project period
- 100% match required, a cash match is not required for Planning Grants.

Target Population: Funding must be used to plan for interventions designed to shift the identification, care and treatment of the Target Population from the criminal or juvenile justice system to the behavioral healthcare system.
- Youth Target Population=Persons age 17 or younger who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders and who are in, or at risk of entering, the juvenile or criminal justice systems.

Collaboration: Applicants must demonstrate collaborative efforts between criminal justice and behavioral healthcare systems as well as the involvement of all relevant stakeholders.

Key Definitions:
- At-Risk of Involvement in the Criminal or Juvenile Justice System. For youth, individuals who have “at-risk” factors associated with possible delinquent behaviors that can lead to involvement in the juvenile justice system, including individual factors (e.g. a child’s impulsivity, tendency toward aggressive behavior); family factors (e.g. a history of parental or caregiver abuse, or weak supervision); peer group factors (e.g. a social group that encourages or tolerates the occurrence of crime); school-related factors (e.g. poor academic performance); and, community factors (e.g. a community that is disorganized and offers few alternatives to crime as a source of money or activity).
- Sequential Intercept Mapping. A process for reviewing a local community’s mental health, substance abuse, criminal justice, and related systems and identifying points of interceptions where interventions may be implemented to prevent an individual with a mental illness or substance abuse disorder from entering further into the criminal justice system.
- Strategic Plan. A document that is the result of a formal systemic and stakeholder planning process that documents participation by stakeholders; is data and research driven; establishes a path to the accomplishment of prioritized goals and objectives; and describes an intended outcome and measurable targets of achievement. If the Applicant participated in Sequential Intercept Mapping, the document produced as a result of that mapping can serve as the Strategic Plan.

Scope of Grant Activities/Program Specifications
- Planning Grants must be used to develop and submit a Strategic Plan to initiate systemic change for the identification, intervention, and treatment of the selected Target Population.
- Planning Grants must be used to develop effective collaboration efforts among participants in affected governmental agencies, including the criminal, juvenile, and civil justice systems, mental health and substance abuse service providers, transportation programs, housing assistance programs, and intervention programs. This collaboration must form the basis for a Strategic Plan to intercept individuals from the system at the earliest point possible while promoting public safety. The Strategic Plan must also include strategies to divert individuals from judicial commitment to community-based service programs.
- Grantees are encouraged to use the Sequential Intercept Model (GAINS Center, http://www.samhsa.gov/gains-center) as a conceptual framework for proposing strategies that relate to the identified Target Population and points of interception at which interventions can be implemented to prevent individuals from entering or further involvement into the criminal or juvenile justice system, or re-entering the criminal or juvenile justice system after release.
Objectives and Tasks (Planning Grants)

Objective 1 - Strategic Plan
Tasks (Objective 1):
- Conduct a current and thorough needs assessment, including clear delineation of the Target Population(s) and:
  - Evaluate at least quarterly the proposed planning activities identified in the application to determine whether or not milestones are being met.
- The Strategic Plan may also include the following objectives:
  - Developing the workforce (e.g., training, licensure, credentialing, accreditation, etc.);
  - Identifying progressive actions that move mental health and substance abuse treatment services towards use of evidence-based and best practices;
  - Modifying or adapting treatment services to meet the unique needs of the Target Population; assuring that recovery oriented services are available;
  - Identifying and addressing policy, legal, social and other barriers within the county; and
  - Measuring performance outcomes and assuring quality improvement.

Objective 2 – Collaboration: The objective is to create and encourage collaboration among key stakeholders in developing a comprehensive Strategic Plan.
Tasks (Objective 2):
- Involve key stakeholders, including potential sources of subject matter expertise and funding in planning actions;
- Provide key stakeholders with expert consultation and education on specific approaches and their linkage to best known effective mental health and substance abuse treatment practices, diversion strategies, and recovery oriented services;
- Establish legally binding agreements among agencies to provide and coordinate services; and
- Derive methodologies for sharing data and information among partners.

Objective 3 - To be proposed by the Applicant.

