

Public Safety Coordinating Council

September 27, 2022, Meeting Minutes

Council Members (or designee) in Attendance:

Bill Proctor	Chairman, County Commission
Chief Judge Jonathan Sjostrom	Judiciary
Owen McCaul	State Attorney's Office
Brylan Jacobs	Florida Department of Corrections
Jessica Yeary	Public Defender
Steve Harrelson	Leon County Sheriff's Office
Rebecca Kelly-Manders	REfire Culinary Program
Anne Meisenzahl	Big Bend AFTER Reentry Coalition
Teresa Broxton	Intervention and Detention Alternatives
Nancy O'Farrell	NAMI – Tallahassee Chapter
Paul Knoll	Capital Regional Medical Center

Also, in attendance:

Kendra Brown	Court Administration
Ina Hawkins	Court Administration
Denisha Williams	We are All We Need, Inc.

The meeting was called to order at 4:05 PM

Issues Discussed

- I. Approval of the May 17, 2022, Meeting Minutes
The Council unanimously approved the May 17, 2022 meeting minutes.

- II. LCDF Population Update – Asst. Sheriff Harrelson, Leon County Sheriff’s Office
Asst. Sheriff Harrelson provided an update on the detention facility’s population. He reported 1,195 individuals in custody: 1,098 with pending cases, the average is 286 days in custody, 100 individuals have been in custody for more than 2 years, 86 individuals with felony cases have bonds less than \$10,000, and 19 individuals with misdemeanor cases have bonds less than \$5,000. Of 1,195 individuals in custody, offense types include:
 - 121 murder
 - 33 sex offenses
 - 65 robbery
 - 81 Theft
 - 12 property crimes
 - 224 drug-related
 - 68 burglary
 - 218 other violent crimes
 - 267 other felony (miscellaneous) charges

Chairman Proctor inquired which types of charges routinely progress through the court process most expeditiously. He recognized based on the LCDF population update that a percentage of the population has been detained for 2 or more years awaiting disposition. Assistant State Attorney Owen McCaul responded that misdemeanor offenses progress more quickly through the court process.

Public Defender Jessica Yeary stated that she recently attended court and observed her office filing six (6) motions for pretrial release based on the defendant’s inability to afford the bond amounts set, and in each case, the State Attorney’s Office objected to the motions. The Court granted each of the motions and the defendants were released from custody directly impacting the detention facility’s population.

Public Defender Yeary shared that her office's responsibility is to manage their clients’ cases to ensure they have a fair shot in court and their rights are protected and respected. Their goal is to resolve cases in a manner that addresses the client's needs through problem-solving courts, diversion, or reentry programs.

Chairman Proctor expressed his understanding of Ms. Yeary’s role as the Public Defender and inquired about practices to balance the defendant’s rights while ensuring they do not have prolonged periods of incarceration, particularly in cases where the State Attorney’s Office is opposed to pretrial release or plea terms. Ms. Yeary advised that in these situations where the prosecution and defendant are unable to agree, the next step is litigation through motion hearings or trials.

Chairman Proctor inquired as to what the PSCC can do to identify systematic changes to reduce the detention facility's population as it consistently remains at its capacity of 1,213 beds and in some instances requires that we house individuals in surrounding facilities such as Wakulla and Jefferson counties. Chairman Proctor asked how many individuals are detained in the detention facility are being held for other jurisdictions (i.e. counties, states, or federal). Asst. Sheriff Harrelson advised all inmates in the detention facility are County arrestees and until their case(s) are disposed of, and they are sentenced to the Department of Corrections (DOC), the Sheriff is responsible for housing them. He further advised that individuals sentenced to DOC are transported weekly.

Ms. Broxton reminded the Council of the BOCC's action at the March 2022 Detention Facility Population Management Workshop, directing staff to work with the Florida Association of Counties to identify potential legislation that would limit the number of days a pretrial defendant charged with a felony offense(s) could be housed in a County facility prior to sentencing. Andy Johnson with County Administration is working with the Florida Association of Counties on the feasibility of such legislation.

