

Meeting Minutes
Governmental Services Committee
Taxation and Budget Reform Commission
Greater Orlando Aviation Authority Board Room
Orlando, Florida
August 21, 2007
9:15 am – 2:00 pm

Committee Members: *Roberto “Bobby” Martinez, Chair, Barney Barnett, Martha Barnett, Mark Bostick, Talbot “Sandy” D’Alemberte, Bruce Kyle, Robert “Bob” McKee, Les Miller, Jr., Randy Miller, Jade Moore, James Scott*

Members Present:

Roberto “Bobby” Martinez
Barney Barnett
Martha Barnett
Talbot “Sandy” D’Alemberte
Robert “Bob” McKee
Jade Moore

Members Present by Phone:

Mark Bostick
Bruce Kyle
Les Miller
Randy Miller

Members Absent:

James Scott

Chairman Martinez called the meeting to order at 9:15 am.

Staff called roll and announced the presence of a quorum.

Chair Martinez asked for a motion to approve the minutes from the August 17 meeting, as posted on the website. Several members so moved, and seconded. Minutes were approved. Chair Martinez abstained from the vote due to his absence from the previous meeting.

Chair Martinez introduced the first presenter of the meeting; Mark Zadra, Assistant Commissioner, Florida Department of Law Enforcement (FDLE), who spoke on public safety cost projections and trends. Mr. Zadra’s speech concerned FDLE’s influence on law enforcement in three key areas: Customers, Climate, and Criminal Element.

Mr. Zadra recognized two functions of FDLE in terms of “customer service.” The first function is to respond to Florida’s criminal justice agency’s demands. The second function is to address the demands of the public.

The climate of law enforcement is another of the influences affecting FDLE. Assistant Commissioner Zadra's presentation listed several factors which affect the climate of law enforcement: Population Growth, Tourism, Migration, Immigration, Economy, Infrastructure, Legislation and Policy, and Events (9/11, Hurricanes, etc.)

Assistant Commissioner Zadra identified some aspects of the criminal element as it relates to law enforcement: Who the criminal is, Types of crimes, Methods, and Globalization. He explained how the crime rate in Florida is calculated. The rate is based on the number of crimes (index felonies) divided by the population. Mr. Zadra explained that the population in 2006 had already exceeded the estimates for 2010 at 18.3 million.

Committee members had several questions for Mr. Zadra. Commissioner McKee asked what else FDLE does. Mr. Zadra indicated that FDLE works on information services, training, and certifications. Commissioner McKee followed up by asking if FDLE is considered primary or back-up. Mr. Zadra answered that both are roles of FDLE, primary for record keeping and administration and back-up for local law enforcement.

Chair Martinez asked Mr. Zadra to provide a copy of a strategic plan for FDLE, as well as the administrative costs incurred to the committee members. Mr. Zadra indicated that the department could provide that information.

Commissioner Martha Barnett asked if technology has had a dramatic impact on law enforcement and if it has allowed FDLE to free up agents. Mr. Zadra responded that most technicians at FDLE are not sworn officers, but that efficiencies are evident because of technology.

Commissioner McKee asked if Homeland Security spending has eroded other law enforcement costs. Mr. Zadra responded that Homeland Security is part of FDLE's core mission and that 42 percent of their sworn officers are investigators, some of whom are involved in anti-terror investigations while others are involved in traditional criminal investigations. He also pointed out that Domestic Security's five focuses are: Preparation, Prevention, Mitigation, Response, and Recovery.

Commissioner Les Miller asked if we provide adequate body armor, chest protectors, handguns, etc. Mr. Zadra indicated that all sworn agents have protective gear, weapons systems, and less than lethal weapons. Mr. Zadra explained that FDLE also provides grants to local law enforcement agencies for body armor and other equipment.

Commissioner Martha Barnett indicated that she would like to hear a discussion on privacy issues in the criminal justice system. Chair Martinez announced that he has been in contact with the Chief Justice's office and believes that having Chief Justice Lewis speak at an upcoming meeting would be a good topic.

