

MEMORANDUM

Agenda Item No. 11(A)(9)

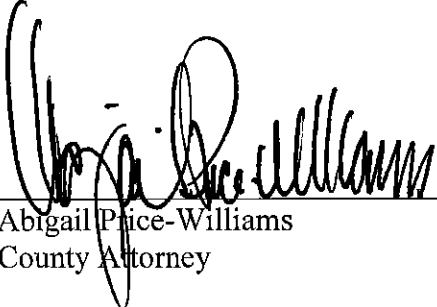
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: June 4, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to implement internal procedures regarding document retention that reduce, to the extent possible, the storage and maintenance of physical files, to identify legally available funds in the current fiscal year budget for such purpose and to propose funding in the fiscal year 2019-2020 budget to the extent available for such purpose; directing the County Mayor to submit a report to this Board within 90 days; urging criminal justice agencies to likewise implement such procedures; directing County Mayor to respectfully request criminal justice agencies to provide an update to this Board within 120 days

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: June 4, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(9)

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
- Statement of social equity 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)(9)

6-4-19

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO IMPLEMENT INTERNAL PROCEDURES REGARDING DOCUMENT RETENTION THAT REDUCE, TO THE EXTENT POSSIBLE, THE STORAGE AND MAINTENANCE OF PHYSICAL FILES, TO IDENTIFY LEGALLY AVAILABLE FUNDS IN THE CURRENT FISCAL YEAR BUDGET FOR SUCH PURPOSE AND TO PROPOSE FUNDING IN THE FISCAL YEAR 2019-2020 BUDGET TO THE EXTENT AVAILABLE FOR SUCH PURPOSE; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SUBMIT A REPORT TO THIS BOARD WITHIN 90 DAYS; URGING CRIMINAL JUSTICE AGENCIES TO LIKEWISE IMPLEMENT SUCH PROCEDURES; DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RESPECTFULLY REQUEST CRIMINAL JUSTICE AGENCIES TO PROVIDE AN UPDATE TO THIS BOARD WITHIN 120 DAYS

WHEREAS, Miami-Dade County's criminal justice departments, including the Miami-Dade Corrections and Rehabilitation Department, the Miami-Dade Juvenile Services Department, and the Miami-Dade Police Department, are responsible for keeping large amounts of files, which have historically been physical files consisting of paper documents, as part of their case management systems; and

WHEREAS, outside criminal justice agencies in Miami-Dade County, including the Clerk of the Courts, the Administrative Office of the Courts, the State Attorney's Office, and the Public Defender's Office, are likewise responsible for keeping and maintaining such files as part of their case management systems; and

WHEREAS, the costs associated with storing and maintaining such voluminous physical files are substantial, and may be avoided or minimized by transitioning to electronic or digitized records; and

WHEREAS, to that end, this Board has adopted Resolution No. R-1290-18, accepting an unsolicited proposal and authorizing the County Mayor to advertise a competitive solicitation for a modernized case management system for county and criminal courts; and

WHEREAS, a modernized case management system is likely to involve a transition from physical files to electronic or digital files; and

WHEREAS, reducing reliance on and generating fewer paper documents and physical files will not only reduce the costs associated with storage and maintenance, but will also ease the transition to a modernized case management system; and

WHEREAS, Carlos J. Martinez, the Miami-Dade Public Defender, has implemented a “paper light” process at the Miami-Dade Public Defender’s Office, as described in a February 19, 2019 memorandum which is attached as Exhibit A; and

WHEREAS, the “paper light” process adopted by the Miami-Dade Public Defender’s Office is meant to reduce the need for physical file storage, maximize its electronic file system, facilitate secure access to the client’s electronic file, and prepare for the eventual rollout of a modernized case management system; and

WHEREAS, as part of their “paper light” process, the Miami-Dade Public Defender’s Office scans every physical document into an electronic file, which is then retained after case disposition; and

WHEREAS, uploading every physical document into an electronic file allows the Miami-Dade Public Defender's Office to destroy their physical case files immediately or shortly after case disposition; and

WHEREAS, according to Carlos J. Martinez, the implementation of this "paper light" process and the associated new retention policy has eliminated the need to store about 90 percent of its physical files after case disposition; and

WHEREAS, these efforts not only reduce the costs associated with storage and maintenance, but also allow agencies to reclaim space previously used for storage; and

WHEREAS, this Board wishes to see the County's criminal justice departments implement such "paper light" processes, which would reduce the need for physical file storage, reduce the costs associated with storage and maintenance of such physical files, and prepare for the eventual rollout of a modernized case management system; and

WHEREAS, this Board further wishes to urge other criminal justice agencies to consider implementing similar "paper light" processes with respect to their own internal case management procedures,

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

Section 1. Directs the County Mayor or the County Mayor's designee to implement internal procedures regarding file-keeping and document retention that reduce, to the extent possible, the storage and maintenance of physical files by Miami-Dade County criminal justice departments, including the Miami-Dade Corrections and Rehabilitation Department, the Miami-Dade Juvenile Services Department, and the Miami-Dade Police Department, to identify legally available funds in the current fiscal year budget for such purpose and to propose such funding in the fiscal year 2019-2020 budget to the extent available for such purpose.

