

RESOLUTION NO. 2013-28109

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING THE FIRST AMENDMENT TO THE POLICE CONFISCATION TRUST BUDGET FOR FISCAL YEAR 2012/2013 IN THE AMOUNT OF \$130,000, TO BE FUNDED FROM THE PROCEEDS OF FEDERAL-JUSTICE CONFISCATED FUNDS IN THE AMOUNT OF \$130,000, FOR THE APPROPRIATION AND EXPENDITURE OF THOSE ITEMS SET FORTH IN EXHIBIT "A," WHICH SHALL BE FUNDED THROUGH THE POLICE CONFISCATION TRUST FUND.

**WHEREAS**, Section 932.7055 of the Florida Statutes sets forth the purpose and procedures to be utilized for the appropriation and expenditures of the Police Confiscation Trust Fund; and

**WHEREAS**, the proceeds and interest earned from the Police Confiscation Trust Fund is authorized to be used for crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes; and

**WHEREAS**, the Chief of Police is authorized to expend these funds upon request to the City of Miami Beach Commission, and only upon appropriation to the Miami Beach Police Department by the City of Miami Beach Commission; and

**WHEREAS**, the Chief of Police of the City of Miami Beach has submitted a written certification which states that this request complies with the provisions of Section 932.7055 of the Florida Statutes (written certification attached as Exhibit B), and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies; and

**WHEREAS**, funds in the amount of \$130,000 are available in the Police Confiscation Trust Fund.

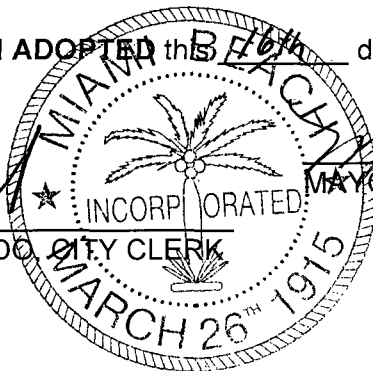
	CURRENT BUDGET	INCREASE	AMENDED BUDGET
STATE-	\$ 1,019,300	\$ 0	\$1,019,300
FEDERAL-	\$ <u>182,800</u>	\$ <u>130,000</u>	\$ <u>312,800</u>
TOTAL-	\$ 1,202,100	\$ 130,000	\$1,332,100

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, adopting and appropriating the First Amendment to the Police Confiscation Trust Fund budget for fiscal year 2012/2013 in the amount of \$130,000, to be funded from the proceeds of Federal Justice confiscated funds for the appropriation and expenditure of those items set forth in Exhibit "A," which shall be funded through the Police Confiscation Trust Fund.

PASSED and ADOPTED this 15<sup>th</sup> day of January, 2013.

ATTEST BY:

  
 \_\_\_\_\_  
 RAFAEL E. GRANADO



  
 \_\_\_\_\_  
 MAYOR MATTI HERRERA BOWER

APPROVED AS TO  
 FORM & LANGUAGE  
 & FOR EXECUTION


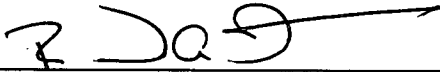
  
 \_\_\_\_\_  
 CITY ATTORNEY AS DATE 12-20-12

EXHIBIT "B"

CERTIFICATION

I, Raymond Martinez, Chief of Police, City of Miami Beach, do hereby certify that the aforementioned proposed request for expenditures from the City of Miami Beach Police Confiscation Trust Fund, for the 2012/2013 fiscal year providing funds for expenditures, complies with the provisions of Section 932.7055(4)(a), Florida Statutes, and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies.



\_\_\_\_\_  
Raymond Martinez, Chief of Police  
Miami Beach Police Department

12/20/2012  
Date

**Condensed Title:**

A Resolution adopting and appropriating the First Amendment to the Police Confiscation Trust Fund Budget for Fiscal Year 2012/13 in the amount of \$130,000, to be funded from the proceeds of Federal Confiscated Funds.