Duval County Sheriff John Rutherford was introduced by Chair Martinez to give a presentation on local law enforcement. Sheriff Rutherford began his speech by expressing Duval County's need for improvements in infrastructure due to population

growth increases. According to Sheriff Rutherford, Duval County infrastructure needs include: A new courthouse, New jails, New juvenile assessment centers, and Improved technology. Sheriff Rutherford indicated that inmate populations in correctional institutions are growing at higher than expected rates. The aging of the inmate population is also creating increased medical costs. In 1995, medical costs for inmates were \$2 million. In 2007, medical costs will be \$10 million. Sheriff Rutherford explained that rising energy costs are also causing an increase in spending.

Several Commissioners had questions for Sheriff Rutherford.

Commissioner McKee asked if escalating costs have caused Duval County to change the way it does business. Sheriff Rutherford pointed out that after 9/11 local law enforcement shifted its focus to anti-terrorism, thus increasing their costs.

Commissioner Martha Barnett asked where the county's funding came from and what is projected. Sheriff Rutherford replied that their department is looking into charging fees for services like phone calls for inmates. In Jacksonville, the corrections institutions cut out private medical teams in favor of a partnership with the Department of Health. This change saved \$450,000, putting the county in line for grant programs. Duval County has received over \$12 million in grant funds over the past 2 years.

Commissioner Martha Barnett asked about the primary source of funding for Jacksonville-Duval. Sheriff Rutherford replied that currently general revenue sharing and ad valorem taxes were the primary sources, but that the Mayor is seeking a new tax on garbage collection and an electric surcharge fee.

Commissioner Barney Barnett commented that Duval is unique due to its consolidation. He asked if it was less expensive than funding two levels of agencies. Sheriff Rutherford answered that it works well in Jacksonville with just an elected Sheriff. The Sheriff explained that he can be more ardent because he does not work for the Mayor, and suggested that this probably saves a lot of tax dollars.

Commissioner McKee asked if he would support a separate millage just for law enforcement. Sheriff Rutherford replied that would force him to be frugal and cause competition between the Sheriff's department, city/county commissions, and the public. Commissioner McKee countered that it is convenient to ask for more, but the local Commissioners end up taking the heat. To which the Sheriff replied that the Sheriff's department's needs go beyond law enforcement. We are part of a bigger criminal justice system. There is limited capacity for DNA processing, State Attorneys are swamped, courtroom space is limited, and the Department of Juvenile Justice lacks detention facilities.

Chair Martinez welcomed Baker County Sheriff Joey Dobson, President of the Florida Sheriff's Association (FSA). Sheriff Dobson began by expressing that Baker County is one of the smaller Sheriff's departments in the state and faces some different challenges than the departments from counties with larger populations. Baker County has a

population of 30,000 residents and a millage rate of 5.5 for the Sheriff's budget, according to Sheriff Dobson.

Commissioner D'Alemberte commented that there appears to be extreme disparities in incarceration rates in state prisons between judicial circuits. The commissioner then asked if the FSA has looked at such disparities, because it appears that some judges are strong advocates of prison. He also commented that probation violations are driving up prison populations. Sheriff Dobson responded by saying that new laws are definitely increasing prison populations because of judges sentencing and that Baker County has no police department.

Commissioner McKee declared that this is another reason why we should separate law enforcement millage from other local costs. Sheriff Dobson replied that he gets the full brunt of the 5.5 mills and the County Commission does not let anyone forget it.

Commissioner Moore remarked that if the county is at 9.5 of the 10 mill cap and loses value through exemptions, they may lose money for law enforcement. The same would be true for education – we could be facing potential disaster, especially in smaller counties. Sheriff Dobson answered that the county has already begun increasing property values while cutting millage. He indicated that while some funds set aside money for a rainy day, they cannot make cuts on the backs of public safety.

Commissioner Martha Barnett commented that she is not sure that she had a clear picture on funding and asked for an overview of the overall funding picture. Sheriff Joey Dobson replied that the Sheriff's office is paid for at the local level.

Chair Martinez introduced Port Orange Police Chief Gerald Monaghan who is also the First Vice President of the Police Chiefs' Association. Chief Monaghan explained that his city has a population of 50,000 and that more people equal more calls for service. Monaghan continued that officer recruitment and planning without revenue will be very difficult. He explained that Federal revenue streams are diminishing and that regional assistance will shrink as resources are cut. He also explained that while crime rates may be down, actual crime numbers are rising, and that cutting revenues will cause the problem to worsen. Chief Monaghan declared that equipment needs are critical.

