

MEMORANDUM

Agenda Item No. 11(A)(11)


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

DATE: June 16, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution expressing shock and condolences at the death of George Floyd; directing the County Mayor to submit a report that describes the Miami-Dade Police Department's practices, policies, and procedures related to arrests, custody, physical restraint, and use of force; and directing that the report be placed on an agenda of the full Board without committee review

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



Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM
(Revised)

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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)(11)
6-16-20

RESOLUTION NO. _____

RESOLUTION EXPRESSING SHOCK AND CONDOLENCES AT THE DEATH OF GEORGE FLOYD; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO SUBMIT A REPORT THAT DESCRIBES THE MIAMI-DADE POLICE DEPARTMENT’S PRACTICES, POLICIES, AND PROCEDURES RELATED TO ARRESTS, CUSTODY, PHYSICAL RESTRAINT, AND USE OF FORCE; AND DIRECTING THAT THE REPORT BE PLACED ON AN AGENDA OF THE FULL BOARD WITHOUT COMMITTEE REVIEW

WHEREAS, on May 25, 2020, George Floyd, a 46-year old African-American man, died in Minneapolis, Minnesota while in custody of the Minneapolis Police Department; and

WHEREAS, although handcuffed and lying face down on the road, a Minneapolis police officer knelt on Mr. Floyd's neck for over eight minutes; and

WHEREAS, for over two of those minutes, Mr. Floyd was unresponsive, and three other police officers who either held Mr. Floyd’s legs or stood nearby did not intervene; and

WHEREAS, video recordings of Mr. Floyd’s arrest and subsequent death show Mr. Floyd moaning and sobbing while saying “please,” “I can’t breathe,” “I’m about to die,” and “don’t kill me;” and

WHEREAS, all four officers were fired on May 26, 2020; and

WHEREAS, on May 29, 2020, the officer who held his knee on Mr. Floyd’s neck was arrested and charged with third-degree murder and manslaughter; and

WHEREAS, the prosecutor also stated that he anticipated charges would be brought against the other three officers who were at the scene of Mr. Floyd’s death; and

WHEREAS, additionally, the Minneapolis Police Department requested that the Federal Bureau of Investigation conduct a federal civil rights investigation into Mr. Floyd's death; and

WHEREAS, the Minnesota Bureau of Criminal Apprehension is also investigating possible violations of Minnesota state law in relation to Mr. Floyd's death; and

WHEREAS, the day after Mr. Floyd's death, protests began in the Minneapolis area; and

WHEREAS, since that time, similar protests have erupted across the country in cities that include Miami, Atlanta, New York, Washington, D.C., and Dallas; and

WHEREAS, some of the above-mentioned protests have been peaceful, but riots involving fires, looting, vandalism, and other property damage and destruction evolved at others; and

WHEREAS, the Miami-Dade Police Department ("MDPD") is an exemplary agency with well-trained and qualified police officers and civilian personnel; and

WHEREAS, nonetheless, police departments across the nation are under increased scrutiny for the deaths of unarmed Black men and boys at the hands of officers who have been entrusted to serve and protect the community; and

WHEREAS, in an effort to reassure the residents of and visitors to Miami-Dade County that the MDPD has taken all reasonable and necessary steps to train its officers to protect the community and themselves in a manner that does not unnecessarily risk lives, this Board directs the County Mayor or County Mayor's designee to provide a report pertaining to the practices, policies, and procedures for MDPD officers,

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

Section 1. Expresses shock and condolences at the death of George Floyd.

Section 2. Directs the County Mayor or County Mayor’s designee to prepare and submit a report that includes Miami-Dade Police Department’s practices, policies, and procedures related to arrests, custody, physical restraint, and use of force.

Section 3. Directs the County Mayor or County Mayor’s designee to provide the report to this Board within 30 days of the effective date of this resolution and to place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

Section 4. Directs that the report, upon completion, be placed directly on an agenda of the full Board without committee review.

Section 5. Directs the Clerk of the Board to transmit a certified copy of this resolution to the family of George Floyd.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan and the Co-Sponsor is Commissioner Daniella Levine Cava. 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	
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 16th day of June, 2020. 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.



Shanika A. Graves