**Key Intended Outcome Supported:**

Maintain crime rates at or below national trends.

**Supporting Data (Surveys, Environmental Scan, etc.):** According to the 2012 Community Satisfaction Survey results, 47% of residents chose "increasing police visibility in neighborhoods" as the second most popular method for improving public safety. One of the three key drivers that impact how residents rate quality of life in the City of Miami Beach is ratings for safety.

**Item Summary/Recommendation:**

The Miami Beach Chief of Police, Raymond Martinez, has reviewed and identified the need for the appropriation and has established that the expenditures of forfeiture funds are in compliance with Section 932.7055, Florida State Statutes, and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies.

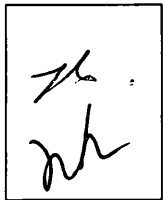
As part of the Miami Beach Police Department's (MBPD) involvement on the Internal Revenue Service Financial Investigations Strike Team (HIDTA), the MBPD participates in revenue sharing under forfeiture proceedings. On June 20, 2012, the South Florida Asset Sharing Fund held a meeting to discuss revenue sharing among participating agencies, and recommendations were made as to how these funds would be expended.

As a result, the Miami Beach Police Department was approved to receive \$120,000 for 3 vehicles and \$10,000 for technology upgrades for the Officer assigned to the Strike Team (Exhibit A).

**Advisory Board Recommendation:**

N/A

**Financial Information:**

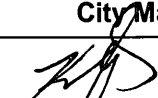
Source of Funds:		Amount	Account
 OBPI	1		Confiscation Funds:
	2	\$130,000	603-8000-351211 Federal-Justice funds
	3		
	4		
	Total	\$130,000	

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Mauvett Rattigan, Miami Beach Police Department

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
Raymond Martinez, Chief		





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Kathie G. Brooks, Interim City Manager 

DATE: January 16, 2013

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING THE FIRST AMENDMENT TO THE POLICE CONFISCATION TRUST BUDGET FOR FISCAL YEAR 2012/2013 IN THE AMOUNT OF \$130,000, TO BE FUNDED FROM THE PROCEEDS OF FEDERAL-JUSTICE CONFISCATED FUNDS IN THE AMOUNT OF \$130,000, FOR THE APPROPRIATION AND EXPENDITURE OF THOSE ITEMS SET FORTH IN EXHIBIT "A," WHICH SHALL BE FUNDED THROUGH THE POLICE CONFISCATION TRUST FUND.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### ANALYSIS

Florida Statute 932.7055 provides for expenditures of forfeiture funds for law enforcement purposes. The Miami Beach Chief of Police, Raymond Martinez, has reviewed and identified the need for the appropriation and has established that the expenditures of forfeiture funds are in compliance with Section 932.7055, Florida State Statutes, and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies. These forfeiture funds have been deposited in the Police Confiscation Trust Fund. The City has complied with all statutory procedures involved in the transaction of these funds.

As part of the Miami Beach Police Department's (MBPD) involvement on the Internal Revenue Service (IRS) Financial Investigations Strike Team (HIDTA), the MBPD participates in revenue sharing under forfeiture proceedings. The South Florida Asset Sharing Fund Steering Committee acts as a governing body, which determines revenue sharing amongst participating agencies and meets on a quarterly basis. The South Florida Asset Sharing Fund Steering Committee acts as a governing body, which determines revenue sharing amongst participating agencies and meets on a quarterly basis.

Aside from the funds provided directly to participating agencies, three (3) percent is set aside from every forfeiture and placed into a fund for HIDTA. These funds are allocated for use by HIDTA.

On June 20, 2012, the South Florida Asset Sharing Fund Steering Committee held their meeting to discuss revenue sharing of unanticipated funds made available from HIDTA's three (3) percent share among participating agencies. These funds are in excess of the

individual agencies allotment. Since these unanticipated funds were initially allocated for HIDTA, the Steering Committee determines how the funds will be distributed and for what purpose.

