

# Year in Review

2019



## Office of the State Attorney **Katherine Fernandez Rundle**

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Miami-Dade County, Florida

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# Introduction

## Katherine Fernandez Rundle

**“** While there are many different American visions of what a prosecutor's office should be, I have always made public safety my first priority. I strive to reach a just result for the victims of crime, for the residents of our community and for the individuals charged with crimes. I have long-practiced a strategic prosecutorial approach blending community intervention, case diversion and court-approved treatment intended to integrate non-violent offenders back to their families, with sanctions for those who refuse to change their behavior or

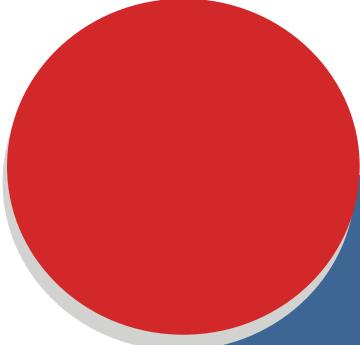
commit acts of violence. I am proud to say our hard work has paid off. We have lowered Miami-Dade's crime rate to some of the lowest levels we have seen in decades. My approach, which I call Smart Justice, first considers public safety and integrates the goal of rehabilitation to those who find themselves entwined in our Criminal Justice System. I hope this SAO 2019 Year in Review effectively reflects the hard work and dedication of the SAO Attorneys and Staff who strive to bring SMART JUSTICE to Miami-Dade County every day. **”**

## Mission

Our mission is to protect, defend, uphold and enforce the criminal laws of Florida in Miami-Dade County, the 11th Judicial Circuit of Florida and, in the process, provide leadership and criminal justice services to our agencies and partners. Public service is a public trust. The public trusts us with the safety of our community and the defense of our Constitution. To sustain that trust and to meet our resulting obligations, we strictly adhere to our core values of enforcing the law, respect, compassion, fairness, justice integrity, accountability, leadership and diversity. Our office is the largest prosecutor's office in the State and one of the largest in the nation. Our office is integral to this community as we strive towards creating a safer place to live, work and raise our families.



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# Smart Justice

*"I have always believed in treating people as individuals and addressing offenders in a fair, strategic, and efficient manner."*

- State Attorney Katherine Fernandez Rundle

By utilizing the Smart Justice approach, we separate lower level offenders with significant criminogenic needs from career criminals and violent offenders. We address the lower level offenders' needs through a variety of programs, while we incapacitate more dangerous offenders through long term incarceration. We advocate for these offenders' needs to be met in prison or upon release through a community corrections-based re-entry program.

Our approach has allowed us to reduce crime, better lives, and save tax dollars simultaneously. Though considered "progressive" everywhere else, State Attorney Fernandez Rundle was "ahead of her time" and, as a result, our programs serve as national models. We are proud of what we have accomplished during the past three decades.

Evidence-based diversionary and community-based programs that address offenders' needs, while allowing them to obtain or maintain employment, contribute to society in a meaningful way and take advantage of family support, can be significantly more effective than incarceration alone, particularly for low level offenders. See e.g. Mueller-Smit, M. and Schnepel, K., *Diversion in the Criminal Justice System* (January 17, 2019 draft) (pending publication); See e.g. *Justice Reinvestment Initiative: How States Use Data to Design Innovative Strategies to Reduce Crime, Recidivism, and Costs* (Council of State Governments Justice Center 2019).

In 2017, Florida's Office of Program Policy Analysis and Government Accountability (OPPAGA) conducted a matched-pair recidivism analysis of non-violent offenders (sexual offenders were excluded) in Florida who were sentenced to community supervision versus a term of less than five years in prison. Not surprisingly, they found that community supervision was more effective than state prison for these offenders. Also, they are far more fiscally conservative.

## Comparison of Two-Year Recidivism Rates for Offenders on Community Supervision and in State Prison<sup>1</sup>

|                       | Felony Recidivism     |              | Violent Felony Recidivism |              |
|-----------------------|-----------------------|--------------|---------------------------|--------------|
|                       | Community Supervision | State Prison | Community Supervision     | State Prison |
| <b>Drugs</b>          | 21.1%                 | 25.1%        | 2.2%                      | 2.8%         |
| <b>Burglary</b>       | 22.9%                 | 29.3%        | 3.7%                      | 4.5%         |
| <b>Theft or Fraud</b> | 27.4%                 | 33.7%        | 2.7%                      | 3.4%         |
| <b>Weapons</b>        | 22.8%                 | 28.2%        | 4.4%                      | 5.5%         |
| <b>Other</b>          | 24.5%                 | 30.2%        | 3.3%                      | 4.0%         |

<sup>1</sup>Offenses in the "Other" category include third DUI convictions, obstruction of justice, witness tampering, escape, animal cruelty and fishing/wildlife offenses.

## Probation is Significantly Less Expensive Than Prison



### Prison

\$55.80/day or \$20,237/year

1,500 inmates cost \$30,500,000/year



### Probation

\$5.52/day or \$2,015/year

1,500 supervisees cost \$3,000,000/year

\$27,500,000 saved

*Diverting Low-Risk Offenders from Florida Prisons, Report No. 1901 (OPPAGA January 2019) at 21.*

These programs allow us to focus on the more dangerous, recalcitrant, and violent offenders who need to be incapacitated for long periods of time.

While we sometimes supplement or enforce our community supervision sentences with short-term jail sentences, we reserve prison space for those who really merit the sentence. In 2019, the Crime and Justice Institute (CJI) reviewed 10 years of data from the Florida Department of Corrections (FDOC) for fiscal year 2009-2010 through 2017-2018. In Florida, as in most other states, defendants' cases are "scored" using legislatively mandated scoresheets to determine a sentencing range. A defendant who scores between 22 and 44 may be sentenced to state prison.



In Miami-Dade County, only two percent (2%) of the people who score within this range were sent to prison. To put this in perspective, no other county sent less than five percent (5%) of the people who scored within this range to prison. Statewide, 11% of the people within this range were sentenced to state prison.

This year, we began conducting our own review of FDOC to better document the people we sent to state prison in 2017-2018. Preliminary analysis shows that we are incarcerating the right people. We expect to release our final analysis in 2020.

In 2010, the Bureau of Justice Assistance and Pew Charitable Trusts started the Justice Reinvestment Initiative (JRI) to reduce the nation's over-reliance on incarceration. Since its inception, 30 states have participated in the project, assisted by well-respected non-profits like the Council of State Governments and the Vera Institute. The

# Smart Justice

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participating states reduced their levels of incarceration, investing a portion of their savings in evidence-based community supervision programs. While it is too early to reach any definitive conclusions, their research strongly suggests that Smart Justice strategies like ours can reduce recidivism, save money, and better allow law enforcement to focus on the most dangerous and recalcitrant offenders. See e.g. Justice Reinvestment Initiative: How States Use Data to Design Innovative Strategies to Reduce Crime, Recidivism, and Costs (Council of State Governments Justice Center 2019); Harvell, S., et al., Reforming Sentencing and Corrections Police – The Experience of Justice Reinvestment Initiative States (Urban Institute December 2016).

More and more communities are beginning to embrace Smart Justice policies and programs. During the past few years, we have shared our strategies and methods with several of them so they could learn from our successes and mistakes. In 2019, we presented our programs during annual conferences hosted by the nation's two largest prosecutor associations, the National District Attorneys Association (NDAA) and the Association of Prosecuting Attorneys (APA) and were consulted by multiple prosecutors in Florida and elsewhere. We are proud of our programs and expect to continue sharing them with other stakeholders around the country.

As effective as our programs are, we recognize that there is always room for improvement. Accordingly, we keep abreast of the research and remain open to new ideas.

## Pre-trial Release

Traditionally, the courts attempted to protect society and ensure defendants' appearance in court by requiring them to post a standard bond or participate in a pre-trial release program. However, emerging research demonstrates that justice professionals can effectively distinguish between those who may be released safely and those who cannot. See e.g. County Pretrial Release Programs: 2016, Report No. 17-12 (Florida Office of Program Policy Analysis December 2017) and Dobbie, W., et al, The Effects of Pretrial Detention on Conviction, Future Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges, 108(2) American Economic Review 202 (2018). Based upon this research, State Attorney Fernandez Rundle changed office policy and advised the courts that she recommended that offenders arrested for certain low-level offenses, including possession of cannabis, criminal mischief, and petit theft, should be released on their own recognizance, absent aggravating circumstances.

# Tradition of Diversity



## Ensuring Fairness

Justice can only be achieved when people are treated fairly and equally. As a Cuban-American, State Attorney Fernandez Rundle has always been concerned about implicit, as well as explicit, biases. Our office has addressed these concerns by recruiting minorities from around the country, engendering a culture of diversity, providing extensive training on implicit bias enforced by structured supervision, and strictly adhering to our ethical obligations.

