

MEMORANDUM

Agenda Item No. 8(I)(2)

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

DATE: June 4, 2013

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

SUBJECT: Resolution authorizing execution
of agreements for information
sharing through the use of
technology systems between
Miami-Dade County and its law
enforcement partner agencies at
the federal, state, regional, and
local level
Resolution No. R-428-13

The accompanying resolution was prepared by the Miami-Dade Police Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum



DATE: June 4, 2013

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

FROM: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

SUBJECT: Resolution Authorizing Execution of Agreements for Information Sharing through Technology Based Systems with Law Enforcement Partner Agencies at the Federal, State, Regional, and Local Level for Law Enforcement Purposes

Recommendation

It is recommended that the Board of County Commissioners approve the attached resolution authorizing the County Mayor or County Mayor's Designee to execute agreements between Miami-Dade County, through the Miami-Dade Police Department, and its law enforcement partner agencies for the purpose of information sharing through technology systems.

Scope

The Agreements will provide information sharing through technology systems between Miami-Dade County and its partner agencies at the federal, state, regional and local level for law enforcement purposes.

Fiscal Impact/Funding Source

There is no fiscal impact to the County.

Track Record/Monitor

The entities involved are the Miami-Dade Police Department's Information Technology Services Bureau and Police Legal Bureau. Maureen Rajaballey, as the Security Officer for the Department, and Janet Lewis, Commander, Police Legal Bureau, will track and monitor the agreements.

Background

Technology drives and defines much of today's innovation and advancements in law enforcement. New policing strategies which are technology based improve public and officer safety use limited resources effectively and efficiently. Most important, these systems allow for information sharing within this agency and also with its many law enforcement partners at the federal, state, regional, and local level. In addition, the Miami-Dade Police Department often is the host agency for these systems, allowing secured access to law enforcement partners. In this capacity, the Miami-Dade Police Department serves as the primary agency to coordinate, manage, and monitor these vital systems and is responsible for confidentiality, integrity, and availability of information. Examples of these systems include the Florida Crime Information Center (known as FCIC), National Crime Information Center (known as NCIC) and Criminal Justice Network (known as CJNET) via the Florida Department of Law Enforcement, the Miami-Dade Police Department Mugshot System, the Miami-Dade County Arrest Affidavit System, and the License Plate Reader System. The resolution will serve to authorize agreements for the purpose of information sharing through new technology systems as they are developed and implemented. This comprehensive, streamlined approach to information sharing is consistent with evolving business, technology, and security needs for effective policing which will enhance public safety in our community.

A handwritten signature in black ink, appearing to read "Genaro 'Chip' Iglesias".

Genaro "Chip" Iglesias
Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: June 4, 2013

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

SUBJECT: Agenda Item No. 8(I)(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**
- 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 8(I)(2)
6-4-13

RESOLUTION NO. R-428-13

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS FOR INFORMATION SHARING THROUGH THE USE OF TECHNOLOGY SYSTEMS BETWEEN MIAMI-DADE COUNTY AND ITS LAW ENFORCEMENT PARTNER AGENCIES AT THE FEDERAL, STATE, REGIONAL, AND LOCAL LEVEL; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS, RENEWALS, EXTENSIONS, CONTINUATIONS, MEMORANDA OF UNDERSTANDING AND OPERATIONAL DOCUMENTS AND TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, in the conduct of day to day operations, the Miami-Dade Police Department uses technology systems for effective and efficient policing strategies; and

WHEREAS, these systems require information sharing with law enforcement partner agencies at the federal, state, regional, and local level; and

WHEREAS, the Miami-Dade Police Department often serves as the Host Agency for these systems allowing secured access to law enforcement partners for the purpose of information sharing to prevent, reduce, and solve crimes,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the execution of agreements for law enforcement information sharing through technology systems between Miami-Dade County and its law enforcement partners at the federal, state, regional and local level, in substantially the form attached hereto and made a part hereof, and authorizes the

County Mayor or County Mayor's designee to execute agreements, for and on behalf of Miami-Dade County, and to execute any amendments, renewals, extension, continuations of same, memoranda of understanding, and operational documents, and to exercise the cancellation provisions contained therein.

