


Memorandum



Date: February 22, 2022

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

From: Daniella Levine Cava
Mayor 

Subject: Sheriff's Office Transition

On November 6, 2018, voters in the State of Florida adopted Amendment 10 to the State Constitution which will have consequential, wide-ranging effects on Miami-Dade County, including the establishment of a sheriff, tax collector, clerk of courts, supervisor of elections and property appraiser. Although these constitutional officers will not take office until January 7, 2025, substantial work needs to be completed now to ensure that all services provided to Miami-Dade County residents and our visitors are not interrupted. Success requires the Board to make policy decisions regarding the transition, and the Administration will need to make substantial organizational and operational changes consistent with those policy choices. This effort will most likely be one of the most complex restructurings that Miami-Dade County will ever face.

This memo outlines my recommendations for the transition to an independent office of the Sheriff. Subsequent memos will address the other constitutional offices. Amendment 10 prevents counties from abolishing the office of the Sheriff, changing its terms, transferring the duties provided by state law to other offices, or establishing any manner of selection of sheriff other than by election. Although Amendment 10 did not pass in Miami-Dade County, the statewide vote requires us to ensure the Sheriff's offices is created and ready to operate on day one.

In December, the Office of Management and Budget began a project to analyze the potential organizational impacts of Amendment 10, and to develop recommendations to guide the County in implementing the required changes which are intended to maintain or improve on current service levels while minimizing the fiscal impact. An internal transition team will provide ongoing analysis and prepare recommendations on the structure and operations of the new offices. This analysis can be broken down in three phases:

1. *Identify specific implementation options for the Sheriff's Office and the other constitutional officers that the Board should consider and act upon.*

State statutes are clear about the duties and functions that must be performed by the Sheriff. It is important that we have a shared understanding of what these duties are and establish a mechanism for transitioning them to the new office. Furthermore, the Board may identify and negotiate additional duties that are not statutorily required with an incoming Sheriff.

To obtain informed input, I recently held a listening session with a variety of community stakeholders and subject matter experts who described how the Miami-Dade County Police Department (MDPD) currently provides some of the best police services in the nation, and how it has established strong working relationships with our local safety partners. Given MDPD's positive record in our community, particularly in providing police patrol in the Unincorporated Municipal Services Area (UMSA), the participants expressed their support for MDPD to continue to have a strong public safety role in our community after the establishment of the Sheriff's office. They also noted MDPD's excellent track record

built on years of experience deepening the public's trust and fear that this progress could be lost after the transition.

The importance of upholding the same standards of accountability and fairness that have been established after years under the current structure was a theme throughout the session. Participants noted the effectiveness of and collaboration between MDPD and Miami-Dade Fire Rescue (MDFR), citing the Surfside emergency response as justification for maintaining current personnel. They also emphasized the quality of specialized services that MDPD provides, such as the crime lab, which are considered leading programs in the nation relied upon by state and federal agencies. Noting the efficiency and centralized nature of our existing structure, participants conveyed their support for maintaining the economies of scale we've established through county-wide technical support systems.

As a result of this input and my own staff analysis, to ensure seamless delivery of services for our residents and visitors, my recommendations with respect to the Sheriff's office are as follows:

- The Sheriff's office should perform the required duties set forth in State law including:
 - Execute all processes of the Supreme Court, circuit courts, county courts, and boards of county commissioners.
 - Execute other writs, processes, warrants, and other papers directed to them.
 - Attend all sessions of the circuit court and county court.
 - Execute all orders of the boards of county commissioners, for which services they shall receive such compensation, out of the county treasury, as said boards may deem proper.
 - Be conservators of the peace in their counties.
 - Suppress tumults, riots, and unlawful assemblies in their counties with force and strong hand when necessary.
 - Apprehend, without warrant, any person disturbing the peace, and carry that person before the proper judicial officer, that further proceedings may be had against him or her according to law.
 - Have authority to raise the power of the county and command any person to assist them, when necessary, in the execution of the duties of their office; and, whoever, not being physically incompetent, refuses or neglects to render such assistance, shall be punished by imprisonment in jail not exceeding 1 year, or by fine not exceeding \$500.
 - Be, ex officio, timber agents for their counties.
 - Perform such other duties as may be imposed upon them by law.
 - Attend all meetings of the boards of county commissioners, in person or by deputy, at the will of the board of county commissioners.
- MDPD should continue reporting to the mayor to provide police patrol services in UMSA, as well as to county assets including the airports, the Port of Miami, the Miami-Dade County transit system, and Jackson Memorial Hospital.
- MDPD should continue to deliver specialized and investigative services including but not limited to homicide investigations, homeland security, air patrol, special response, economic crimes, public corruption, bomb disposal, the crime lab, the training bureau, the Fusion Center, and the Real Time Crime Center.
- Miami-Dade Corrections and Rehabilitation Department and MDFR should continue as county departments reporting to the mayor.

2. *Review organizational and operational requirements and seek changes that can be made in the short term or through the budget process.*

There are steps we can take now that can facilitate the successful transition to the Sheriff’s office, some of which can be included in the budget process or by other administrative action. For example:

- Continue funding the Constitutional Officers Reserve created during the adoption of the FY 2021-22 budget to pay for unanticipated expenses incurred with the establishment of the Sheriff and the other constitutional officers.

The Administration is also preparing for amending budget procedures given that the new Sheriff’s office has budget processes established in state law. In addition, the Administration is estimating the potential budgetary impacts, through detailed analysis, of what would be required for the new office.

3. *Establish operational options to be negotiated with the future Sheriff during the transition period, that maintain at least the same level of service and give the Sheriff an opportunity to acclimate to the new role.*

Ensuring that the new Sheriff’s office has needed administrative and back-office support is critical for a successful transition. Although the Sheriff will eventually have the option to perform these functions on his/her own, during a transitional period, the County will continue to provide them while developing the framework for a potential Memorandum of Understanding (MOU) with the Sheriff for the provision of back-office support. Some of the efforts needed to develop a framework for the MOU are listed below:

- Internal County support departments such as Internal Services, Information Technology, Human Resources, and others need to estimate the initial resource levels that are needed to provide support services to the new Sheriff’s office.
- Professional staff need to inventory and develop a methodology to transfer ownership of relevant capital assets and existing systems needed by the Sheriff’s office.
- The Human Resources Department and the County Attorney’s Office need to identify potential impacts on employees working in the new Sheriff’s office. For example, the status of existing collective bargaining agreements, employees’ classified rights, insurance and benefit programs, and seniority rights are topics requiring focused attention.

Conclusion

The recommendations set forth above regarding the transition to an elected Sheriff would allow the County to build on its current successes, ensure continuity of services for our residents and visitors, and maintain the same level of administrative support for the new office. An analysis regarding the transition to the constitutional offices of tax collector, supervisor of elections, property appraiser, and clerk of courts is ongoing. Recommendations on implementing the required and optional changes for these offices are forthcoming from the Administration. I look forward to working with the Board of County Commissioners on this important initiative.

c: Honorable Harvey Ruvin, Clerk, Circuit and County Courts

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and Members, Board of County Commissioners
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Honorable Pedro J. Garcia, Property Appraiser
Lazaro Solis, Deputy Property Appraiser
Peter Cam, Tax Collector
Geri Bonzon-Keenan, County Attorney
Gerald Sanchez, First Assistant County Attorney
Jess McCarty, Executive Assistant County Attorney
Office of the Mayor Senior Staff
Department Directors
Yinka Majekodunmi, Commission Auditor
Jennifer Moon, Chief, Office of Policy and Budgetary Affairs
Melissa Adames, Director, Clerk of the Board