

# MEMORANDUM

Agenda Item No. 11(A)(3)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** October 1, 2013

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

**SUBJECT:** Resolution urging Congress to enact legislation making it illegal to profile an individual based on race or gender; urging Congress to enact the End Racial Profiling Act, S. 1038, H.R. 2851 or similar legislation prohibiting law enforcement agencies from engaging in racial profiling and mandating training for federal law enforcement officials on racial profiling issues

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.  
County Attorney

RAC/smm



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** October 1, 2013

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

**SUBJECT:** Agenda Item No. 11(A)(3)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No. 11(A)(3)

Veto \_\_\_\_\_

10-1-13

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING CONGRESS TO ENACT LEGISLATION MAKING IT ILLEGAL TO PROFILE AN INDIVIDUAL BASED ON RACE OR GENDER; URGING CONGRESS TO ENACT THE END RACIAL PROFILING ACT, S. 1038, H.R. 2851 OR SIMILAR LEGISLATION PROHIBITING LAW ENFORCEMENT AGENCIES FROM ENGAGING IN RACIAL PROFILING AND MANDATING TRAINING FOR FEDERAL LAW ENFORCEMENT OFFICIALS ON RACIAL PROFILING ISSUES

**WHEREAS**, Trayvon Martin, a 17 year old African-American resident of Miami-Dade County, was needlessly shot and killed by George Zimmerman on February 26, 2012 in Sanford, Florida; and

**WHEREAS**, George Zimmerman disregarded instructions by a police dispatcher to stop following Trayvon Martin, who was unarmed and holding a bag of Skittles candy and Arizona Iced Tea at the time of the incident; and

**WHEREAS**, following the shooting, police questioned Zimmerman but did not arrest him; and

**WHEREAS**, six weeks later Zimmerman was arrested and charged with murder; and

**WHEREAS**, on July 13, 2013, a jury found Zimmerman not guilty of second-degree murder and manslaughter charges; and

**WHEREAS**, Trayvon Martin is one of too many young, black males who have been victimized because of the perception that their race, color, ethnicity, gender or national origin has a direct correlation to criminal behavior; and

**WHEREAS**, although Trayvon Martin's death was not the result of a law enforcement encounter, the question of whether he was a victim of racial bias cannot be separated from the law enforcement profiling debate; and

**WHEREAS**, studies have shown that racial profiling results in the misallocation of law enforcement resources and a failure to identify actual crimes that are planned and committed; and

**WHEREAS**, by relying on stereotypes rather than proven investigative procedures, the lives of innocent people are needlessly harmed by law enforcement agencies and officials; and

**WHEREAS**, as is evident by the Trayvon Martin shooting and other recent events across the nation, racial profiling is a pervasive and harmful practice that negatively impacts both individuals and communities; and

**WHEREAS**, racial profiling also results in a loss of trust and confidence in local, state, and federal law enforcement; and

**WHEREAS**, although most people are taught from an early age that the role of law enforcement is to fairly defend and guard communities from people who want to cause harm to others, this fundamental message is often contradicted when these same defenders are seen as unnecessarily and unjustifiably harassing innocent citizens; and

**WHEREAS**, criminal investigations are flawed and hindered because people and communities impacted by these stereotypes are less likely to cooperate with law enforcement agencies they have grown to mistrust; and

**WHEREAS**, Miami-Dade County already has taken steps to eliminate racial profiling locally; and

**WHEREAS**, on October 3, 2000, the Board approved Resolution No. 1090-00 setting policy for Miami-Dade County that racial profiling is prohibited and requiring traffic stops by the Miami-Dade Police Department to be based solely on legal grounds; and

**WHEREAS**, in the wake of the Trayvon Martin tragedy, a pair of bills have been filed in Congress that would address racial profiling nationally; and

**WHEREAS**, Senator Benjamin L. Cardin (D – Maryland) filed S. 1038 and Representative John Conyers, Jr. (D – Michigan) has filed H.R. 2851, both entitled the End Racial Profiling Act of 2013; and

**WHEREAS**, passage by Congress of the End Racial Profiling Act is needed to put an end to racial profiling by law enforcement officials and to ensure that individuals are not prejudicially stopped, investigated, arrested, or detained based on their race, ethnicity, national origin or religion; and

**WHEREAS**, the End Racial Profiling Act would establish a prohibition on racial profiling, enforceable by declaratory or injunctive relief; and

**WHEREAS**, this legislation also would mandate training for federal law enforcement officials on racial profiling issues; and

**WHEREAS**, as a condition of receiving federal funding, state, local, and Indian tribal law enforcement agencies would be required to collect data on both routine and spontaneous investigatory activities; and

**WHEREAS**, the Department of Justice would be authorized to provide grants to state and local law enforcement agencies for the development and implementation of best policing practices, such as early warning systems, technology integration and other management protocols that discourage profiling; and

**WHEREAS**, the End Racial Profiling Act would require the Attorney General to issue periodic reports to Congress assessing the nature of any ongoing racial profiling; and

**WHEREAS**, passage of the End Racial Profiling Act will ensure that federal, state, and local law enforcement agencies are prohibited from impermissibly considering race, ethnicity, national origin or religion in carrying out law enforcement activities; and

**WHEREAS**, this Board supports passage of the End Racial Profiling Act,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Urges Congress to enact legislation making it illegal to profile an individual based on race or gender.

**Section 2.** Urges Congress to enact the End Racial Profiling Act of 2013, S. 1038, H.R. 2851 or similar legislation prohibiting law enforcement agencies from engaging in racial profiling and mandating training for federal law enforcement officials on racial profiling issues.

**Section 3.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation, Senator Benjamin Cardin and Congressman John Conyers, Jr.

**Section 4.** Directs the County's federal lobbyists to advocate for the passage of this legislation set forth in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2013 Federal Legislative Package to include this item and to include this item in the 2014 Federal Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It 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:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jean Monestime  
Sen. Javier D. Souto  
Juan C. Zapata

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 1<sup>st</sup> day of October, 2013. 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.



Jess M. McCarty