

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REQUESTING THAT THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY PROVIDE INFORMATION, DATA AND OTHER RELEVANT DETAILS IN CONNECTION WITH ITS PROPOSED ADMINISTRATIVE ORDER RELATING TO BAIL AND BOND REFORM, AND SPECIFICALLY DISCLOSING THE METRICS, ALGORITHMS AND OTHER RELEVANT INFORMATION DEMONSTRATING HOW THE ARNOLD VENTURES COMPUTER SOFTWARE PROGRAM OR “PUBLIC SAFETY ASSESSMENT” TOOL WILL BE USED 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, INCLUDING SPECIFIC INFORMATION ON THE METRICS AND ASSUMPTIONS THE COMPUTER SOFTWARE PROGRAM WILL USE WITH RESPECT TO OFFENDERS, INCLUDING OFFENDERS WITH A PRIOR CRIMINAL HISTORY.

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 a 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 in Miami-Dade County prosecuting its own municipal ordinance violation cases, the City has not been offered a “seat at the table” with the

other stakeholders who include 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 computerized PSA tool, which was developed by Arnold Ventures to predict 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, there is very little public information known about the Arnold Ventures PSA tool and/or the methodology used by the software program; and

WHEREAS, the City is left with many unanswered questions concerning the PSA tool and would be extremely interested in reviewing the data, algorithms and assumptions that would be utilized by the PSA tool; and

WHEREAS, equally important, the City is concerned as to how the PSA tool may result in the release of many Miami Beach criminal defendants, specifically misdemeanors and municipal ordinance offenders, without attending a First Appearance / Bond Hearing before a judge; and

WHEREAS, through the use of specific examples, the City would also be very interested in reviewing how the PSA tool would "score" some hypothetical criminal defendants who have been repeatedly arrested and/or convicted of prior criminal offenses, and/or had previous failures to appear in court, as required; and

WHEREAS, the City is also extremely interested in the results generated, in terms of improvements or reductions in public safety, by any similar Administrative Orders that have been implemented in other jurisdictions.

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 the Eleventh Judicial Circuit in and for Miami-Dade County provide information, data and other relevant details in connection with its proposed Administrative Order relating to bail and bond reform, and specifically disclosing the metrics, algorithms and other relevant information demonstrating how the Arnold Ventures computer software program or "Public Safety Assessment" tool will be used 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, including specific information on the metrics and assumptions the computer software program will use with respect to offenders, including offenders with a prior criminal history.

PASSED and ADOPTED this ____ day of February, 2023.


ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Vice-Mayor Steven Meiner)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *MAF*

1-25-23
Date