Sustainability: Grant awards resulting from this RFA will not be renewable after the end of the grant funding period. While Applicants are not expressly precluded from responding to any future RFAs, the Department strongly encourages Applicants to propose strategies to promote service sustainability at a level that continues to deliver the intended project benefits of the initiative after the termination of a grant award.

Performance Measures: The following performance measures will be included in the final Grant Agreement between the Department and Grantees for Planning Grants. The Department reserves the right to change or modify the performance measures in the final Grant Agreement.
- Completion of the needs assessment and identification of the Target Population within 90 days of execution of the final Grant Agreement.
- Establish formal partnerships, as evidenced by legally binding agreements, with a minimum of three (3) agencies (i.e., law enforcement, homeless coalitions, treatment providers, courts, schools, etc.), within 180 days of execution of the final Grant Agreement.
- Completion of data sharing, collection and reporting methodologies among partners and the CJMHS TAC within 270 days of execution of the final Grant Agreement.
- Completion of the Strategic Plan within 365 days of execution of the final Grant Agreement.
- The final Grant Agreement shall include at least one additional performance measure proposed by the Applicant specific to the Applicant's Strategic Plan.
Proposal Outline (Selected Sections)

Statement of the Problem: For both Planning and Implementation and Expansion Grants, describe the problem the project will address. Document the extent of the problem with local or state data and include trend analysis. Describe the project’s geographic environment, Target Population, socioeconomic factors, and priority as a community concern. If the Applicant is a consortium of counties, describe the geographic region to be covered.
- Provide an analysis of the current population of the jail or juvenile detention center in the county or region, which includes:
  - The screening and assessment process used to identify the Target Population(s);
  - The percentage of persons admitted to the jail or juvenile detention center that represents people who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders;
  - An analysis of observed contributing factors that affect population trends in the county jail or juvenile detention center; and
  - Data and descriptive narrative that delineates the specific factors that put the Target Population at-risk of entering or re-entering the criminal or juvenile justice systems.

Project Design and Implementation:
For both Planning Grants and Implementation and Expansion Grants, a description of the planning council or committee.
- Planning Grants Only: Describe and provide a timeline for the proposed planning activities and expected milestones, including:
  - The manner in which a needs assessment will be conducted;
  - The proposed methodology to identify, coordinate, and share funding and related resources, and recommended organizational or structural changes;
  - The proposed strategy for project design and implementation; and
  - The proposed strategy for coordination, communication and data sharing.

Performance Measures: Applications must include a description of the manner in which the grant will be monitored to determine achievement of performance measures outlined in Section 2.4, including:
- A description of the process for collecting performance measurement data, and any other state or local outcome data to measure project effectiveness;
- Proposed targets and methodologies to address the measures specified in Section 2.4.1, for Planning Grants, and Section 2.4.2, for Implementation and Expansion Grants; and
- At least one additional proposed performance measure unique to the tasks outlined in the application, including proposed targets and methodologies.

Letters of Commitment: Include a summary list of all organizations that will be involved in the implementation of the proposed project and a letter of commitment from each organization reflecting the specific role of the individual or organization, signed by the Chief Executive Officer or equivalent for each organization.

Certified Designation Letter: If the Applicant is not a County, the application must include a letter certified by the county planning council or committee designating the not-for-profit community provider or managing entity to apply for the RFA on behalf of the county.
Operating Hours:
Standard operating hours are Tuesday through Saturday, 8:30 a.m. to 5:00 p.m. (with flexibility for earlier or later times in order to meet the needs of the families in need of services).

Additional Services:
Nothing new to report.

Current Visitations:
- Domestic violence only: 4 cases
- DV and Dependency: 9 cases
- Dependency only: 12 cases
- Total Open: 25 cases

Referrals:
Total referrals to date: 102 – Three new cases during June are broken out as follows:
- Judge Smith (injunctions): 0
- Judge Beck (dependency): 3
- Flagler Courts General Magistrate: 0
- Family Life Center: 0
- Other Courts (Pinellas County, Duval County, Volusia County), child resides in Flagler: 0

Community Outreach/Education:
May 3, 2016 – Attended Flagler County Resource Meeting.

