

City of Coral Gables City Commission Meeting
Agenda Item I-1
May 26, 2015
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
Interim Police Chief, Ed Hudak
Deputy City Attorney, Miriam Ramos

Public Speaker(s)

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Status update regarding expansion of Victim Assistance Program and proposal of
Unauthorized Car Entry Ordinance.

Mayor Cason: I.-1. This is status update on Victim Assistance Program and the Unauthorized
Car and Tree ordinance.

City Attorney Leen: Yes, Mr. Mayor. And the Deputy City Attorney is here. The Mayor is
sponsoring two items. It's the Victims Assistance Program Extension and the proposal of an
Unauthorized Car Entry ordinance. The Deputy City Attorney and the Police Chief have been in
discussions with the State Attorney's Office, which we talked about at the last meeting, and she's

going to provide an update as to that. I would like to say that both of these programs, the goal of these programs is to try to increase citizen assistance in prosecuting crimes, and also to make it clear the City's policy statement and view that unauthorized car entry is unacceptable in the City and should be prosecuted to the full extent of the law. So with that, I would turn it over to the Deputy City Attorney.

Deputy City Attorney Ramos: Good afternoon, everyone.

Mayor Cason: Chief, do you want to come up?

Deputy City Attorney Ramos: Good afternoon. The Chief and I have been working on these initiatives for the Mayor. The first update is on the potential expansion of the Victim's Assistance Program. We have the possibility of funding from a community organization, and the Chief has been involved in setting up meetings with the organization to possibly discuss that option. I'll let him speak to that.

Interim Police Chief Hudak: We've been in touch; we just haven't been able to schedule with Mary Snow, as well as some of the other board members. So we have to look at, and again, working with the Manager's Office, about how we would receive those funds, how would we allocate those, what kind of "scholarship" we would give to those who are victimized in crime in Coral Gables. So, there's a lot of other things that we would look on the table to make a comprehensive waiver of permit fees or things like that for people whose doors are broken or windows are broken and they have to be replaced. So, there's a lot of other comprehensive issues that we're going to bring back to you through the Manager's Office and speaking with the new Public Safety director as well today. So we have some work to do on it, but we are moving forward on the initiative.

Mayor Cason: And we're OK on the legality of it, the concept?

Deputy City Attorney Ramos: The concept is fine. It's a matter of executing it.

Mayor Cason: OK, perfect.

Deputy City Attorney Ramos: Yes. And then the second update is on the drafting of what we had called before a serial car burglary; moved away from that. What we want is for the elements to not be tied to criminal prosecution, so that it's a City Ordinance much like the Squatting Ordinance and things like that. So the idea now is to call it an unauthorized car entry, and it would be a \$500 fine and a Stay Away Order, and then a jail term if the Stay Away Order is violated. So, I'm currently drafting that for the Mayor's review, and I presume he'll be sponsoring it sometime this summer.

City Attorney Leen: So, Mr. Mayor, the idea, I think it's a very good idea. It's an interesting idea. So the idea is if someone commits an unauthorized car entry, they're arrested, they're going to be given an option between accepting a Stay Away Order that they have to comply with from the residential areas of the City, basically. And if they violate that, that can be prosecuted, or they get the 60-day punishment. So the idea behind it is, we want to be very strict. This would probably be the strictest law on this topic, I think that exist in this state, but at least that I know of, and we've looked into this a little bit. It's certainly the strictest in the area, but it would allow the ability for someone to accept a Stay Away Order instead, but then they wouldn't be able to go into the areas of the City. And the thing that makes a lot of sense about that is now, if the police officer runs into one of these individuals who is subject in one of these Stay Away Orders, they can immediately arrest them.

Commissioner Lago: What would be the time frame that the Stay Away Order would be in place?

City Attorney Leen: Well, that's going to be...I'll turn that over.

Deputy City Attorney Ramos: We've looked at the couple of years, anywhere from one to five years, and that's obviously up to you what you think is reasonable. And also we were talking about...

Commissioner Lago: And that's not being used by any other municipality?

Deputy City Attorney Ramos: Not that I know of.