The arrival of August brought with it the second largest class of new Assistant State Attorneys in the office's history. They brought new energy and enthusiasm, diverse backgrounds and experience, and strong academic credentials.

With a 90% bar passage rate, they hit the ground running as Assistant State Attorneys. To ensure their success, we provided them with five weeks of intense training where they were instructed by legal veterans both from within the office and the Miami legal community, including several from the defense bar.

After completing their training, State Attorney Fernandez Rundle presided over their swearing-in ceremony. Many local Judges also offered words of advice and encouragement to those being sworn in, as family members, state legislators, and law enforcement leaders listened. The new Assistant State Attorneys left inspired and ready to embark on their careers as ministers of justice.



"While we are proud of our accomplishments, we will continue to relentlessly examine our practices with all of our stakeholders and take all necessary steps to be the best we can be. Bias can and should never play a role in a legal system that so deeply impacts the lives of its citizens," State Attorney Katherine Fernandez Rundle.

# Diversion Programs

We offer a variety of pre-arrest and post-arrest diversion programs that address first-time offenders outside the traditional criminal justice system. We typically drop the offenders' charges if they complete program conditions, which may include classes, community service hours, and fines. Local service providers administer the programs at our direction.

**In 2019, 6,327 misdemeanor offenders and 1,616 felony offenders successfully completed one of our diversion programs and had their charges reduced or dismissed.**

Two of our programs bear special acknowledgement: our Back-on-Track (BOT) program and our Demanding More program. We designed the BOT program with the assistance of Mothers Against Drunk Driving (MADD) to improve safety outcomes for first-time DUI offenders and implemented it in 2010. Participants in this program may only drive vehicles equipped with ignition interlock devices that prevent them from driving if they test positive for any amount of alcohol during the term of their participation. They also are screened for alcohol and drug misuse and attend classes to address their issues. If participants successfully complete

the program, we reduce their charges to reckless driving and allow them to receive a withhold of adjudication.



The Demanding More program addresses non-violent first-time offenders facing misdemeanor prostitution charges. This program is a first of its kind for Miami-Dade County and seeks to educate those charged with these types of misdemeanor violations about the dangers and realities associated with prostitution and human trafficking. The program is designed for offenders with limited priors who are arrested for either solicitation or prostitution and also seeks to reduce demand through education and services. The program has two tracks. For commercial sex workers, it provides counseling and ancillary services to assist them in overcoming the challenges that have kept them in the cycle of prostitution. For the "Johns", it exposes them to their role in the perpetration of prostitution and the horrors of human trafficking.

## Victim's Compensation Fund

State Attorney Fernandez Rundle has always prioritized victims and their needs. After Florida Attorney General Moody advised her that she might have to reduce victim services because of a shortfall in the Victim's Compensation Fund (VCF), State Attorney Fernandez Rundle instructed prosecutors to assess defendants participating in several of our diversion programs a \$50.00 donation to support the fund. The new program commenced in August of 2019 and raised almost \$41,000 by the end of the year.

# Bureau of Victim Compensation

Are you a victim of crime? *Hope begins with help.*

**CALL (800) 226-6667**

Hearing impaired users may call through Florida Relay  
at (800) 955-8771

**Assistance may be available for:**

- Medical Expenses
- Dental Expenses
- Mental Health Counseling
- Wage Loss
- Disability Allowance
- Funeral/Burial Expenses
- Loss of Support
- Grief Counseling
- Property Loss
- Relocation

Web: <https://VANext.MyFloridaLegal.com>  
 Email: [VCIntake@MyFloridaLegal.com](mailto:VCIntake@MyFloridaLegal.com)  
 Fax: (850) 414-6197 or (850) 414-5779  
 Mail: Florida Office of the Attorney General  
 Bureau of Victim Compensation  
 PL-01, The Capitol  
 Tallahassee, Florida 32399-1050

**Qualification Requirements:**

(Additional qualification requirements and deadlines apply.)

- Crime must be reported to law enforcement within 120 hours.
- Application must be filed within three years after the crime date or within five years if good cause is shown for the filing delay.
- Victim must fully cooperate with law enforcement, the State Attorney's Office, and the Office of the Attorney General.
- Victim must not have engaged in an unlawful activity.
- Victim's conduct must not have contributed to his or her own injuries.
- Victim or applicant must not have been confined or in custody in a county or municipal facility; a state or federal correctional facility; or a juvenile detention, commitment, or assessment facility; adjudicated as a habitual felony offender, habitual violent offender, or violent career criminal; or adjudicated guilty of a forcible felony offense.
- Relocation claims for victims of domestic violence, sexual battery, or human trafficking must be filed through and certified by the applicable domestic violence or rape crisis center.

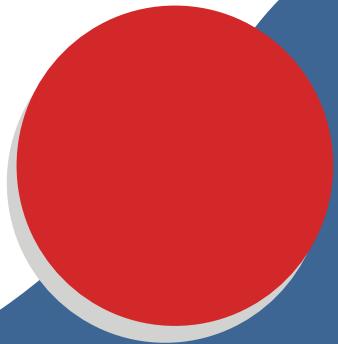
## Denise Moon Memorial Fund

State Attorney Fernandez Rundle created the "Denise Moon Memorial Fund" in 2009 in memory of Denise M. Moon, who worked for three decades as a pioneering leader and advocate for victim services at our office. Contributions to the Fund primarily come from criminal defendants at the time of their sentencing or election to participate in pre-trial diversion programs. In 2013, State Attorney Fernandez Rundle created her "Fund for a Safer and Healthier Community," which was largely funded by contributions from defendants charged with Driving Under the Influence (DUI) who elect to participate in the Back-On-Track Diversion Program. The Miami Foundation administers both funds. Each year, non-profit organizations may apply for grants relating to victim services or DUI enforcement. The Miami Foundation awards funding to those organizations who submit the best proposals and have strong track records of providing quality programs. In 2019, the Miami Foundation awarded \$899,872 in grants funding.



Katherine Fernandez Rundle

# Treatment Courts



**In 2019, 293 felony offenders participated in the Low Risk Program, 270 felony offenders participated in our Drug Court, 222 misdemeanor and felony offenders participated in our Mental Health Court, and 53 felony offenders participated in the Veteran's Court.**

State Attorney Fernandez Rundle has long believed that we can improve public safety by providing offenders with the treatment and services they need, and worked with the courts and Public Defender's Office to develop and implement the nation's first Drug Court. The court diverts offenders who abuse drugs from the traditional justice system and is designed to identify and address their criminogenic needs through offender screening and assessment, judicial interaction, monitoring, intensive supervision, graduated sanctions and incentives, and treatment and rehabilitative services. In 1993, researchers examined our court and reported that participants had lower incarceration rates and fewer re-arrests than those who did not participate in the program. See Goldkamp, J. and Weiland, D., *Assessing the Impact of Dade County's Felony Drug Court* (National Institute of Justice December 1993).

**According to the National Drug Court Resource Center, there are over 4,000 drug treatment court programs in the United States.**

Other diversionary efforts include Veterans and Mental Health Courts. The Veterans Court is designed to address the unique needs of those men and women who served in our military. Many of these individuals suffer from comorbid conditions, often involving post-traumatic stress disorder (PTSD).

# Recidivist Prosecution

## Ensuring Public Safety

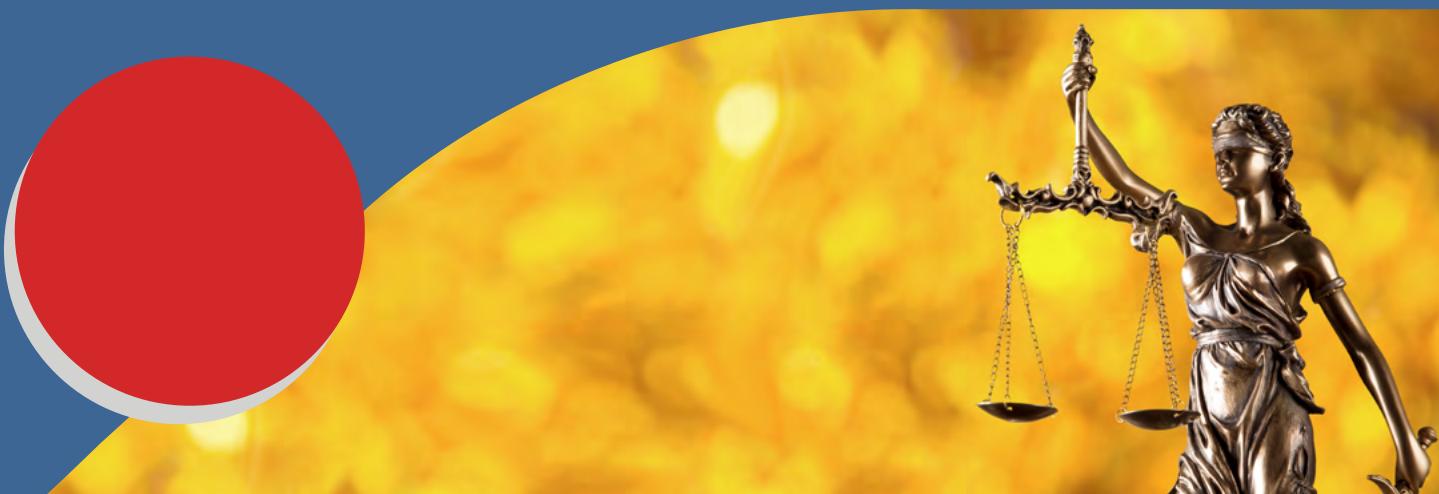
### **The Career Criminal Robbery Division (CCR) at the Miami-Dade State Attorney's Office handles some of the most serious and violent criminals in the county.**