Staff:
Welcome new staff member Christina Heichel.

Upcoming Events:
None currently scheduled.

This project was supported by Grant No. 2011-CWAX-K014, awarded by the Office of Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not reflect the views of the Department of Justice, Office on Violence Against Women.
1. This Ordinance is proposing:
   - Make possession of 20 grams or less of cannabis a code violation.
   - Make possession of cannabis paraphernalia a code violation.
   - Make possession of alcohol between the Ages of 18 and 20 a code violation.
   - The Adult Civil Citation program is for a first time offender only.
   - Fine of $250.00

2. Is this program decriminalizing cannabis/marijuana?
   - No.
   - Possession of small amounts of marijuana (and paraphernalia) is still a State first degree misdemeanor.
   - Under Florida Law, local governments cannot change this. Making possession a code violation with a civil citation gives law enforcement an option of enforcement of the law without the harsh consequences of making an arrest.

   Under the law
   - Possession of 20 grams or less of cannabis is a misdemeanor.
   - Possession of cannabis paraphernalia is a misdemeanor.
   - Possession of alcohol between the Ages of 18 and 20 is a misdemeanor.

     - State law provides:
       - Subject to arrest; and
       - Up to one year in jail; and
       - Up to a $1,000 fine; and
       - Up to 1 year probation; and
       - Possible life-long criminal record.

   - Law – Law Enforcement Officers can:
     - Arrest; or
     - Confiscate and release suspect with a warning.

   - Ordinance provide for a third option:
     - Issuing a civil citation

3. What is the Adult Civil Citation Program?
   - Adult Civil Citation is an alternative to first-time misdemeanor arrest.
   - Adult Civil Citation is not a post-arrest diversion program.
   - It is an intervention and diversion model that provides law enforcement a discretionary tool to divert adults from an arrest while still ensuring public safety and accountability.

4. Who is eligible to receive a civil citation?
   - The Adult Civil Citation program is for first-time offenders (age 18 or older) who commit an eligible misdemeanor or violates a county or municipal ordinance.
   - An individual will not be eligible to participate in this program if they have had a prior civil citation.
   - Law enforcement officer acts as a code enforcement officer for purposes of immediate citation issuance, for individuals who are not concurrently charged with:
     - Any felony
     - DUI

PSCC Meeting 8/10/16

Draft 7/13/16

July 2016
5. Who decides when to issue a civil citation?
   • Only law enforcement officers have the discretion to issue a civil citation in lieu of arrest for a first time offender of a covered offense.

6. How many times can a civil citation be issued to an offender?
   • The Adult Civil Citation program is for a first time offender only.
   • The citation can only be issued once. Subsequent offenses will be handled in the same manner as other first degree misdemeanors.

7. Will a Uniform Code/Civil Citation appear on one’s criminal record?
   • No.
   • Code violations like this are civil infractions that will not appear on one’s criminal record.

8. What if the offender is also breaking other more serious laws that involve a felony violation, driving under the influence, domestic violence, or any violent crimes?
   • Then they are subject to arrest.
   • In addition, they could still be charged with possession of marijuana as a first degree misdemeanor under State law, in addition to whatever other charges they may face.

9. What if the offender does not pay the fine?
   • If a future offense occurs, the courts may have the option to increase the civil penalty to a not to exceed amount of $500.00 with payment being ordered by the courtstake into consideration the outstanding unpaid fines.

10. How will the officer know if the offender has been issued other citations?
    • Citations are a public record.
    • Officers will be able to quickly search the Comprehensive Case Information System (CCIS) database for prior citations.

11. What is Comprehensive Case Information System (CCIS) database?
    • The CCIS is a database through the Florida’s Clerks of Court which serves as a secured single point of search for state wide court case information. The information held by the Clerks of Court that may be accessed through CCIS includes court case information, Official Records and performance and accountability measures. Users of CCIS include the judicial community, state and local law enforcement, state agencies and the Florida Legislature.

