

RESOLUTION NO. 2021- _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ENDORSING THE PROACTIVE EFFORTS OF THE MIAMI BEACH POLICE DEPARTMENT TO HAVE A POLICE DEPARTMENT SUPERVISOR AT THE INITIAL CRIMINAL COURT BOND HEARINGS FOR OFFENDERS COMMITTING CRIMES IN MIAMI BEACH; AND FURTHER, DIRECTING THE POLICE DEPARTMENT TO PROVIDE THE CITY COMMISSION WITH AN UPDATE, WITHIN THREE (3) MONTHS, REGARDING THE STATUS OF ITS IMPLEMENTATION EFFORTS AND ANY ADDITIONAL OBSERVATIONS RELATING TO BOND HEARINGS.

WHEREAS, the City continues to experience an increasingly large number of visitors, tourists and other individuals entering the City throughout the year; and

WHEREAS, an unacceptably large number of those entering the City commit criminal offenses while within the City; and

WHEREAS, many of the individuals arrested each day appear before a Judge on the following day for the purpose of the Court making a finding of probable cause (or no probable cause) for such person's arrest and setting an appropriate bond and/or conditions of release; and

WHEREAS, pursuant to Fla. Stat. 903.046, the purpose of a bond determination in a criminal proceeding is to ensure the appearance of the criminal defendant at subsequent proceedings, and to protect the community against unreasonable danger from the criminal defendant; and

WHEREAS, Florida law further provides that, in setting the appropriate bond and/or conditions of release for a criminal defendant, the Court should consider a myriad of factors including, but not limited to, the following:

- 1.) The nature and circumstances of the offense charged;
- 2.) The weight of the evidence against the defendant;
- 3.) The defendant's family ties, length of residence in the community, employment history, financial resources, and mental condition;
- 4.) The defendant's past and present conduct, including any record of convictions, previous flight to avoid prosecution, or failure to appear at court proceedings;
- 5.) The nature and probability of danger which the defendant's release poses to the community; and
- 6.) Whether the defendant is already on release pending resolution of another criminal proceeding or on probation, parole, or other release pending completion of a sentence; and

WHEREAS, the presence of a Miami Beach Police Department ("MBPD") supervisor at criminal court bond hearings may aid the Court in its determination in setting the appropriate bond and/or conditions of release by providing the Court with any additional information such MBPD supervisor possesses concerning the bond factors identified herein.

NOW THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, hereby endorse the proactive

efforts of the Miami Beach Police Department to have a Police Department supervisor at the initial criminal court bond hearings for offenders committing crimes in Miami Beach; and further, directing the Police Department to provide the City Commission with an update, within three (3) months, regarding the status of its implementation efforts and any additional observations relating to bond hearings.

PASSED and ADOPTED this _____ day of December, 2021.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Steven Meiner)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney *MAF*

11-30-21

Date