

Public Safety Coordinating Council

February 22, 2022, Meeting Minutes

Council Members (or designee) in Attendance:

Chairman Proctor	Leon County Commission
Jonathan Sjostrom	Judiciary
Augustus Aikens	Judiciary
Frank Allman	Judiciary
Jack Campbell	State Attorney
Steve Harrelson	Leon County Sheriff's Office
Jessica Yeary	Public Defender
Brylan Jacobs	Department of Corrections
Teresa Broxton	Office of Intervention & Detention Alternatives
Rebecca Kelly-Manders	ReFire Culinary Program
Nancy O'Farrell	NAMI – Tallahassee Chapter
Anne Meisenzahl	Big Bend AFTER Reentry Coalition
Paul Knoll	Capital Regional Medical Center

Also, in attendance:

Owen McCaul	State Attorney's Office
Grant Slayden	Court Administration
Wanda Hunter	County Administration
Norman Mack	Leon County Sheriff's Office
Craig Carroll	Leon County Sheriff's Office
Jason Laursen	Tallahassee Police Department
Ina Hawkins	Court Administration
Kendra Brown	Court Administration
Ceressa Haney	Office of Intervention & Detention Alternatives
Chad Cutkomp	Department of Corrections
Amanda Chandler	Apalachee Center, Inc.

The meeting was called to order at 3:05 PM

Issues Reviewed

- I. Approval of the January 18, 2022, Meeting Minutes
The Council reviewed and approved the minutes.

- II. Discussion of the Criminal Justice Process - Chief Judge Jonathan Sjostrom, Second Judicial Circuit; Circuit Judge Frank Allman, Administrative Judge of the Leon County Circuit Court Criminal Division; County Judge Augustus Aikens, Jr., Administrative Judge of the Leon County Court

Chairman Proctor welcomed the PSCC members, meeting participants, and guests. At Chairman Proctor's request, Ms. Broxton provided an overview of the PSCC's mission

Ms. Broxton provided information on the establishment of the PSCC in 2001 as authorized by Section 951.26 of Florida Statute. The PSCC's mission is to assess the population of the Leon County Detention Facility and formulate recommendations to ensure the capacity of the facility is not exceeded. At each meeting, the PSCC receives data and trends on the LCDF population as well as updates on available alternatives to custody, and jail diversion programs such as Misdemeanor Mental Health Court, Veteran's Treatment Court, Felony Drug Court, and electronic monitoring services available through Leon County. She explained that the LCDF has a maximum capacity of 1,200 individuals and for several years the facility's population has been near or over 1,000. Ms. Broxton stated today's meeting is to focus on the criminal justice system and process from arrest through final disposition; and as the process is navigated, the goal is to identify opportunities to enhance efficiencies for the best possible resolution in criminal cases while balancing the needs of all parties involved.

Chairman Proctor invited the members and facilitators to introduce themselves. He advised Chief Judge Sjostrom had agreed to facilitate the meeting.

Chief Judge Sjostrom provided an overview of the judicial process and explained that the judiciary has a limited role in the criminal justice process and must remain neutral. Chief Judge Sjostrom explained that judges cannot require defendants to anything in the absence of a conviction and cannot dictate the discretion of other criminal justice stakeholders such as law enforcement, the State Attorney, or the Public Defender or defense council and it's crucial that each person in the process respects each other's role. Chief Judge Sjostrom stated that the time pressure is high as it starts from the time of the arrest until disposition.

Chief Judge Sjostrom discussed the court's current status in relation to the COVID-19 Pandemic and that there are currently no restrictions, the courts are open for business, and cases are being process the same or better than pre-pandemic. Chief Judge Sjostrom explained that juries were suspended for more than 10 months; however, between October 2020 through January 2022, 121 jury trials were processed in that same period and an additional 38 juries were selected for criminal cases. He expressed his pride for the work everyone in the courts did in implementing technology for remote hearings in 33 courtrooms circuit-wide, utilizing Zoom booths at the detention facility, completing remote pleas and electronic warrants. Judge Allman and Judge Aikens both stated they shared in Chief Judge Sjostrom's sentiments; and Judge Aikens expanded that the electronic warrants process has helped to move things along.