12. What happens with the funds collected?
    • In accordance with Florida Statutes, funds collected shall be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund. This civil citation is not a revenue generator. It is a discretionary tool which provides law enforcement with the ability to divert adults from an arrest while still ensuring public safety and accountability.

13. What about medical marijuana allowed under State law?
    • The proposed ordinance would not apply to any type of medical marijuana (such as Charlotte’s Web) permitted by State law.
ORDINANCE 2016-____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
OF FLAGLER COUNTY, FLORIDA, PERTAINING TO POSSESSION
OF TWENTY (20) GRAMS OR LESS OF CANNABIS; PERTAINING
TO POSSESSION OF CANNABIS PARAPHERNALIA; PERTAINING
TO UNLAWFUL POSSESSION OF ALCOHOL WHEN BETWEEN
THE AGES OF 18 TO 20; AMENDING SECTION 20-4 OF THE
FLAGLER COUNTY CODE OF ORDINANCES OF FLAGLER
COUNTY, FLORIDA; PROVIDING FOR DEFINITIONS; PROVIDING
FOR ENFORCEMENT AND FINES; PROVIDING FOR SEIZURE
AND DESTRUCTION OF CONTRABAND CANNABIS, CANNABIS
PARAPHERNALIA, AND ALCOHOL; PROVIDING FOR
LEGISLATIVE FINDINGS; PROVIDING FOR REPEAL OF LAWS IN
CONFLICT AND PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 893.13(6)(b), Florida Statutes, makes possession of twenty
(20) grams or less of cannabis a misdemeanor of the first degree, punishable as set
forth in Section 775.083, Florida Statutes; and

WHEREAS, Section 893.147, Florida Statutes, makes possession of drug
paraphernalia a misdemeanor of the first degree, punishable as set forth in Section
775.083, Florida Statutes; and

WHEREAS, Section 562.111, Florida Statutes, makes possession of alcohol by a
person under the age of 21 a misdemeanor of the first degree, punishable as set forth in
Section 775.083, Florida Statutes; and

WHEREAS, while this Ordinance does not decriminalize the aforementioned
misdemeanors, the Board of County Commissioners of Flagler County has the authority
to create a system of civil citation violations for the above misdemeanors, subject to the
discretion of a law enforcement officer, limiting the use of such discretion to civil
citations in incidents that do not involve any other felony violation, driving under the
influence, domestic violence, or any violent crimes; and

WHEREAS, even if a person is ultimately found not guilty of a misdemeanor
charge as identified above, that person may, as a result of being charged with a crime,
suffer serious negative consequences at work, securing employment, securing student
financial assistance, securing public housing, and, further, encounter difficulty obtaining
a license for some professions, maintaining immigration status, and for child custody
determinations; and

PSCC Meeting 8/10/16
WHEREAS, filing criminal charges for possession of twenty (20) grams or less of cannabis for personal use, possession of cannabis paraphernalia, and possession of alcohol when between the ages of 18 to 20, is time consuming for law enforcement officers who might otherwise be able to spend their time addressing more serious crimes; and

WHEREAS, the County finds and declares that civil citation penalties and procedures may be more commensurate with any social harm caused by the possession of small amounts of cannabis, the possession of cannabis paraphernalia and possession of alcohol when between the ages of 18 to 20.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONES OF FLAGLER COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. FINDINGS.

A. The above recitals are incorporated herein as Findings of Fact.

B. Legislative authority. This article is enacted pursuant to the authority vested in the Board of County Commissioners by Chapters 125 and 162, Florida Statutes, and through the powers granted to the County as a political subdivision of the State of Florida through Article VIII of the Constitution of the State of Florida.

SECTION 2. That Article 1, entitled “In General,” of Chapter 20, entitled “Miscellaneous Provisions and Offenses,” Section 20-4 of the Flagler County Code of Ordinances is hereby created as follows (additions are shown in double underline format and deletions are shown as strikethrough format) while retaining reserved sections, “Sec. 20-5 – 20-60 Reserved”:

Sec. 20-4 — 20-60. Reserved. Possession of cannabis, cannabis paraphernalia and alcohol.

