



Miami-Dade Board of County Commissioners
Office of the Commission Auditor

Public Safety and Health Committee (PSHC) Meeting

October 18, 2018
3:30 P.M.
Commission Chambers

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Research Notes**

**Item No. 1G2 & 1G2 Substitute
File No. 181599, 182372**

Researcher: MF Reviewer: PGE

ORDINANCE RELATING TO THE INDEPENDENT REVIEW PANEL; AMENDING ARTICLE IC OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CHANGING THE NAME OF THE INDEPENDENT REVIEW PANEL TO THE INDEPENDENT COMMUNITY PANEL; AMENDING THE COMPOSITION, AUTHORITY, POWERS, AND STAFFING OF THE INDEPENDENT REVIEW PANEL; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Chapter 2, Article IC of the Code of Miami-Dade County to change the name of the Independent Review Panel to the Independent Community Panel and to amend the composition, authority, powers and staffing of the Independent Review Panel.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Chapter 2, Article IC, governs the Independent Review Panel, its creation, composition, organization and procedures, authority and powers generally, and reporting requirements.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch2_artic

Resolution No. R-1075-16, adopted by the Board on November 1, 2016, created the Miami-Dade Independent Review Panel Working Group; provided its membership, organization, procedures and staffing; and set forth its purpose, functions, responsibilities and Sunset provision.

<http://intra/gia/matter.asp?matter=162943&file=false&yearFolder=Y2016>

Ordinance No. 18-13

Ordinance No. 14-65, adopted by the Board on July 1, 2014, amended Section 2-1 of the Code of Miami-Dade County to require that reports prepared at the request of the Board be presented to the Board, and reports prepared at the request of a committee of the Board be provided to such committee.

<http://intra/gia/matter.asp?matter=141471&file=true&yearFolder=Y2014>

Resolution No. R-636-14, adopted by the Board on July 1, 2014, directed the Commission Auditor to complete background research on applicants being considered to serve on County boards and trusts that require nominations and/or appointments by the Board of County Commissioners and to prepare a report detailing the findings of said research.

<http://intra/gia/matter.asp?matter=141238&file=true&yearFolder=Y2014>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Barbara J. Jordan, District 1

Department/Requester: None

On December 11, 2017, the proposed ordinance was considered by the Housing and Social Services Committee. It was forwarded to the Board with a favorable recommendation with Committee amendments following a public hearing. The amendments provide that the County Attorney shall render opinions relating to the Panel's duties, jurisdiction or power; and add a reporting requirement for the Mayor.

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The proposed ordinance was adopted by the Board on February 6, 2018. The motion to adopt passed by a roll call vote of 7-5 (Commissioners Diaz, Martinez, Sosa and Souto and Chairman Bovo voted “no”) (Commissioner Heyman was absent).

On February 16, 2018, the proposed ordinance was vetoed by the Mayor. In his veto message, the Mayor stated that on February 6, 2018, the Board of County Commissioners (Board) adopted Ordinance No. 18-13, changing the name of the Independent Review Panel (IRP) to the Independent Community Panel, and amending the composition, authority, powers and staffing of the IRP. He noted he was vetoing this legislation because he was not entirely convinced that there was a need for an ICP, as the County already had numerous internal mechanisms and external entities that oversaw and investigated complaints against any County employee or agency.

The Mayor noted the Miami-Dade Police Department (MDPD), in particular, already had oversight and held itself accountable, beginning with the Professional Compliance Bureau (PCB), which was an internal investigative entity that reported only to the MDPD Director. He pointed out that, in addition to the PCB, several other internal and external entities provided oversight of the MDPD; and the County had already invested \$3 million to implement one of the largest body-worn camera programs in the nation.

This ordinance was reconsidered at the Board of County Commissioners' meeting held on February 21, 2018; and deferred to the Board meeting scheduled for April 10, 2018.

The proposed ordinance failed to pass at the April 10, 2018 BCC meeting.

The proposed ordinance was considered at the September 5, 2018 BCC meeting. It was adopted on first reading and scheduled for a public hearing before the Public Safety and Health Committee on October 18, 2018.