Chairman Proctor raised the idea of having a time limitation for detaining pretrial defendants in the absence of the case(s) being disposed of. Assistant State Attorney McCaul suggested more cases should be scheduled for trial, VOP hearings, etc. if the defense and prosecution cannot reach a resolution.

Public Defender Yeary and Assistant State Attorney McCaul shared the perspectives of their respective offices regarding barriers to case resolution through plea agreements, such as the following:

1. Lack of agreement on case dispositions where the State is seeking sentencing at the top range of the sentencing guidelines whereas the Public Defender's Office is seeking less severe pleas focusing on alternatives to incarceration.
2. Public Defender Yeary shared that her office is not receiving the discovery necessary to review with their clients to make an informed decision on how to proceed with their case(s) which could have lifelong consequences.

Chairman Proctor stated that years ago, there was data available that reflected the State Attorney's Office (SAO) prosecuted 94% of all cases filed in the 2nd Judicial Circuit in comparison to the state average of 73%. He requested staff look at the availability of this data and provide the prosecution rates locally in comparison to state averages. Additionally, the Council discussed how offenses (i.e. misdemeanor marijuana) are handled differently from arrest to disposition in other jurisdictions throughout the state and nation.

Rebecca Kelly-Manders asked what percentage of cases going to trial result in not guilty verdicts after the defendant is detained throughout the pretrial phase because they will not get that time back and likely lost their job, home, etc.

Chairman Proctor commented that he also has concerns for individuals sentenced to probation and the ease with which they can be returned to custody due to a violation of probation (VOP) referencing the high number of VOPs in custody. He asked what percentage of individuals are violated while on probation. Circuit Administrator Brylan Jacobs responded that depending on the type of supervision is it near a 60% success rate; however, this decreases with the more intensive types of supervision (i.e drug offender, community control).

Commissioner Proctor inquired if the 2nd Judicial Circuit is the only circuit where there appears to be a lack of communication between the Public Defender and State Attorney's offices. Assist State Attorney McCaul responded that they are not experiencing the same level of communication as they have under prior administrations. Public Defender Yeary responded that her office continuously tries to resolve cases outside of trials and litigation, but their first and foremost obligation is to defend their clients, and she is unapologetic for this position. Ms. Yeary stated that there are fundamental differences between the Public Defender's and State Attorney's Offices, but they do agree on areas such as Felony Drug Court or Veteran's Treatment Court. However, her office is routinely met with objections when trying to resolve cases through diversion, treatment, and reentry programs and must go before the courts to address them through litigation.

Chairman Proctor stated society's pendulum is moving toward empathy and recognizing that criminal behavior may be due to illness such as drug addiction or mental health diagnoses which is why problem-solving courts are being implemented. He commented on the disconnect between state laws and how jurisdictions are addressing offenses such as marijuana possession. ASA McCaul advised that while he did not have the numbers, the State Attorney's Office resolves a great number of cases through diversion.

Ms. Broxton advised IDA, the Sheriff's Office, and Court Administration staff are working to develop a strategic report to provide a comprehensive data-based analysis to better serve the PSCC in identifying trends impacting the detention facility's population. She inquired about any specific data that elements members of the PSCC would like to have included in the report. ASA McCaul stated that the State Attorney's Office has previously requested data on the number and basis for continuances. Ms. Brown advised that MIS is currently working on this request.

Chairman Proctor inquired about what is triggered if the capacity of the detention facility is exceeded. Asst. Sheriff Harrelson explained that if the detention facility's capacity is exceeded the federal government can come in and require immediate changes to address the issue which is what occurred before the current facility was constructed. He further stated that discussion of future capacity should begin when the facility reaches 80% of its maximum capacity which occurred more than ten years ago. Chairman Proctor inquired about continued contracts with surrounding counties to house individuals. Asst. Sheriff Harrelson advised we no longer have anyone housed in Wakulla County but do have three (3) juveniles in the Jefferson County Jail.

