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21st Century Prosecutions—Miami-Style Smart Justice

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ABSTRACT

Historically, prosecutors and judges relied almost exclusively on punitive measures, most notably jail or prison sentences, to address and deter criminal activity. However, the traditional punitive approach to justice is unduly expensive, does not work as well as it should, and has unnecessary and devastating consequences for lower level offenders and their families. While more and more district attorneys have begun to experiment with what some call “progressive” solutions, strategic remedial measures that reduce crime, improve lives, and save money are a matter of tradition for Miami-Dade County prosecutors. This paper outlines the results of a new strategy in Miami-Dade County, Florida, “Miami-Style Smart Justice” which focuses on a mixture of rehabilitation and incapacitation depending on the circumstances of the offenders as individuals and employs an evidence-based outcome-oriented approach that maximizes public safety, makes judicious use of jail space, minimizes unintended collateral consequences, and reduces costs. Using this approach Miami-Dade County as seen an almost 70% drop in the crime rate since 1993, while dramatically reducing its reliance on incarceration.

KEYWORDS

Smart justice; crime; bail; civil citation; diversion

Introduction

Historically, prosecutors and judges relied almost exclusively on punitive measures, most notably jail or prison sentences, to address and deter criminal activity. However, the traditional punitive approach to justice is unduly expensive, does not work as well as it should, and has unnecessary and devastating consequences for lower level offenders and their families. Thus, we do things differently in Miami-Dade County, Florida. We distinguish between offenders who can be rehabilitated from those who present a real, present, and future danger to our society. We strive to rehabilitate those we can help, while incapacitating those who would do our community real harm despite our best efforts to assist them.

In 1989, we created the nation’s first drug court. Since that time, much has changed, though our approach to justice has not. While more and more district attorneys have begun to experiment with what some call “progressive” solutions, strategic

remedial measures that reduce crime, improve lives, and save money are a matter of tradition in Miami-Dade County.

We address offenders as individuals and employ an evidence-based outcome-oriented approach that maximizes public safety, makes judicious use of jail space, minimizes unintended collateral consequences, and reduces costs. We call our approach “Miami-Style Smart Justice.”

Miami-Style Smart Justice is an evidence-based, outcome-oriented, medical-legal approach that addresses crime, punishment and rehabilitation in a wholistic manner. In this article, we provide an overview of our approach and some of the programs that employ it.

The traditional approach

Incarceration is the single most effective means we have for incapacitating people vis a vis the general public. However, it is extremely expensive. By way of example, Florida has the third largest prison population in the United States; in 2018, it housed over 95,000 inmates in 143 prison facilities. *Diverting Low-Risk Offenders from Florida Prisons*, Report No. 1901 (Office of Program Policy Analysis and Government Accountability [OPPAGA] January 2019). It costs the state over \$55.00 per day or over \$22,000 annually to house a single person in prison. *Id.* at 1.

Further, incarceration alone is an incomplete solution, at best, for most offenders. Not only do most people “get out,” but they get out quickly, even when convicted of violent offenses. In reviewing data from 2016, the United States Bureau of Justice Statistics (BJS) found that the median time served for violent offenses other than murder was less than three years and that the median time served for murder was less than 14 years, as indicated in the below chart.

See Kaeble, D., *Time Served in State Prison, 2016*, NCJ 252205 (BJS November 2018).

When offenders are released, they recidivate at an unacceptably high rate. In 2018, BJS reviewed data from 70,000 state prisoners released in 2005 from 30 states. They reported:

- 44% of the prisoners were re-arrested at least once within the first year of their release;
- 68% were re-arrested at least once within the first three years after their release;
- 83% were re-arrested at least once within the nine years after their release;
- The released prisoners averaged five arrests during the nine years after their release.

See Alper, M. et al, *2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)* (BJS May 2018). The question, of course, is why any rational person would commit new crimes after serving a period of incarceration. The answer appears to lie in our systemic failure to address offenders’ criminogenic needs.¹

¹Criminogenic needs include the issues, risk factors, characteristics and/or problems relating to a person’s likelihood of recidivating. Examples of common criminogenic needs include alcohol and drug misuse and mental health problems.