All cases filed by the State Attorney's Office in the felony divisions are thoroughly reviewed by a Career Criminal Robbery prosecutor and assessed for career criminal enhancement. During the review process, the attorney examines each defendant's entire prior criminal history, including cases from around the country. If a defendant qualifies for enhancement as a career criminal, our dedicated team ensures that the appropriate enhancement notifications are filed in court. They ensure these cases are supervised in all the felony divisions from plea offers to trial strategies to assistance with locating witnesses. In 2019, the office reviewed approximately 14,000 cases. Enhancement is crucial for the safety of our community. Filing the career criminal enhancement allows us to obtain increased sentences for the most recalcitrant offenders, as appropriate.

While we take every case we prosecute seriously, we provide additional resources to our Career Criminal Robbery Division, so they can give their repeat offender cases the extra attention they deserve.

Like our other units, the Career Criminal Robbery Division is dedicated to ensuring that victims and witnesses are supported throughout the entire process. Prosecutors and staff are trained to provide the necessary resources to empower victims of crime. They provide victims with a myriad of opportunities to receive assistance, including counseling for the trauma they suffered, medical care reimbursement through the Victim's Crime Compensation Fund, and transportation.

The Career Criminal Robbery Division provides law enforcement officers with 24/7 support on robbery cases. In a county visited by over 20 million tourists every year, this assistance is crucial. The unit supports an office policy of zero tolerance for violent, predatory crimes on tourists. As one would expect, tourists often experience difficulties returning to the county for pre-file conferences. Thus, a robbery prosecutor is always available to provide immediate assistance before they return home.



# Community Engagement

## Sealing & Expungement

We believe our effectiveness is, in large part, dependent upon our relationship with the public, and we work hard to build a rapport with our community. Accordingly, we engage the public in many non-traditional ways.

Those who violate the law must be held accountable for their criminal acts, but Smart Justice acknowledges the possibilities of redemption and change. Most low-level offenders learn from their mistakes and move on.

Arrests and convictions for any offense, regardless of level, are stigmatizing and could hamper a person's access to employment, housing, and many other opportunities. A person whose case was dismissed or who was found not guilty by a judge or jury for an offense committed after October 1, 2019 is entitled to have their case sealed or expunged automatically. Any person who was arrested or charged with a misdemeanor or lower level felony may apply to have their case sealed or expunged if either (a) their case was dismissed; or (b) they were not adjudicated guilty (ie. the judge found them guilty, but withheld adjudication).

When a person's record is sealed or expunged, he or she may deny the record's existence except under very limited circumstances. When a record is expunged, it is completely removed from the records systems and physically destroyed or obliterated (sometimes, as in Florida, there are exceptions for a state law enforcement agency) and is not available to anyone without a court order.

Our Community Outreach Division offers no-cost assistance to help those navigating Florida's complex system for relief by organizing and hosting workshops held monthly throughout the county and through our website, [www.miamisao.com](http://www.miamisao.com). Over a decade ago, State Attorney Fernandez Rundle began collaborating with Public Defender Carlos Martinez, Clerk of the Court Harvey Ruvin, and our voluntary bar associations to host "S&E" events throughout the community. In a jurisdiction encompassing some 2,400 square miles with more than 2.7 million residents, we hold these events in many different neighborhood locations to ensure we reach the people most in need of assistance. We typically partner



## Second Chances

- In 2019 Over 1,900 Sought Assistance, and
- Over 1,200 Eligible for Sealing or Expunging

with local community providers and leaders, often members of the clergy. These invaluable partners, who often allow us to use their facilities, help relieve the suspicions that some individuals may have about interacting with members of the criminal justice system.

We try to host our S&E events from 4:00 to 7:00 p.m. on a weekday once every month so we can better accommodate working people. We advertise them by canvassing local neighborhoods and posting flyers in English, Spanish, and Creole to reach all parts of our ethnically diverse community, as well as making announcements on our website. During these events, we bring all of the tools necessary to provide a "One Stop Shop" to meet the needs of all eligible participants. Our staff helps each applicant complete their paperwork free of charge. Of course, we know that some people cannot attend our events. Accordingly, we provide detailed instructions for applying online, <http://www.miamisao.com/resources/expunge-records/>, and offer telephonic assistance.



## Second Chances Matter and Providing Them is Smart Justice

We have hosted around 90 events since 2011 (an average of almost 10 per year). During that time, over 13,000 individuals requested our assistance. Of that number, we determined that over 7,000 individuals were eligible to have their record sealed or expunged and helped them to do so. In 2019, over 1,900 individuals sought our assistance, including over 1,200 people who were eligible to have their records sealed or expunged.

Recent research suggests that programs like ours not only help the individuals whose records are sealed obtain higher paying jobs, but improve public safety as well. See Prescott, J.J. and Starr, Sonja B., *Expungement of Criminal Convictions: An Empirical Study* (March 16, 2019). Harvard Law Review, Forthcoming; U of Michigan Law & Econ Research Paper No. 19-001. Available at SSRN: <https://ssrn.com/abstract=3353620> or <http://dx.doi.org/10.2139/ssrn.3353620>.

# Amendment 4

## Voting Rights Restoration

### As Americans, we believe that democracy depends on citizens having the right and opportunity to vote.

This right is not only guaranteed to all U.S. citizens under our Constitution but is a moral imperative in a free and democratic society like ours.

In November 2018, over five million Florida citizens voted in favor of Amendment 4 which restored voting rights to convicted felons who had completed their sentences. Before then, Florida was only one of four states that prevented convicted felons from voting. The passage of Amendment 4 marked a milestone for returning citizens. As State Attorney Fernandez Rundle says, "They want what we all want. They want to be part of our community, walk with dignity, have a voice, and participate in the decisions that impact their lives. Once they've completed their sentences, they deserve the right to participate in our democratic process."

**In November 2018, over five million Florida citizens voted in favor of Amendment 4 which restored voting rights to convicted felons who had completed their sentences.**

After the people of Florida spoke, the Florida Legislature passed, and the Governor signed, an implementing statute, F.S. 98.0751, that became effective July 1, 2019. State Attorney Fernandez Rundle worked with key stakeholders, including Desmond Meade, the President of the Florida Rights Restoration Coalition (FRRCC),

who championed Amendment 4 for over a decade, Public Defender Carlos Martinez, Clerk of Court Harvey Ruvin, and our local judiciary, to develop a plan to implement the new Amendment and law. State Senator Jason Pizzo and State Representative Kionne McGhee supported the process. In September 2019, State Attorney Fernandez Rundle released the plan, making Miami-Dade County the first county in the state to establish a mechanism to assist returning citizens under the new law.



In 2017, the Miami-Dade Grand Jury investigated the potential effects of Amendment 4 and recognized that former felons whose civil rights are restored, reoffend at a dramatically lower rate than those whose rights are not restored (11% rate rather than a 33% rate). This suggests that the restoration of voting rights benefits all of us by potentially making our community safer and saving tax dollars, all while allowing more citizens' voices to be heard. Restoring eligible felons' right to vote is not only the law, but it is right and just, and that is Smart Justice.



# Say YES to Second Chances

Our efforts to implement Amendment 4 in a fair and equitable manner have not gone unnoticed. In fact, at least two other jurisdictions are adapting our plan to meet their needs. Also, on November 8, our plan received "star-treatment" when singer, songwriter, producer, actor, and philanthropist John Legend attended the hearings of several returning citizens who petitioned the Court for an order finding their sentences were complete and finalizing their ability to register to vote.

## Justice Project

State Attorney Fernandez Rundle created the Justice Project in 2003 to examine cases that may have resulted in wrongful convictions. While prosecutors' offices around Florida and the United States have recently established similar units that are often called "Conviction Integrity Units", we are proud to have been at the forefront and a pioneer in this area.

