

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REQUESTING THAT CHIEF JUDGE NUSHIN G. SAYFIE OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY PROVIDE TRANSPARENCY IN CONNECTION WITH THE COURT'S PROPOSED ADMINISTRATIVE ORDER RELATING TO BAIL AND BOND REFORM BY PROVIDING THE CITY WITH THE CURRENT DRAFT OF THE PROPOSED ADMINISTRATIVE ORDER AND DATA AND SPECIFICATIONS REGARDING THE PROPOSED PUBLIC SAFETY ASSESSMENT SOFTWARE TOOL, AND BY ATTENDING A PUBLICLY NOTICED MEETING WITH PARTICIPATING MEMBERS OF THE CITY COMMISSION, AT ANY MUTUALLY AGREEABLE DATE AND LOCATION, TO DISCUSS THE DETAILS OF THE PROPOSED DRAFT ADMINISTRATIVE ORDER AND THE PROPOSED PSA SOFTWARE TOOL.

WHEREAS, the City of Miami Beach (the "City"), along with various other municipalities in Miami-Dade County, continues to experience a fairly significant amount of quality-of-life offenses (both of the municipal/county ordinance and misdemeanor variety), along with other misdemeanor offenses being committed within its jurisdiction; and

WHEREAS, when an individual is arrested for a 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 presiding judge to advise the defendant of the charges against him or her; to determine if the police had probable cause to effectuate 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 (including, but not limited to, setting appropriate conditions of pre-trial release or a reasonable bond); and

WHEREAS, pursuant to Article V, Section 2(d) of the Florida Constitution and Section 43.26 of the Florida Statutes, the Chief Judge of each Judicial Circuit is charged with the authority and power to promote the prompt and efficient administration of justice; and

WHEREAS, the City has become aware that the Eleventh Judicial Circuit, in and for Miami-Dade County is considering promulgating an Administrative Order that would establish a revised Uniform Bail Bond Schedule; and

WHEREAS, despite being the only municipality prosecuting its own municipal ordinance violation cases, the City has not been offered a "seat at the table" with the other stakeholders including the Miami-Dade State Attorney's Office, the Miami-Dade Public Defender's Office,

Miami-Dade Corrections and Rehabilitation (“MDCR”), and the Miami-Dade County Association of Chiefs of Police; and

WHEREAS, the City has also become aware that the proposed Administrative Order may grant criminal offenders a release on their own recognizance (“ROR”) for City and County ordinance violations, first and second degree misdemeanors, and third degree felonies (subject to certain exceptions) without attending First Appearance / Bond Hearing before a judge, and without posting any monetary bond amount; and

WHEREAS, the City has further just recently learned that under the proposed modifications, MDCR will assess all criminal defendants who are booked into jail using a Public Safety Assessment (“PSA”) software tool; and

WHEREAS, the PSA tool, which was developed by Arnold Ventures to identify those individuals who can safely be released into the community, was created after purportedly reviewing data from approximately 750,000 cases from about 300 jurisdictions around the country; and

WHEREAS, the PSA “scores” each defendant’s likelihood of appearing back in court (failure to appear or FTA scale) and their likelihood of rearrest (new criminal arrest or NCA scale) during pretrial release based upon objective factors like their age, prior criminal record, and history of court appearances; and

WHEREAS, the City has not yet been provided with the proposed draft Administrative Order or any specifications for the PSA software tool; and

WHEREAS, the City has not yet had the opportunity to meet with the proposed Administrative Order’s drafter, Chief Judge of the 11th Judicial Circuit of Florida, the Hon. Nushin G. Sayfie, to discuss the proposed Administrative Order or the proposed PSA software tool; and

WHEREAS, Chief Judge Sayfie stated in her letter to Miami Beach Commissioners dated December 20, 2022, that “We have historically had good communication with the Miami Beach City Commission and the Miami Beach Police Department. Yet, ... you ... did not reach out to us for accurate information”; and

WHEREAS, the City has many unanswered questions concerning the proposed Administrative Order and the proposed PSA tool and would be extremely interested in reviewing the current draft of the proposed Administrative Order, as well as information about the proposed PSA software tool, including, but not limited to, the data, algorithms and assumptions that would be utilized by the PSA tool; and

WHEREAS, accordingly, the Mayor and City Commission request that Chief Judge Sayfie provide the City with a current draft of the proposed Administrative Order and the specifications of the proposed PSA software tool including, but not limited to, the data, algorithms and assumptions that would be utilized by the PSA tool, in order to facilitate an open and transparent dialogue; and

WHEREAS, moreover, the Mayor and City Commission invite Chief Judge Sayfie to a publicly noticed meeting with participating members of the City Commission, at any mutually agreeable date and location, to discuss the details of the proposed draft Administrative Order and

the proposed PSA software tool, with the City Attorney's Office facilitating communication with the Court and the City Administration facilitating the logistics of the meeting.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby request that Chief Judge Nushin G. Sayfie of the Eleventh Judicial Circuit in and for Miami-Dade County provide transparency in connection with the Court's proposed Administrative Order relating to bail and bond reform, by providing the City with the current draft of the proposed Administrative Order and data and specifications regarding the proposed Public Safety Assessment software tool, and by attending a publicly noticed meeting with participating members of the city commission, at any mutually agreeable date and location, to discuss the details of the proposed draft administrative order and the proposed PSA software tool.

PASSED and ADOPTED this ____ day of February, 2023.

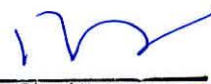
ATTEST:

Dan Gelber, Mayor

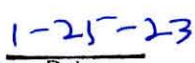
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Alex Fernandez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney



Date