Section 2. Further directs the County Mayor or County Mayor's designee to provide a report identifying any such implemented procedures and funding to the Board within 90 days of the effective date of this resolution, and such report shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

Section 3. Urges criminal justice agencies in Miami-Dade County, including the Clerk of the Courts, the Administrative Office of the Courts, and the State Attorney's Office, to implement internal procedures regarding file-keeping and document retention that reduce, to the extent possible, the storage and maintenance of physical files.

Section 4. Directs the County Mayor or County Mayor's designee to respectfully request the Clerk of the Courts, the Administrative Office of the Courts, and the State Attorney's Office to make a presentation to this Board regarding efforts to implement internal procedures regarding file-keeping and document retention that reduce, to the extent possible, the storage and maintenance of physical files, and to coordinate placement of such presentation with the Office of the Chair on the appropriate agenda within 120 days of the effective date of this resolution.

Section 5. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Clerk of the Courts, the Administrative Office of the Courts, the State Attorney's Office, and the Public Defender's Office.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. 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:

Audrey M. Edmonson, Chairwoman
Rebeca Sosa, Vice Chairwoman

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|----------------------|----------------------|
| Esteban L. Bovo, Jr. | Daniella Levine Cava |
| Jose "Pepe" Diaz | Sally A. Heyman |
| Eileen Higgins | Barbara J. Jordan |
| Joe A. Martinez | Jean Monestime |
| Dennis C. Moss | Sen. Javier D. Souto |
| Xavier L. Suarez | |

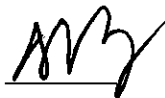
The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of June, 2019. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the 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.



Anita Viciano Zapata

LAW OFFICES OF THE
PUBLIC DEFENDER



CARLOS J. MARTINEZ
PUBLIC DEFENDER

MEMORANDUM

TO: Commissioner Sally Heyman

FROM: Carlos J. Martinez
Miami-Dade Public Defender

DATE: February 19, 2019

SUBJECT: Public Defender's "paper light" process

This memo is written in response to a request by Commissioner Sally Heyman regarding the "paper light" process that the Public Defender implemented to reduce the need for physical file storage, maximize its electronic file system, facilitate secure access to the client's electronic file, and prepare for the eventual rollout of the new CJIS.

When the Public Defender's Office (PDO) is appointed on a case, an electronic and physical file is created. All case-related documents/materials that our office receives are scanned/uploaded to the electronic file and placed inside the physical file. Because of the number of cases they handle, and the speed of court calendars, assistant public defenders still need a physical file when they go to court for most hearings. Therefore, while the case is open, assistant public defenders have physical files. That is why the Public Defender has not gone completely paperless, but instead implemented "paper light." The physical file is kept until case disposition.

Almost all physical case files are either destroyed after disposition or stored in-house for a year. The physical file is reviewed before storing or destroying to ensure that ALL documents/materials are scanned/uploaded. **The electronic file is never destroyed.** Capital and other similar case files are sent to the record center, even though all the documents have been scanned and uploaded. The new retention policy eliminated the need to store about 90% of its physical files after disposition.

After the PDO revised its File Retention and Destruction schedule, it converted the file rooms for other use.

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An Overview of the Electronic File Process.

The PDO receives case-related documents and materials in three ways: 1) electronic, 2) hand-delivered in court or delivered to the PDO, and 3) mail.

1. Electronic: PDO receives case documents through separate accounts. Body Worn Camera videos and photographs are also uploaded into the client's electronic file.
 - a. eService Account: All documents that are eServed by other parties to PDO or that we eServe ourselves via the eFiling Portal will be sent to the eService accounts. A PDO clerk reviews all incoming emails, and uploads to the electronic client file daily.
 - b. eDelivery Account: This account was created for items that are electronically received from other agencies that are NOT eServed that can be large and time consuming to process. A PDO clerk is responsible for processing and uploading to the electronic file daily.
 - c. All emails sent by the State Attorney's Office and other agencies to a specific employee will be forwarded to either the eService Account or the eDelivery Account to be processed and uploaded accordingly.
2. Court Calendar Processing: In all areas there are support staff responsible for processing the court calendars, scanning and/or uploading ALL documents/materials received by the Assistant Public Defender (APD) in court from the State Attorney's Office (SAO).
 - a. A courier delivers documents/materials from SAO daily. A PDO clerk is responsible for scanning/uploading to the electronic file. Once completed, the paperwork is given to the mailroom clerk to separate and deliver so it is placed in the physical file for the APD.
 - b. The secretary/clerk receives the calendar with all the documents provided in court, scans and upload into the electronic file accordingly.
 - c. A PDO clerk retrieves court file documents requested by the APD from the Clerk of Court. The PDO clerk copies and scans the document, and uploads to the PDO electronic client file.
 - d. Returned subpoenas are scanned and uploaded into the electronic file.
3. Mailroom: Case related documents/materials delivered to the mailroom is sorted/separated, scanned and uploaded, and delivered to the APD.