

Memorandum



Date: April 18, 2022

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

From: Daniella Levine Cava
Mayor *Daniella Levine Cava*

Subject: Policy Framework for Establishment of the Miami-Dade Sheriff’s Office

In accordance with the state constitutional amendment restoring the constitutional Office of the Sheriff (Sheriff) in Miami-Dade County, an elected sheriff will assume the Sheriff’s responsibilities as defined by state statute, currently performed by the Miami-Dade Police Department (MDPD), beginning in January 2025. As Mayor, public safety is one of my highest priorities. Since the beginning of my tenure, my administration, in partnership with the Board of County Commissioners (Board), has invested significant resources into improving the safety of Miami-Dade residents, and this commitment continues during the transition and after the creation of this new constitutional office. My administration has been proactive in planning for the transition of the Sheriff’s responsibilities and is dedicated to maintaining public safety and quality of life during this significant reorganization of County government.

While state statute broadly outlines the responsibilities of the Sheriff, it is now up to the Board to set policy on how to implement the Office of the Sheriff, and what public safety functions will continue within the County. The Board of County Commissioners may propose that additional duties either performed by MDPD or other County departments be transferred to the Sheriff. The transfer of these additional duties and responsibilities must be accepted by the Sheriff and will require Board legislation to effectuate the transfer of these functions from the purview of the Board and the Mayor to the Sheriff.

This framework outlines my policy recommendations to the Board on how to define the role of the Sheriff in a manner that retains critical operational and administrative functions under Miami-Dade County jurisdiction to ensure continuity services and to maintain continued operational efficiencies. Other guiding elements to this framework include the importance of retaining public safety expertise within Miami-Dade County and safeguarding the professionalism and trust established in the community over many years.

Miami-Dade County’s Role and Responsibility for Countywide Public Safety

MDPD is currently funded from countywide and Unincorporated Municipal Service Area (UMSA) revenues. The countywide budget funds those services provided regionally, while the UMSA budget funds local patrol services in UMSA. Additionally, the State of Florida recognizes UMSA as a municipality for revenue sharing purposes. The County has the responsibility to provide local patrol and investigative services for the 1.2 million residents of UMSA. By taking the following

steps we can ensure that our residents and visitors continue to receive the standard of public safety services they have come to expect.

- MDPD should continue to provide patrol services in UMSA.
- MDPD should continue to provide patrol services for County-owned assets such as County airports, Port Miami, the Miami-Dade Transit System, Jackson Memorial Hospital, and all government centers, including the Stephen P. Clark Center, South Dade Government Center, and the North Dade Government Center.
- MDPD, Miami-Dade Fire Rescue, Emergency Management, and Miami-Dade Corrections and Rehabilitation should continue as County departments.
- Internal County support departments such as Internal Services, Information Technology, Human Resources should continue to provide back office support services to the new Sheriff’s Office.
- Miami-Dade County should continue to provide 911 dispatch services for UMSA.
- MDPD should retain existing patrol responsibilities, specialized, and investigative services to include:
 - Police Districts, Airport, and Seaport
 - Homicide investigations
 - Robbery investigations
 - Special victims investigations
 - Homeland security investigations
 - Air and Marine Patrol
 - Special Response Teams
 - Economic/Organized Crimes investigations
 - Public Corruption Investigations
 - Professional Compliance Bureau
 - Bomb Disposal
 - K-9
 - Crime Lab and Forensic Services
 - Property and Evidence
 - Training Institute
 - Fusion Center
 - Real Time Crime Center

Sheriff Functions to Transfer

- Functions currently performed by **MDPD Court Services Bureau**, which encompasses the following statutory duties:
 - Serve as the executive officer of the Circuit Court of the county. F.S. § 26.49
 - Execute all process of the Florida Supreme Court, circuit courts, county courts, and Board. F.S. § 30.15
 - Attend all sessions of the circuit court and county court held in the county. F.S. § 30.15

- Apprehend, without warrant, any person disturbing the peace, and carry that person before the proper judicial officer. F.S. § 30.15
 - Charge fixed, nonrefundable fees for service of process in civil cases, according to the schedule found in F.S. § 30.231. F.S. § 30.231
 - Serve and execute all civil and criminal processes of county court, and perform all duties in and about said court, which are required to be performed by an executive officer. F.S. § 34.07
 - Serve all process of the county where the person to be served is found, except initial non-enforceable civil process, criminal witness subpoenas, and criminal summonses may be served by a special process server appointed by the sheriff or by a certified process server as provided for in F.S. § 48.25-48.31. F.S. § 48.021
 - If the property to be attached is in the possession of the defendant at the time of the issuance of the writ but passes into the possession of a third person before the execution of the writ, the sheriff holding the writ shall execute it on the property in the possession of the third person and shall serve the writ on the defendant and the third person. F.S. § 76.151
 - When any garnishee has any of the personal property of defendant in his or her possession or control and surrenders it, the sheriff shall receive the property and sell it under the execution against the defendant. F.S. § 77.14
 - In executing a writ of replevin, if the sheriff has reasonable grounds to believe that the property or any part thereof is secreted or concealed in any dwelling house or other building or enclosure, the sheriff shall publicly demand delivery thereof; and, if it is not delivered by the defendant or some other person, the sheriff shall cause such house, building, or enclosure to be broken open and shall make replevin according to the writ; and, if necessary, the sheriff shall take to his or her assistance the power of the county. However, if the sheriff does not have reasonable grounds to believe that the property to be replevied is secreted or concealed in any dwelling house or other building or enclosure, the plaintiff may petition the court for a “break order” directing the sheriff to enter physically any dwelling house or other building or enclosure. Upon a showing of probable cause by the plaintiff, the court shall enter such “break order.” F.S. § 78.10
 - The sheriff shall execute the distress writ by service on defendant and, upon the order of the court, by levy on property distrainable for rent or advances, if found in the sheriff’s jurisdiction. F.S. § 83.13
 - Enter writs of bodily attachment into the Florida Crime Information Center (FCIC) telecommunications system to make the information available to other law enforcement agencies within the state. F.S. § 61.11
- Functions currently performed by the **MDPD Warrants Bureau**, which encompasses the following statutory duties:
 - Be conservators of the peace in the County. F.S. § 30.15

- Apprehend, without warrant, any person disturbing the peace, and carry that person before the proper judicial officer. F.S. § 30.15
- Serve and execute all civil and criminal processes of county court, and perform all duties in and about said court, which are required to be performed by an executive officer. F.S. § 34.07
- When issued, a writ of habeas corpus shall be served by the sheriff of the county in which the petitioner is alleged to be detained on the officer or other person against whom it is issued, or in his or her absence from the place where the prisoner is confined, on the person having the immediate custody of the prisoner. F.S. § 79.03
- Enter writs of bodily attachment into the FCIC telecommunications system to make the information available to other law enforcement agencies within the state. F.S. § 61.11

Conclusion

The recommendations above have been formulated in consultation with our residents and stakeholders who depend on the services of our County’s law enforcement professionals every day. As the Board considers its options for implementing the Office of the Sheriff, my administration remains committed to a smooth transition of the Sheriff’s statutory duties. I look forward to working with the Board to craft legislation that builds upon MDPD’s relationships in the community and promotes operational continuity and efficiency.

- c: Geri-Bonzon Keenan, County Attorney
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