ANALYSIS

The Independent Review Panel (IRP) was created in 1980 in the wake of the riots which followed the acquittal of four Miami-Dade police officers in the death of Arthur McDuffie. The IRP was empowered to hold public hearings, prepare reports and propose recommendations regarding serious complaints or grievances made against employees, agencies or instrumentalities of Miami-Dade County. The IRP was last funded during the 2008-09 fiscal year, because of the economic downturn experienced by the country as a whole; its funding has not since been restored.

On November 1, 2016, the Board adopted Resolution No. R-1075-16, which created the Miami-Dade County Independent Review Panel Working Group (Working Group), and charged it with: 1) reviewing Chapter 2, Article IC of the Code of Miami-Dade County; 2) analyzing the history and effectiveness of the Independent Review Panel; 3) reviewing and analyzing similar entities from other jurisdictions; 4) obtaining input from the community; 5) reviewing relevant literature relating to citizens review panels; and 6) providing the Board with a list of recommendations for proposed amendments to the IRP ordinance.

The Working Group presented its initial report to the Board on July 6, 2017; and its final report on October 17, 2017. In accordance with the Working Group's recommendations, the proposed ordinance amends the ordinance establishing the Independent Review Panel, as follows:

- The Panel is renamed as the Independent Community Panel;
- The Panel shall consist of 13 members, each of whom is a qualified elector of Miami-Dade County and possesses a reputation for civic pride, integrity, responsibility and had demonstrated an active interest in public affairs and service;

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- Each member of the Board of County Commissioners shall appoint one person to serve on the Panel whose name shall be read into the record of any regularly scheduled BCC meeting after Compliance with Ordinance No. 13-29 and Resolution No. R-636-14. Panel members should have diverse professional backgrounds. However, it is recommended that consideration be given to appointing a retired member of the judiciary, judge or magistrate, and retired or active professionals in the following fields: (1) human resources; (2) clergy; and (3) social work.
- The Panel may hold public hearings, conduct mediations or other forms of dispute resolution, make factual determinations, draw conclusions, propose recommendations, and prepare interim and final reports on matters relating to complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County. The Panel may also hold hearings, render findings of fact and conclusions of law and issue recommendations, as provided in Chapter 2, Article LXXI of the Code. The Panel shall have the authority and responsibility to determine whether sufficient merit has been established for complaints or grievances to institute a review process;
- The Panel may request any person to give sworn testimony or to produce documentary of other evidence to the extent permitted by applicable law;
- The Panel may request the County Attorney to render opinions relating to the Panel's duties, jurisdiction or power;
- The Panel shall not act on matters that fall within the jurisdiction of the Miami-Dade County Office of the Inspector General or Miami-Dade Commission on Ethics and Public Trust;
- The Panel shall be empowered to subpoena witnesses and/or documents for all matters within its jurisdiction, except for County employees who are law enforcement or correctional officers as defined in the Police Officers' Bill of Rights, Part IV of Chapter 125, Florida Statutes, as such may be amended from time to time;
- Panel members shall meet with staff from time to time to consider whether sufficient merit has been established for any complaint or grievance filed with the Panel to warrant review by the full Panel;
- The Panel shall publish a final report with regard to each matter reviewed. Said final report shall be transmitted simultaneously to the Board of County Commissioners, the County Mayor or County Mayor's designee and the director of the concerned County department. Within 45 days of receipt of the Panel's final report, the County Mayor or County Mayor's designee shall transmit a report to the Board of County Commissioners and the Panel, which shall provide all actions taken in response to the Panel's final report and any recommendations made therein and the County Mayor or County Mayor's designee shall place such report on an agenda of the Board pursuant to Ordinance No. 14-65;
- The Independent Community Panel shall be empowered to appoint an Executive Director. The Independent Community Panel shall utilize an open competitive selection process when selecting candidates who may be considered for appointment to serve as the Executive Director. The Executive Director shall only be removed by the Independent Community Panel. The Independent Community Panel shall establish the rate of remuneration of the Executive Director in conjunction, concurrence and consensus with the County Mayor of County Mayor's designee. The rate of remuneration shall be consistent with established Miami-Dade County Human Resources policies and salary ranges;
- The Executive Director may hire and administer the necessary staff. At a minimum, subject to budgetary allocation by the Board, staff shall consist of the following positions: Senior Investigator/Mediator, Mediator, Office Administrator, Professional Auditor, Legal Counsel, and research personnel, investigative personnel and independent counsel. The Panel may request the Board to provide such other fact-finding personnel, research personnel and independent counsel as it may determine are necessary from time to time.

