

The Rap Sheet

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MAY 2016

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Enforcement Officers
Subcommittee are listed
on the back page**

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Summary of the April 20th, 2016 PPCC Meeting

Agencies represented: SAO, Miami-Dade PD, City of Miami PD, Miami Beach PD, Hialeah PD, Aventura PD, Sunny Isles Beach PD, Surfside PD, Coral Gables PD, Homestead PD; Miami Gardens PD, Medley PD, University of Miami PD and Pinecrest PD.

Agenda Items

Traffic and Related Charges—The Clerk's Office has notified us that the Florida Department of Highway Safety and Motor Vehicles (DHSMV) requires that citations be written for all criminal traffic charges as well as violations involving motor vehicle licenses, driver licenses and vessel safety. The disposition of these charges cannot be transmitted to Tallahassee without a citation. Generally, misdemeanor cases do not pose a problem but often, with felony charges citations are not written. Officers must write citations for all these felony charges and bring them to the pre-filing conferences to be submitted to the Clerk's Office when the case is filed.

Currently, there are hundreds of closed felony cases involving these charges where the defendant's driving record does not indicate the disposition of said charges, resulting in suspension or revocation of a license not being recorded by DHSMV and thus not appearing on a defendant's permanent record. Many of these cases are being returned to the SAO for the issuance of citations to be used for reporting purposes.

Video Pre-file Conferences – A number of police departments are doing pre-filing conferences on video. The advantage of this system is that officers can save a great deal of time when they don't have to appear at the SAO for pre-files. However, written material such as offense incident reports, property receipts, copies of case related documents, i.e. checks, invoices, statements etc., have to be faxed to our office at the beginning of the PFC. Complex paper cases will not be set for video PFCs.

IMPORTANT!

Next PPCC meeting, **Wednesday, June 15, 2016**
State Attorney's Office • 1350 NW 12 Avenue • Miami FL 33136
All are invited to attend

Presentation by Domestic Crimes Asst. Chief Ivonne Sanchez-Ledo**Domestic Violence Pretrial Release Stay Away Order Violations and Procedures**

In domestic violence cases, we have instituted the following procedures when having a victim personally served to appear for a pre-filing conference (PFC):

1. We will check the defendant's custody status.
2. We will check if there is a stay away order issued in favor of the victim.
 - a. If there is a stay away order, we will check to see if it is still valid at the time that we are issuing the subpoena.
3. If the defendant is out of custody and there is a valid stay away order, we will inform the process server of this and provide a DAVID photograph of both the victim and the defendant.
4. If the Process Server encounters both the defendant and the victim at the location, he will immediately notify our Victim Witness Process Service Unit and an email with this information will be sent to our Felony Domestic Violence Unit.
5. **Immediately** upon receipt of this information, the Felony Domestic Violence Unit will double check that the Defendant is still out of custody, that there is still a stay away order in effect in favor of the victim, and there are notes/assessments from our Domestic Assistance Response Team and/or any notes that will indicate victim's current address.
6. All this information will immediately be given to an Assistant State Attorney assigned to supervise paralegal filings in the Felony Domestic Violence Unit who will approve all calls to the police to report the Stay Away Order Violation; if he or she is not available then another unit Assistant State Attorney will do so
7. Calls will be made to the non-emergency police telephone number.

When calling to report a Pretrial Release Stay Away Order Violation, our support staff will use the following script:

- My name is _____. I'm calling from the SAO Domestic Crimes Unit. On today's date at approx. (time) a SAO Process Server went to address _____ to personally serve (name of Victim) to come in for a pre-file conference on a DV case. There is a valid PTR/Stay Away Order issued against the defendant (name) in favor of victim (name).

Upon arrival at the address the process server was met by the defendant (name). The process server also saw that the victim (name) was there.

This is a violation of a Domestic PTR/Stay Away Order and places the victim in possible danger. We are requesting that you send a patrol vehicle out to assess the situation and make an arrest if necessary.

If there are any questions, please call me _____ at phone number _____.

There was a lively discussion involving concerns raised by officers as to these new DV procedures.

Victim/Witness Information Reminder- Officers must provide full name and contact information for victims and witnesses, including credit card or checking account holders on the "back" of the arrest affidavit. Cases cannot go forward without such essential information.

Police Recommended Case Disposition Forms – A case disposition form was created years ago to provide officers a specific document on which to make recommendations as to the disposition of cases involving Battery/Aggravated Battery and Aggravated Assault on LEOs. Each form is a permanent record of an officer's position on sentencing.

Officers need to complete the form during the PFC and provide contact information if they wish to be consulted about plea offers.

Next PPCC Meeting – June 15, 2016

Legislative Update February 2016 – April 2016

Effective Date: February 2016

Chapter 2016-12

This bill amends section 790.15 by prohibiting a person from recreationally discharging a firearm outdoors, including target shooting, in an area that the person knows or reasonably should know is primarily residential in nature and has a residential density of one or more dwelling units per acre. A violation of this section is a first degree misdemeanor. The following circumstances are exempt from prosecution: 1) a person lawfully defending life or property or performing official duties requiring the discharge of a firearm, or 2) if under the circumstances the discharge does not pose a reasonably foreseeable risk to life, safety, or property, or 3) an accidental discharge.

Effective March 24, 2016,

Chapter 2016-106

This bill amends section 790.001 by deleting “slungshot” from the definition of a “concealed weapon”. The term “Slungshot” is also deleted from the list of weapons that can be manufactured or sold pursuant to section 790.09 and one that can be sold or transferred to a minor pursuant to section 790.18.

Effective Date: May 25th, 2016

Chapter 2016-123

This bill amends section 381.986 by making it a misdemeanor of the first degree for a physician to order medical cannabis for a patient without a reasonable belief that the patient has cancer with symptoms that can be treated or alleviated by low THC cannabis or that the patient has a terminal condition as defined in section 499.0295.

It also makes it a second degree misdemeanor for a patient or their legal representative as defined under the statutes to administer medical cannabis in plain view of a place open to the general public, on the grounds of a school, in a school bus, vehicle, aircraft, or motorboat.

This bill does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the medical use of low-THC cannabis or medical cannabis or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

Effective Date: April 6, 2016

Chapter 2016-188

This bill amends section 798.02 by deleting the provision that cohabitation by unmarried men and women is lewd and lascivious behavior.

All opinions of the Third District Court of Appeal (3d DCA) and the Supreme Court are binding in our Circuit. All other DCA opinions are binding in this District only if there are no contrary opinions in the 3d DCA.

All PPCC Subcommittees, Chairs and members are listed below. Please contact any of the Co-Chairs or members if you have an issue to be addressed.

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