Chairman Proctor explained the goal for today's meeting is to identify how we can reduce the detention facility's population and the number of days individuals are incarcerated.

State Attorney Campbell provided statistics on the detention facility's current population and that it is the same as in 2006, and it is not uncommon for these numbers to be where they are. He stated that Court Administration has helped to streamline cases by limiting the number of continuances. However, many of the individuals detained in the LCDF are charged with serious crimes and although he understands that finances are important, justice is more important, and safety is paramount.

Public Defender Jessica Yeary explained it is important to note that the individuals who are in custody are accused of a crime and maintain the presumption of innocence which is what our Country was founded upon. She stated that she understands everyone wants to move these cases and bring finality to her clients and their families but noted that attorney's also have an ethical obligation to ensure they are doing everything to prepare their defense. Ms. Yeary discussed a Liberty County case where the defendant was found not guilty about being in jail for three years. She stated from her perspective, efficiency is part of the process; however, they have the obligation to defend their clients, which they are doing as jurors are finding cases were not proven beyond a reasonable doubt.

Chairman Proctor raised concerns for the increase in the number of days people are remaining as it is now 262 days where a year ago it was at 131 days and he does not understand why people could not get to court faster or while investigations are being completed allow them out on electronic monitors. Judge Sjostrom explained there are many reasons why a case could be delayed and eventually the judge has to say no more delays even when there may be good reasons for the requests. However, judges must follow their judicial conduct and they take criticism no matter what they decide and that 262 days in custody does not sound that inflated to him. State Attorney Campbell stated speedy trial is at 175 days, but if the defendant (or attorney) waives speedy then it could be closer to the 262 number.

Anne Meisenzahl inquired as to what was being done during the pandemic to reduce the population as she remembers it was down to 850, and how many were in custody currently that could not afford bail. State Attorney Campbell explained there was a meeting between the Public Defender, the judiciary, and himself to discuss a process when closures due to COVID first began. He explained with less activity in the community there were fewer people being arrested and more people were being released to the Supervised Pretrial Release Division in lieu of monetary bonds and that the population on pretrial release increased significantly. Chairman Proctor asked how many defendants were out on bond. Assistant Sheriff (A.S) Harrelson replied 143 individuals were out on bond and shared a breakdown of bond amounts and the number of individuals in each category. Chairman Proctor inquired if people were languishing due to their inability to pay the bond. A.S. Harrelson stated that there are various reasons why people are still in custody from not having the money to just not wanting to pay to be released. Judge Allman added that those with monetary bonds can go through a bondsman but even with that, there is a fee, and it is possible defendants are getting advice that if they are looking at a lengthy sentence, they may want to save their family those fees.

Rebecca Kelly-Manders stated she believes there are two fundamentally different issues at hand: 1) how to get the population at the detention facility reduced, and 2) how do we move the cases through the justice system faster. She stated she understood there were roughly 1,000 people in custody for a crime they are accused of, but since they are not convicted she asked how we could

get the SPTR Program better equipped to supervise more people on pretrial release while waiting to go to trial so they are not sitting in the LCDF and their attorneys can work on their case(s).

State Attorney Campbell explained the purpose of bond is public safety and to ensure the integrity of the judicial system. He stated the judges must make release decisions based on the facts of the case and the criminal history of those that have been accused and the judges will be criticized for whatever decision they make.

Chairman Proctor asked about increased arrest rates since more people were returning to normal activities in the community. Deputy Chief Jason Laursen with Tallahassee Police Department responded that many cases are those that would not be seen such as domestic violence, child abuse cases, and an increase in property crimes now that stores are open; whereas when people were at home, burglaries had decreased. Deputy Chief Laursen stated law enforcement any increase in arrests is simply because things are open again and people are out in the public resulting in more calls for service.