In 2018, the Justice Project began reviewing cases resulting from arrests made by a recently criminally convicted former Chief of Police in the Village of Biscayne Park. In 2019, the office all but concluded its review. In total, we vacated six misdemeanors and 36 felonies involving adults and 8 cases involving juveniles. We also vacated 26 arrest warrants (bench warrants and alias capias).



# Juvenile Justice

**State Attorney Katherine Fernandez Rundle believes it is particularly important to employ Smart Justice strategies when addressing juveniles. She recognizes that we can reduce juvenile crime and rehabilitate young offenders by educating them and providing the services they need.**

## **Civil Citation Program**

State Attorney Fernandez Rundle was instrumental in establishing the Civil Citation Program for juveniles. The program allows officers to issue civil citations akin to a traffic ticket in lieu of arrest for certain misdemeanor offenses. Participants who complete the program avoid having any record of arrest or criminal charges. We are proud that a higher percentage of eligible youth receive a civil citation as an alternative to arrest in Miami-Dade County than any other county in Florida. Since the program's inception in 2007, nearly 21,000 juveniles have been referred to the Civil Citation Program.

## **START Program**

The START (STOP, THINK, ASK, REACT, TELL) Program is a one-hour PowerPoint presentation that describes how making good choices and decisions can lead to good consequences. It discusses all the issues that juveniles face including guns, bullying, sexting, drugs etc. It is designed to educate and appeal to school-aged children at various levels and to keep them out of the system. Since the program started in 2009, thousands of students have viewed the program.

## **Twelve and Under Police Calls**

In an effort to reduce the number of very young juveniles being arrested, we developed a program where police officers are encouraged to contact an on-call Assistant State Attorney supervisor prior to arresting a youth under 12 years of age to determine whether the youth may be diverted directly into one of our programs in lieu of being arrested. The Assistant State Attorneys are available on a 24/7 basis, including holidays.

## **Juvenile Assessment Center**

State Attorney Fernandez Rundle was a key partner in the creation of Miami-Dade's Juvenile Assessment Center (JAC) in 1997. This facility helps improve the workings of our juvenile justice system by completing an evidence-based assessment for each juvenile to determine individualized issues and needs, collecting information and data on juvenile offenders to develop better overall juvenile justice programming, more effective diversion programs, and innovative alternatives for offenders. The center has evolved since its creation, and the community continues to rely on the services it provides.



### **Prevention Services Program**

Our office, in partnership with the Juvenile Services Department, refers at-risk juveniles to the Prevention Services Program pre-arrest. The program, which keeps participants out of the criminal justice system, assesses them and provides them with the same necessary services they would have received had they been arrested.

### **JASS Diversion Referrals**

Our office oversees the JASS diversion program which allows thousands of our youth annually who have been arrested on both misdemeanor and felony charges to be diverted from the system. Juveniles who participate in JASS are assessed and provided the services they need. Additionally, they may be required to complete community service hours and pay restitution to the victim. Once participants successfully complete the program, the charges are dismissed.

### **Successful Completion of Program (SCOP) Diversion Program**

Our Successful Completion of Program (SCOP) provides opportunities for youth who are ineligible for a typical diversion program. Juveniles who participate in the program plead guilty to the charges, are placed on probation, and are provided services. After they successfully complete their terms of probation, their adjudications are vacated and the charges are dismissed.

# Juvenile Justice

## **Gun Offender Program (Gate)**

State Attorney Fernandez Rundle was instrumental in establishing the GATE (Gun Offender) Program. Youth between the ages of 13 to 17 who have been charged with firearms and other weapons possession charges may be court-ordered to participate in this six-month educational program conducted in a medical rehabilitation environment like a hospital. This trauma center-based program places participants in a positive social environment where they can learn firsthand about the tragic consequences of weapons possession and related charges.

## **The SAGE (State Attorney Growth and Enrichment) Program**

The SAGE program is a faith-based diversion program for juveniles who have been arrested and have never been previously placed on supervision by the Department of Juvenile Justice. All juveniles who are eligible participate in the program at a faith-based organization located within or near the zip code in which the juvenile resides. The program typically runs from 3 to 6 months during which the participants are mentored and receive services. Once the participants successfully complete all conditions of the program, their charges are dismissed.

## **Domestic Violence Diversion Program**

Our juvenile domestic violence diversion program provides juvenile offenders and their families with counseling and services in lieu of criminal prosecution. This avoids the need for parents, siblings, and other relatives to testify against a related offender and instead ensures the family will get the help needed to heal the family unit. Once the counseling is completed, we drop the charges against the participating offenders.

## **Next Steps: Residential Re-entry Transition Facility**

We are developing plans for a facility for boys who are being released from Department of Juvenile Justice residential commitment facilities that can provide re-entry services. The facility will provide a complete array of overlay services for participants, including vocational training with certification, job development training and placement assistance, life skills training, educational/GED services, mental health counseling, substance abuse counseling, mentoring services, parenting and family counseling and reunification, housing assistance, and clothing/suit provider referrals, etc. We hope to obtain legislative and/or community funding to build and operate this program.



## **Next Steps: Restorative Justice Program**

The office is developing a restorative justice diversion program for girls and recently submitted its first case for resolution. The facilitators of the program will meet with the charged juvenile and the victim to fully rectify all issues involving the victim. Once the facilitation, which should take several months, is completed, the charges will be dismissed.

# Human Trafficking



The last 8 years have been a journey of enlightenment for our office on the tragedy of this depraved business of human trafficking. Nationally, criminals are earning \$32 billion by selling our children and our youth, but the advancements we have made in our local community are striking:

- **A dedicated prosecution unit with its own specially-assigned lawyers, police officers and counselors**
- **A task force comprised of various local police departments and State Attorney investigators**
- **An accessible local hotline**
- **Development of the Human Trafficking Policy Institute, a “think tank” for programs and services for victims**
- **Specialized shelters and drop-in centers for minors and young adults**
- **The Project Phoenix Shelter for those over 18 years of age**
- **The Thrive Clinic, a one-stop shop for medical services for victims**



# S.T.O.P.

Stop Trafficking, Optimize Prosecution

And last (but certainly not least), 2019 marked the first full year of operations for our Institute for Coordination, Advocacy and Prosecution of Human Trafficking (ICAP) - a building dedicated solely to combating human trafficking and related crimes, with the goal of creating a single doorway to focus efforts and resources. The timing of this building's opening could not have been better. Miami will host the Super Bowl in 2020, and our office spent 2019 diligently preparing for this major event. Super Bowl LIV will draw hundreds of thousands of visitors to South Florida and provide a world-wide stage for Miami-Dade's unique qualities. Unfortunately, it also has the potential of bringing human traffickers into town.

**In ramping up for this challenge, we have partnered with the NFL, the Super Bowl host committee, law enforcement and various community organizations.**

With all our accumulated knowledge and experience gained over the past several years, we are ready for everything the upcoming Super Bowl may bring. And our message to would-be traffickers is clear: there will be zero tolerance for those intending to bring their illegal business to South Florida during the big game.

It is remarkable to reflect on how much we have learned and how far we have come since 2010, when the Super Bowl last came to town. The contrast is striking; few among us were talking about human trafficking 10 years ago. It was a "hidden" crime, difficult to spot if you did not know where to look and what to



# Human Trafficking

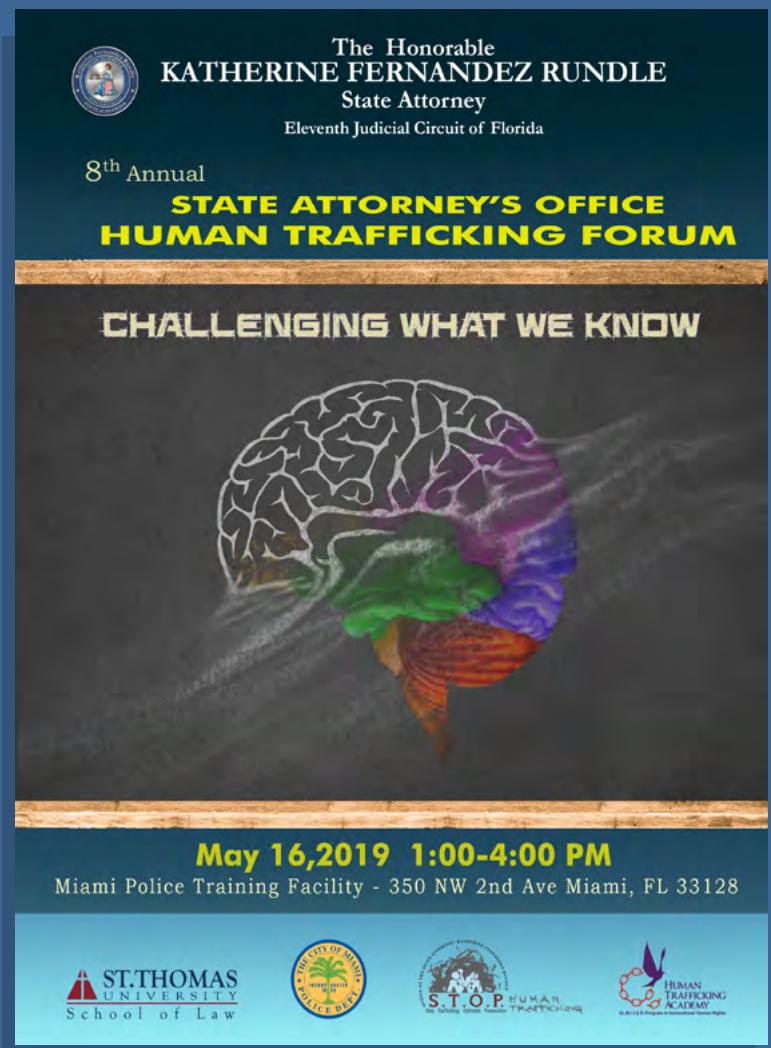
## 2019 marked the first full year of operations for our Institute for Coordination, Advocacy and Prosecution of Human Trafficking

