RESOLUTION NO. 2022 - _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ATTORNEY'S OFFICE AND CITY ADMINISTRATION TO PREPARE AND HOST A TRAINING PRESENTATION THAT, IN ADDITION TO PROVIDING APPROPRIATE CONTEXT, SCOPE AND PURPOSE, OUTLINES THE WAYS IN WHICH ANY INTERESTED PERSON(S) CAN ATTEND THE CRIMINAL COURT FIRST APPEARANCE / BOND HEARINGS OF DEFENDANTS ARRESTED FOR THE COMMISSION OF CRIMES IN THE CITY OF MIAMI BEACH; AND FURTHER, REQUESTING THAT VARIOUS INTERESTED STAKEHOLDERS BE INVITED TO PARTICIPATE IN THE TRAINING SESSION, INCLUDING, BUT NOT LIMITED TO, THE MEMBERS OF THE COMMITTEE ON THE HOMELESS, THE POLICE/CITIZEN RELATIONS COMMMITTEE, THE LINCOLN ROAD BID, THE WASHINGTON AVENUE BID, THE OCEAN DRIVE ASSOCIATION AND REGISTERED NEIGHBORHOOD ASSOCIATIONS IN THE CITY, WITH THE TRAINING PRESENTATION TO ALSO BE RECORDED AND MADE READILY ACCESSIBLE AND AVAILABLE FOR VIEWING BY ANY RESIDENT, VICTIM OF ANY CRIME, OR OTHER MEMBER OF THE GENERAL PUBLIC DESIRING TO ATTEND FIRST APPEARANCES OR BOND HEARINGS.

WHEREAS, the City of Miami Beach (the "City") continues to experience a significant amount of quality of life offenses and other misdemeanor crimes occurring in the City; and

WHEREAS, on September 25, 2017, the Mayor and City Commission adopted Resolution No. 2017-30023, which authorized the City Attorney's Office to commence the in-house prosecution, by and through a City Municipal Prosecution Team, of those individuals *exclusively* charged with violating the City's criminal ordinances; however, those cases in which there is any accompanying State law violation(s) continue to be prosecuted by the Miami-Dade State Attorney's Office; and

WHEREAS, when a person is arrested for misdemeanor(s) and/or criminal municipal ordinance violation(s), the case is heard in the County Court of the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida; and

WHEREAS, every person arrested for a criminal offense in the State of Florida must be taken before a judge within 24 hours of arrest for a First Appearance / Bond Hearing, unless such person has been previously released in a lawful manner; and

WHEREAS, the purpose of the First Appearance / Bond Hearing is for the judge to advise the defendant of the charges against him or her; to determine if the police had probable cause to make the arrest; to determine whether the defendant can pay for an attorney and, if the defendant cannot, to appoint the public defender; and to set appropriate conditions of pre-trial release or a reasonable bond; and

WHEREAS, the judiciary has a considerable amount of discretion in all aspects of criminal cases involving quality of life, misdemeanor, and municipal ordinance offenses; and

WHEREAS, the judiciary is generally not overly receptive to the City's prosecutorial efforts with regard to securing a bond for repeat offenders (or defendants who have previously failed to appear for court) in its municipal ordinance violation cases; and

WHEREAS, the involvement and attendance of residents (or resident groups) and community partners, in monitoring (and actively participating at the discretion of the Judge) at First Appearance / Bond Hearings may assist the City's Municipal Prosecution Team in securing more favorable results at these hearings; and

WHEREAS, any enhancement in the City's prosecution and enforcement of misdemeanor and criminal municipal ordinance offenses may assist in facilitating a reduction in the commission of crimes by repeat offenders in the City of Miami Beach; and

WHEREAS, community attendance (and potentially participation) may have a tangible effect and, ultimately, provide a better quality of life for the City's residents, visitors and business operators; and

WHEREAS, in order to provide access to First Appearance / Bond Hearings (including access via remote electronic means), the City Attorney's Office has previously, upon request, provided training for navigating these complex dockets to permit interested residents to view and attend (remotely or in-person) First Appearance / Bond Hearings; and

WHEREAS, in order to provide increased awareness of First Appearance / Bond Hearings, and how any concerned member of the public may attend, the City's Municipal Prosecution Team can prepare a PowerPoint training presentation which outlines the opportunities and options for individuals to attend First Appearance / Bond Hearings; and

WHEREAS, the Municipal Prosecution Team's First Appearance / Bond Hearing training presentation would also provide important factual context and information including, but not limited to, the following: the purpose of bond hearings, the scope of bond hearings, what the judge is reviewing and determining at bond hearings, how to identify which bond hearing cases are City of Miami Beach cases, proper court decorum, and how to address the Court (in the rare event that a non-victim attendee is allowed to speak); and

WHEREAS, the City's Municipal Prosecution Team, in conjunction with the City Administration, can invite various stakeholders and host the training, which training presentation can also be recorded to make such training readily accessible and available for viewing by any member of the public; and

WHEREAS, the City Attorney's Office and City Administration are fully supportive of this Resolution and the direction set forth herein.

NOW THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission hereby direct the City Attorney's Office and City Administration to prepare and host a training presentation that, in addition to providing appropriate context, scope and purpose, outlines the ways in which any interested person(s) can attend the Criminal Court First Appearance / Bond Hearings of defendants arrested for the commission of crimes in the City of Miami Beach; and further, requesting that various interested stakeholders be invited to participate in the training session, including, but not limited to, the members of the Committee on the Homeless, the Police/Citizen Relations Committee, the Lincoln Road Bid, the Washington Avenue Bid, the Ocean Drive Association and registered neighborhood associations in the city, with the training presentation to

also be recorded and made readily accessible and available for viewing by any resident, victim of any crime, or other member of the general public desiring to attend First Appearances or Bond Hearings.

PASSED and ADOPTED this _____ day of September, 2022.

ATTEST:

_____
Dan Gelber, Mayor

_____
Rafael E. Granado, City Clerk

(Sponsored by Vice-Mayor Alex J. Fernandez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney RAG MAF — Date 9/2/22