

Public Safety Coordinating Council

January 18, 2022, Meeting Minutes

Council Members (or designee) in Attendance:

Chairman Proctor	Leon County Commission
Owen McCaul	State Attorney's Office
Steve Harrelson	Leon County Sheriff's Office
Jessica Yeary	Public Defender
Chad Cutkomp	Department of Corrections
Teresa Broxton	Office of Intervention & Detention Alternatives
Rebecca Kelly-Manders	ReFire Culinary Program
Nancy O'Farrell	NAMI – Tallahassee Chapter
Edrene Johnson	Big Bend AFTER Reentry Coalition
Paul Knoll	Capital Regional Medical Center

Also, in attendance:

Ina Hawkins	Court Administration
Kendra Brown	Court Administration
Ceressa Haney	Office of Intervention & Detention Alternatives
Wanda Hunter	County Administration
Brylan Jacobs	Department of Corrections
Amanda Chandler	Apalachee Center, Inc.

The meeting was called to order at 4:02 PM

Issues Reviewed

I. Approval of the December 7, 2021, Meeting Minutes

The Council reviewed and approved the minutes.

II. Detention Facility Population Update – Leon County Sheriff's Office

Assistant Sheriff Steve Harrelson reported on the Leon County Detention Facility's (LCDF) current population. Currently, there are 1,175 individuals in custody which does not include the 30 individuals being housed in neighboring facilities: 25 in Wakulla County and 5 juveniles in Jefferson County. The total population of the LCDF would be 1,205 if those in other facilities were included in the population. The average length of custody for individuals in the LCDF is 262 days with 482 individuals having been in custody for more than 6 months; 272 for more than one year, 117 for more 2 years, 42 for more than 3 years; and 14 for more than 4 years. A.S. Harrelson provided a summary of the types of offenses for which the 1,084 individuals currently incarcerated are charged with: 135 for murder, 50 for sex offenses, 77 for robberies, 157 drug related offenses, 224 with other violent offenses, 84 burglaries, 101 felony theft/fraud, 11 other property crimes and 245 with other felony charges. There are 1,044 individuals in custody with open charges which is 89% of the population. A.S. Harrelson advised there are 111 individuals in custody for VOP charges and 181 individuals with VOP and other open charges. Of the current population, 131 defendants have bond amounts set of which 12 are charged with misdemeanor offenses and have bonds ranging from \$250 to \$2,000.

A.S. Harrelson added that once the population of the LCDF reaches 1,200 in-house it is over capacity. As previously mentioned, Wakulla is holding 25 individuals and is not currently charging the County. However, the LCDF Administration has reached out to Walton County to potentially house 100 defendants. If this becomes necessary, it will cost the County \$54 per person/daily for a total cost of \$162,000 per month.

Ms. Broxton presented a PowerPoint detailing the trends of the LCDF based on case status: non-sentenced, sentenced, and those who have sentenced and non-sentenced cases. She advised there was a slight decrease in the number of individuals sentenced for felony cases and the numbers in the other categories have remained consistent.

A.S. Harrelson advised that long-term planning for additional housing needs have been discussed with County Administration and will be further addressed at the workshop scheduled for March. He discussed the correlation between the housing needs of the detention facility based on the County's growing population.

Chairman Proctor inquired as to why the detention facility's population is remaining stagnant. A.S. Harrelson advised 1,044 individuals or 89% of the population are in custody awaiting to be sentenced and 131 individuals have been sentenced or are holds for other counties. Chairman Proctor asked if Leon County was operating within the norms of other communities or if we were unique or different. A.S. Harrelson responded that the surrounding counties do not have the population problem that Leon County is experiencing and reiterated that individuals are currently

being housed in Wakulla and Jefferson counties and if they were brought back the LCDF would be over 1,200.

Chairman Proctor reminded the Council that the statutory directive of the PSCC is to identify methods for minimizing the population of the detention facility and asked what recommendations can be made to achieve this goal.

The Public Defender, Jessica Yeary reminded the Council, that they previously voted not to refer to individuals in the detention facility as ‘incarcerated inmates’ but to refer to them as ‘in-custody clients’ with families. Additionally, she expressed her concerns for in-custody clients being housed in other jurisdictions which creates significant logistical problems with their attorney’s being able to speak with them. She stated that the system needs to look for alternatives to custody and that locking people up in a pandemic does not improve public safety and breaks up families. Additionally, she stated that the global solution is for the system to recognize the communities request for restorative justice, people sitting in custody on bond they cannot afford, and alternatives to jail and prison sentences for individuals with substance abuse and/or mental health issues.