Sec. 20-4. Definitions.

The following words, terms, and phrases, when used in this section have the meanings ascribed to them in this section:
**Cannabis** means all parts of any plant of the genus cannabis, whether growing or not, or the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include “low-THC cannabis” and medical cannabis, as defined in Section 381.986, Florida Statutes.

**Cannabis paraphernalia** means any object used, intended for use, or designed for use, in ingesting, inhaling, smoking, or otherwise introducing cannabis into the human body; or any object used, intended for use, or designed for use in storing, containing, concealing, or transporting cannabis.

**Sec. 20-4.1. Civil Citation Infraction.**

The following State law misdemeanor violations are hereby declared civil infractions and eligible to receive a civil citation, at the discretion of the law enforcement officer, provided that such violations are not charged in conjunction with any criminal charge specified in Section 20-4.2.3 herein:

1. Possession, by a person 18 years of age or older, of cannabis in an amount of 20 grams or less.

2. Possession, by a person 18 years of age or older, of cannabis paraphernalia.

3. Possession of alcohol when between the ages of 18 and 20.

**Sec. 20-4.2. Enforcement and Fines.**

1. This Ordinance shall be applicable within the unincorporated areas of the County and within any municipality that has formally made the provisions of this Ordinance applicable to its territorial jurisdiction. This Ordinance shall be implemented and enforced in accordance with Section 162.21, Florida Statutes, or any successor law. **For that purpose, violation of this Ordinance is deemed to be an irreparable or irreversible violation punishable by the civil penalties herein and is subject to immediate citation.**

2. This Ordinance is enforceable by the Flagler County Sheriff’s Office law enforcement officers and any law enforcement officers within any Flagler County municipality that has formally adopted the provisions of this
Ordinance, and for that special purpose, they are designated as code enforcement officers hereunder in accordance with Section 162.21(2), Florida Statutes, or any successor law.

3. A civil citation shall not be issued if the violation occurred during an incident where the defendant also was charged with any felony, driving under the influence, any violent crime, or any act of domestic violence, as those violations are defined under State law.

4. A person charged with possession of cannabis under subsection 20-4.1(1) may not be charged with possession of paraphernalia under subsection 20-4.1(2) arising out of the same incident.

3-5. No person who has a previous conviction for a felony or misdemeanor violation including a violation of Chapter 893 of the Florida Statutes is eligible to receive a civil citation pursuant to this Ordinance, regardless of whether adjudication of guilt was imposed or withheld.

4.6. A person who is issued a civil citation pursuant to this Ordinance shall be subject to a fine of $250.00.

5.7. The fine must be paid within 30 days of the date the citation was issued.

6.8. No person may receive more than one civil citation for each of the specified misdemeanor behaviors pursuant to this Ordinance.

7.9. As a condition for receiving a civil citation as defined in Section 20-4.1, in lieu of a misdemeanor charge, the recipient, by signing the civil citation, is waiving their right to contest the citation.

8.10. A person issued a civil citation shall comply with all directives on the citation.

9.11. Any person electing not to receive a civil citation shall be deemed to have waived his or her right to pay to participate in the civil citation program, penalty, and will be issued a Notice to Appear pursuant to Section 162.23, Florida Statutes.
10.12. A person who elects to appear before the court shall may be subject to civil penalties not to exceed $500, should the court determine a violation has occurred.

11.13. The Flagler County Court shall have jurisdiction over all violations of this Ordinance.

12.14. The Flagler County Clerk of Court shall accept all designated fines and/or fees and issue receipts.

Sec. 20-4.3. Seizure and Destruction of Contraband Cannabis, Cannabis Paraphernalia, and Alcohol.

1. Any contraband cannabis, cannabis paraphernalia, or alcohol that is the subject of a violation of this Ordinance may be seized for evidentiary use.

