



City of Jacksonville – The Jacksonville Journey

Law Enforcement & Deterrence Sub-Committee

MINUTES

OF

LAW ENFORCEMENT & DETERRENCE

SUB-COMMITTEE

February 28, 2008

The Jacksonville Journey – Law Enforcement & Deterrence

Sub-Committee

February 28, 2008

9:30 a.m.

PROCEEDINGS before the Jacksonville Journey - Law Enforcement & Deterrence Sub-Committee taken on Thursday, February 28, 2008, Edward Ball Building, 8th Floor - 214 N. Hogan Street, 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
ED HEARLE, Member
JOE HENRY, Member
BISHOP HOWARD, Member
FRANK MACKESY, Member
MELISSA NELSON, Member
ISAIAH RUMLIN, Member
JOE STELMA, Member

EXCUSED ABSENT:

JOHN JOLLY, Member
LANNY RUSSELL, Member
MICHAEL WEINSTEIN, Member

PROFESSIONAL STAFF:

Howard Maltz, Office of General Counsel

STAFF:

ADAM HOLLINGSWORTH
MISTY SKIPPER
PAM MARKHAM
ALICE CHECORSKI

OTHERS PRESENT:

Chief Judge Donald Moran
Steve Crosby, DVI
Terry Lorince, DVI
Pamela Elms, DVI
Amy Harrell, DVI

PROCEEDINGS

February 28, 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.

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 since the meeting was being streamed live.

Mr. Hollingsworth advised everyone of the upcoming Mayor's Illegal Guns Conference on Monday, March 3, 2008, hosted by New York City Mayor Michael Bloomberg. The Conference will begin with a 10:00 a.m. Press Conference at the Main Library followed by panel discussions starting at 11:00 a.m. ending at 3:00 p.m. Mr. Hollingsworth asked the group to let Misty Skipper know if they were interested in attending any of the panels. Mayors from twenty-five large cities along with police chiefs and state legislators will be attending. Mr. Hollingsworth said this is a function that the sub-committee is working on.

Mr. Hollingsworth discussed the *Jacksonville Journey* timeline, a copy of which was provided to the committee. The Mayor has set a goal to get reports from the various committees to allow for reviews by the Funding Committee and the Steering Committee. The Law Enforcement & Deterrence Sub-committee proposal is due on March 27, 2008. Our goal is to have our four workgroups' reports done in a draft form at that time.

Chairman Perez stated Mr. Hollingsworth is right that we should have the final recommendations to vote on by March 27, 2008 for the Steering Committee. His hope is to have the workgroup reports to this sub-committee by March 13, 2008.

Mr. Hollingsworth said that other committees are making recommendations but they have not been crystallized into written reports. He asked the group to make sure they are working toward the date of March 13, 2008 for their recommendations and referred to the timeline for this sub-committee:

April 10, 2008 - Preliminary review by Steering Committee

April 14, 2008 - Funding Committee review

April 24, 2008 - Final review

Chairman Perez asked the sub-committee to review the minutes from the February 14, 2008 meeting for approval at the end of today's meeting.

At this time, Mr. Perez introduced Steve Crosby, Chair of Downtown Vision, Inc., who was invited to address the committee.

Mr. Crosby stated he is interested in improving downtown, just as the committee is. His day job is with CSX. Terry Lorince and her staff from DVI are here to answer any questions. DVI was established 7 years ago and is funded by an additional property tax in the district. Mr. Crosby asked why are we talking about downtown when your committee is dealing with violent crimes. We think unsafe neighborhoods start out as safe neighborhoods, and that there are some concerns about nuisance activities, vandalism and neglect that lead to violent crime. Mr. Crosby referred to the JEDC's 2007 Downtown Action Plan. He stated economic vitality is critical to maintain a safe neighborhood. Pro-active prevention is what we are talking about. The core of downtown is 2½ square miles located in Zone One, or 70 blocks north of the river and 20-25 blocks south of the river. Vagrant activities such as

panhandling, loitering, public urination and recently auto break-ins are occurring. JEDC's report recognized downtown as an unfriendly pedestrian environment primarily due to:

1. Role of nuisance activity and what pro-active policing might do. Nuisance activity makes people feel unsafe and affects how they feel working downtown or attending an event. We are trying to understand the relationship between the homeless population, the "real" homeless population that utilizes services and others. Panhandling boaters has become a new development. There is an increasing number of car break-ins and robberies, all of which deter people from coming downtown.

