

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Vice-Mayor Steven Weiner
DATE: February 22, 2023

SUBJECT: REFERRAL TO THE PUBLIC SAFETY AND NEIGHBORHOOD QUALITY OF LIFE COMMITTEE TO DISCUSS THE NOTIFICATION PROCEDURE TO ALERT THE POLICE DEPARTMENT AS TO THE ISSUANCE OF BENCH WARRANTS FOR CRIMINAL DEFENDANTS FAILING TO APPEAR IN COURT.

ANALYSIS

Please place on the February 22, 2023 agenda a referral to the Public Safety and Neighborhood Quality of Life Committee to discuss the current notification procedure utilized by the City Attorney's Office to alert the Miami Beach Police Department as to the issuance of bench warrants for criminal defendants failing to appear in Court on cases prosecuted by the City's Municipal Prosecution Team, along with recommendations as to how the Police Department may receive similar notifications from the Miami-Dade State Attorney's Office (the "SAO") on cases prosecuted by the SAO.

Bench warrants are issued by judges when defendants fail to appear for court, after being properly noticed, on criminal municipal ordinance violations and misdemeanor cases. Similarly, when a felony defendant fails to appear for court after being properly noticed, the Court issues an alias capias. Whether a bench warrant or alias capias is issued, the net effect is the same: the defendant has failed to appear for court and is not answering the filed criminal charges, and is not facing any consequences for the alleged crimes until the defendant gets arrested on the outstanding bench warrant or alias capias (which arrest may occur many years later, and sometimes never occurs at all). The data highlights the depth of this problem. In 2022, there were 2,476 combined bench warrants and alias capias for Miami-Dade County which far exceeds any year since at least 2000 (the earliest data I received).

As such, at the January 11, 2023 PSNQLC meeting, the Committee informally requested that the City Attorney's Office provide the Police Department with the names of those criminal defendants, for whom bench warrants are issued, in cases prosecuted by the City's Municipal Prosecution Team. The City Attorney's Office readily agreed and, since such time, has routinely provided the Police Department (typically the same business day) with the name, court case number, police case number, judge, and date of issuance in all Municipal Prosecution Team cases when a bench warrant is issued for a criminal defendant.

In an effort to address cases prosecuted by the SAO, I request that the Police Department be prepared to provide recommendations as to how bench warrant and alias capias information may best be promptly provided to the Police Department in those cases in which Miami Beach arrestees are prosecuted by the SAO.

Please do not hesitate to contact me or my aide Robert Novo if you have any questions.

SUPPORTING SURVEY DATA

N/A

FINANCIAL INFORMATION

N/A

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Vice-Mayor Steven Weiner