Chairman Proctor inquired about statutory requirements with regards to sentencing and that he has heard about restorative justice; however, when someone is charged with a crime they go through the courts and we don’t have a model for handling cases outside of the court system or the state. Therefore, we must work within the model that currently exists to expediate cases and unclog the system which is an unacceptable situation. He commented on the collaborative efforts at the onset of COVID to reduce the detention facility’s population which decreased to 845 in May 2020. He stated that he wants to take a deeper look into why this is not still happening. Assistant County Administrator, Wanda Hunter advised that this information would be included in the jail population workshop scheduled for March 22, 2022.

Chairman Proctor asked what was considered ‘low hanging fruit’. Kendra Brown explained that the Criminal Case Management Unit under Court Administration has identified the first group of ‘low hanging fruit’ as individuals in custody for stand-alone violations of probation (VOP). Ms. Brown advised there have been discussions with the judiciary regarding the consideration to set bonds or allowing the defendant to be released into the community for continued supervision in situations where the violation is not based on a new law offense or involves violence. The Detention Review Coordinator has a list of approximately 114 individuals that are being reviewed. A finalized list will be distributed to each felony division judge and the division attorneys to consider release options. Ms. Brown has confirmed with the DOC that they would continue supervision if the individual is under probation status. She advised that the system seems poised to be able to release defendants back into the community pending their VOP hearing.

Additionally, Ms. Brown stated the second category of ‘low hanging fruit’ would be those cases where a plea offer has been made by the State Attorney’s Office and they are awaiting responses from the defendants and defense counsel on whether the pleas are accepted. Ms. Yeary interjected that some of the plea offers being made are not for release from custody. She went on to say that the State will agree to release if the defendant signs a plea for time served but if the defendant refuses the plea, the State will object to her office’s motions for ROR or pretrial release. The defendants are then in a position to accept the plea for time served because it is the easy way out when the State is objecting to other forms of release in the same situation. She also stated that her office is having to file motions, most of the time with the State objecting, to get people released from custody on lower level allegations.

Chairman Proctor stated that he believed the Courts had garnered consensus at the onset of COVID recognizing the myriad of complexities with people being compacted in the detention facility and for the safety of in-custody individuals and the LCDF staff. He stated he thought the process under State Attorney Campbell's administration was walking toward a more humane posture and expediting low-level non-violent cases. However, he does not understand the State making a plea offer and when not accepted, objecting to release outside of the terms of the plea agreement. Chairman Proctor inquired of Assistant State Attorney Owen McCaul if he had a response. Mr. McCaul stated that if the defendant/defense does not like the plea offer they have the right to go to trial and just because the defendant/defense does not like the plea it does not mean that it is an unreasonable deal. He stated that each case must be considered on its own merits, the defendant's criminal history, and the totality of the circumstances.

Chairman Proctor inquired if the in-custody individuals are receiving the plea offers from the State and Ms. Yeary stated that it is the client's decision whether to accept the offer. Chairman Proctor stated that if time-served offers were being made that he could not see why someone would not want to accept. Ms. Yeary responded, in some cases this does happen. Rebecca Kelly-Manders explained that if someone was to take a time served plea for a felony then the charge would follow them and could exclude them for employment or potential benefits for years. Commissioner Proctor stated he understood Ms. Kelly-Manders example; however, he does not think 90% of the individuals in the detention facility would refuse a plea agreement which allowed them to be released and go home.

Chairman Proctor inquired as to how offers are being communicated to the client. He stated that administratively there should be a clear plea agreement conveyed to the defendant and documentation of their refusal to accept the plea.

He concluded by stating there needs to be some action between the State Attorney's Office and the Public Defender's Office because people's lives are stagnating. He requested a meeting with the Court Administrator, the State Attorney's Office, and the Sheriff's Office.

III. Apalachee's FIRST Program Second Quarter Report – Amanda Chandler, Director of Residential & Forensic Services

Ms. Chandler presented the second quarter report for the Forensic Intervention Reentry Services Team (FIRST) Program. During the reporting period, a total of 530 individuals were screened by the LCDF classification officers. Of those 76 were referred to the FIRST Detention Liaison established/reestablished services to 45 individuals; 12 individuals became FIRST clients after they were released from the LCDF. Additionally, there were 45 new admissions to the FIRST Program; of those, 15 participants were successfully discharged from the program. Nineteen (19) were rearrested during the quarter. Over the past year, there have been 56 participants successfully discharged from the program and only 4 that have recidivated.

Chairman Proctor inquired of the individual's ability to get to Apalachee Center upon their release from custody. Ms. Chandler advised that clients are given a bus pass and that if they are stable when released they can get to Apalachee Center. Ms. Yeary asked Ms. Edrene Johnson to respond to the question and Ms. Johnson state that there are some individuals that are stable when they leave the LCDF; however, many are not. Ms. Chandler advised that she was only able to speak to the 12 that became FIRST clients and were receiving services at the facility.