look for, and surely, the traffickers prefer it that way. Fortunately, times have changed, and our collective eyes are now open to the true nature of this epidemic.

In 2019, NFL Headquarters from New York and Miami Super Bowl Host Committee chairman Rodney Barreto reached out to our office to specifically address the issue. Together with Women's Fund Executive Director Kathy Andersen, we have partnered with all sectors of our community to develop an awareness campaign and a law enforcement action / rescue plan. This should serve as a stark warning to any traffickers seeking to profit during the Super Bowl: you will have nowhere to hide.

Multiple proactive law enforcement operations will be taking place throughout Miami-Dade County in the weeks leading up to the Super Bowl - some visible, some not. And while exact details of our various law enforcement plans cannot be discussed publicly, the public can rest assured that we will not simply be waiting for the traffickers to reveal themselves, we will be actively pursuing them.

Education and public awareness regarding human trafficking is one of the ways to fight this crime. To that end, on May 16, 2019, State Attorney Fernandez Rundle hosted our 8th Human Trafficking Forum. Annually, we review what our community collaboration has accomplished and identify new and remaining challenges, as well as strategies to eliminate these sordid crimes from our community. Our efforts over the years have expanded to not only focus on the pimps but also on the "johns". The human trafficking business exists because a demand exists.



# Human Trafficking



Human trafficking cases differ from other types of cases in that victims are targeted because they comprise the most vulnerable part of our population, which makes them easy targets for exploitation. Our human trafficking unit brings that understanding to the cases from each angle: police, prosecutors and victim specialists. While we each have a separate part to play in the overall justice system, our human trafficking team is unique because we work together constantly to approach our cases holistically.

## **The Victims Suffer Trauma that Sometimes Keeps Them from Seeing Themselves as Victims**

Employing this approach, we had some great success stories last year. For example, in 2019 we closed our office's first human trafficking case involving the labor trafficking of a minor. The defendant, Feliciano Simon-Jose, pled guilty and was sentenced to 15 years in state prison. The victim was a 13-year-old child who came to the

United States in 2017. Due to severe hardships in their country of origin, the victim and her mother entered the U.S. without legal status.

Once here, the victim met the defendant at church. Unbeknownst to her mother, the 35-year-old Simon-Jose befriended the victim and began to court her. After promising the victim a better life, he convinced the child to run away from home and to be his "wife." He also promised to enroll her in school, so she could have a better future. The victim believed the defendant and ran away from home.

Once the victim began living with Simon-Jose, he beat her, forced himself upon her, and made her work in Homestead in the fields. He then pocketed the money she earned and never allowed her to enroll in school. The victim's mother, unaware of the laws in the U.S. and fearful, initially sought help and advice from coworkers. Meanwhile, Simon-Jose continued to control the victim and not allow her to contact or see her mother.

Eventually the victim managed to run away from Simon-Jose's abuse and disclosed everything to her mother. Once the victim's mother discovered the extent of what was going on, she disclosed to a coworker who then guided her on how to report it to the police.

Due to misunderstandings on what human trafficking is, the police initially





ended the year with a trip to Washington, D.C. where she testified on December 11 before the United States Congress House Rules Subcommittee. The hearing addressed human trafficking issues around major events like the Super Bowl and the need for cross-jurisdictional solutions. State Attorney Fernandez Rundle advised the Subcommittee about how major events tend to strain local resources and informed them about local law enforcement's need for Federal resources to handle the influx of traffickers that tend to accompany such large-scale affairs. The trip was a great success and left us encouraged that our message was well-received.

did not recognize that Simon-Jose's actions amounted to trafficking. Eventually, our Human Trafficking Unit was contacted and worked closely with police. Together they unraveled all the horrific details of what the victim had endured. We were ultimately able to secure a conviction and get the victim and her mother the justice that they deserved. Thanks also to the hard work of our dedicated team members, the victim enrolled in school for the first time in her life, the family received counseling, and they now have a place to call home. It is cases like this that define our human trafficking unit; dedicated and victim-centered.

# State Attorney Fernandez Rundle Testified before the United States Congress House Rules Subcommittee



## State Attorney Fernandez Rundle

## Katherine Fernandez Rundle

# Community Outreach

The Community Outreach Division (COD) team engages, serves, and partners with a variety of educational, faith-based, civic, non-profit and business entities to educate the public about the services we provide and encourage their involvement. Our attorneys, outreach representatives, and volunteers take our educational, community safety and restorative strategies to neighborhoods in every section of our Miami-Dade community. In 2019, the community outreach division participated in numerous events including:

## **Domestic Violence Walk**

To commemorate Domestic Violence Awareness Month, SAO staff took part in the 3rd Annual City of Miami Domestic Violence Walk. The walk began at the City of Miami Police Department Headquarters and participants marched through the streets of Downtown Miami towards the steps of the Lawson E. Thomas Courthouse Center. "We support all victims and encourage them to report abuse. Our women's centers and shelters stand ready to offer a variety of services," commented State Attorney Katherine Fernandez Rundle.



## **Walking One Stop**

Walking One Stop is a collaborative partnership with community leaders, law enforcement, and social services providers. The award-winning and nationally acclaimed program delivers federal, state, and local social and economic services to the doorstep of residents.

## **Florida National University's PowerHouse**

This has been a collective effort with FNU and community partners including local, state, federal agencies to bring awareness to our youth through the Powerhouse initiative that consists of three annual events: the January

Human Trafficking Summit & Walk; the May Missing Children Awareness & Prevention Rally; and the September Domestic & Teen Dating Violence Awareness & Prevention Summit.

## **Miami-Dade County Youth Fair**

For over 65 years, the Miami Dade County Youth Fair, the largest fair in Florida, provides an annual exhibition for over 600,000 attendees. Our Community Outreach division hosts an information and interactive station in the Exhibition Hall where information is shared with guests of all ages and conversations are had on community and school safety, crime prevention and information about the courts and our legal system.



## Partnering With the Community is Smart Justice

### Bringing Smiles to South Florida Families

In 2019, State Attorney Fernandez Rundle and office staff once again partnered with the Cuban American Bar Association (CABA) to collect and distribute toys to needy and victimized children of our Miami-Dade County community. They also collected essential items to help Hurricane Dorian's many victims.

### In 2019, We Participated In a Number of Events

Smart Justice means offering our community an array of diverse programs and services aimed at crime prevention, education, and other means of support for Miami-Dade residents, businesses and organizations of every type. Some examples of services that are offered by our COD team include:



- One-hour PowerPoint presentations to school children about making good choices through the START (Stop, Think, Ask, React, Tell) Program
- Bullying Prevention presentations
- A Child ID Fingerprinting Program that helps families provide law enforcement with a valuable tool if their child goes missing
- Protect-Your-Vote presentations to educate individuals about the many factors that could jeopardize their right to vote
- Identity Theft/Scam Prevention presentations
- The Human Trafficking presentation serves to educate the public on the issues of Human Trafficking facts and the reality of the epidemic
- Youth Dating Violence Discussions take place in a group setting addressing what is love, signs of abuse, where to go for help and harmful use of social media

# Public Corruption

## **The Public Corruption Unit Investigates Allegations of Bribery, Unlawful Compensation, and Official Misconduct by Public Officials and Candidates for Public Office**

The State Attorney's Public Corruption Unit investigates and prosecutes corruption cases. The Unit is made up of veteran prosecutors who work closely with numerous local and State agencies. In addition, the Public Corruption Unit collaborates with all local police agencies to investigate and prosecute crimes committed by police officers. State Attorney Fernandez Rundle initiated the State Attorney's Multi-Agency Public Corruption Task Force 6 years ago in collaboration with a number of local police agencies. The Task Force responds to and investigates allegations against public officials, candidates for public office, vendors of county and municipal agencies, as well as allegations involving violations of elections and campaign finance laws.