Offenders and their needs

The vast majority of people who are incarcerated have significant alcohol, drug, or mental health issues. In 2010, the National Center on Addiction and Substance Abuse at Columbia University (CASA) reviewed data from 2006 and found over 84% of state prisoners were alcohol or drug involved. See *Behind Bars II: Substance Abuse and America's Prison Population* (CASA February 2010). In 2017, BJS reported that an estimated 58% of state prisoners surveyed in 2007-2009 met diagnostic criteria for drug dependence or abuse.

Bronson, J., et al., *Drug Use, Dependence, and Abuse Among State Prisoners and Jail Inmates, 2007-2009*, Special Report (BJS June 2017).

In 2006, BJS estimated that 56% of state prisoners had or have mental health problems.

See James, D. and Glaze, L., *Mental Health Problems of Prison and Jail Inmates*, Special Report (BJS September 2006). In 1998, BJS reported that approximately 24.4% of jail and prison inmates had both a substance use disorder and a mental health condition in 1995. See Mamula, C., *Substance Abuse and Treatment of Adults on Probation, 1995*, Special Report (BJS March 1998).

Research shows that people with substance misuse issues recidivate at a far higher rate than those who do not. See e.g., *Behind Bars II: Substance Abuse and America's Prison Population* (CASA February 2010). The simple truth is that the vast majority of offenders with alcohol, drug, and/or mental health problems are going to continue victimizing the public unless we incarcerate them for life or address their criminogenic needs and conditions.

Opportunities to improve the system

Fortunately, we have an opportunity to dramatically improve the system by taking advantage of evidence-based and emerging strategies and methods. During the past three decades:

- We and other justice practitioners have developed much more effective pre- and post-arrest community-based restoration and re-entry programs.
- Industry has dramatically improved the technology law enforcement relies upon to supervise offenders in the community;
- Treatment protocols and methods have evolved substantially; and
- Medical researchers have created new medications to address addiction and mental health issues.

These advancements provide us with opportunities to change behavior in ways many of us never thought possible and lay the foundation for Smart Justice programming.

Basic tenets of smart justice

Miami-Style Smart Justice incorporates certain basic principles:

- Public safety is the foremost priority;
- Crime prevention must be prioritized;
- Victims are entitled to a fair and just result;
- The falsely accused must be identified and exonerated (arrest and conviction integrity is critical);
- People must be held accountable for their conduct;
- Offenders should be treated fairly, honestly, and equally;
- Diversity and inclusion breed equality and uniformity at all stages;
- The conditions of pre-trial release must be fair and reasonable;
- Sanctioning must be swift, certain and meaningful;
- All offenders should be incentivized to conform their behavior to societal norms;
- Pre-arrest options should be considered for low-level offenders;
- Low-level non-violent offenders should be diverted pre-arrest or post-arrest from the system as appropriate;
- Some low-level non-violent first-time and second-time offenders should be given civil citations in lieu of arrest;
- Offenders should be assessed for risk and need using validated instruments;
- Offenders who need alcohol, drug or mental health treatment, including medications, should receive it;
- Treatment should not be wasted on people who do not need it;
- Evidence-based community corrections programs that address offender needs and ensure accountability through vigorous monitoring should be prioritized. Examples include Drug, DWI and Mental Health Courts and probation/parole administered programs like day reporting centers;
- Offenders deficient in reading, writing and arithmetic should be offered opportunities to raise their proficiency;
- Prison space is finite and expensive so violent and repeat offenders must be prioritized;
- Prison services must be expanded to address the full panoply of offender needs (including job training);
- Prisons should begin preparing inmates for release early during the sentence;
- Inmates who are released from prison should participate in “re-entry” programs designed to maximize their chances for a successful, crime-free lifestyle when possible; and
- Programs should be evaluated on a regular basis to determine impact, measure cost-effectiveness, and identify opportunities for improvement.

As might be expected, conflicts sometimes arise when applying these principles. However, we have obtained great results by making strategic choices. Below, we highlight examples some of our efforts.