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The item also amends the ordinance by deleting the following sections:

- The Panel may enter and inspect any premises under the jurisdiction or control of Miami-Dade County or any of its agencies or instrumentalities;
- The Panel may request any person, including the supervisor of the Internal Review Section of the Miami-Dade Police, to give sworn testimony or to produce documentary or other evidence (this is replaced by “[t]he Panel may request any person to give sworn testimony or to produce documentary or other evidence to the extent permitted by applicable law”);
- The County Attorney shall render opinions relating to the Panel’s duties, jurisdiction or power and such opinions shall be binding upon and adhered to by the Panel (this is replaced by “[t]he Panel may request the County Attorney to render opinions relating to the Panel’s duties, jurisdiction or power”).

Agenda Item 1G2 Substitute (182372) differs from Agenda Item 1G2 in that it:

- Precludes the Panel from issuing subpoenas to witnesses who are Miami-Dade County employees;
- Precludes the Panel from interfering with investigations of the Commission on Ethics and Public Trust and Inspector General;
- Authorizes the Panel to appoint the Executive Director from three candidates provided by the Human Resources Department;
- Authorizes the Chairperson of the Board of County Commissioners to employ, supervise, and remove the Executive Director as well as to establish the Executive Director’s rate of remuneration after considering recommendations made by the Panel; and
- Provides that the Office of the Chairperson shall provide support for the Panel through the Office of Community Advocacy.

According to the Fiscal Impact Statement, the implementation of the ordinance to reinstate the Independent Review Panel (IRP) as the Independent Community Panel (ICP) will have a fiscal impact on the County. It is expected that the Office of Community Advocacy will provide the Board of County Commissioners with the necessary staff support needed to manage the selection and appointment process for members of the ICP. This support, along with that of other departments as needed, will be provided from existing County resources until the time that the ICP appoints an Executive Director. When the ICP was last funded in FY 2008-09, it had 5 full-time employees and was supported by the countywide general fund (\$599,000). At the second budget hearing on September 20, 2018, \$450,000 was allocated to the ICP for FY 2018-19 within the Future Services Reserve.

The five-year impact assumes that the ICP will be funded to support the same staffing levels as in FY 2008-09 with the specific positions outlined in Section 2-11.51 of the proposed ordinance. The analysis also assumes that the ICP will begin its operations during the third quarter of FY 2018-19 and will include one-time capital expenditures for startup costs, including office set-up, computers and other equipment that may be needed to operate the new office. The balance of the \$450,000 has been allocated as a reserve line item in the event that the renovation or reconfiguration of office space is necessary. None of the resources necessary to reinstate the ICP, other than the in-kind staff support to manage the selection and appointment process mentioned earlier, are currently in place as the ICP would be a new County agency.

For FY 2019-20, the costs would increase to \$491,382, assuming a five percent growth in personnel expenses and three percent growth in operating expenses, every year thereafter.

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ADDITIONAL INFORMATION

More than 100 civilian oversight boards have been established throughout the nation. Based on the Commission Auditor Office's research findings, civilian oversight boards generally fall into two categories: they are either external or internal to a law enforcement agency. A third, hybrid, model incorporates aspects of both the external and internal models. Below are a few example of Civilian Oversight Boards created in various jurisdictions of the United States:

Atlanta

The Atlanta Citizen Review Board (ACRB) was established by ordinance as an independent agency in 2007 and amended with subpoena power in May 2010. It is designed to provide citizen oversight of misconduct accusations against sworn members of the police and corrections departments in the City of Atlanta. It is also designed to help prevent future incidents of police or corrections misconduct and abuse of civil rights and to reduce the amount of money needed to satisfy judgments and settlements based on allegations of police or corrections misconduct. The ACRB promotes public confidence in law enforcement.

