

MEMORANDUM

Agenda Item No. 8(I)(1)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 21, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution retroactively approving the request of the County Mayor to expend \$3,595,000.00 from the Miami-Dade Police Department's Law Enforcement Trust Fund; and authorizing the County Mayor to use such funds for expenditures as described in the Report of Proposed Expenditures from the Law Enforcement Trust Fund

Resolution No. R-440-24

The accompanying resolution was prepared by the Miami-Dade Police Department and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.


Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: May 21, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Resolution Retroactively Approving and Authorizing the Expenditure of Funds from the Miami-Dade Police Department's Law Enforcement Trust Fund in the Amount of \$3,595,000

Executive Summary

This item satisfies requirements of Section 932.701-932.7062, Florida Statutes, known as the "Florida Contraband Forfeiture Act." Specifically, Section 932.7055, Florida Statutes, states that funds may be expended upon request by the sheriff to the Board of County Commissioners. As such, the Miami-Dade Police Department seeks the authority to expend \$3,595,000 from the Law Enforcement Trust Fund.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution retroactively authorizing the County Mayor or County Mayor's designee's action in expending \$3,595,000 from the Miami-Dade Police Department's (MDPD) Law Enforcement Trust Fund (LETf) in accordance with the Report of Proposed Expenditures from the Law Enforcement Trust Fund (Report). It is further recommended that the Board authorize the County Mayor or County Mayor's designee to use such funds as described in the Report to be retroactive to October 1, 2023, through the completion of initiatives.

Scope

The impact of this item is Countywide.

Delegation of Authority

The County Mayor or County Mayor's designee is authorized to expend an amount not to exceed \$3,595,000 from the LETf in accordance with the Report.

Fiscal Impact/Funding Source

LETf funds were awarded to the MDPD as a result of forfeiture litigation in State court, as well as participation in federal asset sharing programs. As such, this item will not create a negative fiscal impact.

Track Record/Monitor

To ensure compliance with State of Florida and local requirements, Assistant Director Gustavo Knoepffler, of the MDPD's Fiscal & Departmental Services, will track and monitor these LETf expenditures.

Background

On December 2, 1980, the Board adopted Resolution No. R-1633-80, creating the LETF for use by the MDPD. The LETF must be used for unbudgeted law enforcement purposes that are beyond the scope of normal operating expenses. Permissible LETF expenditures may include the following: defraying costs of protracted and complex investigations; providing additional technical equipment and expertise; providing matching funds to obtain federal grants; or to fund other permissible law enforcement activities. The LETF funds are administered in accordance with the MDPD's policies, statutory requirements, and federal guidelines.

The LETF is comprised of the following sources: (1) State civil forfeitures, governed by Sections 932.701-932.706 of the Florida Statutes; (2) the United States Department of Justice Asset Sharing Programs; and (3) the United States Treasury Asset Sharing Program. The LETF funds awarded to the MDPD are a result of forfeiture litigation in Florida state court, as well as the MDPD's participation in federal asset sharing programs. Federal assets are shared among participating law enforcement agencies based on the agencies' direct participation in task force operations resulting in the forfeiture of federally seized assets.

The MDPD's partnerships with federal agencies and the related task forces have been the subject of many resolutions by the Board. Additionally, these funds are exempt from the Inspector General Contract Fee and the User Access Programs, as those fees and assessments are not allowable under the Florida Forfeiture Contraband Act. Moreover, State of Florida and federal funds are excluded from all administrative fees.

To ensure compliance with LETF requirements, proposed LETF expenditures are first reviewed by the MDPD's LETF Committee. Approved LETF expenditures are then reviewed by personnel in the MDPD's Fiscal Administration Bureau. Additionally, the MDPD's Police Legal Bureau reviews LETF expenditure requests for legal sufficiency and prepares the Report. The revenues and expenditures are documented in the County budget ordinance, the Federal Equitable Sharing and Certification Report, and an annual audit to the County's Finance Department. The entire LETF expenditure request is certified by the MDPD Director prior to the Report being presented to the Board for approval, per Section 932.7055(5)(b), Florida Statutes.