Smart prevention and community outreach

Historically, prosecutors played little role in crime prevention. In Miami-Dade County, we discourage crime through messaging and our rehabilitation-centered programs

that reduce recidivism. We also are active in our community, represent the State in Baker Act proceedings, and provide non-traditional services.

We are the only prosecutor's office in Florida that helps children obtain the financial backing they deserve, need, and are entitled to from non-custodial parents. We currently are assisting almost 80,000 children and lead the state in the highest percentage of cases where child support is obtained and arrears are collected. During the past seven (7) years alone, we and our partners have collected over \$1 billion, \$182 million in 2019 alone. Although there is some controversy about the link between poverty and crime, there is ample evidence that poverty is a significant risk factor for delinquency. See *e.g.*, Males, M., *Age, Poverty, Homicide, and Gun Homicide: Is Young Age or Poverty Level the Key Issue?*, SAGE Open 1-2 (January-March 2015), <https://journals.sagepub.com/doi/full/10.1177/2158244015573359> and Wasserman, G., et al, *Risk and Protective Factors of Child Delinquency*, Child Delinquency (OJJDP April 2003). Thus, we are confident in our belief that providing children with financial support not only better their lives, but promotes public safety.

We also engage in smaller-scale efforts that matter to the people we serve. For example, our representatives and volunteers provide or administer:

- 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 people about the many factors that could jeopardize their right to vote; and
- Identity Theft/Scam Prevention presentations.

They also participate in various walks and toy drives.

These types of programs not only prevent crime, but help us build trust in the community, which increases the cooperation we receive when prosecuting our cases.

Smart law enforcement

We embrace our crime-fighting imperative at the earliest stages by actively supporting law enforcement agencies, engaging in independent proactive investigations, and participating in task forces.

Our prosecutors are on call 24 hours a day, seven (7) days a week to help law enforcement officers obtain arrest and search warrants and provide other legal assistance. Of note, we respond to the scene of every homicide to ensure each case is handled in the careful, meticulous manner the community and next of kin deserve.

We have several specialized units that ensure some of our most experienced prosecutors handle the most dangerous and violent offenders including our Domestic Violence, Career Criminal/Robbery, Sexual Battery, Human Trafficking, Traffic Homicide, Hate Crimes, Gang Prosecutions, and Gun Violence units.

Our Gun Violence Units (GVI) are particularly innovative. Prosecutors and victim/witness counselors from these units are embedded in specific neighborhoods and respond to every contact shooting. By getting involved with the officers investigating the crimes and the people directly impacted by them at the earliest possible time, they increase the likelihood that we can identify the perpetrators and build prosecutable cases. In 2019, GVI prosecutors responded to 80 crime scenes and drafted more than 50 warrants. Their efforts contributed to the arrest of 74 defendants for gun-related charges, including possession of a firearm by a convicted felon, attempted murder, and murder, as well as the confiscation of more than 40 illegal firearms.

Smart pre-arrest diversion

We have developed and supported numerous post-arrest diversion programs, which we discuss more fully below. In 2007, we partnered with local agencies to pilot a civil citation program for juveniles. The program provided officers the option of issuing a civil citation to low-level offenders in lieu of arrest. We quickly saw the program's potential and successfully authored and advocated for legislation authorizing it statewide.

Some expressed a concern that officers would "widen the net" by ticketing people they normally would not arrest. However, researchers found that the majority of counties successfully implemented the program without this happening. See Nadel, M., et al., *Civil Citation: Diversion or Net Widening?*, 55 *Journal of Research in Crime and Delinquency* 278 (2018).

Since the program's inception, Miami-Dade County officers have cited over 60,000 people, including approximately 40,000 adults and 21,000 juveniles instead of arresting them. Approximately 83% of participants complete the program. Statewide data from fiscal year 2016-2017 suggests a juvenile 12-month recidivism rate of only 5%. See *Civil Citation and Similar Diversion Programs Best Practice Guide* (Florida Department of Juvenile Justice 2019).