The 13 members of the ACRB are appointed as follows and confirmed by the City Council:

- One member is appointed by the Mayor;
- One member is appointed by the City Council;
- One member is appointed by the President of the Council with previous experience as a law enforcement professional;
- Four members are appointed by the Neighborhood Planning Units;
- One member is appointed from the Gate City Bar Association;
- One member is appointed by the Atlanta Bar Association;
- One member is appointed by the League of Women Voters of Atlanta;
- One member is appointed by the Atlanta Business League;
- One member is appointed by the Georgia Coalition for the People's Agenda; and
- One member is appointed by the Urban League of Greater Atlanta.

Chicago

On October 5, 2016, the Chicago City Council passed an ordinance establishing the Civilian Office of Police Accountability (COPA), which replaced the Independent Police Review Authority as the civilian oversight agency of the Chicago Police Department. COPA is comprised of a diverse staff with many years of investigative and legal experience. Under the direction of the Chief Administrator, COPA has the power and authority to conduct investigations into:

- Complaints against members of the police department alleging domestic violence, excessive force, coercion, or verbal abuse;
- All incidents in which a member of the police department discharges (i) a firearm in a manner that potentially could strike another individual, (ii) a stun gun or taser in a manner that results in death or serious bodily injury, or (iii) other weapons discharges and other use of police department issued equipment as a weapon that results in death or serious bodily injury;
- Incidents where a person dies or sustains serious bodily injury while detained or in police custody;
- Incidents of an officer-involved death; and
- Complaints against members of the police department alleging improper search or seizure of either individuals or property.

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New York City

The New York City Police Department established the Civilian Complaint Review Board (CCRB) in 1953 as a committee of three deputy police commissioners to investigate civilian complaints. In 1987, in accordance with legislation passed in 1986 by the City Council, the board was restructured to include private citizens in addition to police officers (the Mayor appointed six members and the Police Commissioner appointed six). In 1993, after extensive debate and public comment, Mayor David Dinkins and the New York City Council created the CCRB in its current, all-civilian form.

The CCRB was established to receive, investigate, mediate, hear, make findings, and recommend action on complaints against New York City police officers alleging the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language. The Board's investigative staff is composed entirely of civilian employees. The Board forwards its findings to the police commissioner.

The CCRB's membership consists of 13 individuals appointed by the Mayor, who are residents of New York City and reflect the diversity of the city's population. The members of the board are appointed as follows: (i) five members, one from each of the five boroughs, are designated by the City Council; (ii) three members with experience as law enforcement professionals are designated by the police commissioner; and (iii) the remaining five members are selected by the Mayor, who also selects one of the members to serve as Chair. No member of the board may have a law enforcement background, other than those designated by the police commissioner, and none may be public employees or serve in public office.

More information can be found in the Commission Auditor's report dated March 13, 2018, entitled "Composition of Civilian Oversight Boards across various Jurisdictions. (Available upon request at the Commission Auditor's Office)

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**Item No. 3A
File No. 182247**

Researcher: IL Reviewer: TD

RESOLUTION RETROACTIVELY AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE'S ACTION IN APPLYING FOR GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION SECOND CHANCE ACT TO ADDRESS THE NEEDS OF INCARCERATED PARENTS WITH MINOR CHILDREN IN THE AMOUNT OF \$698,315.00; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS TO THE GRANT APPLICATION, TO RECEIVE AND EXPEND ANY GRANT FUNDS THAT ARE AWARDED, TO EXECUTE SUCH CONTRACTS, AGREEMENTS, AND MEMORANDA OF AGREEMENTS AS MAY BE REQUIRED BY PROGRAM GUIDELINES, AND TO EXERCISE TERMINATION AND MODIFICATION PROVISIONS CONTAINED THEREIN; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE AND EXPEND ADDITIONAL FUTURE FUNDS THAT MAY BECOME AVAILABLE FOR THIS PROJECT AND TO EXECUTE ANY CONTRACTS, AGREEMENTS, OR MEMORANDA OF AGREEMENTS THAT MAY BE NECESSARY FOR THE RECEIPT OF SUCH FUTURE AVAILABLE FUNDS