## **2019 Case Highlights**

### **Police Officer Arrested for Brokering the Sale of Stolen Property**

MDPD Officer Orestes Verdura and civilian Ariel Sanchez were arrested and charged with two counts of Dealing in Stolen Property, Organized Fraud, and Organized Scheme to Defraud. Officer Verdera procured two trucks he knew were stolen, and recruited buyers to purchase them. Verdura was in uniform and in a marked police vehicle when he gave instructions for the money to be delivered. He was later arrested with the marked money in his possession. The investigation was conducted in collaboration with the Miami-Dade Police Department Professional Compliance Bureau. The case is currently pending trial.

### **Correctional Officer Charged in Sexual Battery of Monitored Release Client**

Miami-Dade Corrections and Rehabilitation Officer Yulian Gonzalez was charged with 4 counts of Armed Sexual Battery and 4 counts of Armed Kidnapping. The victim was placed on house arrest, and her compliance status was being monitored by Officer Gonzalez. The victim alleged that on 4 separate occasions, Officer

Gonzalez forced her to engage in sexual intercourse with him while conducting his mandatory visitation. The victim disclosed Officer Gonzalez threatened to violate her house arrest status and have her taken to jail if she did not comply with his

demands for sex. Surveillance video and text messages corroborate the victim's statements. This investigation was conducted by the Miami-Dade Police Department, the Miami-Dade Corrections and Rehabilitation Department, and the State Attorney's Office. The case is currently pending trial.

### **Police Officer Convicted and Sentenced to Jail for Excessive Force on Civilian**

Our office charged and tried MPD Officer Lester Bohnenblust for Battery on the Elderly and False Imprisonment because he attempted to arrest the Nurse Manager at Jackson Memorial Behavioral Health Hospital after she refused to admit his niece for evaluation and treatment. During the arrest, the Defendant slammed the Nurse Manager to the ground and prevented the Nurse Manager from leaving the area and seeking help from hospital administration. The jury convicted Bohnenblust on both counts and the judge sentenced him to 45 days in jail.

### **Police Officer Arrested for Excessive Force and Falsifying Police Reports**

MDPD Officer Alejandro Giraldo was charged with Official Misconduct and Battery. Giraldo responded to a call referencing an assault with a deadly weapon. Giraldo spoke to the two female victims on scene, Adriana Green and Dyma Loving. While speaking with Loving, Giraldo accused Loving of yelling and screaming. Giraldo took Loving into custody and injured her elbow. Giraldo wrote an arrest form providing a falsified account of the events leading to the arrest. The Miami-Dade State Attorney's Office worked in collaboration with the Miami-Dade Police Department Professional Compliance Bureau on this incident. The case is currently pending trial.

### **State Correctional Officers Charged in Records Falsification Case**

Florida Department of Corrections Captain Eric Peavey Jr., Sergeant Lizandro Rodriguez, and Officer Ellen Day were charged with Official Misconduct and Falsifying an Official Record Relating to a Person in State Care. An inmate at the Dade Correctional Institution was placed into solitary confinement based upon a disciplinary report that stated that Officer Toddra Blake had discovered a shank amongst the inmate's personal belongings. Officer Blake subsequently stated that she never found any such shank, nor did she author the report. The inmate stated that he had no such shank amongst his belongings. The investigation, which included interviews of correctional officers and the review of surveillance footage, determined that the inmate's version of events was correct. The matter is currently pending trial.

### **Homestead Officer Charged with Official Misconduct and Battery**

City of Homestead Officer Lester Brown was charged with Official Misconduct and Battery after pushing an arrestee, who was handcuffed behind his back, headfirst into a wall in the police station, which resulted in a laceration to his forehead. Officer Brown subsequently wrote a report which stated that the arrestee was attempting to attack the officers who were there, and that during a struggle, the arrestee fell forward, hitting his head on the wall. The incident was captured on surveillance video, and contradicts the report. The case is currently pending trial.

# Child Support Program

Our children are our greatest resource. Unfortunately, some parents do not pay their fair share of court-mandated expenses, depriving their children of the support and opportunities they deserve. Our office is the only prosecutor's office in the State of Florida that operates a child support program and helps children obtain the financial backing they need from their non-custodial parents.

Our Child Support Program has a long history of success and 2019 stands out as our most successful to date. **Miami-Dade continues to lead the state in the highest percentage of cases receiving payments and the highest percentage of cases with payments being collected towards past due support.**

This impressive feat was achieved by collecting an astounding **\$182,249,903.00** in child support. This figure not only tops the total amount of support collected in the previous fiscal year, but also topped this fiscal year's projected collections by almost 2%.

In previous years, the program focused on efforts to build better relationships with all the parties involved in each case. This past year, the program focused on improving the customer service experience, which was challenging since we serve an average of over **5,000 live customers** and field an average of over **15,000 telephone calls** per month.

Through improved efficiencies, we made great strides, increasing the number of customers served while also reducing wait times. With the addition of the newly renovated Caleb Center office, **we now offer services at three sites in our community.**

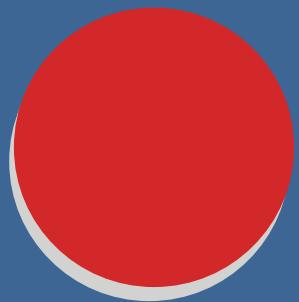
As impressive as the program was in 2019, we already are looking towards the future and working diligently to ensure that all the children living in Miami-Dade County receive the support that they need and deserve.



## The Miami-Dade Child Support Program Leads the State in the Highest Percent of Cases Receiving Child Support and Arrears Collected

## 2019 Results

- **\$182,249,903 in Child Support Collected**
- **5,358 Customers Served Monthly**
- **Over 15,000 Phone Calls Fielded Monthly**
- **Exceeded Projections by 2%**



# Protecting Animals

***“I believe that animals deserve our protection, which is why I continue to take a strong position on animal abuse and neglect.”***

- State Attorney Katherine Fernandez Rundle

In 2019, we assisted the Miami-Dade Agricultural Patrol in procuring a search warrant for the seizure of 206 animals from a property in the Redlands. Dvir Dehry owned the property and kept horses, cattle, llamas, alpacas, emus, goats, sheep, pigs and various species of foul on approximately two acres of rocky land without providing them adequate food, water, fencing or medical care. Many animals suffered from obvious lameness, malnutrition and other injuries. We charged Dehry with:



- **20 Counts of Felony Cruelty to Animals**
- **42 Counts of Misdemeanor Abandonment of an Animal Without Food, Water or Shelter**
- **2 Counts of Misdemeanor Confinement of an Animal Without Food, Water or Exercise**

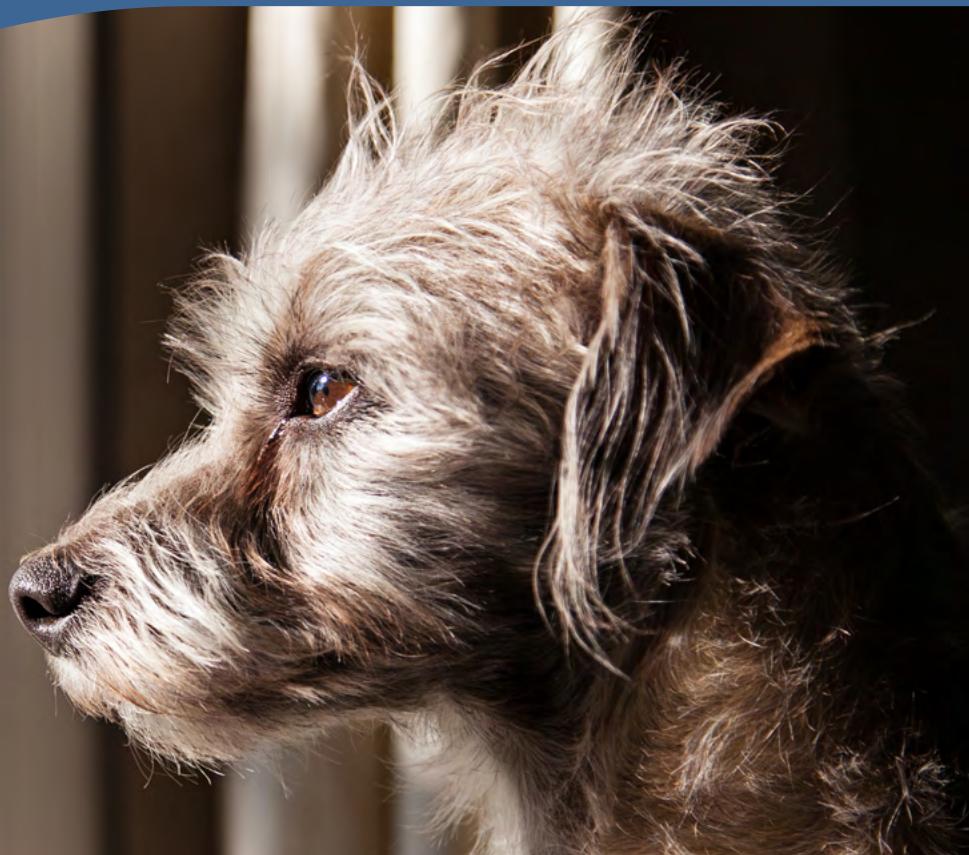
All 206 animals that were seized were forfeited to Miami-Dade Animal Services. Those abused and neglected animals were then taken by the South Florida American Society for the Prevention of Cruelty to Animals (SPCA) Rescue to be housed, cared for, and healed as they so well deserved.