Chairman Proctor inquired of the Council's recollection of the pity committee which was comprised of representatives from the State Attorney's Office, Public Defender's Office, and County Administration. As he recalled, this committee met regularly to conduct an individualized review of cases for defendants detained in the detention facility and make a concerted effort to expedite cases. Ms. Yeary responded that her office is not interested in moving people quickly through the system and they are speaking with clients within 24 hours of arrest, advocating for their release, and litigating issues when needed. She further stated when we begin trying to expedite cases and do not carefully review the cases, people's rights are violated, and it is ineffective to suggest a plea solely on the police report and before reviewing full discovery. ASA McCaul advised the State Attorney's Office is also not interested in the rocket docket or pity committee.

III. Criminal Justice Consultant Request for Proposals (RFP) Update – Teresa Broxton, IDA Director

Ms. Broxton updated the Council on the Board's FY 2022/2023 allocation of \$200,000 to issue a RFP resulting from the March 2022 Leon County Detention Facility Population Management Workshop. Ms. Broxton advised the proposed RFP provided in the meeting materials was drafted in collaboration with County Administration and LCSO staff. She provided a summary of the Scope of Services outlined in the RFP. The primary objectives of the selected consultant noted in the RFP will be to provide the following:

- Long-term forecast (30 years) of the detention facility's population including the specialized populations (i.e. mental health, high-risk, females, and juveniles).
- Strategies and/or alternatives to incarceration to reduce the reliance on pre and post-sentence incarceration.
- Evaluate the detention facility's current use of space and develop projections of future space needs and operational requirements.

Chairman Proctor inquired as to who would be participating on the selection committee and the evaluation criteria. Ms. Broxton advised that the selection committee had not been formalized by the County Administrator but would likely include representatives from the County and the Sheriff's Office. Regarding the evaluation criteria, the focus will be on the consultant's overall experience in this area and the firm's innovative recommendations in prior studies.

The Council discussed the Scope of Services contained in the RFP. Asst. Sheriff Harrelson commented that building space is not the top priority but rather providing proper space. Chairman Proctor inquired about the Council's position for him as the representative to the PSCC to inquire about the availability of the building on Calhoun Street as a supplemental building. Ms. Kelly-Manders objected to the idea of building a larger detention facility to warehouse individuals and recommended alternative solutions such as restorative justice. She further commented that building a bigger facility will result in more individuals being incarcerated and we will be in the same situation 10 years from now. She recommended exploring options such as eliminating cash bail and individuals with mental health issues being released on electronic monitoring. The Council further discussed the additional space needed to ensure humane housing for individuals in custody and alternatives to incarceration such as permanent supportive housing instead of incarceration.

Chief Judge Sjoström commented that the Courts are supportive of alternatives and are open to any additional alternatives potentially identified by the consultant study. He referenced the success of the Veterans Treatment Court is due to the wealth of resources made available through the Veterans Administration, in addition to the mentorships with other veterans to assist participants with the successful completion of court-ordered requirements and reentry.

Ms. Broxton shared the issues raised by the Council are addressed in the RFP including how case(s) progress through the courts, how defendants are currently housed, best practices for diversion from incarceration, and effective management of the detention facility's capacity. The Council gave its support for the RFP.

IV. FY 2021 and FY 2022 Funding Update – Teresa Broxton, IDA Director

Ms. Broxton advised the Council that FY 2021/2022 was closing on September 30th and she was required to notify the Office of Budget Management of any requests to carry forward unexpended funds into the FY 2022/2023 budget. Ms. Broxton inquired if the Council had any programs identified to support a carry forward request for the FY 21/22 funding allocation and in the absence of a request the funds would be returned to the general revenue account. Additionally, regarding the FY 2020/2021 \$100,000 funding allocated to the partnership with the City of Tallahassee for the Landlord Risk Mitigation Program, if approved she would request the funds be carried forward into FY 2022/2023. The Council voted unanimously to request a carry forward of the \$100,000 to continue supporting the Landlord Risk Mitigation Program. Judge Allman refrained from the vote.

The following material as noted in the agenda was distributed to the Council but was not discussed due to time limitations.

- V. Court Administration Reports – Ina Hawkins,
- VI. Electronic Monitoring Reports – Teresa Broxton, IDA Director
- VII. Other Business

Meeting adjourned at 5:02 PM

Next Meeting: *Tuesday, October 18, 2022*

4:00 PM

Commission Chambers, 5th Floor, Leon County Courthouse