

City of Coral Gables City Commission Meeting
Agenda Item I-4
March 29, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Manny

Agenda Item I-4 [11:38:54 a.m.]

Status report on Justice Advocate Program

Mayor Cason: Alright. We are going to move now to I-4, another cutting edge program, Justice Advocate Program.

City Attorney Leen: Yes. So the Vice Mayor asked at the last meeting that we receive a report on the Justice Advocate Program. This is a program that the City has been doing in conjunction with the Coral Gables Police Department. It was sponsored by this Commission a couple of years ago it's been in effect. It's been an extremely productive and successful program, so with that I'll ask Manny to come up and briefly go through the PowerPoint presentation. This PowerPoint will also be placed on my website, if any member of the public wants to take a look at it, on the City Attorney's web page.

Speaker: Mr. Mayor, Commissioner, Madam Manager...

City Attorney Leen: While they are putting it up. Is the PowerPoint available?- has it been sent to anybody? Manny, did you send the PowerPoint to the Clerk's office?

Manny: I sent it to you.

City Attorney Leen: Oh, I thought that it had been sent to the Clerk's office.

Mayor Cason: Walk us through it.

Manny: The PowerPoint is about 20 slides long, so we weren't going to go through the whole thing anyways. As Craig said, you are familiar with the program; it's been going on for about two years now.

Mayor Cason: Are we the only City that has a program like this in Florida?

Manny: Yes that I'm aware of. Anybody that I've ever talked to is always surprised by what we do. I believe we are the only City that does it. I know we are the only City in Miami-Dade County that has a similar program.

City Manager Swanson-Rivenbark: Mr. Mayor, it is on the web so that anybody that is watching on the Internet, they'll be able to pull and...wireless will be able to see the PowerPoint as well. I'm not sure why it wasn't included with the CGTV, but I'm watching the 19 slides right now.

City Attorney Leen: I'm sorry about that Mr. Mayor.

Manny: If you are following along at home or here with slides, we can go to slide 3, Ruben Arboleda. The last time I was before the Commission, I highlighted this case as a point where even the best intentions can lead to a failure in the system. Essentially, it was water falling through people's fingers. Since then, we've been able to work with the State Attorney's Office; the defendant who had pled to probation on a number of cases is now having his probation violated. We were made aware that he contacted a witness where a stay away order was issued. My office actually, with Detective Baena obtained the phone records, went through the phone records from his jail calls and provided them to the State with time annotations, so all the State had to do was look at them, file a probation violation affidavit, and that's coming up on the first. Been in constant contact with the state on that and they are looking for a considerable amount of prison time as a result of his violation. So we are able to turn that around.

City Attorney Leen: Its I-4, if you want to follow.

Manny: Particularly happy about that one. And you can see in the slides, some of these are closed cases, recently closed, and there are also open cases. Adrian Ayala is another case. Less than two weeks ago Adrian Ayala pled to two years followed by four years' probation, I'm sorry, his probation was doubled from two years, which was originally offered by the State and that's after consulting with us, it was doubled to four years' probation with drug treatment and other special conditions. Mr. Ayala and another co-defendant committed a series of burglaries to vehicles one night here in Coral Gables. The Police Department actually apprehended him that evening. He was obviously charged and two weeks ago pled guilty and accepted his plea. Two days ago he violated his probation. So we have been in contact again with the State Attorney's Office to determine what the best course of action is. I bring up these two particular cases because part of what this program has done, has made the State Attorneys, Assistant State Attorneys aware that there are cases that this City cares about. This City is concerned about the resolution and the result of what happens. So yesterday, without me contacting the State, the particular ASA who is assigned to this case called my office and asked for input. So, I'll be discussing the case with the detective to see how we think the City's interest is best served with the resolution of this case. Luis Basalo, unfortunately is one of the more serious crimes that's happened in the City in the past two months. It was an armed car-jacking, I'm sure most of you remember, he was a juvenile at the time and has been bound up to felony court. He's been charged. There is a lot of background information in this case. It's not particularly appropriate to share at this point, but he is being treated very seriously. He is being tried as an adult. There is an Arthur Hearing that was supposed to take place a few days ago, but it didn't go forward, but the State Attorney who is handling that case I've known for years, is taking it very seriously and that case...

Vice Mayor Quesada: For the benefit of the non-attorneys as well as those at home, try to stay away from some of the legal jargon – Arthur Hearing and can use the term prosecute instead of ASA, just so that people watching at home can understand.

Manny: Absolutely. The Arthur Hearing really just has to do with the bond, whether he is going to be released or not. It's a separate trial not, but it's not likely to go that date given no depositions have been taken at this point. Kareem Brown, another case you are probably familiar with was, and the Mayor I know is familiar because we went to a hearing together very early on.