The foregoing resolution was offered by Commissioner **Sally A. Heyman**

who moved its adoption. The motion was seconded by Commissioner **Esteban L. Bovo, Jr.**

and upon being put to a vote, the vote was as follows:

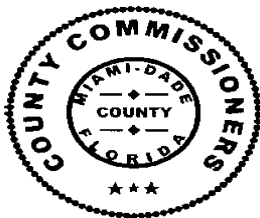
	Rebeca Sosa, Chairwoman	aye
	Lynda Bell, Vice Chair	absent
Bruno A. Barreiro	absent	Esteban L. Bovo, Jr. aye
Jose "Pepe" Diaz	absent	Audrey M. Edmonson aye
Sally A. Heyman	aye	Barbara J. Jordan aye
Jean Monestime	aye	Dennis C. Moss absent
Sen. Javier D. Souto	aye	Xavier L. Suarez absent
Juan C. Zapata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

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of June, 2013. 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.

Ben Simon

**Criminal Justice User Agreement
For the Automated Arrest Affidavit Project**

This User Authorization Agreement is entered into between Miami-Dade County by and through its Department, the Miami-Dade Police Department, hereinafter the **Host Agency**, with headquarters located at 9105 Northwest 25th Street, Doral, Florida and the _____, _____, Florida _____, hereinafter, the **User Agency**. This User Authorization Agreement will support the implementation of the Automated Arrest Affidavit Project, a technology solution to enhance the local criminal justice system.

The Automated Arrest Affidavit Project was established by the Miami-Dade County Association of Chiefs of Police. The Project was supported with federal grant funding from the American Recovery and Reinvestment Act of 2009 awarded to Miami-Dade County via the Countywide Justice Assistance Grant. The primary policy making entity for these funds is the Miami-Dade County Association of Chiefs of Police. At the time that these American Recovery and Reinvestment Act funds were allocated, it was the decision and leadership of the Miami-Dade County Association of Chiefs of Police to develop the Automated Arrest Affidavit Project, providing a technology solution for the arrest process. This technology solution involves the Miami-Dade County Police Department, the Miami-Dade County Corrections and Rehabilitation Department, the Clerk of Court, the municipalities, and state enforcement agencies including the State Attorney and Public Defender.

NOW THEREFORE, in light of the foregoing representations, the parties, by their duly authorized officials, do mutually agree as follows:

- 1) The **Host Agency** agrees to provide access to users 24 hours a day, 7 days a week, to information contained in the Florida Crime Information Center System (known as FCIC), National Crime Information Center System (known as NCIC), National Law Enforcement Telecommunications System (known as NLETS), the motor vehicle registry, the driver license registry, the boat registry, the administrative information system, and the Miami-Dade Automated Arrest Affidavit Project required to perform their law enforcement functions. This authorization is for the purpose of entering and making or receiving inquiries and administrative messages.
- 2) The **User Agency** shall ensure that information being entered is complete and accurate, and shall make provisions to identify each record entered so that immediate follow-up can be initiated for hit confirmation purposes. The User Agency, upon entering the information, agrees to assume responsibility for the information entered.
- 3) The **User Agency** will abide by all rules, policies, and procedures regarding FCIC/NCIC, NLETS, and of the Host Agency as they relate to services being provided.
- 4) This Agreement may be terminated at any time upon the mutual consent of both parties, or unilaterally, by either party upon no less than thirty (30) calendar days notice, delivered by certified mail, return receipt requested. This Agreement may be terminated by the **Host Agency** with 24 hours notice for any failure of the **User Agency** to comply with the terms of this Agreement or applicable Federal or State law.
- 5) The **Host Agency** and the **User Agency** acknowledge that this Agreement is not intended to create financial obligations between the parties. However, in the event that costs are incurred as a result of either or both of the parties performing their duties or responsibilities under this Agreement, each party agrees to be responsible for its own costs.

6) The **Host Agency** and the **User Agency** are state agencies, or political subdivisions, or municipalities as defined in Section 768.28, Florida Statutes, and agree to be fully responsible for acts and omissions of their own agents or employees to the extent permitted by law. Nothing herein is intended to serve as a waiver of sovereign immunity by either party to which sovereign immunity may be applicable.

IN WITNESS THEREOF, the duly authorized officials have executed this MOA on the dates indicated below .

HOST AGENCY
MIAMI-DADE COUNTY

USER AGENCY

By: _____
Carlos A. Gimenez
Mayor

By: _____

Miami-Dade Police Department

Agency

By: _____
J.D. Patterson
Director

By: _____
Print Name and Title