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

MEMORANDUM

Agenda Item No. 11(A)(8)

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

DATE: December 2, 2014

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

SUBJECT: Resolution directing the Mayor to (i) examine the feasibility and cost of, and recommend an implementation plan for, creating an information clearinghouse and early warning system for missing persons who would not qualify for an AMBER or Silver Alert, and (ii) review required waiting periods prior to engaging in a missing persons investigation
Resolution No. R-1074-14

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Esteban L. Bovo, Jr. and Chairwoman Rebeca Sosa, and Co-Sponsors Commissioner Audrey M. Edmonson and Commissioner Sally A. Heyman.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

MEMORANDUM

(Revised)

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

DATE: December 2, 2014

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

SUBJECT: Agenda Item No. 11(A)(8)

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. 11(A)(8)
12-2-14

RESOLUTION NO. R-1074-14

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO (I) EXAMINE THE FEASIBILITY AND COST OF, AND RECOMMEND AN IMPLEMENTATION PLAN FOR, CREATING AN INFORMATION CLEARINGHOUSE AND EARLY WARNING SYSTEM FOR MISSING PERSONS WHO WOULD NOT QUALIFY FOR AN AMBER OR SILVER ALERT, AND (II) REVIEW REQUIRED WAITING PERIODS PRIOR TO ENGAGING IN A MISSING PERSONS INVESTIGATION AND RECOMMEND CHANGES PARTICULARLY WHERE THERE IS EVIDENCE A MISSING PERSON IS AT RISK OF IMMINENT BODILY HARM; FURTHER DIRECTING THE MAYOR OR DESIGNEE TO PREPARE A REPORT

WHEREAS, the Florida Missing Child Alert is a media-focused emergency broadcast program designed to engage the public in the search for a missing child when the child is believed to be in life-threatening danger, but there is no indication that the child has been abducted; and

WHEREAS, the America's Missing: Broadcast Emergency Response Alert ("AMBER Alert") is a partnership between law-enforcement agencies and local radio and television broadcasters to broadcast an emergency bulletin to the public when a child has been abducted and it is believed that the child is in danger of serious bodily harm or death; and

WHEREAS, a Missing Child Alert may evolve into an AMBER Alert if the law enforcement investigation later reveals an indication that the child has been abducted; and

WHEREAS, the statewide Silver Alert program is a similar emergency bulletin to the public when a person over the age of 60 goes missing, or a person who is between the ages of 18 and 59 who suffers from an irreversible deterioration of intellectual faculties goes missing; and

WHEREAS, out of the 184 Florida AMBER Alerts issued between the time the program began and January of 2014, 55 children have been located as a direct result of the AMBER Alert; and

WHEREAS, out of the 162 Florida Silver Alerts issued in 2013, 98 of those cases were resolved, with 73 persons recovered as a direct result of the Florida Silver Alert; and

WHEREAS, the Missing Endangered Persons Information Clearinghouse ("MEPIC") is the central repository of information regarding missing endangered persons in Florida; and

WHEREAS, the MEPIC assists law enforcement agencies and Florida residents in finding missing persons by providing analytical services and engaging the public in the search; and

WHEREAS, the MEPIC has worked with partner agencies to develop the Florida AMBER Plan and Florida Silver Alert Plan and is responsible for issuing all Missing Child Alerts, AMBER Alerts, and Silver Alerts; and

WHEREAS, there are no programs similar to the AMBER Alerts or Silver Alerts that broadcast an emergency bulletin to the public when a non-cognitively impaired adult or an adult under the age of 60 goes missing and is believed to be in life-threatening danger; and

WHEREAS, Noemi Gonzalez, 54, went missing on February 12, 2014 from her North Miami home where she was last seen on the evening of February 11, 2014; and

WHEREAS, Noemi Gonzalez's son discovered that Ms. Gonzalez had gone missing when he awoke on February 12th and found that she was not in their home, her bed was unmade, her wallet and cell phone were in the house, and the front door of the home was unlocked; and