Commissioner McKee asked if Port Orange was a "medium sized" department. Chief Monaghan answered yes, and explained that it is hard to recruit new officers, but that it is even harder for the smaller departments. Commissioner McKee responded that there appears to be no uniformity in salaries for law enforcement officers. He asked if salary disparity, even within the county, causes them to have to spend extra time on non-enforcement activities. Chief Monaghan responded that they do spend a lot of time on preparedness and services to the public.

Chair Martinez asked if the officers have enough protection in the field. To which Chief Monaghan replied that his force does, but not all agencies do. The Police Chiefs Association is working with FDLE to get grant money to those agencies. He continued that budget cuts may cause less protection for officers.

Chair Martinez welcomed Gulf Breeze Chief of Police, Peter Paulding who is also the Third Vice President of the Police Chiefs' Association. Chief Paulding is responsible for one of the state's smaller departments with less than 20 sworn officers. Chief Paulding believes that there are over 100 agencies with less than 25 officers. Chief Paulding said that his department had to dramatically increase officer's pay in order to prevent them from leaving for larger agencies with higher salaries.

Commissioner Martha Barnett asked about the average annual salary. Chief Paulding replied that the starting salary is \$32,000, and the average salary range is between \$32,000 and \$45,000.

Chair Martinez introduced Orlando Police Chief Mike McCoy. Chief McCoy's speech began with a comment on the budget and the criminal justice system as a whole. Chief McCoy indicated that all departments will want more money and there is never enough. He suggested looking at the whole system, not just the budgets. He indicated that the criminal justice system is overwhelmed and broken. Chief McCoy suggested that the system needs to discourage repeat offenders in order to get the system under control. He added that monetary incentives are needed to keep repeat offenders out of the system. Chief McCoy went on to suggest that in juvenile cases, the system should try to help the children, not just defend them. He indicated that not enough is done to help them when they are young – we defend them until they are convicted. He suggested that we must keep them out of the broken system. Chief McCoy opined that this treatment results in cruel and unusual punishment – once you are in the system, you lose all ability for a meaningful life.

Commissioner D'Alemberte asked what percentage of the “worst of the worst” is included in the drop out rate. Chief McCoy responded that 3rd grade teachers can predict offenders. He added that too many kids are not getting the vocational training that non-college bound students should receive.

Chair Martinez welcomed the final law enforcement speaker, Port Saint Lucie Police Chief John Skinner. Skinner began his presentation by declaring that if you build it, they will come; but if you don't protect it, they will leave. He continued by stating that Florida is proactive in law enforcement and one of the best in the nation. Chief Skinner added that Port Saint Lucie is one of the fastest growing cities in the U.S. and keeps the police department's number one mission to prevent crime.

Commissioner Moore asked Chief Skinner what he sees as wasting their time, and how the Commission can help. He replied that 80 percent of what they do pertains to quality of life issues (service calls, alarm responses, etc.) and they are working on ways to reduce this rate.

Chief McCoy returned to the podium to respond to Commissioner Jade Moore's question about wasting time. Chief McCoy responded that a large amount of time is spent in juvenile court, but the child will never be put in jail. He also mentioned court costs for police and the inability to control young men with firearms.

Chair Martinez underscored the importance of due process and suggested that it seems there is too much down time for police officers responding to the court system. The chairman continued that the goal should be to help our youthful offenders, not to “get them off.”

Chair Martinez asked if anyone had ever studied how much time is used up simply waiting around. Chief Monahan returned to the podium to respond that police are at the court’s disposal; they show up when they are told to show up, but have no control over court schedules.

Commissioner Martha Barnett asked about privacy issues and civil liberties. Assistant Commissioner Mark Zadra of FDLE returned to the podium to respond that from a funding standpoint, it is not a real issue. However, from an operational prospective, it is necessary to maintain a balance between “need to know” and privacy. Most privacy and civil liberties issues deal with ID theft, information storage, the Patriot Act, etc. Mr. Zadra opined that it is important to have privacy policies for public records laws. Commissioner Martha Barnett responded that many citizens probably do not have any idea how law enforcement compiles and uses information. She was concerned not only about ID theft and hacking, but with inappropriate use of government information. To which Mr. Zadra replied that accountability by government employees is key and there are laws in place to protect the public from misuse.