Smart pretrial release

We have long supported the use of non-monetary conditions of release, typically as an alternative to standard bond, where appropriate. Research suggests that we (and our counterparts on the bench) do a good job ensuring that we do not release dangerous and recalcitrant offenders. In fact, only five percent (5%) of the offenders who participated in our pre-trial release program were arrested for a new offense while in the program. See *County Pretrial Release Programs: 2016*, Report No. 17-12 (OPPAGA December 2017). The question is whether we are releasing everyone we safely can. The answer matters because pretrial detention can have adverse consequences. In fact, research suggests that offenders who are detained pretrial recidivate at a higher rate than those who are released. See 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). We believe that this is due, in part, to the destabilizing effects of even short-term incarceration.

Short-term incarceration can impact employment prospects and a person's family life. *See e.g.id.* (noting that pretrial release increases employment, even three to four years after the bail hearing, by approximately 24.9%).

Though we believe our system is among the most reasonable in the state, we recognize that neither it nor we are perfect and are always looking for ways to improve. We and our partners routinely review the standard bail/bond schedule. However, based upon the emerging data, we have accelerated our efforts to safely reduce pre-trial incarceration during the past year.

In September 2019, we recommended to the courts 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.

We also reached out to several national experts and organizations to obtain their input on how we can improve our pre-trial release system and further reduce our reliance on monetary bond. In September 2019, we began speaking with representatives from The Justice Collaborative about our system. Since then, we met and spoke with them multiple times and asked them to help us develop a comprehensive strategy.

In December 2019, we sent a letter to the Center for Effective Public Policy (CEPP) supporting an application for our jurisdiction to become a Learning Site on the Public Safety Assessment (PSA) and to obtain technical assistance. In March 2020, Arnold Ventures advised us that our application was successful. That same month, we recommended to the courts that offenders charged with additional misdemeanors, including prostitution, driving with license suspended (DWLS) for failure to pay or appear, and traffic misdemeanors other than driving under the influence of alcohol or drugs (DUI), leaving the scene of the accident, or DWLS on a habitual traffic offender or DUI suspension or revocation, also be released on their own recognizance absent aggravating circumstances.

Our release policies and efforts to reform the system reflect our belief that non-dangerous offenders charged with low-level offenses be diverted from the system, rather than incarcerated for any period of time, in the absence of unusual circumstances.

Smart post-arrest diversion

The vast majority of first-time offenders who commit low-level crimes can be deterred from committing additional crimes through diversionary interventions. By taking advantage of these programs, we can avoid spending significant resources on their cases and better target the more recalcitrant and dangerous offenders.

General post-arrest diversion programs that result in dismissals or reduced charges

We have always offered post-arrest diversion programs that allow people to avoid convictions on certain types of crimes. We have programs for juveniles, misdemeanants, and felons who commit a variety of crimes including writing bad checks, theft, non-violent weapons possession, driving with a license suspended (DWLS), driving

under the influence of alcohol and/or drugs (DUI), and domestic violence. In 2019, over 6,000 misdemeanor offenders, more than 1,600 felony offenders, and nearly 1,000 juvenile offenders successfully completed one of our post-arrest diversion programs and had their charges reduced or dismissed.

There is little research documenting the impact of these types of diversion on recidivism. However, we are confident our programs are working and at least one county in Minnesota reported that people who completed diversion recidivate at a far lower rate than those who did not (6% versus 40%). See *A National Survey of Criminal Justice Diversion Programs and Initiatives* (Center for Health & Justice at TASC December 2013).

Treatment courts

Our treatment courts deserve special mention. As noted above, we worked with the courts and Public Defender's Office to develop and implement the nation's first Drug Court in 1989. 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, supervision, graduated sanctions and incentives, and treatment and rehabilitative services. In 1993, researchers examined our court and reported that participants had few cases dropped, lower incarceration rates, 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), <https://www.ncjrs.gov/pdffiles1/nij/145302.pdf>.

Not surprisingly, our success led to a national movement. Today, there are over 4,000 drug treatment programs around the country.

