

RESOLUTION NO. 2009-24

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, ADDRESSING THE RECENT TREND OF INCREASING VIOLENT CRIMINAL OFFENSES ACROSS BREVARD COUNTY; ACKNOWLEDGING THAT A VAST MAJORITY OF CRIMES ARE COMMITTED BY A RELATIVELY SMALL NUMBER OF LOCAL OFFENDERS WITH LONG HISTORIES OF CRIME AND ARREST; SUPPORTING LAW ENFORCEMENT CONCERNS REGARDING LACK OF PROSECUTION AND REGRESSIVE SENTENCING OF REPEAT OFFENDERS; EXPRESSING SUPPORT FOR PRACTICAL AND PROVEN METHODS THAT CAN AND WILL POSITIVELY IMPACT THE ESCALATION OF VIOLENT CRIME IN BREVARD COUNTY; SUPPORTING THE CREATION OF A COUNTY-WIDE “CRIMINAL JUSTICE ADVISORY COMMISSION” BY THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS TO PROVIDE RECOMMENDED SOLUTIONS TO THE COUNTY COMMISSION AND PUBLISH A TIMELY REPORT TO THE POPULATION AT-LARGE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 27, 2009, numerous law enforcement agencies in Brevard County, participated in a presentation to the Brevard County Board of County Commissioners regarding the deficiencies of the criminal justice system’s response to violent crime, and

WHEREAS, there has been a recent trend of increasing violent offenses across Brevard County, several resulting in murders, that necessitate prompt action by the entire criminal justice system and the community-at-large, and

WHEREAS, there are several well recognized assumptions regarding criminal behavior, to include a small number of local offenders commit the vast majority of crimes. These offenders are easy to identify using reports of crime and arrest histories. Most crimes are committed by local offenders who have long histories of engaging in criminal behavior as both juveniles and adults, and

WHEREAS, all law enforcement agencies across Brevard County cite numerous examples and report historical experience that verify the reality of these assumptions and consistent results regarding lack of prosecution and regressive sentencing of repeat offenders that has resulted in the “proverbial revolving door”, and

WHEREAS, much of the violent crime experienced in Brevard County, and across the State of Florida, is related to drugs, the profit related to drug dealing, and alcohol abuse, a fact

supported by the Department of Justice "ADAMs (Arrestee Drug Abuse Monitoring Program) STUDIES", and

WHEREAS, there is a lack of alternative resources for persons suffering violence from mental illness, substance abuse-addiction, and dysfunctional abusive relationships, and

WHEREAS, most of these repeat offenders have not suffered prosecution, are often released from jail with little or no bond required, adjudication of guilt is often withheld, repeat offenders are placed on probation despite engaging in a history of repetitive violent acts, and

WHEREAS, the repetitive nature and recidivism rate of sex offenders and predators is well documented and presents a substantial risk to children and venerable adults, and

WHEREAS, there have been reductions in budgeted funds by State and Local government that impact effective and meaningful punishment for criminal behavior, and

WHEREAS, the global law enforcement experience has determined there are practical and proven measures that can and will positively impact the escalation of violent crime through the use of swift and sure punitive action not inconsistent with constitutional and statutory protections, and

WHEREAS, in order to stem the tide of repetitive criminal acts, intervention focus at first time or youthful offenders must become a priority focus of the criminal justice system both here in Brevard County and throughout the United States.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The Town Council hereby supports the collective recommendations presented at the Brevard County Board of County Commissioners' meeting on October 27, 2009, as follows:

1. There must be adjudication in all gun and violent crimes with few or no exceptions, which are based on good meaningful justification and not as a routine process.

2. Support for State legislation to properly fund increased prosecutor and felony probation and parole staffing levels and encourage local funding or at least progress to assist these components such as prescribed by the State Attorney Norm Wolfinger in his presentation.

3. Establish a Citizen Judicial Watch Committee made up of volunteers who will monitor trials and other judicial assemblies such as sentencing, intake, and bond hearings.

4. Establish a review system where prosecutors and law enforcement meet to discuss all “no file” cases as a tool to improve communication, case assessment, and training.

5. Improve judicial assessment at initial appearance hearings specifically by providing the judges with the criminal histories prior to setting bond or allowing release.

6. Create an early warning systemic process involving all components of the criminal justice entities (law enforcement, prosecutors, judges, corrections) that effectively monitor criminal histories to identify repeat offenders from the local population early. The purpose of this process is to focus on each identifiable top offender from each community to avoid non-filing.

SECTION 2. The Town Council advocates the formulation of a Countywide Criminal Justice Advisory Commission to be appointed by the Brevard County Board of County Commissioners. This Commission is to be charged with examining the issues and recommendations heretofore mentioned and publish a timely report to the community at-large. This Advisory Commission should incorporate stakeholders from all aspects of the Criminal Justice System, to particularly include victims of violent crime and family members of homicide victims, the ultimate stakeholders. The Town Council also advocates, at minimum, participation by a cross representation of local law enforcement, the Sheriff’s Detention Center staff, the State Attorney’s Office, County and Circuit Judiciary, Sheriff’s Office, Department of Corrections Office of Probation and Parole and the Florida Department of Law Enforcement.

SECTION 3. A certified copy of this resolution is to be delivered to each member of the Brevard County Board of County Commissioners, the Mayor and Chief of Police of each Brevard County municipality, the Brevard County Sheriff, the Chief Judge and all Judges of the Eighteenth Circuit Court, the State Attorney of the Eighteenth Circuit Court, the Public Defender of the Eighteenth Circuit Court, and the Brevard County Legislative Delegation.

SECTION 4. Effective date. This Resolution shall take effect immediately upon passage.

This Resolution was moved for adoption by Council Member Borton. The motion was seconded by Council Member Vail and, upon being put to a vote; the vote was as follows:

Council Member Nancy Borton	<u>Aye</u>
Council Member Brian Vail	<u>Aye</u>
Council Member Steven (Steve) Rivet	<u>Aye</u>
Council Member Jeffrey (Jeff) McKnight	<u>Aye</u>
Council Member Marisa Acquaviva	<u>Aye</u>

This Resolution was then declared to be duly passed and adopted this 16th day of November, 2009.

By: Town of Malabar

Thomas M. Eschenberg
Mayor Thomas M. Eschenberg, Chair

Approved as to form and content:

Karl W. Bohne
Karl W. Bohne, Jr., Town Attorney

ATTEST:

Debby K. Franklin
Debby K. Franklin
Town Clerk/Treasurer

(seal)