

RESOLUTION NO. 2021- _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MIAMI BEACH POLICE DEPARTMENT TO PROCEED WITH SPEARHEADING THE DEVELOPMENT OF A LOCAL COMMUNITY COURT PROGRAM TO LEVERAGE RESOURCES IN A COLLABORATIVE EFFORT TO FURTHER THE CITY'S GOALS OF REDUCING NON-VIOLENT, LOW-LEVEL CRIME, SUPPORTING PUBLIC SAFETY, REDUCING HOMELESSNESS, AND ADDRESSING QUALITY OF LIFE ISSUES WITH A SWIFT, HUMANE AND CONSTRUCTIVE SENTENCING APPROACH FOR PUBLIC ORDER OFFENDERS.

WHEREAS, pursuant to Article V, Section 2(d) of the Florida Constitution and Section 43.26, Florida Statutes, the Chief Judge in each judicial circuit is charged with the authority and power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, Florida Rule of Judicial Administration 2.215(b)(3) provides that the Chief Judge of each judicial circuit "shall, considering available resources, ensure the efficient and proper administration of all courts within that circuit"; and

WHEREAS, pursuant to House Bill 7125 (as codified in Fla. Stat. 948.081), which became effective October 1, 2019, each judicial circuit is authorized to create a community court program for defendants charged with certain criminal offenses; and

WHEREAS, the City of Miami Beach (the "City") is a unique, coastal community which, due to a myriad of factors, consistently experiences a significant amount of petty crime and quality of life offenses -- many of which are committed by repeat offenders from amongst the City's homeless population; and

WHEREAS, the City and the Miami Beach Police Department (the "Police Department") are committed to reducing low-level crime and repeat offenses, and bringing social services to those that may find it difficult to otherwise obtain such services; and

WHEREAS, standard criminal sentences (involving incarceration, monetary fines and probation) may (if actually imposed) punish misdemeanor and municipal ordinance offenders, however, such penalties do little to correct the behavior of the offender or improve the quality of life for the community and/or the offender; and

WHEREAS, the creation of a community court, through the development of innovative and positive community partnerships, will attempt to address the needs of at-large, homeless, and low-level repeat (and first time) misdemeanants and municipal ordinance offenders; and

WHEREAS, each participant of the community court (including, most significantly, the offender) will be required to take an active role in effectuating the problem-solving intent of such community court; and

WHEREAS, such offenders can reap the benefits from drug and alcohol treatment, mental health services, along with educational, job training and counseling programs provided by the community court; and

WHEREAS, the concept of a community court was discussed at the Police Citizen Relations Committee (the "PCRC") meeting on November 17, 2020 and subsequently referred to, and heard at, the January 28, 2021 Finance and Economic Resiliency Committee meeting with a favorable recommendation for full City Commission consideration and approval; and

WHEREAS, in response to the PCRC motions, and at the direction of Chief Rick Clements, the Police Department researched and set forth a proposal to bring a community court program to fruition in the City, highlighting the overall purpose and goal of such community court as an initiative to:

- Enhance public safety in the community; and
- Provide services to offenders (contingent upon each offender's voluntary agreement to enter the program); and
- Enhance the role courts can play in solving some of the primary issues the City faces concerning repeat misdemeanor and municipal ordinance offenders; and

WHEREAS, the community court program would be a collaborative effort involving the City, the 11th Judicial Circuit Court of Miami-Dade County, Florida, the Miami-Dade Clerk of Courts, the Miami-Dade County State Attorney and Public Defender Offices, and various social service and treatment providers; and

WHEREAS, the community court program has the goal of providing alternatives to sending non-violent offenders to jail for those low-level violations including trespassing, disorderly conduct, disturbing the peace, public intoxication, open container violations, and obstructing traffic (amongst others), while engaging the community and assisting those individuals in need of services and resources; and

WHEREAS, the Community Court program strives to hold individuals accountable for their actions (offenses) while promoting positive behavioral change and increasing such persons' successful integration into the community; and

WHEREAS, the benefits of a community court initiative (which combines conventional sentencing with alternative sanctions, on-site treatment and training to promote responsibility in offenders) have been shown to address the City's key goal of reducing low-level criminal offender recidivism; and

WHEREAS, the City would benefit from the establishment of a community court, which would address those all-too-often unenforceable quality of life (nuisance)

offenses in a proactive and enduring approach to public safety.

NOW THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, hereby authorize the Miami Beach Police Department to proceed with spearheading the development of a local community court program to leverage resources in a collaborative effort to further the City's goals of reducing non-violent, low-level crime, supporting public safety, reducing homelessness, and addressing quality of life issues with a swift, humane and constructive sentencing approach for public order offenders.

PASSED and ADOPTED this _____ day of April, 2021.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

4-13-21

Date

MAF