Research demonstrates that properly implemented drug courts reduce criminal behavior, drug use, and recidivism while saving tax dollars. See e.g., Marlowe, D., *The Verdict on Drug Courts and Other Problem-Solving Courts*, 2 *Chapman Journal of Criminal Justice* 57 (2011) <https://www.nadcp.org/wp-content/uploads/Chapman%20Verdict%20Article.pdf>, Rossman, S., et al, *The Multi-Site Adult Drug Court Evaluation: Executive Summary* (Urban Institute 2011), <https://www.urban.org/sites/default/files/publication/27361/412353-the-multi-site-adult-drug-court-evaluation-executive-summary.pdf>, Mitchell, O., et al, *Assessing the effectiveness of drug courts on recidivism: A meta-analytic review of traditional and non-traditional drug courts*, 40 *Journal of Criminal Justice* 60 (2012), http://www.courtinnovation.org/sites/default/files/documents/Assessing_Efectiveness.pdf, Rossman, S. and Zweig, J, *The Multisite Adult Drug Court Evaluation* (NADCP 2012), <https://www.nadcp.org/wp-content/uploads/Multisite%20Adult%20Drug%20Court%20Evaluation%20-%20NADCP.pdf>, *Do Drug Courts Work? Findings from Drug Court Research* (National Institute of Justice 2018), <https://www.nij.gov/topics/courts/drug-courts/Pages/work.aspx>.

We believe that therapeutic justice enhances community safety by providing offenders with the necessary treatment and services to allow them to be productive members of our community. Inspired by our drug court's effectiveness, we collaborated in the development of other treatment and accountability courts based on the

drug court model, including a Veterans Treatment Court and various mental health programs. We are particularly proud of our mental health court, which is recognized as a national model. See e.g., Inglehart, J., *Decriminalizing Mental Illness – The Miami Model*, 374 *New England Journal of Medicine* 1701 (2016) and *How Miami-Dade’s Mental Health Program Steers People To Treatment, Not Jail*, The Equitas Project, <https://www.equitasproject.org/2019/03/19/how-miami-dades-mental-health-program-steers-people-to-treatment-not-jail/>.

In 2019, 222 misdemeanor and felony offenders participated in our Mental Health Court, 53 offenders participated in the Veteran’s Court, 293 felony offenders participated in a Low Risk Program (LRP) for lower risk offenders who use drugs, and 270 felony offenders participated in our Drug Court program for high risk offenders.

Smart incarceration

While we sometimes supplement or enforce our community supervision sentences with short-term jail sentences, we generally reserve space for those who really deserve it. Several entities have analyzed various data sets and documented how successful we have been.

Jail

The Vera Institute reviewed data from the late 1970s to 2015 and found that our jail admissions rate dropped significantly below state and national averages, as indicated below.

Chart Courtesy of Vera Institute of Justice, <http://trends.vera.org/rates/miamidade-county-fl> (Downloaded January 27, 2020).

According to the most currently available county detention report, Miami-Dade County’s incarceration rate per 1,000 people was only 1.4% (i.e., 0.14% of the population), the second lowest in the state and well below the overall state rate of 2.5%. See *Florida County Detention Facilities Average Inmate Population December 2019* (Florida Department of Corrections).

Our efforts have contributed to the closure of two (2) jail facilities.

Prison

External reviews

External reviews of the data show that we are sending fewer people to prison than our counterparts around the state and country. The Vera Institute reviewed data from the late 1970s to 2015 and found that our prison admissions rate dropped well below state and national averages, as indicated below.

Chart Courtesy of Vera Institute of Justice, <http://trends.vera.org/rates/miamidade-county-fl> (Downloaded January 27, 2020).

In 2019, Florida’s Office of Economic & Demographic Research reported that Miami-Dade County’s admissions and incarceration rates for prison were the lowest in the

state, as indicated in the charts below. See EDR (December 2019) <http://edr.state.fl.us/Content/area-profiles/county/miamidade.pdf> (Accessed February 4, 2020).

Id.

Additional data shows that we're not sending a significant number of people to prison who arguably do not belong there. 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. See Margulies, L., Packard, S., and Engel, L., *An Analysis of Florida's Criminal Punishment Code* (CJI June 2019).

