MEMORANDUM

Agenda Item No. 11(A)(7)

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

DATE: June 3, 2014

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

SUBJECT: Resolution requesting the County Mayor to direct the Miami-Dade Police Department to perform a study and provide a report, within sixty (60) days, on Miami-Dade Police Department's use of tasers

This item was amended at the May 14, 2014 Public Safety and Animal Services Committee to perform a study on the use of tasers. The item was amended to include an accounting of the use of taser deployment as an alternative to the use of lethal force.

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/cp

MEMORANDUM

(Revised)

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

DATE: June 3, 2014

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

SUBJECT: Agenda Item No. 11(A)(7)

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
Veto _____
Override _____

Agenda Item No. 11(A)(7)
6-3-14

RESOLUTION NO. _____

RESOLUTION REQUESTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO DIRECT THE MIAMI-DADE POLICE DEPARTMENT TO PERFORM A STUDY AND PROVIDE A REPORT, WITHIN SIXTY (60) DAYS, ON MIAMI-DADE POLICE DEPARTMENT'S USE OF TASERS

WHEREAS, there has been an expression of concern in the community of the use of tasers; and

WHEREAS, on October 18, 2005, Commissioner Dennis C. Moss sponsored, Commissioner Barbara J. Jordan co-sponsored, and this Board of County Commissioners of Miami-Dade County, Florida (the "Board") adopted Resolution No. R-1192-05, requesting that the County Manager expedite a study on the effects of tasers on humans using a neutral and reputable group; and

WHEREAS, the "Independent Study on the Effects of Taser on Humans" was presented to the Health and Public Safety Committee (the "Committee") on January 17, 2008; and

WHEREAS, the "Independent Study on the Effects of Taser on Humans" revealed that there was a lack of available data showing the long term effects of taser usage; and

WHEREAS, On January 17, 2008, Dr. Gary Vilke, M.D., testified before the Committee regarding research on the medical effects of taser and revealed that research conducted at the time found no cardiac effects from the use of taser; and

WHEREAS, the "Independent Study on the Effects of Taser on Humans" revealed that there have been no studies that show taser will take the life of people; and

WHEREAS, there have been several incidents in recent months in Miami-Dade County involving the use of tasers on individuals who have subsequently lost their lives; and

WHEREAS, the Miami-Dade Medical Examiner's Office recently ruled that an individual shot with a police taser subsequently lost his life due to cardiac arrest related to an electric device discharge; and

WHEREAS, given the potential harmful medical consequences of electroshock weapons, Miami-Dade Police Department may need to reform their policies for the use of the tasers and provide additional training to dramatically reduce accidental loss of life; and

WHEREAS, Miami-Dade Police Department, as a professional law enforcement organization, can review records and expand upon their own experience to render recommendations that protect public safety in Miami-Dade County; and

WHEREAS, this Board, the Miami-Dade Police Department and the community would benefit from an updated study and report on the effects of taser usage on humans,

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

Section 1. The County Mayor or County Mayor's designee shall direct the Miami-Dade Police Department to create a report to include at a minimum:

(a) The health effects of taser usage on an individual.

(b) Miami-Dade Police departmental policy procedures governing taser use including but not limited to: taser use certification course, training, departmental deployment procedures and implementation of best practices.

(c) An accounting of taser deployment usage by Miami-Dade Police when responding to a call, the type of call, the threat involved and the event outcome (arrest, hospitalization, baker act, death and cause of death including excited delirium or heart attack) within the last five years.

>>An accounting of taser deployment usage by Miami-Dade Police when used as an alternative to lethal force.<<[1]

(d) Recommendations, technological or policy, that will increase public safety and provide a less lethal experience for citizens and law enforcement.

Section 2. The County Mayor or County Mayor's designee shall direct the Miami-Dade Police Department to consult with all appropriate persons in carrying out the directions of this resolution, including but not limited to, the Medical Examiner's Office, other police agencies or departments that have addressed similar incidents, and institutions of higher learning.

Section 3. The County Mayor or County Mayor's designee shall direct the Miami-Dade Police Department to present its findings and report, including recommendations as to any appropriate corrective actions, to the Board of County Commissioners no more than sixty (60) days from the date of this resolution.

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	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

[1] Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 2014. 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.

Suzanne L. Villano