Gulf Breeze Chief of Police Peter Paulding returned to the podium to identify two of the more inefficient processes in the Florida criminal justice system. Chief Paulding said that depositions should be done by video and non-criminal motor vehicle hearings could be handled within the police departments to free up time for the courts.

Chair Martinez introduced Ray Elwell, Deputy Chief Financial Officer for the City of Orlando. Mr. Elwell began by stating that the greatest challenge is trying to balance new “strings” from ad valorem changes with an increased need for services. He indicated that the city bears all of the risk in its pension plan. If markets are down, the city must make up the difference. Normal retirement is at 20 years of service. Chair Martinez asked who sets retirement and what influenced the mandate. Mr. Elwell answered that the city negotiates the terms with the union. Chair Martinez asked if all officers are in the union. Mr. Elwell responded that they are all represented by the union negotiators. The chairman asked if he thought 20 years for retirement was rather generous. Mr. Elwell responded that one has to take into account the type of service and that law enforcement officers have a lower amount of usable years than most careers. He indicated that they are in a competitive market and suggested that if they did not offer “20 and out” then they would be out of the competitive market.

Commissioner McKee asked if there is a maximum hiring age. Mr. Elwell replied that there is not. Commissioner McKee asked if that will result in a drain on the city’s law enforcement costs. Mr. Elwell answered that the operating costs will be paid through fees for use. He indicated that the city of Orlando hopes revitalization will help clean up some of the blighted neighborhoods and said the system is broader than just criminal justice – activities must include economic development and social services.

Commissioner Jade Moore asked Mr. Elwell if retirees receive health care. He responded that unless they had completed the “20 and out” program, retirees pay their own health benefits.

Chair Martinez announced a break for lunch at 12:15 p.m. He asked if members, staff, and guests would return at 1:10 p.m. to complete the agenda.

Chair Martinez reconvened the Governmental Services Committee meeting at 1:10 p.m.

Chair Martinez introduced the Secretary of the Department of Corrections, James McDonough to deliver a presentation on incarceration cost projections. Secretary McDonough pointed out that the Department of Corrections (DOC) budget is currently \$2.2 billion, with most of the funds directed toward corrections and probation, and \$365 million for health care being absorbed by the prison system. Secretary McDonough continued that 1 to 2 new prisons are needed each year (under current projections) at a cost of \$100 million per prison. If no changes are made, these costs may rise to \$114.5 million per prison by 2013. Secretary McDonough indicated that DOC is the largest provider of mental health care in the State of Florida. He also stated that he has no faith in the estimation that operating costs will rise by \$1 million through 2013. Secretary McDonough believes these costs will rise at a much higher rate. He informed the committee that the largest growth sector in prisons is women, with 50 percent of women in need of mental health care while incarcerated.

Commissioner Martha Barnett asked why women are the largest growing cohort. Secretary McDonough replied that a change in culture where women compete in all things, family protections are weakened, and women fall victim to the streets are all contributing factors.

Secretary McDonough continued his presentation by allowing that there are two things that feed the growth in prison populations: Original entries, and Recidivism. He indicated that 32 percent of all released inmates return to incarceration within three years. 36,000 prisoners are released each year, and with a 32 percent recidivism rate, 12,000 inmates return to the system within three years (enough to fill two prisons). Secretary McDonough stated that DOC is working to bring the reentry rate down to 20 percent through better parole supervision and improved inmate training. Mr. McDonough pointed out that the keys to getting out of the recidivism cycle are: Education, Substance abuse treatment, Vocational education, and the Development of life skills and accoutrements.

Secretary McDonough and his staff at the DOC have developed four proposals to help lower costs for the Department of Corrections. The Secretary indicated that he considers the fourth proposal unsafe and that it would violate the 85 percent rule.

Proposal 1. Re-Entry Supervision Work Release – Expands existing work release authority to permit temporary housing of inmates at approved residences in the community. Requires these inmates to report weekly to DOC and includes employment

verification and drug testing. Provides additional supervision of inmates at home and in the workplace with the help of probation officers. May allow overnight furloughs.

Savings – FY 07-08 = \$22 million Operating & \$100 million Construction
FY 08-09 = \$31 million Operating & \$4 million Construction

Proposal 2. Supervised Re-Entry “Year and a Day” Diversion – Provides DOC with the authority to divert offenders, with an initial state commitment of less than one year, to temporary housing at approved residences in the community. Requires these inmates to report weekly to DOC and includes employment verification and drug testing. Provides additional supervision of inmates at home and in the workplace with the help of probation officers.