Mayor Cason: A year ago, wasn't it?

Manny: Yes, it was just about a year ago. This was an incident we are following, burglary, a series of burglaries. Three defendants fled the scene and were involved in a car accident. They also left the scene of that accident; someone was hospitalized, actually for a month. Those defendants were set for trial and two of the three of them failed to appear for trial and now have

arrest warrants pending. The officers in Coral Gables are all aware, this is particularly relevant because one of those three defendant's brother, Mr. Wooten's brother, I forgot his brother's name, but his last name is Wooten, was also arrested for committing a crime in Coral Gables and he is part of the Justice Advocate Program as well. Casey Francis, you can see what occurred there. He was sentenced to 119 months, that's about just under ten years. You can see most of these cases, one more – if you have any questions at any point you can always contact me and ask. One of the more interesting ones also is Juan Carlos Redero, which is toward the end of the slides. He was leaving the scene of an accident case that resulted in a death of a bicyclist on Bird Road. I'm sure you remember the details, pulled off on a side road, pulled the bicycle off the grill of the car and fled and hid his vehicle in his backyard. Thanks to police work, obviously of the entire department, but specifically Officer, Sergeant Escobar and Officer Sotolongo, that vehicle was eventually located. We helped with the search warrant and arrest warrant for this individual and he is awaiting trial. Just a side note, Sergeant Escobar and Officer Sotolongo were awarded the Investigative Services Award for their work related to that case from the Dade Chief's Association. So I told them I would mention that. Antonio Damian and Jeffrey Paulino – Antonio Damian has been sentenced; you can see the list of work we have done and our interactions with the assigned prosecutor; and then as for Jeffrey Paulino Rodriguez, he actually – this is a very serious case that occurred in our City. There is an even more serious case that he's currently charged with and I had the benefit of actually consulting with my wife on this case, because he's currently charged with a sexual battery on a child under 12. That did not occur in Coral Gables, but because it's a more serious offense, a more senior prosecutor takes it over and my wife that was handling the case and we discussed it. My wife is in the sex-bat unit. It was a funny coincidence. So that's really it. It's not all positive. It doesn't always go according to plan. I think in the last slide I mentioned two particular defendants, Markeith Nickels and Jasmine Lee; these were two defendants' committed same burglaries at residences in Coral Gables. These cases were dismissed. There is no action by the State Attorney's Office, the Prosecutor's office for the victim's failure to appear. The prosecutors were made aware this was an important case to the City of Coral Gables...

City Attorney Leen: Would you go through the beginning slides, before you got to the names just to remind the Commission about the program? And I would just like to thank CGTV for putting this up.

Manny: So, I don't know if I was speaking too fast. As most of you are probably aware, it's a collaborative program between the City Attorney's Office, Police Department, and the State Attorney's Office; and the goal is to represent the interest, not only of the City Commission, but really the community as a whole. We want to make sure that the residents of Coral Gables get the best legal representation they can and to make sure that the crimes that are perpetrated in

Coral Gables by people who come into this City specifically for the purpose of committing crimes here against our residents are treated with the utmost severity as allowable by law.

City Attorney Leen: So what would happen is if the Director of Public Safety or the Chief of Police or the Police Department Generally informs us that this is a category of case that falls within the Justice Advocate Program, we have someone track it, literally they'll go and they'll go to court and they'll make sure that a high bail is given. They'll make sure that the prosecutors pursue it. They help with the victim's sometimes in coordination and they will also, they will literally, if there is information that the State Prosecutor needs they'll either research it themselves or they'll get it from the Police Department and they serve as a liaison to help. The State Attorney's Office has been very happy with the program. I believe we are the only City who has a program like this in the State of Florida, that I know of.

Commissioner Slesnick: It's also excellent that this program supplies someone to go with the witnesses and so forth to the trials or follow up with the process, so that they feel involved and not out there by themselves.

Manny: Right – and that's also the Victim's Advocate, who is with the Police Department who contacts the victims, coordinates with them. We also even offer at the Reyes Law Firm, our conference rooms for deposition. If a witness or a victim in Coral Gables would feel more comfortable being deposed here, it's always open.

Mayor Cason: So they don't have to go to court.

Manny: Well they don't have to go all the way downtown, as long as the state and the defense will agree to use our conference room.

Mayor Cason: Can you talk a little bit about that, because we did some other things though, we provided per diem for people that had, for example, working at a drug store and couldn't take time off from their work to go, so we were helping them with that; and then this ability to take a deposition, not have to go downtown if they are worried about being in a court and being seen by the victims. How often are those being used?