ISSUE/REQUESTED ACTION

Whether the Board should retroactively authorize the County Mayor or the County Mayor's designee's 1.) action in applying for grant funds from the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention Second Chance Act to address the needs of incarcerated parents with minor children in the amount of \$698,315.00.00; 2.) to execute amendments to the grant application, to receive and expend any grant funds that are awarded, to execute such contracts, agreements, and memoranda of agreements as may be required by program guidelines, and to exercise termination and modification provisions contained therein; and 3.) to apply for, receive and expend additional future funds that may become available for this project and to execute any contracts, agreements, or memoranda of agreements that may be necessary for the receipt of such future available funds

APPLICABLE LEGISLATION/POLICY

N/A

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Corrections & Rehabilitation Department

There is no procedural history at this time.

ANALYSIS

The proposed resolution requests the Board retroactively authorize the County Mayor to apply for grant funds from the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention Second Chance Act to address the needs of incarcerated parents with minor children in the amount of \$698,315.00 and execute the grant application, and to apply for future funds that may become available for this project. Miami-Dade County Corrections and Rehabilitation Department (MDCR) applied for a grant from the DOJ in the amount of \$698,315.00 for Project Second Chance for Incarcerated Parents with Minor Children. The DOJ grant project will improve services for incarcerated parents and their children by developing strategies and activities that foster positive family engagement, reduce violence, and protect law enforcement in the facility. The impact of this item is countywide.

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This item has a positive fiscal impact. The grant request is for \$698,315.00 and MDCR, has pledged \$84,000.00 as a voluntary, in-kind personnel salary match of the grant over the three (3)-year grant period. MDCR will monitor and manage the grant projects.

According to the Mayoral memo, children of incarcerated parents are at risk for delinquency and other antisocial behaviors. They are often overlooked both in the criminal justice system and in social services sector. The Department will: 1) enhance and expand services to children of incarcerated parents by facilitating access to effective services to strengthen the relationship between incarcerated parents and their children and address issues affecting parents and their children, such as suicide, alcohol and substance abuse, mental health issues, domestic and sexual abuse, financial instability, and their impact on both the child and the locality they live in; 2) develop safety protocols and procedures for children who are visiting their incarcerated parents; and 3) develop and implement strategies and a Reentry Plan that will reduce recidivism and reoffending. It is expected that 90 inmate parents will participate over the three (3)-year grant period. The project will serve inmate parents with an average of two (2) minor children, ages two (2) months to 17 years of age, for a total of 180 children.

Additional Information

The following information was found on the Office of Juvenile Justice and Delinquency Prevention:

This program will promote and expand services in detention and correctional facilities to incarcerated individuals who have children younger than age 18. This program will provide states and localities with funding to implement positive family engagement strategies and activities that address the needs of incarcerated parents with minor children.

<https://www.ojjdp.gov/funding/FundingDetail.asp?fi=458>

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**Item No. 3B
File No. 182062**

Researcher: IL Reviewer: TD

RESOLUTION RETROACTIVELY APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE SCHOOL BOARD OF MIAMI-DADE COUNTY AND MIAMI-DADE COUNTY TO PROVIDE THE SCHOOL BOARD WITH MIAMI-DADE POLICE DEPARTMENT SWORN PERSONNEL, PURSUANT TO NEW SCHOOL SAFETY REQUIREMENTS, IN SECTION 1006.12, FLORIDA STATUTES; RETROACTIVELY AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE MEMORANDUM OF UNDERSTANDING; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING AND EXERCISE THE CANCELLATION, RENEWAL, AND AMENDMENT PROVISIONS

ISSUE/REQUESTED ACTION

Whether the Board should retroactively approve a Memorandum of Understanding (MOU) with the School Board of Miami-Dade County to provide the School Board with Miami-Dade Police Department (MDPD) sworn personnel.