DVI is doing things differently. They have worked to align their mission and goals with the JEDC Action Plan for downtown in an effort to improve workability and to make downtown a destination, a neighborhood and a clean and safe environment. He asked the committee to consider the strong suggestion that all branches of the city pull together around JEDC's plan. Mr. Crosby talked about an accountability model to identify common goals and define what success would look like.

2. Deployment of the limited resources we have. Mr. Crosby stated they have added more downtown ambassadors on the street. They are also working more closely with the downtown merchants. He said the City's agencies should be aligned to the physical issues such as lighting, sanitation, trash, bus stops and gazebos. DVI would like JSO to consider doing things a little bit different. The Matrix Report talks about Patrol Zone 1. We would like the 2-4 officers deployed downtown to look like 8 officers. We would like

to have the officer assigned to downtown to have the same goals, be held accountable and be measurable. We would like to see a benchmark and develop a scorecard by drilling down to the foot patrol level and utilize a JSO force multiplier. DVI would like the officers to be dispersed more readily and be able to make an arrest. Nights and weekends are not covered sufficiently.

3. Partnerships: DVI wants to use the right people for the right things. Joe Henry suggested for consideration that years ago someone said we should not put our blood bank or homeless shelter in the heart of downtown. Mr. Crosby state it takes all of the forces to look at things holistically.

Ed Hearle said if it took a coordinated effort, how would DVI feel about paying an additional tax. Mr. Crosby said he didn't know if the property owners would agree to an additional tax. Undersheriff Mackesy said there is a group of individuals who are opposed to DVI funding and they are meeting with the Sheriff tonight.

Joe Stelma stated the Chief Judge just started a mental health court. A lot of the people Mr. Crosby is referring to have mental health issues. We are working with JSO to get those people some help. He said his family comes downtown to a church service on Sunday and sees the ambassadors in church parking lots. Mr. Crosby might want the community to know what the ambassadors' function is. Mr. Crosby responded that the ambassadors consume half of their budget derived from property owners' taxes.

Mr. Stelma asked if they have a radio and Mr. Crosby replied they have communications with each other and the Sheriff's office.

Chairman Perez thanked Mr. Crosby for his presentation.

At this time, Chairman Perez called for the workgroups' reports.

Howard Maltz represented the Administration of Justice Workgroup and stated that Mike Weinstein and John Jolly are absent today.

The workgroup met a week ago last Tuesday at which time the Assistant State Attorney, Jay Plotkin, gave a PowerPoint presentation on diversion programs. Mr. Weinstein had asked Mr. Plotkin whether or not there is potential for other agencies to pick up diversionary programs to free up funds from the State Attorney's Office. Mr. Plotkin responded negatively and that since the State Attorney's Office has taken over diversionary programs they have been more successful. Mr. Weinstein also asked if there are potential other funding sources for those diversionary programs to free up more funding for both JSO and the State Attorney's Office. Mr. Plotkin will look at the budgets and get back to the workgroup.

Mr. Maltz said the workgroup will report their recommendations with regard to the case counts in felony courts, the jail population, cooperation of JSO and the State Attorney's Office on "Operation Safe Streets" and the funding of diversionary programs.

They will try to prepare something ahead of time to meet the deadline. Mr. Perez again reminded the workgroups to be sensitive to the abbreviated time schedule.

Adam Hollingsworth reported for Lanny Russell, who is out of the county today on the Police Presence workgroup. They have not had a meeting since our last full sub-committee meeting. Mr. Russell asked if members of the committee have data requests to forward

them to him. Pam Markham is working with the JSO staff to drill down to 80% of the JSO budget, to provide the number of corrections positions added and deleted in the last five years, the corrections cost of an inmate per day and for weekend jail. The workgroup's next meeting is scheduled for next week.

Joe Henry, Chair, School Safety workgroup reported that primarily they had to shift their focus because of timelines. They have received some school safety plans from the Duval County School Board and the School Resource Officers (SROs). It was encouraging to discover that there are existing plans for many of the things they have been looking at. The workgroup is encouraging expanding the plans and the development of a template for use in special event planning, using existing resources.