Ms. Chandler advised that FIRST services focused on providing housing assistance, applying for social security benefits, and job placement assistance. To date, 77 individuals have participated in the program and of those, 9 did not have stable housing and 2 became employed.

IV. Court Administration Reports – Ina Hawkins, Detention Review Coordinator

Ms. Hawkins, the Detention Review Coordinator provided an update on the activities of the Criminal Case Management Unit (CCMU).

Veterans Treatment Court

There are currently 34 participants in VTC with one person in custody awaiting placement in a residential program through the VA or other provider such as NPI. The next VTC graduation is scheduled for March 21, 2022. VTC continues to use funds to assist with bus passes, dial a ride tokens, financial assistance with DUI classes/treatment and emergency housing. The VTC participant visits to WCI are planned to resume in February and the team is hopeful that court will return to in person soon. Ms. Brown advised the Council that additional funds were attained by The Office of the State Courts Administrator (OSCA) for VTC and welcome more referrals to the program.

Mental Health Court

There are 21 defendants on the misdemeanor mental health docket. Of those, 6 are in custody in the LCDF. Approximately 21 individuals in the LCDF are waiting admission to one of the state forensic hospitals. There are 74 individuals that need competency evaluations: 21 are in the community, 44 in the LCDF, 1 has an outstanding capias, 6 are in programs, and 2 are in custody in other facilities. There are 11 individuals waiting to return to the LCDF from state forensic hospitals. Judge Jones is holding misdemeanor mental health docket in person. Cases that are set for a case management are staffed on a regular bi-weekly basis. Court Administration staff is planning three Crisis Intervention Training (CIT) classes to be scheduled during 2022 with one class specifically for SROs/SRDs.

Felony Drug Court

There are currently 24 participants in FDC. The decrease in admissions continues and is mostly likely attributed to modified court operations. FDC continues to provide services remotely due to COVID. The program continues to graduate participants every two weeks and admit eligible cases.

Detention Review

The current detention facility population is 1,173: 1,026 males and 147 females. There are 86 misdemeanor cases, 1,081 felony cases, and 2 juvenile felony cases. Individuals with misdemeanor cases have an average of 183 days in the LCDF. The current disposition rate is 4.30%. Ms. Hawkins is focusing on the female population, misdemeanor plea offers, stand-alone violations of probation and misdemeanor cases to ensure they are processed as quickly as possible to assist in managing the detention facility's population.

In follow-up to Ms. Hawkins reports, Chairman Proctor commented that based on an average of 183 days for a misdemeanor case when someone is arrested for a minor offense it could cost the tax-payers more than \$12,000. ASA McCaul stated that when he was in County Court, they had a proud tradition of making a plea offer and if the Public Defender did not like it, many times they would elevate it to the Court. Further, if the PD feels the plea offer is too harsh and the defendant truly does wish to enter a plea, they have the option to do so and leave the sentencing to the Court.

Chairman Proctor stated that he could see that being an intimidating process for the defendant and asked if there was a high probability of freedom in this process. ASA McCaul stated that it varies from case to case. Chairman Proctor stated he could see that being an inhibiting factor to skip the Public Defender's Office and keep the plea and sentencing between the prosecution and the court. ASA McCaul stated that if a plea cannot be reached a trial is a reasonable disposition as well.

V. Electronic Monitoring Reports-Ceressa Haney, IDA Coordinator

Ms. Haney shared that the OIDA began the month of December with 226 defendants on electronic monitoring. There were 16 defendants ordered to GPS and 2 to SCRAM; 23 defendants were released from custody and enrolled on GPS and 5 on SCRAM monitors. As of December 31st, there were 184 defendants on active GPS and 39 defendants on SCRAM. During the month of December, a total of 20 cases were disposed; of those, 15 (75%) closed successfully and 5 (25%) closed unsuccessfully.

VI. Election of PSCC Chair & Vice Chair - Commissioner Proctor

Chairman Proctor announced that Council needed to elect a new Chair and Vice Chair for the new calendar year and excused himself to allow the Council members to nominate members for the seats. Ms. Broxton shared that in accordance with the Council's proposed by-laws a Chair and Vice Chair would need to be elected for the 2022 calendar year.

PSCC Chair

Owen McCaul nominated Chairman Proctor as the PSCC Chair. No other individuals were nominated for Chair. The Council voted unanimously for Chairman Proctor to serve as the PSCC Chair.

PSCC Vice Chair

Ms. Broxton nominated Assistant Sheriff Steve Harrelson and Paul Knoll nominated Rebecca Kelly-Manders for the Vice Chair. Ms. Rebecca Kelly-Manders nomination for Vice Chair passed 5-4.

VII. Other Business:

Meeting adjourned at 5:07 PM

Next Meeting: *Tuesday, February 15, 2022*
4:00PM

Commission Chambers, 5th Floor, Leon County Courthouse