APPLICABLE LEGISLATION/POLICY

Section 1006.12 of the Florida Statutes, for the protection and safety of school personnel, property, students, and visitors, each district school board and school district superintendent shall partner with law enforcement agencies to establish or assign one or more safe-school officers at each school facility within the district by implementing any combination of the following options which best meets the needs of the school district.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1006/Sections/1006.12.html

Section 1006.12(2)(c) of the Florida Statutes, authorizing the implementation of a district school board may enter into mutual aid agreements with one or more law enforcement agencies as provided in Chapter 23. A school safety officer's salary may be paid jointly by the district school board and the law enforcement agency, as mutually agreed to.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1006/Sections/1006.12.html

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Sally A. Heyman, District 4
Department/Requester: Miami-Dade Police Department**

There is no procedural history on this item.

ANALYSIS

This item proposes to retroactively approve a Memorandum of Understanding (MOU) with the School Board of Miami-Dade County to provide the School Board with Miami-Dade Police Department (MDPD) sworn personnel. The reason this is being done is to safeguard school age children pursuant to Section 1006.12 in lieu of the upward trends in school shooting that have taken place across the Country, most notably at the Marjory Stoneman Douglas High School earlier in the year.

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Section 1., Retroactively approves an MOU between The School Board of Miami-Dade County and Miami-Dade County, by and through the MDPD, to provide The School Board of Miami-Dade County with MDPD sworn personnel to serve as School Based Law Enforcement Officers, in compliance with the new school safety requirements, outlined in Section 1006.12 of the Florida Statutes, requiring the assignment of one or more safe-school officers at approximately 103 schools.

Section 2. Retroactively authorizes the action of the County Mayor or the County Mayor's designee in executing an MOU with The School Board of Miami-Dade County.

Section 3. Authorizes the County Mayor to execute the attached Amendment to the MOU, and to exercise the cancellation, renewal, and amendment provisions contained in the MOU, as amended, on behalf of Miami-Dade County.

The School Board will provide the County one-third of the total funding made available by the School Board to municipalities and/or law enforcement agencies across Miami-Dade County during the course of the fiscal year. Currently, based on the \$6 million allocation to municipalities and/or law enforcement agencies, the School Board will provide Miami-Dade County with \$2 million. If additional funding is made available by the School Board to municipalities and/or law enforcement agencies, Miami-Dade County will receive one-third of the total amount made available to municipalities and/or law enforcement agencies. The final fiscal impact to the County cannot be accurately determined at this time, but is not expected to exceed \$18 million after the current \$2 million reimbursement from the School Board is applied. This funding will be provided by the General Fund.

Retroactive approval of this MOU and retroactive authorization of its execution are necessary because the 2018-2019 school year began while the Board was in summer recess. The School Board requested that Miami-Dade County authorize this MOU so MDPD sworn personnel may be assigned to Miami-Dade County public schools for the 2018-2019 school year.

ADDITIONAL INFORMATION

Miami-Dade Reaches Agreement with School District to Provide Armed Officers

<https://miami.cbslocal.com/2018/08/17/miami-dade-reaches-agreement-with-school-district-to-provide-armed-officers/>

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Item No. 3C

File No. 182124

Researcher: JFP Reviewer: PGE

RESOLUTION RETROACTIVELY APPROVING A COOPERATIVE AGREEMENT WITH THE STATE ATTORNEY, ELEVENTH JUDICIAL CIRCUIT, RELATING TO THE SERVICE OF PROCESS FOR CHILD SUPPORT ENFORCEMENT ACTIONS, IN AN AMOUNT ESTIMATED AT \$259,405.00 IN REIMBURSEMENT REVENUE; RETROACTIVELY AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE COOPERATIVE AGREEMENT; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS, MODIFICATIONS, AND RENEWALS, AND TO EXERCISE THE TERMINATION CLAUSES CONTAINED THEREIN ON BEHALF OF MIAMI-DADE COUNTY, FLORIDA

ISSUE/REQUESTED ACTION

Whether the Board should retroactively approve the County Mayor's action of entering into a Cooperative Agreement with the State Attorney, Eleventh Judicial Circuit whereby the Miami-Dade Police Department attempts the service of process in child support enforcement cases and is reimbursed for this attempted service of civil documents.

