

RESOLUTION NO. 2021- _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) WITH COURT OPTIONS, INC., TO ESTABLISH A PRE-TRIAL DIVERSIONARY PROGRAM, AT NO COST TO THE CITY; SAID PROGRAM, WHICH MAY BE OFFERED BY THE CITY'S MUNICIPAL PROSECUTOR TO CERTAIN FIRST-TIME AND QUALIFYING OFFENDERS CHARGED EXCLUSIVELY WITH MUNICIPAL ORDINANCE VIOLATIONS, SHALL PROVIDE SUCH OFFENDERS THE OPPORTUNITY TO ACCEPT RESPONSIBILITY FOR THEIR ACTIONS BY VOLUNTARILY ENTERING AND SUCCESSFULLY COMPLETING THE PROGRAM, AND ALL REQUIRED CONDITIONS.

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 misdemeanor crimes/misdemeanor offenses and quality of life offenses; 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 City is committed to reducing crime and repeat offenses, and bringing social services to those that may find it difficult to otherwise obtain such services; and

WHEREAS, on October 13, 2021, the Mayor and City Commission adopted Resolution No. 2021-31903, which directed the City Administration to take all necessary steps to establish a diversionary program for use by the City's municipal prosecution team; and

WHEREAS, Court Options, Inc. is a full-service pre-trial diversion provider with over forty (40) years' experience in the criminal justice field, and is the long-time pre-trial diversion program provider for the Miami-Dade County State Attorney's Office; and

WHEREAS, Court Options, Inc. provides a comprehensive array of quality, court-related services (including anger management classes, drug and alcohol education, values clarification classes, anti-shoplifting classes, and supervision of community service hours), that are designed to deliver effective remedial alternatives for certain qualifying individuals within the criminal justice system, and thereby enhancing public safety; and

WHEREAS, upon the City entering into a Memorandum of Understanding (MOU) with Court Options, Inc., the City's municipal prosecution team will have the discretion to enroll certain first-time and qualifying offenders (charged exclusively with municipal ordinance violations) into the Court Options, Inc. pre-trial diversion program; and

WHEREAS, those qualifying individuals enrolled and participating in the program shall be at no cost to the City, as Court Options' \$150 program fee and the City's \$50 administrative/prosecution fee (which are equal to, or less than, those fees and costs assessed for Miami-Dade SAO pre-trial diversion cases) shall be paid by the qualifying offender; and

WHEREAS, subject to such first-time and qualifying offenders accepting responsibility for their action(s) by voluntarily entering into, and successfully completing, the pre-trial diversion program (including all associated conditions pursuant thereto), the municipal prosecution team would then close the case, thereby allowing such first-time and qualifying offenders to avoid having a criminal conviction on their record for such matter.

NOW THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, hereby approve and authorize the City Manager to execute a Memorandum of Understanding (MOU) with Court Options, Inc., to establish a pre-trial diversionary program, at no cost to the City; said program, which may be offered by the City's municipal prosecutor to certain first-time and qualifying offenders charged exclusively with municipal ordinance violations, shall provide such offenders the opportunity to accept responsibility for their actions by voluntarily entering and successfully completing the program, and all required conditions.

PASSED and ADOPTED this _____ day of December, 2021.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Steven Meiner and Co-sponsored by Commissioner Alex Fernandez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

MAE

11-30-21

Date