



City of Jacksonville – The Jacksonville Journey

Law Enforcement & Deterrence Sub-Committee

MINUTES

OF

LAW ENFORCEMENT & DETERRENCE

SUB-COMMITTEE

March 27, 2008

The Jacksonville Journey – Law Enforcement & Deterrence

Sub-Committee

March 27, 2008

9:30 a.m.

PROCEEDINGS before the Jacksonville Journey - Law Enforcement & Deterrence Sub-Committee taken on Thursday, March 27, 2008, Edward Ball Building, 8th Floor - 214 N. Hogan Street, Room 851, Jacksonville, Duval County, Florida commencing at approximately 9:30 a.m.

Law Enforcement & Deterrence Sub-Committee

Paul Perez, Chair
Ed Hearle, Member
Joe Henry, Member
Bishop Howard, Member
John Jolly, Member
Henry Luke, Member
Frank Mackesy, Member
Isaiah Rumlin, Member
Lanny Russell, Member
Joe Stelma, Member
Melissa Nelson, Member
Michael Weinstein, Member

APPEARANCES

COMMITTEE CHAIRS & MEMBERS:

PAUL PEREZ, Chair
BISHOP HOWARD, Member
ED HEARLE, Member
JOE HENRY, Member
FRANK MACKESY, Member
MELISSA NELSON, Member
LANNY RUSSELL, Member
MICHAEL WEINSTEIN, Member

EXCUSED ABSENT:

ISIAH RUMLIN, Member
JOE STELMA, Member
JOHN JOLLY, Member

PROFESSIONAL STAFF:

Howard Maltz, Office of General Counsel
Jon Phillips, Office of General Counsel

STAFF:

ADAM HOLLINGSWORTH
MISTY SKIPPER
PAM MARKHAM
KANDI BEGUE
RACHELLE SUNDY
ALICE CHECORSKI

OTHERS PRESENT:

John Keane, Police & Fire Pension Fund
Richard Cohee, Police & Fire Pension Fund
Steve Patterson, Florida Times-Union
Mike Sharkey, Daily Record

PROCEEDINGS

March 27, 2008

Law Enforcement & Deterrence

9:30 a.m.

Call to Order and Comments. Chairman Perez called the meeting to order at approximately 9:35 a.m.

Purpose of Meeting. Discuss the Mayor's crime initiative - The Jacksonville Journey - Take a Step - Law Enforcement & Deterrence Sub-Committee. Chairman Perez stated during today's meeting each of the workgroups will present their recommendations for discussion and then a vote by the entire subcommittee. Each workgroup chair will be allowed 20 minutes for their presentation. At the end of the presentations, we will have a public speaker, John Keane, Police Fire and Pension Fund.

2. Discussion Items

Chairman Perez welcomed everyone to the meeting and introduced Adam Hollingsworth, who provided a reminder of the Sunshine Law and other housekeeping items such as the need to identify oneself prior to speaking and especially during the voting process.

The timeline for the subcommittee recommendations is as follows:

April 10, 2008 - 1-5 p.m. Preliminary review of Law Enforcement & Deterrence recommendations by Steering Committee

Chairman Perez encouraged the workgroup chairs and other subcommittee members to attend this meeting if at all possible.

April 14, 2008 - 8:30 a.m.-1 p.m. Funding Committee workgroups

April 24, 2008 - Final Steering Committee review and recommendations

April 24, 2008 - 9:30 a.m. Law Enforcement & Deterrence

Subcommittee meeting will be scheduled

Chairman Perez asked the subcommittee to review the minutes from the March 13, 2008 meeting for approval at the end of today's meeting.

School Safety Recommendation presented by Joe Henry, Chair

The Duval County School Board and the Jacksonville Sheriff's Office should create a specific Special Events Safety Plan for each school within Duval County. The responsibility for the creation of this plan is the joint responsibility of the assigned school resource officer and the principal of each school.

Mr. Henry said that the workgroup suggests the list of documents reviewed by the committee should be grouped under the heading "School Safety Plans". This recommendation may have a cost that is front-loaded. We know at the beginning of the school year what events are scheduled. We recommend that school representatives and JSO find a way to fund the officers for these special events at the beginning of the school year at the rate of time and a half.

Undersheriff Mackesy said he thinks this is something JSO will do. He asked if Mr. Henry foresees any problem with JSO getting with the school board and identifying certain events that will occur throughout the athletic season to make sure this plan is fully implemented. The Undersheriff stated this is a good plan.

Chairman Perez pointed out that the recommendations acknowledge that there are different types of events that have different safety needs. Lanny Russell said it isn't clear to him about the

school safety funding. Does the school board pay? Undersheriff Mackesy said yes.

Chairman Perez closed the discussion and asked for a vote on the recommendation.