As such, the MDPD requests that the following projects be funded or reimbursed with LETF funds, as long as such expenditures were incurred on or after October 1, 2023.

1. Investigative Initiatives - \$125,000
2. Targeted Law Enforcement Initiatives - \$100,000
3. Protracted and Complex Investigations - \$350,000
4. Protracted Criminal Conspiracy Investigations - \$150,000
5. Proactive Enforcement Initiatives - \$1,000,000
6. Specialized Investigations - \$1,000,000
7. Proactive Recruitment and Strategic Investigations - \$500,000
8. Specialized Law Enforcement Initiatives - \$300,000
9. Circle of Brotherhood - \$40,000
10. 5000 Role Models of Excellence Project - \$10,000
11. Diversion Initiatives - \$20,000

Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners
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These LETF expenditures will support long-term, ongoing protracted and complex investigations, as well as other allowable law enforcement expenditures that comply with the MDPD's policies, statutory requirements, and federal guidelines.



James Reyes
Chief of Public Safety



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 21, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(I)(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 _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(I)(1)
5-21-24

RESOLUTION NO. _____ R-440-24

RESOLUTION RETROACTIVELY APPROVING THE REQUEST OF THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXPEND \$3,595,000.00 FROM THE MIAMI-DADE POLICE DEPARTMENT'S LAW ENFORCEMENT TRUST FUND; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO USE SUCH FUNDS FOR EXPENDITURES AS DESCRIBED IN THE REPORT OF PROPOSED EXPENDITURES FROM THE LAW ENFORCEMENT TRUST FUND

WHEREAS, this Board desires to accomplish the purposes 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:

Section 1. Retroactively approves, pursuant to section 932.7055, Florida Statutes, the request of the County Mayor or County Mayor's designee to expend \$3,595,000.00 from the Miami-Dade Police Department's Law Enforcement Trust Fund (LETf) for the purposes described in the accompanying Report of Proposed Expenditures from the Law Enforcement Trust Fund (Report), which is attached hereto as Exhibit A and incorporated herein by reference.

Section 2. Retroactively authorizes the County Mayor or County Mayor's designee to use such funds as described in the Report, and that the identified projects be funded or reimbursed with funds from the LETf, as long as such expenditures were incurred on or after October 1, 2023.

The foregoing resolution was offered by Commissioner **Eileen Higgins** ,
 who moved its adoption. The motion was seconded by Commissioner **Raquel A. Regalado**
 and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	absent	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	absent	Eileen Higgins	aye
Kionne L. McGhee	absent	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 21st day of May, 2024. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: **Basia Pruna**
 Deputy Clerk

Approved by County Attorney as
 to form and legal sufficiency.

Anita Viciania Zapata

Memorandum



Exhibit A

Date: February 28, 2024

To: Daniella Levine Cava, Mayor
Miami-Dade County

Attn: James Reyes
Chief of Public Safety

From: Stephanie V. Daniels, Director
Miami-Dade Police Department

Subject: Report of Proposed Expenditures from the Law Enforcement Trust Fund

The Law Enforcement Trust Fund (LETF), established by the Board of County Commissioners (Board), must be used for unbudgeted law enforcement purposes that are beyond the scope of normal operating expenses. Allowable purposes may include the following: defraying the costs of protracted or complex investigations; providing additional technical equipment or expertise; providing matching funds to obtain federal grants; or other law enforcement purposes. LETF funds are administered in compliance with Miami-Dade Police Department (MDPD) policies, statutory requirements, and federal guidelines.

The LETF is comprised of the following funding sources: (1) State of Florida civil forfeitures, governed by Sections 932.701 - 932.7062, Florida Statutes; (2) U.S. Department of Justice Asset Sharing Program; and (3) U.S. Treasury Asset Sharing Program. LETF monies awarded to the MDPD are a result of forfeiture litigation in State of Florida courts, as well as federal asset sharing programs.

