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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(24)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 5, 2012

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

SUBJECT: Resolution urging Congress to pass the End Racial Profiling Act, S. 1670, H.R. 3618 or similar legislation prohibiting law enforcement agencies from engaging in racial profiling and mandating training for federal law enforcement officials on racial profiling issues

Resolution No. R-494-12

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/jls

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 5, 2012

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

SUBJECT: Agenda Item No. 11(A)(24)

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 Manager'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)(24)
6-5-12

RESOLUTION NO. R-494-12

RESOLUTION URGING CONGRESS TO PASS THE END RACIAL PROFILING ACT, S. 1670, H.R. 3618 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, studies have proven 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 recent events across the nation, racial profiling is a pervasive and harmful practice that negatively impacts both individuals and communities; and

WHEREAS, racial profiling 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, there is a pair of bills currently pending in Congress that would address racial profiling nationally; and

WHEREAS, Senator Benjamin L. Cardin (D – Maryland) has filed S. 1670 and Representative John Conyers, Jr. (D – Michigan) has filed H.R. 3618, both entitled the End Racial Profiling Act of 2011; 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 passed 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 pass the End Racial Profiling Act of 2011, S. 1670, H.R. 3618 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 2. 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 3. Directs the County's federal lobbyists to advocate for the passage of this legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2012 Federal Legislative Package to include this issue and to include this item in the 2013 Federal Legislative Package.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	**absent**		
Audrey M. Edmonson, Vice Chairwoman	**aye**		
Bruno A. Barreiro	**absent**	Lynda Bell	**aye**
Esteban L. Bovo, Jr.	**aye**	Jose "Pepe" Diaz	**absent**
Sally A. Heyman	**aye**	Barbara J. Jordan	**absent**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Rebeca Sosa	**aye**	Sen. Javier D. Souto	**aye**
Xavier L. Suarez	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of June, 2012. 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: ***Christopher Agrippa***
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. JMM

Jess M. McCarty

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