

MEMORANDUM

Agenda Item No. 11(A)(2)

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

DATE: July 8, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution establishing County policy prohibiting the County Mayor from hiring any sworn officer who has been the subject of a sustained finding or adjudication of unauthorized or improper force as a result of action taken while serving as a sworn police officer; and urging the United States Congress and the federal government to establish a national database of current and former sworn officers who have been the subject of a sustained finding or adjudication of unauthorized or improper force

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Esteban L. Bovo, Jr. and Co-Sponsors Commissioner Daniella Levine Cava, Chairwoman Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan, Commissioner Jean Monestime, Commissioner Dennis C. Moss and Commissioner Javier D. Souto.



Abigail Price-Williams
County Attorney

APW/lmp

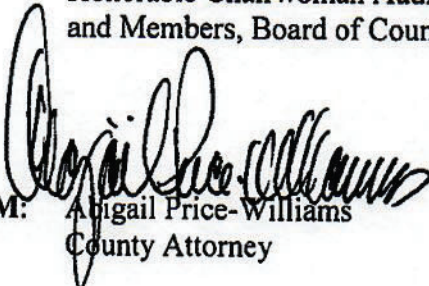


MEMORANDUM

(Revised)

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

DATE: June 16, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(2)

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

Agenda Item No. 11(A)(2)

Veto _____

7-8-20

Override _____

RESOLUTION NO. _____

RESOLUTION ESTABLISHING COUNTY POLICY PROHIBITING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE FROM HIRING ANY SWORN OFFICER WHO HAS BEEN THE SUBJECT OF A SUSTAINED FINDING OR ADJUDICATION OF UNAUTHORIZED OR IMPROPER FORCE AS A RESULT OF ACTION TAKEN WHILE SERVING AS A SWORN POLICE OFFICER; AND URGING THE UNITED STATES CONGRESS AND THE FEDERAL GOVERNMENT TO ESTABLISH A NATIONAL DATABASE OF CURRENT AND FORMER SWORN OFFICERS WHO HAVE BEEN THE SUBJECT OF A SUSTAINED FINDING OR ADJUDICATION OF UNAUTHORIZED OR IMPROPER FORCE

WHEREAS, on May 25, 2020, George Floyd, a 46-year-old African-American man, died in Minneapolis, Minnesota after being handcuffed and pinned to the ground by a white police officer during an arrest; and

WHEREAS, video taken at the scene of Mr. Floyd's arrest shows the arresting officer, Derek Chauvin, keeping his knee pressed against the back of Mr. Floyd's head for about eight minutes, by which time Mr. Floyd had stopped speaking or moving and died; and

WHEREAS, Derek Chauvin and three other officers present at the scene were fired from their jobs at the Minneapolis Police Department the next day; and

WHEREAS, the actions of Derek Chauvin and the other former officers at the scene were swiftly and universally condemned across the country, including by law enforcement agencies; and

WHEREAS, Derek Chauvin has since been criminally charged with third-degree murder and manslaughter for the death of George Floyd; and

WHEREAS, the death of George Floyd has left communities across the United States heartbroken and angry; and

WHEREAS, the death of George Floyd has reignited a national conversation about policing, community relationships, and the necessity and propriety of use of force in the context of police action; and

WHEREAS, sworn police officers are given a significant amount of authority and responsibility, and the potential for abuse of that authority should not be ignored; and

WHEREAS, this Board wishes to ensure that the Miami-Dade Police Department is not hiring new officers who have been the subject of a sustained finding or an adjudication of unauthorized or improper force as a result of action taken while serving as a sworn police officer; and

WHEREAS, this Board further wishes to urge the United States Congress and the federal government to establish a national database of individuals who, while serving as law enforcement officers, were the subject of a sustained finding or adjudication of unauthorized or improper force,

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

Section 1. Approves and incorporates the foregoing recitals as if fully set forth herein.

Section 2. Establishes County policy prohibiting the hiring of any new sworn officer of the Miami-Dade Police Department who has been the subject of a sustained finding or an adjudication of unauthorized or improper force as a result of action taken while serving as a sworn police officer. For the purposes of this policy, a sustained finding or an adjudication of unauthorized or improper force may include, but is not limited to, the following:

- a. An adjudication of guilt in a court of law, including a conviction or a guilty plea, of a criminal act involving force, including but not limited to murder, manslaughter, assault, battery, or any other crime which involves the use or threat of physical force or violence against any individual;
- b. A conclusion, finding, or disposition by an internal investigation that a complaint or allegation regarding unauthorized or improper force should be or is sustained. Such unauthorized or improper force may include, but is not limited to, the commission of a crime, a criminal assault, the unauthorized use of physical force, or unnecessary or unlawful injury to a prisoner or detainee; or
- c. A conclusion, finding, or disposition by an investigatory agency tasked with investigating or overseeing law enforcement agencies that a complaint or allegation regarding unauthorized or improper force should be or is sustained. Such unauthorized or improper force may include, but is not limited to, the commission of a crime, a criminal assault, the unauthorized use of physical force, or unnecessary or unlawful injury to a prisoner or detainee.

Section 3. Urges the United States Congress and the federal government to establish a national database of current and former sworn officers who have been the subject of a sustained finding or an adjudication of unauthorized or improper force as a result of action taken while serving as a sworn police officer as described in section 2 above.

Section 4. Directs the Clerk of the Board to transmit a certified copy of this resolution to the President of the United States and Members of the Miami-Dade County Congressional Delegation.

Section 5. Directs the County's federal lobbyists to advocate for the action set forth in section 3 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2020 federal legislative package to include this item and to include this item in the 2021 federal legislative package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Esteban L. Bovo, Jr. and the Co-Sponsors are Commissioner Daniella Levine Cava, Chairwoman Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan, Commissioner Jean Monestime, Commissioner Dennis C. Moss and Commissioner Javier D. Souto. 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 8th day of July, 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.



Anita Viciano Zapata