Mayor Cason: And we're unique, I think, in the sense of almost all of these are committed by people from outside of Coral Gables. Probably a lot of the other communities are people that live...you couldn't apply because they live in their own neighborhood.

Deputy City Attorney Ramos: Certainly, if it's a resident, it wouldn't be an option, but if it's somebody outside the City and we're looking at a 1,000 feet.

Interim Police Chief Hudak: And again, there's a technical aspect to it, again, for operational, for us to implement it and enforce it, of having that in our computer systems. So, the officers on midnight shift actually know when it starts, when it ends, because the last thing we want to do is take somebody into custody. So, there is a technological component that we have to work through that's going to take us some time to make this enforceable. And our conversations, you know, with the Manager and everybody else is, although we support the concept, we want to be able to say we can enforce it as well, so that's why it's going to take some work.

Mayor Cason: And in terms of incidents, this is the number-one crime in the Gables. And I think we point out that most of these are probably serial events, right? I mean, do you find somebody does one car or, generally, they come through at three in the morning and do 10 or 15?

Interim Police Chief Hudak: Well, we've seen both, Mayor. We've seen them sporadic, where I think it spikes, depending on what it is. I mean, we have an operation in place for the end of school coming up at the end of this week, along with everything else. So, it comes in spikes where a neighborhood may get, if they drop off and this is the car hopping phraseology you've heard me use, where they'll drop off a couple of kids and they'll just go down the street trying doors as they go forth, and it is. When that society or when that culture gives it a terminology, it's something we have to relate to. But our youngest offender on these has been 12 years old, where they're going from car to car, so we do have that. We don't have a long sustainable, but

we may have one or two. I mean, we had two yesterday; same house, same residents; both cars were tried. Nothing was taken, but we know they were inside the cars.

Deputy City Attorney Ramos: The ordinance would also provide us for not a Stay Away Order, but directly to the 30-day min man (minimum mandatory) for somebody who does several in one night or who's violated the ordinance in the previous year and is now considered a serial offender. Also, I don't think it would apply to juveniles.

Mayor Cason: Right.

City Attorney Leen: Mr. Mayor, one other thing. The Victim Assistance Program, the idea behind that really comes from the fact that the State Attorney has told us, and the Chief has as well, that there are residents who have a...let's say it's an unauthorized car entry and they take one thing out of the car. The resident doesn't necessarily want to participate in the whole process of prosecution and going to criminal court and meeting with the prosecutor, things like that, because it's a big-time commitment; they're exposing themselves a little bit because now, they're part of the criminal justice system, even as a victim, and they have to participate in this. And Considering that the crime, although we view it as a very serious crime, perhaps, compared to some other crimes, it's not as serious, you know. So, the idea behind this is that with the Victim Assistance Program, we're basically telling the resident "we're in this with you. There's a program. We care about what you're doing, and it's serving the public." And there'll be all that information in that program when people sign up, that this is a public service you're doing and we recognize it as such. So, things like the per diem or making sure that you get over to the criminal court; transportation is provided, even though it may seem small. As a matter of principle, I think it will be much appreciated, and it shows the commitment of the City to seeing these matters prosecuted.

Mayor Cason: And particularly when we were told like two-thirds of those kind of cases are not prosecuted because the failure of a victim to show up, and a lot of the victims are relatively, I mean, a lot of them are in the north that have the lower income where if they have job where they earn hourly salary, they lose the money if they can work at CVS (Consumer Value Stores)

or something. So, the idea would be that we help, anything that would help get more prosecutions of these serial offenders that seem to be the majority that we face.

Interim Police Chief Hudak: And the City Attorney touched on this as well. The State Attorney's Office is working and does have programs in place where affidavits can be filled out by the people that had their sunglasses stolen. So if we made an arrest, we've more than likely recovered the stolen property that was taken from the car. So, if we can fill out an affidavit and not have them go down to court and move forward on that, that's going to help our prosecution rate with the State Attorney's Office. For some of these other special cases, I believe that's what, in working with what the Gables Foundation wants to accomplish, we can come through with a very enforceable and assist-able, so to speak...