In addition, the Strike Team Commander provided his recommendations as to how these funds would be expended, in accordance with the IRS's preference to fund purchases of high value tangible assets with these monies. This process was vetted through the Treasury Executive Office for Asset Forfeiture and the United States Department of Justice.

The Commander's recommendations were unanimously approved by the committee, which is composed of the Town of Medley Police Chief, Village of Miami Shores Police Chief, Village of Virginia Gardens Police Chief, Miami-Dade Drug Taskforce Commander and Miami Beach Criminal Investigations Unit Captain.

As a result, the Miami Beach Police Department was awarded \$120,000 for three (3) utility vehicles and \$10,000 for technology upgrades for the Officer assigned to the Strike Team (Exhibit A). The expenditures outlined in this amendment meet the Federal Guidelines for equitable sharing, and are for the purchase of specialized equipment, that goes above and beyond what the City currently provides the department.

The three (3) utility vehicles purchased with these funds will be assigned to the MBPD Canine Unit to provide the most up to date technology with regards to the canine vehicle cage and bailout system, while at the same time, providing handlers the ability to carry more equipment, as well as a safer environment to transport the canine. This purchase will allow the Canine Unit to assign these unmarked utility vehicles with specialized canine cages to the passive alert dog handlers, as well as a full service dog handler, for the purpose of narcotics detection and other special details. This purchase will eliminate the need to replace three (3) K-9 vehicles and maintain the Miami Beach Police Department's fleet at the current level.

In addition, 20% of the shared revenue must be set aside for technology upgrades for the Detective assigned to the Strike Team and their department. As a result, the expenditure will include a laptop computer for the assigned Detective, an iPad, digital camera, a pair of binoculars and seventeen (17) 22" inch monitors for the Criminal Investigations Unit.

## CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the First Amendment to the Operating Budget for the Police Confiscation Trust Fund for Fiscal Year 2012/13, in the amount of \$130,000 to be funded from the proceeds of Federal Confiscation Funds as listed in Exhibit "B", and authorize the expenditures as approved by the South Florida Asset Sharing Fund.

Ray DM MR  
KGB/RM/MO/DM/MR

SOUTH FLORIDA ASSET SHARING FUND—IRS COMPONENT  
JUNE 20, 2012 MEETING

A meeting of the South Florida Asset Sharing Fund was held at the South Florida HIDTA facility in Miramar. The meeting was called to order at 9:50 a.m. on June 20, 2012 by Timothy Wagner, Director, South Florida HIDTA. Self introductions were made by those present. A copy of the meeting roster is attached as part of these minutes.

Timothy Wagner explained the concept and history of the formation of the HIDTA forfeiture fund, the reasons for a separate fund for each federal lead agency. He explained that the members of the IRS fund are free to make expenditures as they see fit, as long as they conform to DOT/DOJ Forfeiture Fund rules and regulations as they relate to the use of asset sharing. He further stated that Monroe County Sheriffs Office can no longer purchase on behalf of an agency because according to DOJ MCSO is responsible in out years for tracking the items purchased. As a result, when equipment not being retained and inventoried by HIDTA is being purchased Monroe County Sheriffs Office (MCSO) will either give the agency a check up front or reimburse the agency once the purchase has been made.

TOTAL for MBPD  
\$ 130,000

Cliff Lockwood, SSA, IRS made the following recommendations to the committee.