Bishop Howard, Chair, Getting Guns Off the Street workgroup said he worked with Joe Henry on the "Getting Guns Off the Streets Task Force". The workgroup was advised by Jon Phillips' staff and we have identified four essential areas of focus:

1. Better education.
2. The possibility of some technical approach for getting guns off the streets such as "ShotStoppers" that warns police of gun use.
3. More concentrated action between our local police department and federal authorities, particularly the AFT, focusing on short term campaigns to heighten awareness in the community for deterrent and prevention results. ATF has expressed interest in cooperation with our local authorities.
4. We are waiting for information from the prosecutor regarding handling of gun cases in the courts and are looking at post

supervision in gun cases. There has been some difficulty in getting the files we have requested. We hope by March 6, 2008 to have better results.

At this time, Undersheriff Mackesy reported the cost of incarceration is \$60.13 per day in response to Joe Henry's inquiry earlier in the meeting.

Undersheriff Mackesy asked that the minutes from the February 14, 2008 be amended as follows:

Page 12: The last sentence of the second paragraph reads "We have not added one new police officer." The Undersheriff said he thinks the Sheriff qualified that statement with a time frame. After an explanation that in the last five years under the Glover and Delaney administration, there was a COPS Grant applied for and awarded in April or May 2003 for 30 officers. Those officers hit the budget after the current Sheriff and Mayor took office. There was also a Parks Officer hired. The qualifying statement should read "We have not added one new police officer in the last four years."

Page 14-15: "The Sheriff stated JSO has a goal of 20% for call diversions."

Page 8: Joe Henry referred to the first paragraph, a typo which reads "think" should read "**thing**".

Chairman Perez said we will take up the approval of the minutes at the end of the meeting.

Chairman Perez welcomed Chief Judge Donald Moran and said the Law

Enforcement and Deterrence Sub-committee members are most interested in having our community leaders involved with the criminal justice system address us. Previously, we have heard from Sheriff John Rutherford and State Attorney Harry Shorstein and we would like to hear it from Chief Judge Moran's perspective.

As we grapple with a tremendous amount of issues, it is helpful to hear from the experts.

Chief Judge Moran said he thinks that from reading the paper it is a little disappointing that the executive branch of our JSO and the State Attorney's Office are not working as cohesive as they should be. The good thing is they have the same goal and the same desires. There is a distinct lack of trust between the two agencies. He does think it has anything to do with the murder rate. He have never seen a city study things so much in my whole life. We have been studying the courthouse for twenty years. HE think this is important but ultimately what comes out of the studies is we need pre-natal care.

In a meeting with JSO, a number of pastors were begging for more police officers to come to their neighborhoods. The felony division case counts are higher than they ever have been. Judges do things differently in providing due process. There could be a lot of reasons. He thinks legislators created felonies that shouldn't be. One of them is driver's licenses. It is creating a log jam. In my opinion, also causing a lot of problems is the failure to register as a sexual predator. They are getting arrested and the guidelines require a minimum of seven years in prison. We also have a tremendous number of drug cases. Being

caught with a piece of crack cocaine is a felony. Whether you give him time or not you still have an addict when it is over.

It is very unfair to the Sheriff or the State Attorney to pull a case out of the system (i.e. bicycle without a light). It takes a long time to process and it is impacting our officers. Everyone arrested in this community is entitled to be before a judge within 24 hours. He changed the bond schedule because they post and it turns out they had three or four priors such as DUI or prostitution.

Safety to the community and other issues are a factor. We should address the non-violent misdemeanors that are in the jail. JSO brings 130-140 people to the jail every day on misdemeanors. They are required to hold them for 24 hours. We could do a lesser bond schedule.

He does not think putting more police officers on the street is a solution. Respectfully to the committee, after hearing those pastors speak, if you could reduce the murder rate in certain districts by 10%, you could reduce the murder rate in the City by 20%. People are simply scared. They are turning off the lights and sitting on the floor to watch television so they don't get shot. Do we need a bigger jail or a bigger courthouse?

There is a lot of mistrust of the justice system by the minority population. They close the streets in San Marco for Art Festivals. We could do that and limit traffic in areas. You can take those zones and divide them, make them smaller, put people in charge, block off some roads where children can play in the street and people can walk.