Similarly, Measures for Justice reviewed data from cases filed in 2012-2013. The available data suggested that Miami-Dade County sent people charged with non-violent felonies with no prior convictions in the previous three years² to prison at a rate less than half the state average (8.97% versus 19.90%). See Measures for Justice, <https://measuresforjustice.org/portal/exploration?l=FL&m=25&sl=FL086&p=FL086> (Visited February 4, 2020).

The Justice Collaborative reviewed data from offenders admitted to state prison from Miami-Dade County from January 1, 2017 through December 31, 2018 (two calendar years). They identified only 14 defendants who were charged with a primary offense of simple drug possession during that time, the fewest in the state.

Internal review

In 2020, the Florida Department of Corrections provided us with data for every offender admitted to state prison in fiscal year 2018-2019. That year, 1,331 offenders were sentenced in Miami-Dade County. We reviewed the data and found that:

- 75% of the 1,331 offenders admitted from Miami-Dade County were career criminals or committed forcible felonies. To put this in perspective, no other county exceeded 60%;
- 83% of the 1,331 offenders admitted from Miami-Dade County were career criminals, committed forcible felonies, or had been committed to prison before; and
- 97% of the 1,331 offenders admitted from Miami-Dade County were career criminals, committed forcible felonies, had been to prison before, and/or scored mandatory state prison.

²It is important to recognize that Measures for Justice only used a three year "lookback" period. Many of the people with no convictions during this period had one or more other prior convictions, as reflected by our internal analysis. See below.

In fiscal year 2018-2019, the SAO charged 2,560 offenders with simple felony drug possession only. Of that amount, only six (6) offenders (0.23%) were sent to state prison (i.e., they comprised six (6) of the 1,331 offenders (0.45%) admitted to prison from Miami-Dade County that year). Of those six (6), five (5) had significant enough prior convictions to score mandatory state prison and the remaining offender's case was unique. The sixth offender originally was caught with 28 baggies of heroin and charged with possession with intent to sell heroin within 1,000 feet of a school, which carries a three-year minimum mandatory sentence. The prosecutor waived the minimum mandatory and allowed him to plead to simple possession and a term of probation. The defendant was sentenced to 366 days in prison on a probation violation after he was arrested for armed robbery in a neighboring jurisdiction.

Smart reintegration

Most justice officials believe that their work is complete when the case is over. We respectfully disagree. Over a decade ago, we started the "Second Chance" Program, which helps people overcome the stigma that often accompanies an arrest or conviction by sealing and expunging their records according to law. In collaboration with the Public Defender and Clerk of the Court, we host "S&E" events throughout the community in strategic locations to ensure we reach the people most in need of assistance every month or two. The events typically are supported by local ministries, the National Association for the Advancement of Colored People (NAACP), and community-based groups like the Drive Legal Program,³ Florida Rights Restoration Coalition (FRRC),⁴ CareerSource South Florida,⁵ Housing Opportunities Project for Excellence, Inc. (HOPE).⁶ During these events, we provide a single place or "One Stop Shop" to address the needs of all eligible participants free of charge. In order to assist those who cannot attend these events, we provide detailed instructions for applying online, <http://www.miamisao.com/resources/expunge-records/>, and offer telephonic assistance.

Research shows that programs like our Second Chance Program can reduce recidivism and improve participants' earning capacity. Prescott, J. and Starr, S., *Expungement of Criminal Convictions: An Empirical Study* (March 16, 2019), Harvard Law Review, Forthcoming; University 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>.

We've hosted over 90 events and assisted over 7,000 people since 2011 (an average of almost 10 per year), the year we began keeping records.

More recently, we led the first effort in the state to implement Amendment 4 to the Florida Constitution and develop a system to help returning citizens register to vote.

³The Drive Legal Program helps people resolve outstanding traffic citations and obtain valid driver's licenses when possible.

⁴FRRC advocates for "ending the disenfranchisement and discrimination against people with convictions."

⁵CareerSource South Florida provides job seekers with market information, training, and other resources.

⁶HOPE, Inc.

Miami-style smart justice works!

