

MEMORANDUM

Agenda Item No. 8(B)(1)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: November 15, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution waiving any actual or
potential conflict of interest
arising from Dr. Kenneth Ray
being appointed new Lead
Monitor for Consent Agreement
and Settlement Agreement in
United States of America v.
Miami-Dade County, et al.

Resolution No. R-1073-22

The accompanying resolution was prepared by the Corrections and Rehabilitation Department and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.



Geri Bonzon-Keenan
County Attorney

GBK/jp

Date: November 15, 2022

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Waiving Any Actual or Potential Conflict of Interest Arising from Dr. Kenneth Ray Being Appointed New Lead Monitor in *United States of America v. Miami-Dade County, et al.*

Recommendation

It is recommended that the Board of County Commissioners (Board) waive any actual or potential conflict of interest arising from Dr. Kenneth Ray being appointed the new Lead Monitor for the Consent Agreement and Settlement Agreement (Agreements) in *United States of America v. Miami-Dade County, et al.*, Southern District of Florida Case No. 13-cv-21570, while also being involved as an expert or a monitor in other jurisdictions, including as an expert for the United States Department of Justice (DOJ) in other actions. Dr. Kenneth Ray was selected in coordination with the DOJ.

Background

In 2013, Miami-Dade County (County) entered into a Consent Agreement and Settlement Agreement with the DOJ in *United States of America v. Miami-Dade County, et al.*, Southern District of Florida Case No. 13-cv-21570, stemming from the DOJ's investigation into Miami-Dade County's correctional facilities in April 2008, pursuant to the Civil Rights for Institutionalized Persons Act (CRIPA). Although a total of 16 provisions remain, the County has made significant improvements since 2013, including the creation of the Mental Health Treatment Center to house acute mental health inmates, the installation of over 2,300 surveillance video cameras, the implementation of enhanced training modules such as the Corrections Crisis Intervention Team, the establishment of a Compliance Director and Chief Compliance Officer, and enhanced collaboration with the Miami-Dade Police Department in investigations. The Agreements require a Lead Monitor to oversee implementation of the Agreements, and the Lead Monitor must be jointly selected by both the DOJ and the County. The current Lead Monitor, Ms. Susan McCampbell, has tendered her resignation with an effective date of December 31, 2022.

Given Ms. McCampbell's notice of resignation, the County has worked collaboratively with the DOJ to identify a new Lead Monitor: Dr. Kenneth Ray. Dr. Ray is a criminal justice professional with extensive experience in federal monitoring and providing technical assistance to correctional agencies. Dr. Ray's experience includes serving as the lead monitor for the City of Albuquerque and Bernalillo County, and as compliance coordinator for Lake County Correctional Facility.

As a subject-matter expert, Dr. Ray is serving as an expert for the DOJ on various cases. He is the expert for the DOJ in a statewide case against the State of Alabama regarding its men's prisons, and in an action involving the Oklahoma County Detention Center in Oklahoma County. He is the expert consultant for Boyd County, Kentucky, in a DOJ investigation of the Boyd County Jail. Dr. Ray also serves as the Independent Court Monitor for the Golden Grove Adult Corrections Detention Facility in St. Croix, Virgin Islands. In order for Dr. Ray to be appointed as the Lead Monitor in the case involving the County, the County must waive any actual or potential conflicts of interest arising from Dr. Ray's involvement and roles in the above-listed matters. Dr. Ray's significant experience and approach in federal monitoring will be essential to the County's efforts to achieve substantial compliance with the remaining provisions and to foster continuous improvements to the County's Jail system.

Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners
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Scope

The impact of this item is countywide in nature.

Fiscal Impact/Funding Source

There is no fiscal impact related to the waiver of conflict of interest.

Track Record/Monitor

Chief Compliance Officer Kim Bones will track and monitor this item.

Delegation of Authority

The County Mayor or County Mayor's designee is authorized to represent to the Department of Justice that the County has agreed to waive any actual or potential conflict of interest involving Dr. Kenneth Ray being appointed the new Lead Monitor for the Agreements.



JD Patterson
Chief of Corrections and Forensics



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: November 15, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(B)(1)

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 *Daniella Lerner Carr* Mayor
Veto _____
Override _____

Agenda Item No. 8(B)(1)
11-15-22

RESOLUTION NO. R-1073-22

RESOLUTION WAIVING ANY ACTUAL OR POTENTIAL
CONFLICT OF INTEREST ARISING FROM DR. KENNETH
RAY BEING APPOINTED NEW LEAD MONITOR FOR
CONSENT AGREEMENT AND SETTLEMENT AGREEMENT
IN *UNITED STATES OF AMERICA V. MIAMI-DADE COUNTY,*
ET AL.

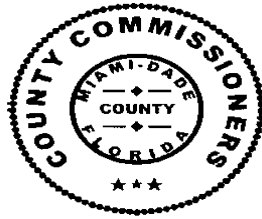
WHEREAS, this Board desires to accomplish the purpose outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board waives any actual or potential conflict of interest involving Dr. Kenneth Ray being appointed the new Lead Monitor for the Consent Agreement and Settlement Agreement in *United States of America v. Miami-Dade County, et al.*, Southern District of Florida Case No. 13-cv-21570, while also being involved as an expert or a monitor in other jurisdictions, including as an expert for the United States Department of Justice (DOJ) in other actions.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**,
who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III**
and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Kionne L. McGhee	aye
Jean Monestime	aye	Raquel A. Regalado	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	absent

The Chairperson thereupon declared this resolution duly passed and adopted this 15th day of November, 2022. 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

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "AVZ", is written over a horizontal line.

Anita Viciano Zapata