WHEREAS, Noemi Gonzalez remains missing; and

WHEREAS, Tanya Gonzalez, 28, was last seen on September 9, 2014, at a Miami shopping center; and

WHEREAS, after not reporting to work on September 10, 2014, the authorities were notified that Tanya Gonzalez had gone missing and that her family feared that her ex-boyfriend was involved in her disappearance since she had recently ended their volatile relationship; and

WHEREAS, Tanya Gonzalez's body, already in the state of decomposition, was found in the trunk of her car on September 16, 2014; and

WHEREAS, the car was discovered in a Miami neighborhood by a resident who recognized it from news reports and called police to report the car; and

WHEREAS, Noemi Gonzalez and Tanya Gonzalez did not qualify for an emergency bulletin under the existing programs when they went missing, yet law enforcement's efforts in searching for them would have been aided by such a bulletin; and

WHEREAS, Miami-Dade County currently allows its residents to sign up to receive emergency alerts via email or text messages, including the Ashley Nicole Valdes Public Safety Alert, issued by the Office of Emergency Management; and

WHEREAS, the Ashley Nicole Valdes Public Safety Alert is a text message based information system that is used to provide public safety information, solicit citizen participation in the form of Crime Stopper tips, or supplement community notifications associated with AMBER or Silver Alerts; and

WHEREAS, in January of 2009, Commissioner Jose "Pepe" Diaz partnered with former Miami-Dade County Mayor Carlos Alvarez to provide the residents of Miami-Dade County with alerts regarding hit-and-run accidents through the Ashley Nicole Valdes Public Safety Alert; and

WHEREAS, the Miami-Dade County Police Department also has a system in place to make robo-calls to alert people that a convicted sexual offender or predator has moved within a certain radius of their home; and

WHEREAS, the systems currently used by Miami-Dade County to send out emergency alerts and to make robo-calls to its residents may serve as a model for the creation and implementation of an early warning alert system for missing persons who may be in life-threatening danger; and

WHEREAS, the creation and implementation of a program that alerts the public when an adult who would not otherwise qualify for a Silver Alert goes missing and is at risk of imminent bodily harm would provide Miami-Dade County's residents and visitors with information that can help save the life of that missing person and help make our community safer,

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

Section 1. Directs the Mayor or Mayor's designee to:

a. Examine the feasibility and cost of, and recommend an implementation plan for, creating an information clearinghouse for missing persons in Miami-Dade County and an early warning alert and/or robo-call system, similar to the AMBER Alert, Silver Alert, and/or the Ashley Nicole Valdes Public Safety Alert, for missing persons where there is evidence that the missing person is at risk of imminent bodily harm and would not otherwise qualify for an AMBER or Silver Alert.

b. Examine the procedures followed by the Miami-Dade Police Department regarding missing persons investigations and any waiting period that is instituted prior to engaging in a missing persons investigation and determine whether any such waiting

periods can be waived, and the best methodology and implementation for such a waiver, for cases where there is evidence that a missing person is at risk of imminent bodily harm.

c. Examine and identify risks factors that local law enforcement can use to identify missing persons that are at risk of imminent bodily harm.

d. Identify resources available within Miami-Dade County and through the State of Florida that can be used by the Miami-Dade Police Department and other local law enforcement agencies in assisting with the dissemination of information regarding missing persons and in advancing a missing persons investigation.

Section 2. Directs the Mayor or Mayor's designee to prepare a report regarding the issues identified in Section 1 and provide the report to this Board within ninety (90) days of the effective date of this resolution and place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Esteban L. Bovo, Jr. and Chairwoman Rebeca Sosa, and the Co-Sponsors are Commissioner Audrey M. Edmonson and Commissioner Sally A. Heyman. It was offered by Commissioner **Esteban L. Bovo, Jr.**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of December, 2014. 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. APA

Annery Pulgar Alfonso