Savings – FY 07-08 = \$26 million Operating & \$164 million Construction
FY 08-09 = \$141 million Operating & \$190 million Construction

Proposal 3. Periodic Gain Time – Permits DOC to grant up to three separate 90-day gain time awards to inmates. Provides inmates with up to two awards in 2007-08 and one award in 2008-09. Provides adequate community supervision through correlating an increase in probation officers. Can be given and taken away administratively. (57 probationers were convicted of committing murder this year.)

Savings – FY 07-08 = \$39 million Operating & \$100 million Construction
FY 08-09 = \$69 million Operating

Proposal 4. Control Release – Lowers the control release trigger to 96 percent of capacity. Places control release under DOC control. Constitutes a back-up plan; not a primary mechanism. (Not supported by Sec. McDonough – Allows crowding and automatic release.)

Secretary McDonough allowed that he is not a “soft sell,” but does believe that the State of Florida has gone to the extreme of hard laws and hard time. The reality is that 90 percent of the inmate population will return to the street. He believes it is better to give them the tools to make their return to society easier. He suggested that can be done by investing in education, substance abuse treatment, vocational rehab, and developing life-skills.

Commissioner Martha Barnett asked the Secretary’s views on mandatory minimums, three strikes, the anti-murder bill, etc. Mr. McDonough answered that he has seen no influx from the anti-murder bill and some increases from three strikes and mandatory minimums. He suggested that alternative ideas like faith and character based initiatives should be considered.

Commissioner McKee asked if the DOC would have been able to cut 10 percent from the budget without a mandate. Secretary McDonough answered probably not, but it was a very worthwhile thinking process.

Chair Martinez asked what empirical data is available on the three acceptable proposals. Secretary McDonough responded that on the first and second, the historical data suggests that there should be no problem. On the “year and a day” proposal, it is a cost shift that is being laid back on the State of Florida by local governments in reaction to Article V.

Chair Martinez asked if health care costs include third party and private groups. Secretary McDonough replied that yes, he uses private health care providers in extreme emergencies. He added that at times, people are compelled to dial 911 for emergency services and when they do, DOC loses control of the cost situation. Secretary McDonough indicated that he anticipates a 10 percent growth in medical costs. He stated that he feels that he is wasting tens of millions of dollars on health systems.

Commissioner D’Alemberte asked when DOC will have data on the faith-based programs. Secretary McDonough answered that he expects that in three more years they will have a better idea. He added that Allison DeFoor has done some research that indicates these types of programs will work.

Commissioner Martha Barnett asked why DOC is faced with building one to two prisons per year. Secretary McDonough replied that expanding for new populations is part of the equation, and combined with a 32 percent recidivism rate, new prisons are needed. Commissioner Martha Barnett stated that she would like to see the demographics of DOC including: Age, Gender and Race. She asked the Secretary what the Commission should be doing to help the situation. To which, Secretary McDonough replied that cost effective investments reducing the return rates of inmates is needed.

Chair Martinez introduced Emery Gainey, Director of Law Enforcement Relations from the Attorney General’s Office. Mr. Gainey described his own personal experience working with local jails where he witnessed the female population growing at a rapid rate, and chronic health care costs rising as a result of an aging inmate population. In regard to recidivism, he indicated that not only are released inmates committing more crimes, law enforcement spends more time investigating them and the court system spends more time processing return offenders.

Mr. Gainey asked to address the group on the issue of retirement costs for law enforcement personnel. He indicated that while the City of Orlando presentation on costs may be reflective of some city systems, it is important to note that county governments in Florida fall under the state retirement system, and that sworn officers may retire under the “Special Risk” category at 25 years of service, all non-sworn personnel work for a full 30 years, and once an officer has retired as Special Risk, that officer is not eligible to return as a Special Risk employee. The officer may return to work, but at the regular retirement accrual rate.

Chair Martinez thanked all of the presenters and guests and reported to the committee that the next scheduled meeting is Monday, September 10 at the Tampa International Airport from 9 a.m. to 3 pm. and that the topic will be transportation costs.

There being no further business, the meeting was adjourned at 2:18 p.m.