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# COMMITTEE MEMORANDUM

**TO:** **Public Safety and Neighborhood Quality of Life Committee Members**

**FROM:** **Rafael A. Paz, City Attorney**

**DATE:** **February 28, 2023**

**SUBJECT:** **DISCUSSION REGARDING AN UPDATE FROM THE MUNICIPAL PROSECUTOR ON THE AMOUNT OF REPEAT OFFENDERS ENCOUNTERED SINCE THE BEGINNING OF THE 2022 CALENDAR YEAR, THE REASON FOR THE ARRESTS AND CASE DISPOSITION. UPDATE MAY BE PROVIDED IN MEMORANDUM FORM IN THE COMMITTEE AGENDA FOR DISCUSSION AND POSSIBLE ACTION BY THE COMMITTEE. FURTHER, REQUESTING QUARTERLY UPDATES TO THE PSNQLC FROM THE MUNICIPAL PROSECUTOR VIA MEMORANDUM IDENTIFYING NEW SUBSEQUENT ARRESTS AND DISPOSITIONS.**

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## HISTORY:

On November 16, 2022, Commissioner Alex Fernandez placed a referral to the Public Safety and Neighborhood Quality of Life Committee ("PSNQLC") on the City Commission agenda to discuss and receive an update from the Municipal Prosecution Team as to the number of repeat offenders encountered since the beginning of the 2022 calendar year, the reason for the arrests, and the case dispositions. Commissioner Fernandez further requested quarterly updates to the PSNQLC, by way of written memorandum, identifying new subsequent arrests and case dispositions.

## ANALYSIS

The City of Miami Beach Municipal Prosecution Team (which operates under the umbrella of the City Attorney's Office) is exclusively responsible for prosecuting those criminal defendants solely charged with violating one (1) or more City ordinances, and without any accompanying State law (felony or misdemeanor) or County ordinance violation(s). The Municipal Prosecution Team oversees all aspects of its cases, from first appearance / bond hearings through discovery, pre-trial negotiations and court appearances, until each criminal case is concluded.

In order to adequately to meet and address the challenges of case preparation and the prosecution of the volume of municipal ordinance offenders arrested by the Miami Beach Police Department, the City Commission previously authorized the expansion of the Municipal Prosecution Team to include three (3) full-time attorneys and two (2) full-time legal assistants. The goal of the Municipal Prosecution Team is to ensure that persons violating the City's criminal ordinance are appropriately prosecuted in order to provide the City's residents and visitors with a better quality of life and a safer Miami Beach.

In order to manage its cases, the Municipal Prosecution Team tracks the cases it prosecutes through the use of three (3) different spreadsheets/lists, as follows: Open / Active Cases, Closed Cases, and Bench Warrant Cases. In the 2022 calendar year, the Miami Beach Police Department arrested

approximately 269 offenders exclusively for municipal ordinance violations. Of those, approximately 22 offenders were arrested more than once and would be considered repeat offenders (although this number does not include offenders who get re-arrested for any felony, misdemeanor, or County ordinance violation(s)). The most common offenses committed by these municipal ordinance repeat offenders are alcohol violations (i.e. drinking in public), followed by being in the park or beach after closing hours.

The preparation of this item (tracking of repeat offenders) was prepared manually (specifically for this Committee) and required hours of staff (Police) involvement as the City Attorney's Office is not adequately equipped to handle such data compilation, storage and retrieval requests. As such, this item presents a continuing challenge that may best be solved through an Information Technology ("IT") solution.

**CONCLUSION:**

The City Attorney's Office and the Police Department stand ready for discussion at Committee in order to work towards finding appropriate IT solutions to automate the tracking of repeat offenders for any future reporting requirement, as determined by the Committee.

RAP/RFR/MAF/bhs