2. Contraband cannabis, cannabis paraphernalia, or alcohol seized pursuant to this Ordinance, after its use as evidence is no longer required, may be destroyed in the same manner used to destroy narcotics as provided by law.

Secs. 20-5—20-60. — Reserved.

SECTION 3. REPEAL OF LAWS IN CONFLICT.

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. CODIFICATION AND SCRIVENER’S ERRORS.

A. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of Flagler County, Florida, as additions and amendments thereto, and shall be appropriately renumbered and relettered to conform to the uniform numbering system of the Code. Scrivener’s errors may be corrected as deemed necessary.

B. The sections of this Ordinance shall be codified within the Flagler County Code of Ordinances. Sections not specifically amended herein shall remain unchanged by this Ordinance.
SECTION 5. SEVERABILITY.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect upon filing with the Secretary of State as provided in Section 125.66, Florida Statutes.

[Signature Page to Follow]

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THIS _____ DAY OF ________, 2016.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

________________________________________
Barbara S. Revels, Chair

ATTEST: ____________________________
Gail Wadsworth, Clerk of the Circuit Court and Comptroller

APPROVED AS TO FORM: ____________________________
Al Hadeed, County Attorney
Veterans Treatment Courts

As Americans, we must keep in mind the enduring debt we owe our country’s military veterans. While news accounts remind us daily of the dangers our military men and women confront in combat, the serious challenges facing our veterans when they return home, particularly substance abuse and psychological health problems, often go untreated. Sadly, these challenges can sometimes lead to criminal or other destructive behaviors. The Justice Department’s most recent survey of prison inmates found that an estimated 60% of the 140,000 veterans in Federal and State prisons were struggling with a substance use disorder, while approximately 25% reported being under the influence of drugs at the time of their offense.¹ Many of these issues can be connected to the trauma of combat and other service-related experiences and, for this reason, require appropriate measures to address them. Veterans Treatment Courts are designed to do just that, by meeting the particular needs of veterans involved in the criminal justice system.

Veterans Treatment Courts seek to treat veterans suffering from a substance abuse and/or mental health disorder, while helping ensure public safety. These special courts combine rigorous treatment and personal accountability, with the goal of breaking the cycle of drug use and criminal behavior.²

Veterans Treatment Courts are modeled after drug courts, which promote collaboration among the judiciary, community corrections agencies, drug treatment providers, and other community support groups. Drug courts have a remarkable track record over the course of their 20-year history. During times of difficult economic conditions for State and local governments, drug courts still prove to

² National Association of Drug Court Professionals. “Veterans Treatment Courts.” [2010]. Available:
be a smart, cost-effective investment that helps put offenders on the road to recovery, effectively reducing recidivism.

Veterans Courts promote sobriety, recovery, and stability through a coordinated response involving the traditional partners found in drug courts and mental health courts, as well as the Department of Veterans Affairs healthcare networks, the Veterans Benefits Administration, State Departments of Veterans Affairs, volunteer veteran mentors, and veterans family support organizations.¹

**Veterans Treatment Court Planning Initiative (VTCPI)**

**Building on Success**

In an effort to replicate the success of the first Veterans Courts, an initiative has been launched to help more communities establish Veterans Courts. The 2010 Veterans Treatment Court Planning Initiative (VTCPI) constitutes the first Veterans Treatment Court training program in the Nation. The VTCPI curriculum is a collaborative effort of the Bureau of Justice Assistance (BJA), the Department of Veterans Affairs, the National Drug Court Institute (NDCI), and numerous Veterans Treatment Court professionals.

Ten jurisdictions have been awarded VTCPI grants. The communities selected are in Orlando, Florida; Cincinnati, Ohio; Augusta, Georgia; San Antonio, Texas; Eau Claire, Wisconsin; Kew Gardens, New York; Klamath Falls, Oregon; Elmira, New York; Batavia, New York; and San Diego, California. The grant awards were based on a variety of factors, including the size of, and problems among, the applicants’ respective veteran populations.