Approved unanimously

Getting Guns off the Street Recommendations reported by Bishop Howard, Chair

- 1. Substantially increase routine use of post-incarceration supervision (i.e., Probation and Community Control, for convicted felons)**
- 2. Focus on the effective prosecution and sentencing of those frequently arrested individuals who pose an obvious threat to .**
- 3. Develop and establish educational programs for both young people and adults about guns, civic responsibility and the Gun Bounty Program.**
- 4. Advocate for increased resources for the State Attorney's Office, the FDLE Crime Lab, and probation and parole officers to be used in enhancing the prevention, detection and prosecution of gun crimes and other crimes of violence. Increase resources utilized for inter-agency cooperation with ongoing gun enforcement efforts by local law enforcement with the U.S. Attorney's Office and the Bureau of Alcohol, Tobacco and Firearms.**
- 5. Increase the penalties for certain gun crimes:**
 - (A) Advocate for the amendment of Chapter 790 to explicitly provide that knowingly giving, loaning, delivering, selling or otherwise furnishing a gun to a convicted felon carries the same punishment as possession of a firearm by a convicted felon.**
 - (B) Increase the penalty for possession of a firearm by a convicted felon to a first-**

degree felony, punishable by up to 30 years in prison.

(C) Consider making the possession of an assault weapon during the commission of a felony punishable by up to life in prison.

- 6. Encourage the City Council and JSO to continue to consider the purchase of a Shotspotter System in conjunction with surveillance cameras and other technologies.**
- 7. Advocate for amendment of Chapter 790 of the Florida Statutes to permit the passage of reasonable local regulations to fit local needs.**
- 8. Explore policy changes regarding police operations affecting detection of guns.**

Joe Henry said we should make each of these recommendations "to" somebody. In other words, hold someone accountable to do it. He has a problem with the terminology of the recommendations. When he was over the Drug Free Zone, it could get into a quagmire over who should do what.

Bishop Henry said he thought it would be obvious as to who the responsible parties are to carry out the job.

Undersheriff Mackesy asked if the issues that people recommend will be lobbied through the Mayor's Office. Adam Hollingsworth replied that all will be rolled up to the Mayor and be parceled out (i.e. lobbyists).

Lanny Russell asked how recommendation #1 can be done without funding. Bishop Howard said this was an object of much discussion in the workgroup. We simply did not have time to get all the cost figures together. With increased supervision, there would be fewer inmates in the county jail. He stated we finally decided it was best to say it will be offset.

The Undersheriff stated that although JSO doesn't do probation supervision, it would have a positive effect on the JSO budget and a negative effect on the State budget. Adam Hollingsworth asked if the State has an obligation to provide funding.

Undersheriff Mackesy said they far out the lower levels of supervision to private contractors such as the Salvation Army.

Jon Phillips said the amount of funds devoted in this region is far less. Increased supervision would bring community control up to other levels. Undersheriff Mackesy said Duval does send more people to state prison. There is room for improvement in the probationary community control area. If we reduce the number of people in the county jail, we would save \$60/day.

Ed Hearle said the goal is to move the numbers from the county jail column into the state prison column.

Bishop Howard reminded the subcommittee that the real focus is getting guns off the street and by increased supervision under any offense, we have a lot more leverage.

At this time, Chairman Perez closed the discussion and asked for a vote on the recommendations.

8 votes approved: (Paul Perez, Ed Hearle, Bishop Howard, Frank Mackesy, Lanny Russell, Melissa Nelson, Michael Weinstein)

1 vote - abstained (Joe Henry)

Notes:

Recommendations #1 and #2 are the workgroup's highest priority.

Police Presence recommendations presented by Lanny Russell, Chair

Mr. Russell provided a notebook with the workgroup's recommendations and stated that there is valuable information in the appendix to be used to fund the work of this committee.

Mr. Russell stated that the following paragraph from the introduction on page one needs to be said out loud and often:

"At the conclusion of the process, the workgroup concludes, as did the authors of the Matrix audit report, that the Jacksonville Sheriff's Office is a quality law enforcement agency that provides a high level of service to the community and that the leadership and the staff of the JSO should be commended for their consistently outstanding work."

Mr. Russell stated that the implementation of additional officers will happen over a period of time. The workgroup suggests a five-year implementation period. It needs to be examined on an annual basis.

- 1. Add sworn officer and civilian positions to the Jacksonville Sheriff's Office based on the identified needs of the community and the available financial resources.**

Undersheriff Mackesy stated the Steering committee needs to know this refers to **patrol** officers and civilian positions.

- 2. Implement five year hiring plan for sworn officers and conduct yearly analysis of staffing levels and need to determine if substantive changes are occurring in the**

criminal justice system and if the implementation schedule should be changed.