Manny: So far in court we haven't had it used, but we let the State know every time this is an option, if the victim expresses any discomfort or doesn't want to travel down. A lot of times what the State also can do is do depositions, not depositions, by pre-files by phone. So if it's, for example a burglary somebody might call into the State Attorney's office and do their pre-file, which is prior to the charges being filed, they give a statement affirming that, for example, on a

burglary the person who was arrested wasn't supposed to be in the house, that they didn't have consent to take whatever it is they took, and providing the identification, etc.

City Attorney Leen: Would you go through the PowerPoint quickly, because I know you've already talked about it, just so the people can see it.

Manny: This is Steve Austin, he was sentenced to 30 years in state prison. Detective Baena testified both at trial and at his sentencing in this case. I believe he was a habitual offender. Adrian Ayala is the individual who violated his probation. He was put on probation two weeks ago, and violated his probation almost two days ago; and if you are curious, he actually immediately violated the terms of his drug treatment. So the Judge actually was concerned, he's a fairly young offender, he's not a juvenile, he wouldn't be on these slides if he was a juvenile, but the Judge was concerned and hoping to get him help. Part of this program is also just to punish. There is an individual who didn't makes these slides because he's so new, who the Police Department provided information that lead us to believe that he might have some mental health issues. What we also do is go to court and let the State know and let the Judge know. We believe the root of this may have to do with mental health issues; we'd like an evaluation, if possible. This is one of two co-defendants in a grand theft and burglary ring. This is Mr. Basalo, he's the October shooting. Kareem Brown and his two co-defendants. Mr. Francis, Cooper Vaughn, I think I pretty much went through.

City Attorney Leen: And what you'll see is that a lot of these people and this is through the good works of our Police Department, but also Special Counsel is they are incarcerated almost all of them.

Mayor Cason: I think your last slide for me is the most important, where you underline the prosecutions are derailed by residents in the community who refuse to cooperate. I think that's shameful. With the things we put in place so people don't have to go downtown, we compensate them, we've got victims advocates. How often are we losing cases because people say I'm too busy?

Manny: I don't have a qualitative analysis for that. What I can tell you is that it's the biggest factor for us losing a case would be a victim failure to participate. Now it's understandable in some circumstances, you know, because the Police Department does such a good job they may apprehend the defendant that night with the property that was taken from a vehicle. For example, if the vehicle was unlocked then just the door was opened, the victim doesn't feel, once they get their property back, that there really is any reason to proceed.

Mayor Cason: So what it does is a stimulus for him to come back and rob your next door neighbor the next day, and people don't realize it. I think 95 percent of these thefts from cars doors are open.

Manny: I'm not sure of the percentage, but....

Mayor Cason: But we are now actually collecting that data on thefts from cars, what percent were doors unlocked? The vast majority the doors are unlocked, but then people leave a garage door opener in the car and they open – it turns into a burglary, because they don't lock the door from the kitchen to the garage. So unless the citizens cooperate, I don't know what else we can do to encourage citizens to cooperate. The whole program that we put in place in the last few years has been very successful in terms of burglaries. We had a period just recently in two weeks without a single burglary in Coral Gables, and that's over 17,000 homes and apartments, so it's working, but it would be more effective with this program if people will just participate in the process to lead to convictions.

Commissioner Lago: And the incredible thing about that statement that you just made Mayor is the fact that we are surrounded by four different municipalities, the County. Just if people would take the time to really follow through when you are in this kind of position. You are sending a clear message, people start to understand. Just like we talk about all the time, talk about Pinecrest people say, don't speed through Pinecrest, you are going to get a ticket, and that's what we are trying to emulate. Not only in speeding but on the issue by providing all these types of opportunities for our residents to make sure that they put these types of criminals in jail.

Mayor Cason: And I encourage the Police and all of us when we find these serial burglaries or theft from cars, again, we are probably the first in Florida to put legislation where we can prosecute ourselves, I don't know if we've used it, but I don't know what else we can do.

City Attorney Leen: I know I'm going to be meeting with – I talked to the Public Safety Director about it and the Chief and we are going to be meeting about it to discuss it. How to implement some of this legislation and to do training for that? I know that, that has been a big emphasis of both Public Safety and the Police Department. So we are going to be working on that. The other thing is, a piece of legislation, again, what I just mentioned before, under our Code any misdemeanor is a violation of the Code as well. So one thing that we are looking at is, if someone commits a misdemeanor or a violation like this, and some of these are not misdemeanors, they can be felonies too, but why not fine that person \$25,000 as well, which is the maximum fine allowed by law for the City for a violation of it Code, and then to the extent that that person is not prosecuted, prosecute them in our Code Enforcement Board and get a \$25,000 fine and record it on their house.

Mayor Cason: Thank you, very thorough, appreciate it.

Commissioner Keon: Thank you.

Commissioner Lago: Thank you sir.

[End: 11:57:33 a.m.]