Mayor Cason: But they would have to go to the last time, even with the...

Interim Police Chief Hudak: According to our last meeting with the State Attorney, Mr. Mayor, they may not even have to do that.

Mayor Cason: Oh, that's great.

City Attorney Leen: The state attorney's been very cooperative with this process with us and we appreciate that. I want to tell you one other thing. The idea behind all these Ordinances and, really, it comes from the Commission because you directed me to try to find as many different ways we can address these things. But the Squatters Ordinance is really the example. You know, Coral Gables today as far as I know, we don't have any Squatters, which is different than every other city that I know of in this region, and I hear from the City Attorneys and from other professionals from those cities. They call me. I get called about the Squatters Ordinance a lot, and it's because we enforce immediately when we hear about a swatter, and we treat that as a serious offense. Someone's broken into someone's house and is now living on the street with neighbors who don't know how this person got to be there and are very concerned because the person broke into the house, which is obviously a terrible sign, you know, if you're living right next to the person. So, the concern that the City has expressed through the Squatter Ordinance is

similar to all these other ones. When the Mayor and I went to criminal court with the victim with the Justice Advocate program, we got quite a reaction from the judge...

Mayor Cason: From the defense.

City Attorney Leen: From the defense attorneys, from the criminals, or the alleged criminals that were in the box, and they were like everyone was looking at us. "Who is this?" "Why is the City here?" And I remember one of the defense attorneys asked me, "What is the Justice Advocate Program?" And the judge was very happy to see us, I felt.

Mayor Cason: We're back June 29 still, right?

City Attorney Leen: Yes. So, these Ordinances have a bigger effect than I think you would think, particularly the Squatters Ordinance, I think, is the best example because we don't have any Squatters in the City and every time we have one, we react immediately, and that tells Squatters don't come into Coral Gables.

Mayor Cason: Where are we with the third item, which was the idea of a City prosecutor? Is that still needed, based on what you've discovered?

Deputy City Attorney Ramos: Of course, that's up to you. That's in its infancy. We have a follow-up meeting at the State Attorney's Office after the Chief of Staff gets back after June 1.

Mayor Cason: OK.

Deputy City Attorney Ramos: And then we'll meet with the Manager and the new public...

City Attorney Leen: Yes. There's obviously broader implications to that. Like I mentioned last time, I've always felt that that was the thing I like about the City prosecutor is that it's similar to the Justice Advocate Program. The City has more control over that person and you can report to you. But I need to meet with the director of Public Safety and talk to see if that's something that

would be useful for the City. It may not be. You know, maybe it's an unnecessary expense. It's also something that can be done through the City Attorney as well. For example, Izzy Reyes already operates in many ways like a City prosecutor on some of these smaller offenses. If a Squatters Ordinance, if we had to prosecute a Squatters Ordinance, Izzy Reyes would do that or Miriam would do that. She's a prior prosecutor. So, there's different ways to approach the issue. It was raised previously, but I'm going to meet with the director of Public Safety. I already spoken to him about these topics and we're going to be talking about it and making recommendations to the Manager and ...

Mayor Cason: In my conversations with him, if you'll recall, we suggested one of the missing pieces in all of this is if we don't control, because it's in the Attorney's Office, is we leave it as they're being tried, but when they're convicted and go to jail, that information doesn't get back out to the residents because we don't control it, so we need to get that last piece. Here's, we got the resources. You guys have found them. We've worked with the courts, and here's what happened to them, so the people know that people actually are getting convicted and lots of them, but our citizens don't know it because that's the attorney that doesn't normally...State Attorney put that information out in a way that helps us close a loop.

City Attorney Leen: It's a larger system. So, the thinking was to have an individual that works directly for the City or the Commission. Although, I do want to emphasize again, we have Izzy Reyes, we have myself, we have Miriam, so we do have that capability already. That would be a broader capability. But ultimately, the main issue that needs to be said on all these topics is the Commission has been very clear, the City Manager and myself, that we have to find every means necessary to reduce crime, and I know that that's what we're doing.

Mayor Cason: Thank you.

Commissioner Lago: Thank you.