**Legislative Efforts**

**State legislatures:** A number of states have taken steps to promote Veterans Treatment Courts or veterans assistance within the state court system.²

- Nevada and Texas have passed legislation calling for the statewide establishment of Veterans Treatment Courts. Similar legislation has been introduced in Colorado, Illinois, and at least nine other states.

- California, Minnesota, and New Hampshire have passed legislation that permits judges to order treatment, instead of prison, for veterans suffering from combat-related mental health disorders.

¹ ibid.
² ibid.

December 2010
The first step to providing VA healthcare services to Veterans is to identify them as Veterans. Ask: “Have you ever served in the United States Armed Forces or military?” Do not ask: “Are you a Veteran?” since many Veterans think this applies only to Veterans who served in combat. Building this question into the booking or arraignment process as soon as possible will facilitate eligibility determination for Veterans.

The second step is to determine whether a Veteran is eligible and can enroll for VA services. VA eligibility/admissions offices at the local VA determine eligibility; VA clinical staff cannot provide determinative information on eligibility.

To qualify for VA healthcare you need to have:
- A DD214 (copy of your discharge papers)
- An Honorable or General discharge
- Served Active Duty
- After 9/9/1980, served at least 2 years active duty or any amount of time in Iraq or Afghanistan
- National Guard and Reserves must have been called up for active duty.

Available healthcare services may include:
- Hospital and outpatient medical care
- Domiciliary and nursing home
- Sexual trauma counseling
- Specialized health care for women veterans
- Homeless programs
- Readjustment counseling
- Mental health services, including alcohol and drug treatment, work therapy, anger management, and PTSD treatment

Learn more about resources for Veterans who are homeless or justice involved:
http://www.va.gov/HOMELESS/

VJO Coordinator
Charlotte Matthews, LCSW
Phone: (352)538-5418
Fax: (904)396-8759
Charlotte.Mathews@va.gov

VJO Specialist
Alachua, Marion, Citrus, Levy & Dixie Counties
Paula Ambrosio, LCSW
Phone: (352)538-3385
Fax: (352)548-1850
Paula.Ambrosio@va.gov

HCRV Specialists
Point of Contact for Florida Prisons:
Taylor Savage, LCSW (352)376-1611x4758

Malcom Randall VA Medical Center
1601 SW Archer Rd (116A3)
Gainesville, FL 32608
(352)376-1611 or (800)324-VETS (8387)
http://www.northflorida.va.gov/


Generally, VHA outpatient services will see eligible Veterans within 30 days of referral.

In order for VHA clinicians to communicate with the justice system, the Veteran must sign a Release of Information, VA Form 10-5345. Available via the internet at: http://www.va.gov/vaforms/
The Department of Veterans Affairs (VA) has committed to preventing incarceration and reducing recidivism among Veterans through the development of the Veterans Justice Outreach (VJO) Program.

**VJO Initiative:**

The purpose of the **Veteran Justice Outreach (VJO)** initiative is to avoid the unnecessary criminalization of mental illness and extended incarceration among Veterans by ensuring that eligible justice-involved Veterans have timely access to VHA mental health and substance abuse services when clinically indicated, and other VA services and benefits as appropriate.

The VJO Program has three focus areas:

**Courts and Attorneys**

Provide information and education about Veterans’ issues to include PTSD and TBI and services available. Develop and implement Veterans’ Courts.

**Law Enforcement**

Coordinate outreach to local law enforcement on Veterans’ issues and strategies to help work with Veterans.

**Jails**

Develop communication with jails to identify Veterans who are incarcerated and engage Veterans in available services upon their release.

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**Other services available for incarcerated Veterans:**

The Health Care for Re-entry Veterans (HCRV) Program is designed to address the community re-entry needs of incarcerated Veterans in state or federal prison. The goals of HCRV are to prevent homelessness, reduce the impact of medical, psychiatric, and substance abuse problems upon community re-adjustment, and decrease the likelihood of re-incarceration for those leaving prison.

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**VJO**

Jail Outreach
Court Liaison
LEO Education

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