When I was campaigning to be a County Judge, I went to Gateway Shopping Mall and handed out cards. People shied away, but when he went with a truck and filled helium balloons to tie on the wrists of children, they came around. You have to create trust in neighborhoods, make them smaller, take officers who are sensitive to minority issues, put particular police in the street, community service officers, officers riding in fire cars, the guy with stars on his shoulders should go to the community churches. Make the people feel safe on their streets.

He is disappointed when he reads the Sheriff doesn't need more people. There is some immediate relief needed. I see jurors vote differently than the evidence due to a lack of trust.

At this time Chairman Perez started off the questioning to Chief Judge Moran. Mr. Perez said he agrees wholeheartedly with the Judge that trust is a big factor contributing to the problems in the community. He thinks parts of the things we are doing by drilling down do contribute not just to the murder problem but to the violent crime in general and it is a matter of lack of trust. He referred to State Attorney Shorstein's "Tale of Two Cities".

We want to look at the issue of overcrowding of our jails because the Sheriff mentioned how much of his budget goes into the corrections action. We thought if we found a way to reduce the overcrowding on his budget we could help with alternate funding.

Mr. Perez said mentioned that in his experience as a former Federal prosecutor the prosecutor decided on the sentencing, handled the case and went before the judge. It is what he called vertical prosecution and provided for the prosecutor to have

accountability. Relationships were built. There is an inherent benefit in doing that. With Operation Safe Streets, this is now happening because the State Attorney's Office has dedicated two prosecutors and is working with JSO in terms of case disposition and so forth. Mr. Perez said he would like to hear from the bench's perspective if that vertical model would help alleviate some of the cases in the court's circuit.

Judge Moran replied we did have that. Each attorney did his own filing and was responsible for the case. We now have filing divisions. He does not know if it is better, but I prefer it the other way. He thinks a more direct thing is better. It is important that you have a review process. He thinks we have vertical prosecution. Misdemeanors are different stories because we have hundreds coming in. Setting bond is very subjective. There are recommendations in J1 to set the bond. In the past, they have brought me the names of 50-60 people they wanted to put on work release or home detention. We would have the State Attorney's Office look at it. They would nix one or two. We haven't done that for awhile.

Mr. Perez asked if the list would come from JSO. Undersheriff Mackesy said there was a policy change in the State Attorney's Office and he asked if Melissa Nelson know about it. She did not. Undersheriff Mackesy reported we are at about 375 inmates over the census cap. We have between 350-400 unsentenced misdemeanors in our census cap.

Judge Moran said that misdemeanors cause a tremendous problem in the community when they are bothering people over and over.

First-time offenders are in and out of jail. The Undersheriff estimated that 75 out of the 400 should be on the street.

The Judge stated that a Notice to Appear is used for any kind of crime. However, for special events such as the Florida-Georgia game, we have rules on underage or public drinking. For these offenses, we issued citations so they could just pay a fine and not go to jail. The Undersheriff asked if the judges establish the criteria for the Notice to Appear. The Judge replied yes, but it is discretionary with the officer.

The Chief Judge said that in the old days we were letting everybody out of jail, including second and third degree felonies. Bondsmen serve a purpose. J-1 court is first appearance and within a week or so they appear in J-2 for re-evaluation. We appoint lawyers for them. We are doing everything we can to improve the jail count.

Joe Henry said he has to say that the Judge is absolutely right about the first appearance court and I had occasion to say take them back where you got them from. People were arrested when they shouldn't have been. The emphasis should be put on the street sergeants who sign the dockets.

The Chief Judge said you need to allow the assistant chief to have some discretion on who he picks to come in (make arrests). Some could be more understanding. There are concerns though with lawsuits and the decisions are difficult for the officers. It is different than it used to be.

People have guns for a reason. An officer should know people who have lived in an area for 20 years and who should and shouldn't

have a gun. The fact of discretion is where you lose the trust in the community.

We are running down these rabbit trails. Let's address where the problem is. It is a small area of our community. The people are asking for help and they are not getting it.