Chairman Proctor inquired about restorative justice and asked State Attorney Campbell if his office would philosophically consider alternative methods to justice. Mr. Campbell reiterated 35% of the County Court cases were going through one of the diversion programs. He stated that his office has met with a local provider that wants to implement a restorative justice program locally as an alternate diversion program as appropriate which he agrees with. There are some processes that need to be worked on, but he is comfortable with the diversionary programs and his happy to see that some of these underlying causes are being handled.

Public Defender Yeary added her office is meeting with their clients and working with their families, their mission, first and foremost, is to protect the rights of their clients; and secondly, if in a position to resolve case(s) through a plea negotiation, alternative sanctions are their number one goal. Ms. Yeary explained she has two social workers in her office who are continuously screening for treatment programs, rehab programs, and alternative sanctions. She stated when alternatives are available that would benefit her clients and they are negotiating with the State Attorney's Office she needs their answer to be yes. However, if that is not the response and the offer is for a prison sentence that it is a different situation. She is always encouraged when negotiations can be agreed to, but she cannot say in practice it always turns out that way.

Chairman Proctor asked about the plea process and how pleas were presented to the defendants. State Attorney Campbell stated that his office has sent out offers in approximately 80% of the cases which are sent out within 60 days. Public Defender Yeary explained her office meets with clients after arrest to discuss potential defenses, review allegations, witnesses and what their testimony may be, and discuss plea negotiations which are confidential with the client. However, upon receipt of a please offer from the State, as a defense attorney, they are ethically bound to review the offer with their client and does so within a few days of receiving the offer. It is the client's decision to accept the please, counter with a different offer, and if they cannot reach a resolution then it can be brought to the court for an open please which is where the court will decide the sentence or move the case to trial.

Chairman Proctor asked about considerations for mental health cases. State Attorney advised this is one of the top issues he deals with and to be a confident attorney dealing with mental health cases there are many hours of continuing education. Chairman Proctor commented in previous meetings, Public Defender Yeary had alluded to unreasonable offers being made and he asked what is reasonable. Ms. Yeary responded that an unreasonable plea offer is when someone scores out to 36 months, but the offer is 36 months that is not reasonable; there is no negotiation there. She

added that there are mitigating factors and what is being taken into consideration; prior to criminal history, ties to the community, the fact that they've been out on bond for two years without a misstep, which shows they are amenable to community supervision, are they working full time, that they've gotten sober on their own etc. what is reasonable is a case-by-case basis. What her office is looking for is a way that people that come into the criminal justice system are not affected in a way that the rest of their life is ruined by lengthy prison sentences and seeks alternative sanctions. Chairman Proctor asked State Attorney Campbell how empathetic his office is for someone that may have these circumstances. State Attorney Campbell stated he serves the entire community; while Public Defender Yeary is ethically advocating for her clients. However, he must do what is right for the community and there are some individuals he does not believe belong in the community. He has cases of murder where those cases will not be resolved by a plea, they will go to trial. He added that some people's actions are so reprehensible they must have significant punishment and sometimes that is the rest of their life in prison.

Nancy O'Farrell stated that several years ago Leon County participated in a three-year grant where a mental health court was established for both felonies and misdemeanors. As a part of that workgroup, she recalls that the detention facility's population dropped to around 980. She asked if a felony mental health court would help manage the LCDF population. State Attorney Campbell responded if a Mental Health Court were funded, there would be a reduction. Ms. O'Farrell referenced the need for data to support future funding requests. Judge Aikens stated he works with Assistant State Attorney McCaul on the Misdemeanor Mental Health Docket and there is a need for additional resources. Chairman Proctor requested the Council focus on mental health resources and invite Apalachee to the March 2022 meeting. Teresa Broxton added there are components to the mental health court currently operation sand stated that Ms. Kendra Brown would be able to speak on what funds and services are available and any additional resources in the community would be needed to support a full Mental Health court.

Meeting adjourned at 4:36 PM

Next Meeting: *Tuesday, March 15, 2022 (to be rescheduled due to Spring Break)*

4:00PM

Commission Chambers, 5th Floor, Leon County Courthouse