

MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

RAFAEL PAZ, ACTING CITY ATTORNEY

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber
Members of the City Commission
Alina T. Hudak, City Manager

FROM: Rafael A. Paz, Acting City Attorney



DATE: October 13, 2021

SUBJECT: REFERRAL TO THE NEIGHBORHOOD AND QUALITY OF LIFE COMMITTEE OF A DISCUSSION ITEM CONCERNING THE MANNER AND MECHANISM IN WHICH THE CITY'S RESIDENTS CAN OBTAIN UPDATED INFORMATION REGARDING THE PENDING STATUS OF CRIMINAL OFFENSES PROSECUTED BY THE STATE ATTORNEY'S OFFICE.

At the request of Commissioner Samuelian, sponsor of this referral item, Commissioner Samuelian has asked that the Neighborhood and Quality of Life Committee (NQLC) discuss the ability of the City's residents to obtain up-to-date information regarding all pending criminal cases being prosecuted by the State Attorney's Office.

The intent of this referral item is to provide the opportunity for a constructive conversation, and secure recommendations as to what manner and mechanism may be utilized that would permit such case information to be provided to the residents. Specifically, residents have identified the following objectives and concerns:

- Obtaining information that would cover all cases relating to the entire range of criminal offenses.
- Obtaining information about each stage of criminal proceedings, from arrest to final disposition.
- Obtaining information that would include historical information, as well as a framework for obtaining information prospectively.
- Obtaining historical information over an identifiable period of time, in order to identify patterns that could be used for analysis and advocacy.
- Disclosing the progress of each case in order to permit residents to be aware of the pending status of the proceeding(s), and determine whether their presence is essential to ensure the prosecution of the defendant.
- Understanding why the criminal and misdemeanor activity in the city has reached such intolerable levels.
- Understanding why the Miami-Dade County judiciary and the State Attorney's Office frequently dismiss valid charges and return criminals to the City's streets.

The vast majority of the information pertaining to the criminal prosecution of persons arrested in the City of Miami Beach (and throughout Miami-Dade County) is publicly available and accessible on the Miami-Dade Clerk of Courts website (the "Clerk's Website"). The implementation of the proposed database, which would be located on the City's website, would be a massive undertaking, and would require the Police Department to identify and allocate the necessary personnel/resources to accomplish this initiative. Specifically, it is anticipated that the database will require a significant amount of manual updating on a daily basis, to update the City's database with the current status of all pending criminal cases from the Clerk's Website involving Miami Beach, and include new information concerning all individuals arrested on the previous day, etc.

Should there be an interest in moving forward with the proposed concept, the Administration input will be required, specifically as it relates to the resources which will be required to create and maintain the proposed database.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact Deputy City Attorney, Aleksandr Boksner or First Assistant City Attorney, Mark Fishman.

RAP/AB/ym