Dehry pled guilty to all counts in the criminal case and was sentenced to 10 years' probation with the special condition that he pay \$51,000 in restitution to the South Florida SPCA Rescue for the money they expended, as well as \$15,000 as reimbursement for investigative cost recovery. An important special condition of the plea agreement prohibits him from owning or possessing any animal or pet (except a service dog) during the probationary period.

In July 2019, Defendant Derrick Williams was arrested for running what appeared to be an illegal and abusive puppy mill operation out of his own home. Over 20 terrier dogs and puppies were confined in small cages in a single-family home. The home was filthy, with urine and feces both inside and outside of the crates. Multiple dogs were nursing or had recently given birth. Many of the animals suffered from extreme malnutrition, and other signs of neglect were evident from not receiving proper food, water, exercise or medical care. Miami-Dade Animal Services confiscated all the dogs on the property. We charged Williams with:

- **10 Counts of Felony Cruelty to an Animals**
- **11 counts of Misdemeanor Confinement of Animals without Adequate Food, Water and Exercise**

Williams pled guilty and was convicted on all the counts charged. He was sentenced to probation and was prohibited from owning or possessing an animal or pet during his probationary term.



# Biscayne Bay Grand Jury Report

## Protecting Our Environment

Biscayne Bay, the crown jewel of our subtropical peninsula, is an estuary where freshwater from the mainland mixes with saltwater from the Atlantic Ocean. It is the source of numerous recreational and commercial activities, including boating, fishing, cruising, diving, and sightseeing.

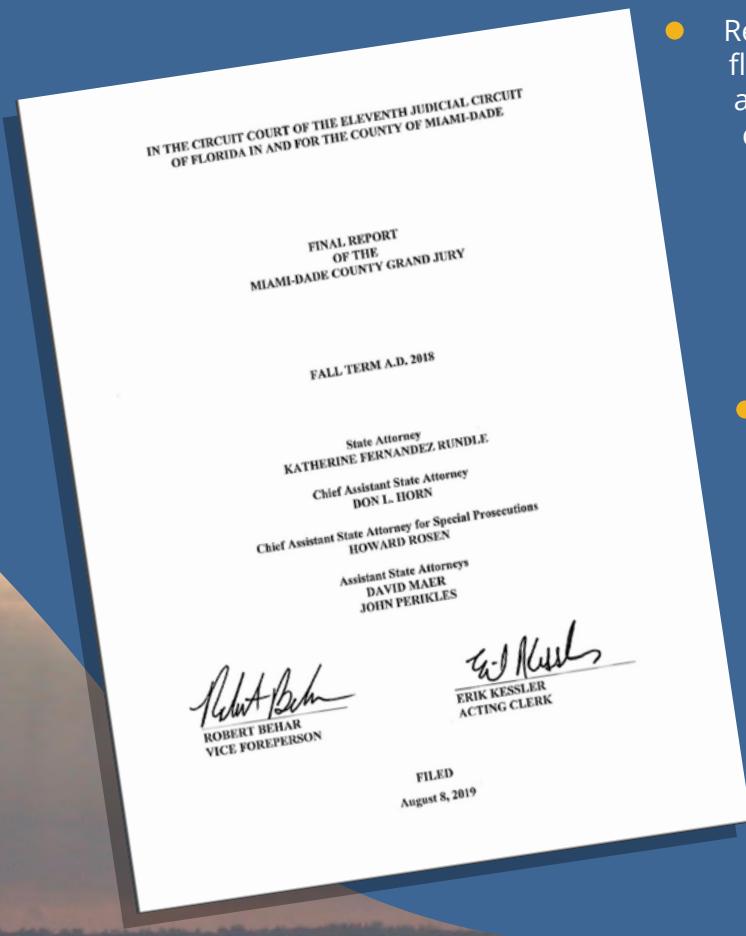
The cleanliness of Biscayne Bay is vital to our community and tourism which is the main engine that drives our economy. However, in 2017, the Florida Department of Environmental Protection determined that Biscayne Bay is an "impaired waterbody." The health of Biscayne Bay is now at a tipping point.

State Attorney Fernandez Rundle continues her commitment of protecting this precious resource. She convened a Grand Jury to examine the condition of Biscayne Bay and the Biscayne Aquifer, which is the source of our drinking water. After hearing testimony and reviewing the evidence, the Grand Jury made numerous recommendations that could be implemented to reverse the declining health of our precious Bay and Aquifer.



## Grand Jury Recommendations

- Ensuring that all ocean outfall from the Miami-Dade Water and Sewer Department (MDWSD) is ceased by 2025.
- Ensuring that Florida Power and Light continue its efforts to mitigate the underground saltwater plume caused by the Turkey Point Power Plant that threatens our water supply.
- Connecting the approximately **105,000** parcels of property in Miami-Dade County that are not connected to Miami-Dade Water and Sewer Department's sewer system, onto the sewer system.



- Reducing the amounts of nitrogen and phosphorus that flow into Biscayne Bay. Almost **2,200 tons** of nitrogen a year are loaded into Biscayne Bay from Miami-Dade canals, while an additional **5,400 tons** of nitrogen are discharged into the ocean through the outfall pipes on an annual basis. Excessive amounts of nitrogen and phosphorus in the water is causing algae to grow faster than the ecosystem can handle, which reduces or eliminates the amount of oxygen in the water needed by fish and aquatic life to survive.
- Modernization of the **6,500 miles** of wastewater pipe infrastructure maintained by the Miami-Dade Water and Sewer Department, to prevent the frequent leaks we currently experience due to the aging existing infrastructure. Leaks contaminate our beaches and waterways, forcing officials to close them to protect the public.
- The creation of a recycling program for single-use plastics such as water bottles and plastic grocery bags, which are polluting our waterways, canals, and bay.

# Gun Violence Initiative

## Gun violence continues to plague certain segments of our community at unacceptable levels.

The factors that contribute to it are well-known to law enforcement but finding solutions has proven difficult. It is a problem that many cities in America grapple with every day, exacerbated by factors such as poor housing conditions, limited police resources and the hesitancy of some victims and witnesses to come forward.

But a relatively small percentage of the population in these areas commit a disproportionate amount of this gun violence. One of our goals has been to focus on these individuals, prosecuting them to the fullest extent of the law for all crimes they commit – not just those related to firearms – and keeping them off our streets however we can.



In 2016, we launched our Gun Violence Reduction Initiative (GVI) with Miami-Dade Police Department's Northside District and Miami Police Department's North District. The idea was to embed prosecutors, investigators and other staff in the area, so we could work more closely with citizens and law enforcement in the affected neighborhoods. Prosecutors respond to every gun-related homicide and contact shooting in the area, providing immediate support for law enforcement at the earliest possible stage of the investigation. Our victim counselors also respond to assist victims with counseling, relocation and other victim-related services.