- Vehicle purchase for each participating agency (\$40,000.00 max per vehicle)
  - BSO - 2 Homestead PD - 2 Medley PD - 4
  - Miami Beach PD - 3 Miami Shores PD - 2 Virginia Gardens PD - 3
  - TOTAL - \$ 640,000.00
- \$10,000.00 to upgrade the technology for each TFO assigned to FIST initiative
  - BSO - 1 Homestead - 1 Medley PD - 2
  - Miami Beach PD - 1 Miami Shores PD - 1 Virginia Gardens PD - 1
  - TOTAL - \$ 70,000.00
- BSO/HIDTA aircraft FLIR upgrade (\$100,000.00)
- ACES phone system upgrade (\$10,000.00)
- New computer monitors for each SA and TFO assigned to the FIST initiative (\$3,000)

Total recommended purchases - \$823,000.00

Mr. Lockwood asked if there was a commitment letter to give each agency. Mr. Wagner stated MCSO has a "Sharing of Federally Forfeited Property" application that each agency will need to submit. James Chohonis, Chief, Virginia Gardens Police Department asked what was the turn around time for the application and Mr. Wagner stated it usually takes between 1 to 2 weeks for MCSO approval but can take longer in some cases. Mr. Lockwood recommended to all participating agencies to make sure they have a valid agreement between their agency and DOJ.

A motion to approve the recommendations made by Mr. Lockwood was made by Jeanette Said, Chief, Medley Police Department and seconded by Rick Clements, Captain, Miami Beach Police Department was voted on and unanimously passed by the board.

The meeting was adjourned at 10:15 am.

13-02 J-IRS MBPD

\$130,000.00

MONROE COUNTY SHERIFF'S OFFICE

SHARING OF FEDERALLY FORFEITED PROPERTY

Name of Organization: Miami Beach Police Department Contact Name: Raymond A. Martinez, Chief of Police	Address: Miami Beach Police Headquarters 1100 Washington Avenue Miami Beach, FL 33139	Phone Number: 305.673.7925 NCIC: FL-0130700 Fax Number: 305.673.7867
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Type Of Entity: State, County, or Local Government Department or Agency	Check One <input checked="" type="checkbox"/> [ X ]
Private, nonprofit organization, pursuant to 26 U.S.C. 501(c)(3) or (4)	<input type="checkbox"/> [ ]
Other (Please describe):	<input type="checkbox"/> [ ]

Activity/Mission of Entity (i.e., drug abuse treatment, drug and crime prevention, providing housing, providing job skills, etc). Please be as descriptive as possible:

The Miami Beach Police Department (MBPD) is a fully accredited law enforcement agency, which is dedicated to pursuing every opportunity and engaging all challenges as part of this organization's on-going quest for excellence. With the continued growth in the popularity of Miami Beach as a destination of choice for out of town and local visitors alike, the Police Department is tasked with balancing the needs of the residential population with those of business and visitors. MBPD is focused on ensuring the public safety, with a focus on community policing.

Detail of Request for Shared Funds (must include breakdown of initiatives to be accomplished with shared monies, costs, and timeframes for completion):

Based on the recommendations of the June 20, 2012 South Florida Asset Sharing Fund (IRS Component) meeting, the MBPD is submitting a request for the purchase of three (3) utility vehicles, which will be assigned to the K9 Unit. The cost of each vehicle is \$40,269.66 (including \$29,649 for the vehicle, \$9,895.66 for necessary equipment and accessories and \$675 for fleet markings). The monies will be spent on purchasing three K9 vehicles as additions for the Miami Beach Police Department's current fleet. These vehicles will have the most up to date technology with regards to the K9 cage and bailout system. This is the first time MBPD is deploying utility vehicles for this type of police service. The intention is to provide the K9 handler the ability to carry additional equipment, and at the same time, have more room for the K9 within the vehicle. This will also provide a safer environment to transport the K9.

As soon as the shared monies are allocated, MBPD will move forward with the purchase through the City's procurement process and should have the 3 vehicles deployed as part of the department's fleet during the first quarter of Fiscal Year 2013.