3. Funding required to add personnel at JSO should not be taken from other areas of government.
4. Jacksonville should conduct an examination of best practices related to pension and benefits costs and consider any changes that may be implemented for future employees.
5. JSO, the Mayor's Office, and the City Council should move as quickly as possible to add additional corrections officers and emergency communications officers, therefore reducing overtime costs.
6. Jacksonville should revise its ordinance relating to officers responding to false security alarm calls.

Ed Hearle said that changes to the security alarm response would require legislation to achieve it.
7. Jacksonville should lobby at the state level to have the SAO's budget increased by \$947,539 annually to begin funding JSO investigator positions assigned to the State Attorney's Office.
8. Jacksonville should engage in lobbying efforts at the state level to encourage changes to the E-911 statutes that will allow JSO to utilize dedicated funds to better support the county's 911 equipment needs and operations.

It was noted that there should be some changes made in the statute so that the funds are better used locally.

9. Council Auditor/Inspector General should examine administrative service functions within the JSO determine if opportunities for consolidation of services exist.
10. Jacksonville should implement a fuel surcharge for instances when an officer utilizes his police vehicle during secondary employment.
11. Jacksonville should increase its schedule for JSO related fees such as background checks, finger prints, etc.
12. Jacksonville and the JSO should implement additional or increased fees for inmates and services provided by JSO and should investigate the use a collection service to ensure a higher rate of collection.

The Undersheriff said that as an agency, we are committed to do some of these things regardless if they make it through the *Jacksonville Journey*. Recommendations #6, 9, 11 and 12 - we think are a good idea to do.

Mike Weinstein said the committee responded to some of the things the Matrix Report addressed. This report recommends 101 officers but the number is higher than that.

Undersheriff Mackesy said the only place where this is disagreement outside of this report is that Matrix determined we were 48 detectives short and 14 in professional services. Chairman Perez said it is the Mayor's charge to this committee to focus on the high murder rate as well as coming

up with recommendations for some sort of immediacy to counter the murder rate, we can add that we think this addresses the immediate need.

Chairman Perez closed the discussion and asked for the vote on these recommendations.

Approved unanimously with the following amendments:

The subcommittee agreed to remove recommendation #3.

The subcommittee agreed to combine recommendations #1, 2 and 5 under the heading "Increase Police Presence" and label it Recommendation #1.

The subcommittee agreed to combine recommendations #4, 9, 10, 11 and 12 under the heading "Revenue Generating and Cost Savings" and label it Recommendation #2.

The subcommittee agreed to combine recommendations #6, 7 and 8 under the heading "Legislative Change Recommendations" and label it Recommendation #3.

Administration of Justice recommendations presented by

Undersheriff Frank Mackesy on behalf of John Jolly, Chair

The Undersheriff stated the area where we can have an immediate impact on the budget is in the jail population.

I. Decrease case loads and jail population and increase efficiency of the criminal justice system

A. Review the effectiveness of horizontal vs. vertical prosecution

Melissa Nelson expressed concerns with this recommendation.

There has been little or no research having go do with the increasing number of arrests and the county jail population. Ms. Nelson was informed that Assistant State Attorney Jay Plotkin did participate in the discussion of this process. There is statistical data (tabs 6, 8 and 9) supporting these recommendations.

Ms. Nelson asked if arrests have gone up, to which the Undersheriff replied no, they have remained stagnant over the past five years. Ms. Nelson stated there should be a note that case management rests with the judge.

B. Expeditious disposition of pending felony cases

1. Preparation to dispose of cases early in the process by the SAO
2. SAO and Judiciary working to get cases to trail earlier
3. Cases on the court calendars frequently before trial
4. Use of retired and county court judges to assist with trials
5. Monitoring of case counts by Chief Judge
6. Frequent review of pretrial detainees charged with misdemeanors and non-violent felonies to determine if other means of pretrial supervision is appropriate.

C. File a greater number of felony cases against the worst offenders

The subcommittee voted to strike this recommendation.

D. Increase use of alternative sentences

**1. Increase use of probation and community control
for certain non-violent offenders**

**2. Monitor non-violent offenders sentenced to
county jail to determine if home detention is
warranted.**

The Undersheriff stated that the offenders pay for home detention and the privilege of not being in jail.

**3. Increase use of state prison rather than county
jail sentences**

**E. Transparency and accountability for criminal justice
system participants**

**1. Create Web site to post local criminal justice
data**

Undersheriff Mackesy said we are pretty transparent on the local level, but it doesn't exist on the State level.

