

MEMORANDUM

Agenda Item No. 8(B)(1)

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

DATE: September 19, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution waiving any actual or potential conflict of interest arising from Sheriff Gary Raney serving as Independent Jail Compliance Director for Consent Agreement and Settlement Agreement in *United States Of America v. Miami-Dade County, et al.*

The accompanying resolution was prepared by the Corrections and Rehabilitation Department and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.



Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001

Date: September 19, 2023

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

From: Daniella Levine Cava
Mayor 

Subject: Waiving Any Actual or Potential Conflict of Interest Arising from Sheriff Gary Raney Serving as Independent Jail Compliance Director 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 Sheriff Gary Raney serving as the Independent Jail Compliance Director 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.

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). 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. In an effort to reach substantial compliance by October 31, 2023, with the remaining provisions, the DOJ and County developed a Stipulated Order which required approval by the Board. On January 17, 2023, the Board of County Commissioners adopted Resolution No. R-21-23 appointing Sheriff Gary Raney as the Compliance Director and approving the Stipulated Order Regarding Appointment of Independent Jail Compliance Director. The Stipulated Order was approved by the federal court and details the various responsibilities of the Compliance Director including that MDCR achieves substantial compliance with each provision of the Agreements on a timely basis, takes all necessary steps to implement the Agreements, and develops an action plan and provides reports to the DOJ and federal monitors.

Sheriff Raney is a criminal justice professional with extensive experience in federal monitoring of jails and providing technical assistance in use of force, in-custody death, duty of care, and jail policies and procedures. As a subject-matter expert, DOJ has requested that Sheriff Raney serve as an expert consultant in a CRIPA investigation in Fulton County, Georgia, and that the County waive any actual or potential conflicts of interest arising from Sheriff Raney's involvement and roles in multiple matters. Sheriff Raney's significant experience and approach in federal monitoring has been 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.

Scope

The impact of this item is countywide in nature.

Fiscal Impact/Funding Source

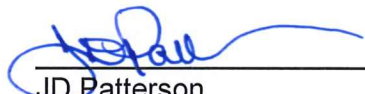
There is no fiscal impact related to the waiver of conflict of interest.

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 Sheriff Gary Raney serving as an expert for the DOJ in other matters while serving as the Compliance Director for the Agreements.




JD Patterson
Interim, Chief of Public Safety



MEMORANDUM
(Revised)

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

DATE: September 19, 2023

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 _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(B)(1)
9-19-23

RESOLUTION NO. _____

RESOLUTION WAIVING ANY ACTUAL OR POTENTIAL CONFLICT OF INTEREST ARISING FROM SHERIFF GARY RANEY SERVING AS INDEPENDENT JAIL COMPLIANCE DIRECTOR 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 Sheriff Gary Raney serving as the Independent Jail Compliance Director 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 _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of September, 2023. 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Anita Viciano Zapata