APPLICABLE LEGISLATION/POLICY

42 U.S.C. 655, Title IV D of the Social Security Act, governs grants to states for aid and services for child-welfare services related to child support and paternity case enforcement.

https://www.ssa.gov/OP_Home/ssact/title04/0455.htm

45 CFR § 304.21 outlines federal financial participation in the costs of cooperative arrangements with courts and law enforcement officials.

<https://www.gpo.gov/fdsys/pkg/CFR-2010-title45-vol2/pdf/CFR-2010-title45-vol2-sec304-21.pdf>

Section 409.257, Florida Statutes, states that the sheriff shall be reimbursed at the prevailing rate of federal financial participation for service of process and orders as allowed by law for the service of original process and orders in any paternity or child support action.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=409.257&URL=0400-0499/0409/Sections/0409.257.html

Resolution No. R-430-13, adopted by the Board on June 4, 2013, is the previous agreement authorizing execution of a cooperative agreement for service of process on Title IV-D Child Support Enforcement Actions between the State Attorney, Eleventh Judicial Circuit and Miami-Dade County, in the amount not to exceed \$285,000.00 in reimbursement revenue.

<http://intra/gia/matter.asp?matter=130889&file=true&yearFolder=Y2013>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Heyman, District 4

Department/Requester: Miami-Dade Police Department

The proposed resolution has no procedural history.

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ANALYSIS

The proposed resolution retroactively approves a Cooperative Agreement, to July 1, 2018 through June 30, 2023 (with up to five one-year optional renewal period), between the County and the State Attorney, Eleventh Judicial Circuit, whereby the Miami-Dade Police Department attempts the service of process in child support enforcement cases and is reimbursed for this attempted service of civil documents.

The County will be reimbursed an estimated \$259,405 for the service of process for the first year of the contract term (July 1, 2018 through June 30, 2019). The reimbursement will be sourced from federal funds from the U.S. Department of Health and Human Services, Agency for Children and Families, Office of Child Enforcement, Florida Department of Revenue, and the State Attorney, Eleventh Judicial Circuit. The County will be reimbursed at the prevailing rate of Federal Financial Participation, 66% of the \$70.00 fee (\$46.20) for a writ of bodily attachment, which includes all costs associated therewith. The rate of federal financial participation, or applicable matching rate, means the rate of federal funding of State IV-D programs' administrative costs for the appropriate fiscal year. Numerous state court systems and individual courts take advantage of federal funding under Title IV-D of the Social Security Act to obtain reimbursement for the costs of adjudicating child support and paternity matters. The 66 percent matching rate has been applicable since FY 1990.

This new agreement is in light of the previous agreement (adopted by the Board on June 4, 2013) expiring on June 30, 2018. The Miami-Dade Police Department's role in enforcement of child support orders and service of process, and reimbursement of such activities, is in accordance with federal and state prescribed requirements outlined federally in 45 CFR § 304.21 and for the state in Section 409.257, Florida Statutes.

Civil documents served by the Miami-Dade Police Department include:

- summons and complaints,
- subpoenas (except witness subpoenas),
- orders to show cause,
- contempt notices to appear,
- default orders and judgments,
- notices to absent parents for deemed income deduction orders,
- writs of bodily attachment, and
- commitment orders.

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Item No. 3D

File No. 182285

Researcher: JFP Reviewer: PGE

RESOLUTION RETROACTIVELY APPROVING A LETTER OF AGREEMENT AND CONTRACT WITH THE UNIVERSITY OF NORTH FLORIDA TRAINING AND SERVICES INSTITUTE, INC., D/B/A INSTITUTE OF POLICE TECHNOLOGY AND MANAGEMENT, IN AN AMOUNT UP TO \$175,000.00 FOR A TERM ENDING ON MAY 17, 2019; AND RETROACTIVELY AUTHORIZING THE ACTION OF THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE IN EXECUTING THE LETTER OF AGREEMENT AND CONTRACT

ISSUE/REQUESTED ACTION

Whether the Board should retroactively approve a Letter of Agreement and contract with the University of North Florida Training Services Institute, Inc. d/b/a Institute of Policy Technology and Management (IPTM) through May 17, 2019 in an amount up to \$175,000 for the County to execute a traffic safety campaign wherein MDPD will utilize selected traffic education and enforcement operations in order to reduce traffic crashes resulting in serious and fatal injuries to pedestrians and bicyclists.

