Memorandum

MIAMI-DADE COUNTY

Date: June 2, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 8(I)(1)(A)

From: George M. Burgess
County Manager

Subject: Law Enforcement Trust Fund (LETF) Crime Prevention Program Funding

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Recommendation
It is recommended that the Board approve the attached resolution authorizing the annual expenditure of Law Enforcement Trust Funds (LETF) for Miami-Dade Police Department's (MDPD) crime prevention program funding. Approval of this resolution will give MDPD the authority to expend these targeted funds each fiscal year until otherwise revoked by the Board.

Scope
The authorization is county-wide.

Fiscal Impact/Funding Source
There is no fiscal impact to the county.

Track Record/Monitor
The authorization provided by this resolution will be monitored by the MDPD and the Office of Strategic Business Management.

Background
According to Florida Statutes, Chapter 932.7055 (5) (c) (3) and pursuant to the Florida Contraband Forfeiture Act, any local law enforcement agency that acquires at least $15,000 within a fiscal year must expend or donate no less than 15 percent of these funds for the support or operation of community crime prevention programs to comply with the statutory requirement. The 15 percent is based on LETF forfeited cash received during the previous fiscal year and is therefore discretionary funding.

Annually, the MDPD provides a report to the Board requesting approval of proposed LETF expenditures for community crime prevention programs. This annual request is made to comply with the statutory requirement cited. This resolution would establish this process as a policy for supporting these programs every year. An annual request to the Board would no longer be necessary.

Miami-Dade Police Department crime prevention programs such as the Gun Bounty Program, Don't Let Alcohol Be Your Last Taste of Life, Join A Team, Not A Gang, and DUI Mobile Education programs operate on a continuing basis each year, providing services to the community, especially children. The programs operate on a year round basis, with planning, organizing and implementing occurring all through the year. These activities also require expenditure of funds such as procuring program materials, supplies and other program items. This resolution will ensure the continuity of these MDPD services throughout the County. Should it be granted, this authorization will expedite the allocation of these funds and streamline the operation of these services provided by the MDPD.

Alina T. Hudak
Assistant County Manager

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: June 2, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 8(I)(1)(A)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Mayor's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(I)(1)(A)
6-2-09

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE ANNUAL EXPENDITURE OF LAW ENFORCEMENT TRUST FUNDS FOR MIAMI-DADE POLICE DEPARTMENT (MDPD) CRIME PREVENTION PROGRAMS IN ACCORDANCE WITH FLORIDA STATUTE 932.7055 (5)(c)(3), REQUIRING THAT FIFTEEN PERCENT OF THESE FUNDS BE ALLOCATED FOR THE SUPPORT AND OPERATION OF CRIME PREVENTION PROGRAMS OPERATED BY MDPD AND PROVIDING MDPD THE AUTHORITY TO EXPEND THESE TARGETED FUNDS EACH FISCAL YEAR UNTIL OTHERWISE REVOKED BY THE BOARD

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board, pursuant to Chapter 932.7055 (5)(c)(3), Florida Statutes, approves the authorization of the annual expenditure of Law Enforcement Trust Funds (LETF) for Miami-Dade Police Department (MDPD) crime prevention programs, in accordance with the terms in the accompanying memorandum.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of June, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Ben Simon

MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR

Legislative Notes

Agenda Item: 8(I)1(A)

File Number: 091405

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: May 18, 2009

Type of Item: Expenditure of Law Enforcement Trust Funds

Summary

This resolution authorizes the annual expenditure of Law Enforcement Trust Funds (LETF) for Miami-Dade Police Department Crime Prevention Programs, granting Miami-Dade Police Department (MDPD) the authority to expend such funds each fiscal year unless this authority is revoked by the Board of County Commissioners (BCC).

Background and Relevant Legislation

Currently, MDPD provides an annual report to the BCC requesting the use of LETF funds for expenditures towards community crime prevention programs.

LETF funds are derived from the proceeds of the sale of law enforcement-related seizures of money and property with allowable uses determined by state and federal laws and regulations. **The LFTF must be used for law enforcement purposes which are not budgeted, such as settling costs for investigations; purchasing technical equipment and/or expertise; providing matching funds for grant programs; or other law enforcement purposes.**

For FY 2008-09, the estimated total for the asset sharing expenditures was $1,726,755 and included the following projects:

- Intergovernmental Bureau Community Service Program - $71,542
- Media Relation Bureau - $104,000
- Professional Compliance Bureau Network Security - $44,000
- Intergovernmental Bureau - $150,000
- Information Technology Services Bureau - $133,747
- Information Technology Services Bureau Enhancement $300,000
- Special Patrol Bureau Special Response Team - $70,000
- Community Affairs Bureau County wide Gun Bounty Program - $300,000
- Property and Evidence Bureau - $30,000

- Robbery and Special Patrol Bureau - $167,878
- Robbery Bureau - $225,588
- Sexual Crimes Bureau - $60,000
- Narcotics Bureau - $70,000

Comments

The Manager's memo states that these funds are for the support or operation of **community crime prevention programs** to comply with statutory requirements. However, Florida Statutes do not mention community crime prevention programs, but only crime prevention programs along with other programs.

Florida Statutes, Chapter 932.7055 (5) (c) (3) states that, "...any local law enforcement that acquires at least $15,000 pursuant to the Florida Contraband Forfeiture Act within a fiscal year must expend or donate no less than 15 percent of such proceeds for the support or operation of any **drug treatment, drug prevention, crime prevention, safe neighborhood, or school resource officer program(s).** The local law enforcement agency has the discretion to determine which program(s) will receive the designated proceeds."

According to MDPD, the current balance of the LETF IS $992,915. The LETF also funds the operation of MDPD's forfeiture section which completes the necessary legal processes to acquire the funds.

Prepared by: Elizabeth N. Owens