### Office of the State Attorney Gun Violence Initiatives

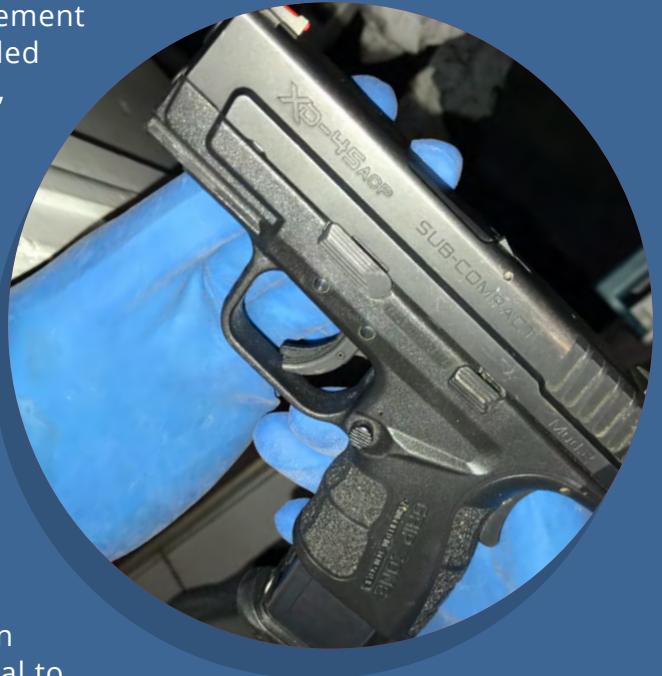
- **MDPD Northside District - ACTIVE**
- **City of Miami PD North District - ACTIVE**
- **Miami Gardens Police Department - ACTIVE**



## In 2019 Gun Violence Unit Prosecutors Responded to Over 80 Crime Scenes and Drafted Over 50 Warrants

In 2019, GVI prosecutors responded to over 80 scenes and drafted over 50 warrants. The collaboration between law enforcement and the State Attorney's Gun Violence Reduction Initiative led to the arrests of 74 defendants for gun-related charges, including Possession of a Firearm by a Convicted Felon, Attempted Murder and Murder. In addition, the collaboration resulted in the confiscation of over 40 illegal firearms including handguns, shotguns and assault rifles. Also, the Initiative successfully prosecuted over 90% of the cases filed.

Encouraged by the Initiative's success, the State Attorney's Office entered into a Memorandum of Understanding with the City of Miami Gardens to replicate the program in that area. As of October 1, we officially partnered with the Miami Gardens Police Department and our GVI is now up and running in that community. Heading into 2020, we look forward to continuing our Initiatives and partnerships. We remain committed to using all available resources at our disposal to combat gun violence in the hardest-hit areas of our county.



# Courtroom Highlights

## Kidnapping, Torture and Murder



Eight years after the horrific torture and murder of Camillo Salazar, two of the men responsible for his murder were convicted and given maximum sentences.

Roberto Isaac received life in prison for Second Degree Murder and Kidnapping, and 15 years for Conspiracy to Commit Kidnapping and Murder. His accomplice, Alexis Vila Perdomo, a former professional MMA fighter and Olympic medalist, was sentenced to 15 years in prison for conspiracy to commit Kidnapping and/or Murder.

On June 1, 2011, Camillo Salazar was found with his throat slit, multiple injuries to his head, and his body burned. The victim was involved in a romantic affair with the wife of Manuel Marin, the owner of the Presidente Supermarket chain, who is also charged in the case and awaiting trial, after being extradited from Spain. A cooperating co-defendant who fled to Canada was brought back to the US under a parole benefit in order to tell the jury about the details of the conspiracy and what happened leading up to the death of the victim.

The Miami-Dade Police Department relentlessly investigated this case for 8 years, digging through hundreds of pages of cell phone data and presented persuasive cellular tower evidence which detailed the defendants' moves on the day of the homicide and ultimately led to a charging decision and conviction. Prosecutors and support staff worked the case for eighteen months to put together a dynamic presentation of the evidence which convinced the jurors to return a verdict of guilt.

## Attempted Murder of Roommate

The Defendant, Byron Mitchell, was charged with First Degree Attempted Premeditated Murder with a Weapon and False Imprisonment with a Weapon. He brutally attacked his roommate whom he met through Craigslist 2 weeks prior and left her for dead. The victim was beaten which caused multiple skull fractures, major swelling and bleeding of the brain, and mutilation of her face. The attack caused the victim to fall into a coma for almost a month.

After fighting multiple motions for a defense continuance, a Stand Your Ground motion, a last-minute competency hearing and new defense expert witness, the State was able to begin its five day trial, which included 21 witnesses that were put on the stand and over 120 exhibits entered into evidence.

Since there were no eye witnesses, prosecutors proved the case through crime scene and medical testimony. The defense argued the Defendant acted in self-defense and the State could not prove premeditation. However, the Defendant was found guilty as charged and sentenced to life in prison.

## Representing Victims

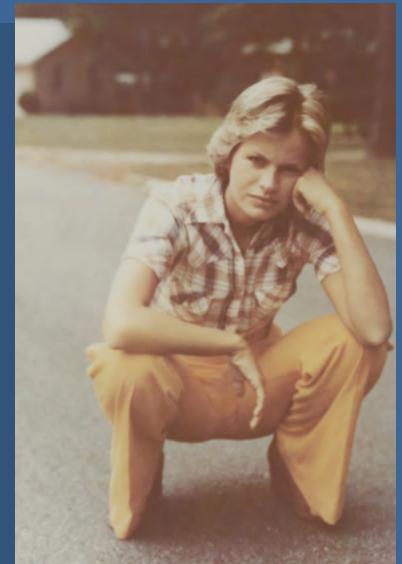
**State Attorney Fernandez Rundle believes victims of crime are always a primary concern in our cases, and she recognizes the tireless commitment by prosecutors and support staff to ensure that victims' voices will not be silenced.**

### Cold Case Prosecution

Forty-two years ago, in 1977, a beautiful young nurse, Debra Clark, was murdered in her South Miami townhome. Clark's family was devastated. Police suspected her lover, Allen Bregman, but there was no direct evidence to link him to the murder at the time of the crime. Decades later, DNA obtained from a hair found on Debra Clark's body linked him to the homicide.

In partnership with the dedicated Miami-Dade Police Department Cold Case detectives, prosecutors presented the case to a jury. During the two-week trial, compelling testimony was presented from Debra's co-workers, friends, family, the FBI crime lab, the Bode crime lab, and the Miami-Dade crime lab, all of which convinced the jury of the Defendant's guilt. The Defendant, who escaped justice for so long, was sentenced to life in prison.

This successful result caught the attention of the Florida Sheriff's Association's Cold Case Commission who requested the prosecution and law enforcement team do a presentation on the challenges of prosecuting a cold case.



*"Not only did we succeed in convicting Bregman of committing such a horrific crime, but we brought peace and a sense of justice to the Clark family. A few weeks ago, Debbie's family sent me a beautiful letter explaining how much everyone's hard work and the just outcome meant to them. I was very humbled by their kind words."*

- State Attorney Katherine Fernandez Rundle

# Hate Crimes

## State Attorney Fernandez Rundle protects everyone by enforcing F.S. 775.085, the State's Hate Crimes Enhancement Statute

The law increases the severity of consequences for crimes committed against individuals based on their race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, or advanced age. She enforces a zero-tolerance policy for hate and discrimination of any kind, both inside and outside the office.



Despite Miami-Dade County's cosmopolitan nature, we occasionally must address individuals who commit hate crimes. Years ago, State Attorney Fernandez Rundle created the Hate Crimes Unit. More than 10 volunteer prosecutors staff the unit, along with 3 supervising attorneys. The unit reviews and investigates all cases where a hate crimes enhancement might apply, educates the public on hate crimes issues, and trains other prosecutors, paralegals, and law enforcement officers on how to recognize and charge potential hate crimes.

In 2019, prosecutors investigated approximately 15 crimes committed against victims based on their protected class. Sean Kenna was convicted of 5 counts of Felony Criminal Mischief with prejudice for placing anti-Semitic graffiti throughout Miami Beach and was sentenced to jail that was mitigated to inpatient Mental Health treatment and supervision for two years.

We also are participating in a special LGBTQ Hate Crimes project sponsored by Florida International University under the direction of Professor Besiki Kutateladze. This project will look into the under-reporting and its causes of targeted crimes in this community.

Additionally, our office is advocating for the expansion of the Florida Hate Crimes Statute to include crimes based on gender, gender identity, and disability which are currently not protected under the current statute.

Our hard work has not gone unnoticed. This year, the Anti-Defamation League recognized one of our prosecutors with the Doris and Murray Felton Excellence in Law Enforcement Award for Prosecutors.

***"Gateway American communities, like Miami-Dade County, are ever-changing due to their magnetic ability to attract a wide variety of individuals and ideas.***

*"To effectively safeguard our community and promote justice, we must adapt to these changes and evolve our strategies to ensure the safest and fairest results. That is the essence of what I term 'Smart Justice'.*

*"An effective prosecutor's office must not only be prepared to implement innovative programs in response to foreseeable change, but must look toward the future to address those needs barely visible on the future's horizon. As your State Attorney, I am proud to have led Florida in the initial development of now well-recognized criminal justice programs, approaches, and solutions aimed at enhancing public safety through targeted interventions and prevention. Our local successes, including our human trafficking and gun violence initiatives, reflect our commitment to serve the people of Miami-Dade County.*

*"While this "2019 Year in Review" highlights some of our successes during the past year, it also reflects how a thoughtful, smart approach to criminal justice can best serve Miami- Dade County's continued evolution as one of America's most diverse communities."*

**- State Attorney Katherine Fernandez Rundle**



Katherine Fernandez Rundle



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saomiami



MiamiSAO