APPLICABLE LEGISLATION/POLICY

Section 316.2065, Florida Statutes, specifies the state's bicycle regulations as part of the state's uniform traffic control.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=316.2065&URL=0300-0399/0316/Sections/0316.2065.html

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Heyman, District 4

Department/Requester: Miami-Dade Police Department

The proposed resolution has no procedural history.

ANALYSIS

The proposed resolution retroactively approves a Letter of Agreement and contract with IPTM through May 17, 2019 in an amount up to \$175,000. The Florida Department of Transportation (FDOT'), through a grant with University of North Florida, will utilize law enforcement support to educate and enforce safe pedestrian, bicyclist, and driver behaviors in priority counties in Florida, with the main objective being to reduce traffic crashes resulting in serious and fatal injuries to pedestrians and bicyclists through the use of selected traffic education and enforcement operations. This campaign is a component of Florida's Bicycle/Pedestrian Focused Initiative and is implemented by IPTM under the direction of FDOT. The County is contracting with IPTM to execute the campaign in Miami-Dade County at no cost to the County. The contract provides for cost reimbursement by IPTM up to \$175,000.

In 2016, 3,176 people lost their lives in traffic crashes on Florida's roadways, of which more than 21% of them were pedestrians (667) and more than 4% were bicyclists (140). The table below depicts the scope of the campaign, including a list of approved intersections/corridors to conduct operations.

| | |
|--------------------------------------|-----|
| Number of operations to be completed | 101 |
| Hours per operation | 4 |
| Officers per operation | 5 |

PSHC Meeting: Oct. 18, 2018
Research Notes

List of approved intersections/corridors to conduct operations

- NW 27th Ave between NW 79th St. and NW 167th St.
- NW 7th Ave between NW 79th St. and NW 155th Ln
- Kendall Dr. (SW 88th St) between SW 77th Ave. and SW 158th Ave.
- W Flagler St. between NW 79th Ave and NW 117th Ave.
- US-1 & SW 136th St.
- US-1 & SW 152nd St.

Detailed below are the services to be provided by the County in accordance with the agreement with IPTM and in furtherance of this campaign:

- High Visibility Enforcement of all road users, including pedestrians, bicyclists, and motorists, in an effort to change behaviors and improve the safety of pedestrians and bicyclists. Conduct on-street education and enforcement operations that include the distribution of educational materials with each contact. The issuance of warnings and/or citations to pedestrians, bicyclists, and motorists must comply with Florida Statutes. The County must emphasize education and document educational efforts in each detail report throughout the entire contract period.
- Operations must begin within 30 days of the contract execution date. Exceptions for delayed start may be approved if a State of Emergency is declared by the Governor that directly impacts the County's ability to perform. All exceptions require the approval of IPTM and FDOT.
- The County shall distribute the provided safety educational materials during ALL High Visibility Enforcement operations. Materials are provided free of charge for this purpose. Enforcement agencies may elect to participate in bicycle light distribution to improve nighttime visibility and compliance with F.S. 316.2065(7). A Bicycle Light Distribution Assurance Form is required for each bicycle light set that is distributed. Bicycle Light Distribution Assurance Forms must be signed by the officer and included with the detail report submission.
- Media Releases. The County is required to distribute a minimum of two (2) media releases during the contract period. The initial required media release announcing that operations are beginning must be distributed a minimum of seven (7) days in advance of the operation start date. The second required media release must include a reminder that enforcement operations are ongoing. 11Us release must be distributed halfway through the contract period. Additional media engagement is encouraged throughout the contract period. Media releases may include social or digital media, but must also be distributed through local media outlets. Proof of media engagement must be provided within 30 days of the press release or news report as a backup documentation component for invoicing during the period in which it is conducted.