

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, OPPOSING THE USE OF COMPUTER SOFTWARE PROGRAMS BY FLORIDA CRIMINAL COURTS THAT MECHANICALLY MEASURE A CRIMINAL DEFENDANT'S ELIGIBILITY FOR AND AMOUNT OF BOND, INCLUDING THE "PUBLIC SAFETY ASSESSMENT" TOOL PROPOSED TO BE UTILIZED BY THE ELEVENTH JUDICIAL CIRCUIT TO RELEASE MANY "LOW-LEVEL" OFFENDERS ON THEIR OWN RECOGNIZANCE, WITHOUT ATTENDING A FIRST APPEARANCE HEARING BEFORE A JUDGE AND WITHOUT ANY MONETARY BOND BEING POSTED.**

**WHEREAS**, the City of Miami Beach (the "City"), along with various other municipalities in Miami-Dade County, continues to experience a 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 of the State of Florida has a considerable amount of discretion in the administration of 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 Florida legislature also has plenary power to appropriate state funds for use throughout the State of Florida, 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**, the proposed Administrative Order, which the City has not been given the opportunity to review and/or comment upon, may automatically 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**, upon information and belief, the proposed Administrative Order will direct Miami-Dade County Corrections and Rehabilitation to assess each criminal defendant’s eligibility for, and amount of, bond using a software-based Public Safety Assessment (“PSA”) tool developed by Arnold Ventures; and

**WHEREAS**, the algorithms, metrics, and assumptions that the Arnold Ventures PSA tool utilizes have not been made available to the City or the public; and

**WHEREAS**, the use of PSA software tools to replace the reasoned judgment of a judge at first appearance is antithetical to the very reason that the courts exist in this country and in this State; and

**WHEREAS**, accordingly, the Mayor and City Commission oppose the use of computer software programs by Florida criminal courts that mechanically measure a criminal defendant’s eligibility for and amount of bond, including the “public safety assessment” tool proposed to be utilized by the Eleventh Judicial Circuit to release many “low-level” offenders on their own recognizance, without attending a first appearance hearing before a judge and without any monetary bond being posted.

**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 oppose the use of computer software programs by Florida criminal courts that mechanically measure a criminal defendant’s eligibility for and amount of bond, including the “public safety assessment” tool proposed to be utilized by the Eleventh Judicial Circuit to release many “low-level” offenders on their own recognizance, without attending a first appearance hearing before a judge and without any monetary bond being posted.

**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 1-24-23  