Undersheriff Mackesy stated in a meeting the other day, he made the statement that what we are doing is not a waste of time. JSO has been poked and prodded and at the end of the day, we need more resources because we haven't kept up with the times. There comes a point of diminishing returns and we have passed that point a long time ago. We know those additional resources work when we go into those areas. We saw a 38% reduction in violent crimes. We made 30,000 contacts with people in a non-confrontational setting.

The mistrust is growing exponentially and it now in the Hispanic community. All we do is react. We need to be in the position to prevent.

Chief Judge Moran said we should pick people who are working in these areas and go to the churches and say "call me" and block off some of those streets.

Bishop Howard stated it is an honor to have you before us today, Chief Judge Moran. He feels it is one of the best parts of being part of this committee. We may be chasing down a rabbit path, but he is increasingly confident we may catch a rabbit or two. Regarding our chairman's comments about vertical prosecution, I was part of that system myself. He would like to explore how probation, split-sentencing and community supervision works, particularly with sexual predators. He proposes mandatory

probation and community supervision particularly in gun cases as a means of prevention to catch the bad guys.

The Chief Judge said that sexual predators receive a civil trial through the State Attorney's Office. He thinks it is a wonderful program. Rapists will quit when they get older, but pedophiles keep committing. With split-sentences, they can be identified as sexual predators. Regarding guns, he doesn't think our judges are that lenient on people who come back two or three times.

Bishop Howard said his question goes to community supervision.

The Chief Judge stated on 90% of the cases, the judge is the least knowledgeable about the case. He thinks probation is a good opportunity for people not to have a felony record, if they take advantage of it. Chairman Perez asked if they receive either a prison sentence or probation. The Judge replied both as there are seven-year guidelines and they can have split sentences.

Undersheriff Mackesy asked Bishop Howard if we put gun offenders on probation would it help law enforcement. Bishop Howard replied yes, we would accompany the community patrol officers.

The Chief Judge concluded by saying he hopes the committee comes up with good ideas and good solutions.

Chairman Perez thanked the Chief Judge for his comments. He stated the committee is set in terms of our next workgroup meetings and our next sub-committee meetings on March 13th and March 26th to solidify our recommendations to the Steering Committee. After we get the recommendations back from the Steering Committee, we will prepare a report to the Steering Committee and the Mayor of our overall findings. Recommendations

based on what we have done and the reporting will include our observations why we are making those recommendations, which he thinks is just as important.

Joe Henry said he has been all over the country and he has not seen one better than the Jacksonville Sheriff's Office. He commended Undersheriff Frank Mackesy.

Ed Hearle asked if the *Jacksonville Journey* is examining the question of how to build trust in the JSO on the part of the minority community.

Chairman Perez stated he will hand that question off the Misty Skipper, who has the big picture from the Mayor's perspective on the *Jacksonville Journey*. He stated that the committees that are working on parks and after-school programs, rehab, post-incarceration and others all have a hand in talking about the trust of the disadvantaged parts of our community not only with JSO but the community as a whole.

Misty Skipper said that post-activity policing by JSO is being looked at the police presence work group and also other committees within the Jacksonville Journey, particularly the by neighborhoods group. This includes how the city can work better within the community to bridge the issue of trust.

Ed Hearle said he thinks we get so focused on these programs and activities that we escape the centrality of the word trust. He hope that all of the people putting this together worry about that issue of how do we build trust. It is almost a spiritual issue.

Undersheriff Mackesy reported that Lanny Russell's workgroup, Police Presence, included the trust issue as a focal point from

the Sheriff's perspective in a handout. They asked the question of what would you do different? Build relationships was the response. JSO does not have the time. We only call on people when we need them. Ed Hearle replied it does take time to build trust in the local police officers.

Undersheriff Mackesy stated we just went through the drop plan and thousands of hours of experience are going out the door being replaced with minutes of experience. In the police academy, we don't teach them how to talk to the community. The law prohibits us from hiring retired officers. The new officers are technically proficient but do not have people skills.

At this time, Chairman Perez called for approval of the minutes as amended. The motion was entertained and the minutes were approved as amended.

3. Action Items

- Pam Markham is following up with data requests from JSO.
- Workgroups submit recommendations to sub-committee March 13, 2008 for review and vote prior to March 27, 2008.
- Sub-committee submits recommendations to submitting to Steering Committee on March 27, 2008.

Adjournment Meeting adjourned at 11:30 a.m.