**2. Annual reports/presentations by State Attorney
and Sheriff**

**II. Increased coordinated effort between SAO and JSO through
expansion of OSS initiative**

**A. Aggressive prosecution of OSS targeted offenders for
all provable felonies**

The Undersheriff noted that the OSS initiative is successful in targeting those individuals who have a propensity for committing a greater number of crimes and maximizing the

efficiency in getting them off the streets.

III. Alternative funding for non-core functions of SAO and JSO

Chairman Perez noted there is a Funding Subcommittee we can send this recommendation to.

Vote Summary (Administration of Justice workgroup recommendations)

#1 A. Review the Effectiveness of Horizontal vs. Vertical Prosecution

1 Opposed (Melissa Nelson)

7 Approved (Paul Perez, Ed Hearle, Joe Henry, Bishop Howard,
Frank Mackesy, Lanny Russell, Michael Weinstein)

Unanimous vote to remove Recommendation #1 C.- File a greater
number of felony cases against the worst offenders

All other recommendations of this workgroup were approved
unanimously.

Law Enforcement Subcommittee Recommendation, Presented by

Paul Perez, Chair

It is the recommendation of this committee that the local judiciary move to adopt the bond schedule related to release from jail prior to first appearances that is outlined in the draft administrative order.

The subcommittee voted to approve this recommendation unanimously with the following amendment:

It is the recommendation of this committee that the local judiciary *reconsider* a move to adopt the bond schedule related to release from jail prior to first appearances that is outlined in the draft administrative order.

At this time, Chairman Perez introduced John Keane, Executive Director and Administrator of the Police Fire and Pension Fund. Also present from the Police Fire and Pension Fund was Dick Cohee, Deputy Director. The purpose of Mr. Keane's presentation was in response to Professor Michael Hallett's report to the *Jacksonville Journey* on March 4, 2008. During that presentation, Dr. Hallett stated "pension costs and benefits went up 516%." Mr. Keane assured the subcommittee that the costs have not gone up 516%. Mr. Keane provided data from fiscal year 2003 explaining the City was on a "contribution holiday" for civilians and corrections officers. In other words, they did not contribute to the pension fund that year but used the funds for reducing the millage rate. Additionally, 20%

of the officers were on a drop-plan. In 2003, 30% of the contributions were received from court fines. That revenue source has been diverted to other entities. On October 1st, a lump sum check was issued, which distorted the numbers. Due to mitigating factors, the numbers don't always mean what they say. Mr. Keane presented a handout to the subcommittee which explained in detail that the REAL pension contribution requirements between 2003-2008 were on average about 25%. Mike Weinstein agreed that there are many variables that go into the pension funds. Chairman Perez thanked Mr. Keane for addressing the subcommittee.

At this time, Chairman Perez asked the members of the subcommittee to review and agree on the priority of their recommendations to be made to the Steering Committee. The following summary is the result of that discussion:

PRIORITIZATION OF SUBCOMMITTEE RECOMMENDATIONS:

- 1. Add sworn patrol officers and civilian positions to the Jacksonville Sheriff's Office based on the identified needs of the community and the available financial resources. Implement a five-year hiring plan for sworn officers and conduct yearly analysis of staffing levels and need to determine if substantive changes are occurring in the criminal justice system and if the implementation schedule should be changed. JSO, the Mayor's Office and the City Council should move as quickly as possible to add additional corrections officers and emergency communications officers,**

therefore reducing overtime costs. (Police Presence Workgroup #1, 2 and 5)

2. Substantially increase routine use of post-incarceration supervision, i.e., probation and community control, for convicted felons. (Getting Guns Off the Street Workgroup #1)
3. Focus on the effective prosecution and sentencing of those frequently arrested individuals who pose an obvious threat to the community. (Getting Guns Off the Street Workgroup #2)
4. Expeditious disposition of pending felony cases
5. It is the recommendation of this subcommittee that the local judiciary reconsider a move to adopt the bond schedule related to release from jail prior to first appearances that is outlined in the draft administrative order. (Law Enforcement & Deterrence Subcommittee)
6. JSO and the Duval County Public Schools should create specific Special Events Safety Plans for each school in the county. (School Safety Workgroup)
7. All other Police Presence recommendations
8. All other Getting Guns Off the Streets recommendations
9. All other Administration of Justice recommendations

Ed Hearle asked if the cost data will go forward. Misty Skipper advised the group that there is a very prescribed document used to discuss the budgetary impact for the first year and out years and what agencies will be affected. It will be compiled and presented to the Steering Committee for the meeting on April 10, 2008 from 1-5 p.m.

Adam Hollingsworth added that staff is going to provide cost data to the steering committee consistent with the workgroup's costing. The Funding Committee's obligation is to get their arms around the recommendations and think about how to fund them. That is where that analysis would occur.

The minutes from the March 13, 2008 meeting were approved.

Adjournment Meeting adjourned at 12:00 p.m.