A review of data compiled by the Florida Department of Law Enforcement (FDLE) shows that we successfully reduced our crime rate at the same time we expanded our programming and reduced our reliance on incarceration despite the fact that Miami-Dade County is one of the fastest growing urban communities in the country.

Skeptics might say we reduced our crime rate in spite of our progressive policies, but the evidence suggests we reduced the crime rate because of them and our experience is consistent with the preliminary analyses of similar, albeit more recent, initiatives. 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).

Helping other communities

In this fast-changing and transient society, we simply cannot isolate ourselves in our respective communities. 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. We remain available to assist other agencies upon request.

Conclusion

Being tough on crime makes for a great soundbite, but being smart about crime is far more effective. Our Smart Justice approach has allowed us to reduce crime, better lives, and save tax dollars simultaneously. We are proud of what we've accomplished during the past three decades, but know our work is not finished. We continue to self-examine our practice with all stakeholders and identify ways to improve. We strive to be at the forefront of innovative justice solutions and accountability and are always happy to share experiences with other offices.

Notes on contributors

Katherine Fernandez Rundle is the State Attorney for Miami-Dade County, Florida. She was first elected as the county's top law enforcement officer in 1993 and has been re-elected eight times. State Attorney Fernandez Rundle is a nationally recognized Smart Justice pioneer and innovator who conceived of, implemented, and/or provided key support for multiple groundbreaking programs, including the nation's first Drug Court, Civil Citations, the state's first Domestic Violence Unit, and various gun violence, gang, and human trafficking initiatives. She is the only State Attorney in Florida who administers a Child Support Program, obtaining over \$1 billion in judgments during the past seven years alone. State Attorney Fernandez Rundle has received numerous awards, but is most appreciative of the widespread support she has among Miami-Dade County residents and groups.

Stephen K. Talpins is a Chief Assistant State Attorney with the Miami-Dade County, Florida State Attorney's Office. Mr. Talpins is a nationally recognized author, advocate, and speaker on Smart Justice and other criminal justice related issues. He has worked collaboratively and diplomatically with public, private, and non-profit stakeholders, published dozens of articles, given well over 150 presentations, served on multiple expert panels, and participated on the Boards of

three non-profit associations. During the last few years, the National Highway Traffic Safety Administration gave him a Public Safety Award, the International Association of Chiefs of Police recognized him as an Ambassador of the Drug Recognition Expert (DRE) Program, and the Office of National Drug Control Policy (the office of the United States Drug Czar) named him an Advocate for Action. For more information, please see <http://www.linkedin.com/in/stephentalpins>.

Katherine Fernandez Rundle is the State Attorney for Miami-Dade County, Florida. She was first elected as the county's top law enforcement officer in 1993 and has been re-elected eight times. State Attorney Fernandez Rundle is a nationally recognized Smart Justice pioneer and innovator who conceived of, implemented, and/or provided key support for multiple groundbreaking programs, including the nation's first Drug Court, Civil Citations, the state's first Domestic Violence Unit, and various gun violence, gang, and human trafficking initiatives. She is the only State Attorney in Florida who administers a Child Support Program, obtaining over \$1 billion in judgments during the past seven years alone. State Attorney Fernandez Rundle has received numerous awards, but is most appreciative of the widespread support she has among Miami-Dade County residents and groups.

Stephen K. Talpins is a Chief Assistant State Attorney with the Miami-Dade County, Florida State Attorney's Office. Mr. Talpins is a nationally recognized author, advocate, and speaker on Smart Justice and other criminal justice related issues. He has worked collaboratively and diplomatically with public, private, and non-profit stakeholders, published dozens of articles, given well over 150 presentations, served on multiple expert panels, and participated on the Boards of three non-profit associations. During the last few years, the National Highway Traffic Safety Administration gave him a Public Safety Award, the International Association of Chiefs of Police recognized him as an Ambassador of the Drug Recognition Expert (DRE) Program, and the Office of National Drug Control Policy (the office of the United States Drug Czar) named him an Advocate for Action. For more information, please see <http://www.linkedin.com/in/stephentalpins>.

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Notes on contributors

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