

RESOLUTION NO. 2021- _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ATTORNEY'S OFFICE TO PROVIDE ALL PERTINENT STATISTICAL DATA RELATING TO CONVICTION RATES FOR MUNICIPAL PROSECUTIONS FOR THOSE MATTERS WITHIN THE CITY'S PROSECUTORIAL AUTHORITY, INCLUDING DATA FOR CONVICTION RATES BEFORE THE COVID-19 PANDEMIC AND DURING THE ONGOING PANDEMIC, AS WELL AS A BREAKDOWN OF DISMISSALS BY THE COURT OR BY PROSECUTORS, AND INFORMATION CONCERNING CONSEQUENCES OF DISMISSALS FOR DEFENDANTS; FURTHER, REFERRING THIS MATTER TO THE NEIGHBORHOOD AND QUALITY OF LIFE COMMITTEE, FOR AN UPDATE ON THE MUNICIPAL PROSECUTION PROGRAM, THE ROLE OF THE STATE ATTORNEY'S OFFICE AND THE COURTS, AND RELATED MATTERS, SUCH AS ENFORCEMENT OF HABITUAL MISDEMEANOR OFFENDERS AND THE UTILIZATION OF STAY AWAY ORDERS AS AN ENFORCEMENT TOOL TO ADDRESS QUALITY OF LIFE OFFENSES IN THE CITY.

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; and

WHEREAS, the City is committed to reducing crime (including low-level crime) and repeat offenses, and bringing social services to those that may find it difficult to otherwise obtain such services; 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; and

WHEREAS, the Miami-Dade State Attorney's Office continues to be the prosecutorial entity responsible for the prosecution of those offenders arrested for the commission of all felony, misdemeanor, and/or County ordinance violations (which also includes City ordinance violations if committed in conjunction with any felony, misdemeanor or County ordinance violation); and

WHEREAS, since the onset of the Covid-19 global pandemic in early March of 2020, the entire criminal justice system (including all participating parties – the judiciary, the prosecutors, the defense attorneys, the clerk of courts, and the detention facilities) has been severely impacted; and

WHEREAS, until about one (1) year ago, judges in the County Court of the Eleventh Judicial Circuit in and for Miami-Dade County would regularly issue standalone

stay away orders to defendants pursuant to the disposition of criminal cases, as a result of crimes tied to particular victims or locations; and

WHEREAS, on November 25, 2020, the Eleventh Judicial Circuit Court, in its appellate capacity, in *Eric Freshman v. The State of Florida*, held that judges have no authority to issue standalone stay away orders because there is no explicit statutory provision which would allow them to do so, even when ordered pursuant to a plea agreement by the parties; and

WHEREAS, the inability of judges to order those defendants who commit crimes tied to particular victims or locations, to stay away from such victims or locations, has created an additional challenge to preventing criminal activity and quality of life offenses; and

WHEREAS, statistical crime and prosecution data, in conjunction with case disposition data, can be utilized as an effective tool to acquire a detailed understanding surrounding criminal conduct throughout the City; and

WHEREAS, statistical data can also assist in identifying any shortcomings (due to the Covid-19 pandemic and its associated consequences, or otherwise) that have impacted the successful prosecution of those persons committing criminal offenses in the City, and can further assist in identifying any tools, policies and/or resources which may be utilized to enhance and take a more aggressive stance pertaining to future prosecutions.

NOW THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, hereby directing the City Attorney's Office to provide all pertinent statistical data relating to conviction rates for municipal prosecutions for those matters within the City's prosecutorial authority, including data for conviction rates before the Covid-19 pandemic and during the ongoing pandemic, as well as a breakdown of dismissals by the court or by prosecutors, and information concerning consequences of dismissals for defendants; and further, referring this matter to the Neighborhood and Quality of Life Committee, for an update on the Municipal Prosecution Program, the role of the State Attorney's Office and the Courts, and related matters, such as enforcement of habitual misdemeanor offenders and the utilization of stay away orders as an enforcement tool to address quality of life offenses in the City.

PASSED and ADOPTED this _____ day of September, 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

9-15-21

Date