LETF project requests are first reviewed by the MDPD's LETF Committee. Approved LETF project requests are then reviewed by personnel from the MDPD's Fiscal Administration Bureau to ensure compliance with LETF requirements. Next, the MDPD's Police Legal Bureau reviews the approved LETF requests for legal sufficiency and prepares the "Report of Proposed Expenditures from the LETF (Report)." All LETF revenues and expenditures are documented in the County budget ordinance, the Federal Equitable Sharing and Certification Report, and in an annual audit to the County's Finance Department. This LETF package was certified by this writer prior to the Report being presented to the Board for approval pursuant to Section 932.7055 (5)(b), Florida Statutes.

The proposed expenditures shall be retroactive to October 1, 2023, through completion of the initiatives. This start date allows for combating targeted crimes in response to identified community needs.

FINANCIAL SUMMARY

PROPOSED STATE ASSET SHARING EXPENDITURES	\$670,000.00
PROPOSED JUSTICE ASSET SHARING EXPENDITURES	\$425,000.00
PROPOSED TREASURY ASSET SHARING EXPENDITURES	\$2,500,000.00
Total Recommended Amount	\$3,595,000.00

As the Director of the Miami-Dade Police Department, I do hereby certify that the aforementioned request of LETF expenditures complies with Section 932.7055, Florida Statutes, and applicable guidelines related to the equitable sharing of federal assets.


Stephanie V. Daniels, Director

2/28/24
Date

SVD/lf
Attachment



Miami-Dade Police Department

Report of Proposed Expenditures from the Law Enforcement Trust Fund (Project Detail)

Project Number	Project Name	Allocation	Funding Category	Description
1	Investigative Initiatives	\$125,000	Justice	Trust Fund dollars will support complex investigations that require collaborating with various departmental entities, as well as local, state, and federal partners. Trust Fund dollars will also support investigative and proactive initiatives for pre-planned, large-scale County events.
2	Targeted Law Enforcement Initiatives	\$100,000	State Other Law Enforcement Purposes	Trust Fund dollars will defray the costs associated with addressing body-worn camera public records request.
3	Protracted and Complex Investigations	\$350,000	Treasury	Trust Fund dollars will support protracted and complex investigations related to the criminal misconduct of public officials and investigating illegal activity such as narcotics and organized crimes.
4	Protracted Criminal Conspiracy Investigations	\$150,000	Treasury	Trust Fund dollars will be used to defray the costs associated with conducting protracted criminal conspiracy investigations.
5	Proactive Enforcement Initiatives	\$1,000,000	Treasury	Trust Fund dollars will support community engagement, proactive enforcement initiatives, reducing targeted crimes, and traffic enforcement initiatives.
6	Specialized Investigations	\$1,000,000	Treasury	Trust Fund dollars will support protracted and complex investigations to combat violent crimes, such as gun and youth violence.
7	Proactive Recruitment and Strategic Investigations	\$500,000	State	Trust Fund dollars will support strategic recruitment initiatives, the purchase of specialized equipment, and law enforcement initiatives at large-scale, high-profile County events.
8	Specialized Law Enforcement Initiatives	\$300,000	Justice	Trust Fund dollars will be used to enhance public safety by providing dignitary protection services, high visibility proactive enforcement initiatives, and targeted enforcement initiatives on County patrolled waterways.
9	Circle of Brotherhood	\$40,000	State Crime Prevention	Trust Fund dollars will support crime prevention initiatives such as various forms of community outreach and support, trainings, and active participation in GVI.
10	5000 Role Models of Excellence	\$10,000	State Crime Prevention	Trust Fund dollars will support community crime prevention initiatives, such as scholarships for minority males.
11	Diversion Initiatives	\$20,000	State Crime Prevention	Trust Fund dollars will support community crime prevention initiatives that focus on increasing opportunities for at-risk youth participating in the Juvenile Services Department's Diversion and Prevention program.
	State Asset Sharing	\$670,000		
	Justice Asset Sharing	\$425,000		
	Treasury Asset Sharing	\$2,500,000		
	Total Recommended Amount	\$3,595,000.00		