- In addition, MBPD proposed the following expenditures for technological upgrades (\$10,000) as follows:
- 1 Dell Latitude E6530m with five (5) year warranty and printer for \$3,965.00
  - 1 Apple iPad with WiFi, 32 GB, with two (2) year warranty for \$776.00
  - 1 Celebrite Software upgrade with extended warranty for one (1) year for \$999.00
  - 1 Nikon D90 Digital Camera with 18-105mm DX VR and 70-300mm lenses for \$1,325.00
  - 1 Nikon Monarch 5 ATB 8x42mm Binocular-7542 for \$230.00
  - 17 Dell Professional P2213-22 inch Monitor with LED and three (3) year warranty for \$2,703.00

These upgrades will allow MBPD's assigned Taskforce Officer to work more effectively and efficiently, as well as maintain better communications with the department. As soon as the shared monies are allocated, MBPD will move forward with the purchase through the City's procurement process and should receive the items during the first quarter of Fiscal Year 2013.

TOTAL REQUEST \$ 130,000.00

**Detail activity's connection to furthering law enforcement efforts. For example, direct connection (paying for information), preventative connection (drug awareness program), or developmental connection (funding law enforcement awareness in a youth program).**

The proposed expenditures have a direct connection to furthering law enforcement efforts. The purchase of the three (3) K9 utility vehicles will allow MBPD to deploy officers into the field, with the added benefit of additional equipment as well as comfort for the K9. In turn, this will allow the officer and their K9 partner to better serve both MBPD and other area agencies who request assistance. The technological upgrades also have a direct connection to furthering law enforcement efforts as these upgrades will supply the necessary tools for MBPD's assigned Taskforce Officer, as well as the Criminal Investigations Unit, to conduct the necessary case research and management.

**Will the grant monies requested be used as matching funds for another grant.**

No other grant funding will be utilized for this purchase.

**Detail funding sources explored for this initiative (this explanation should include the requestor's existing budget and all other options).**

MBPD reviewed the approved department budget for Fiscal Year 2012-2013, as well as available grant monies. However, current appropriations and grant funding are not available for these expenditures.



**Certification by Applicant:**

I hereby certify:

1. All information included in this application is true.
2. A separate accounting of all shared funds received will be maintained subject to accounting requirements and practices employed under state and local law for recipients of federal, state, or local funds.
3. Compliance with Federal Civil Rights laws.
4. Compliance with all federal laws that apply to the applicant.
5. No officer, director, trustee, fiduciary of the applicant has been:
  - a) convicted of a felony offense under federal or state law; or
  - b) convicted of any drug offense.
6. No shared benefits will be used for political or personal purposes.
7. No shared benefit will be used for any purpose that would constitute an improper or illegal use under the laws, rules, regulations, or orders of the state or local jurisdiction in which the applicant is located or operates.
- 8.

I agree to comply with the following Additional South Florida Asset Sharing Fund requirements:

Funds are provided on a reimbursable basis.

Reimbursement claims must be submitted within two months of an expenditure

Grants are for one year (364 days) only. After the grant period ends, unexpended funds will be forfeited. (Returned to the South Florida Asset Sharing Fund).

I agree to report enforcement results achieved with the use of any awarded funds in the manner prescribed by the South Florida Asset Sharing Fund Board of Directors.

Applicant's Signature: \_\_\_\_\_

*R. J. D.*

Applicant's Name (Printed): \_\_\_\_\_

*Raymond Martinez  
Chief of Police*

South Florida Asset Sharing Fund Board : \_\_\_\_\_

*Vincent DeJong*

Date *10-30-12*

Approval [  ]

Denial [  ]

Comments Regarding Decision

*approved by committee June 20, 2012  
minutes attached.*

Portion Below To Be Completed By MCSO Personnel

General Counsel: \_\_\_\_\_ Date: 11/2/12

Approval [  ] Denial [  ]

Comments Regarding Decision:

Finance Director: Asst. [Signature] Date: 11/2/12

Approval [  ] Denial [  ]

Comments Regarding Decision:

11/01/12 AL PERMISSIBLE EXPENSES - JUSTICE - SEE ATTACHED

Committee Approvals and Statement:

Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

Comments:

Statement By Chief Law Enforcement Officer:

Signature:

*Robert P. Ryan*

Date:

*11/05/12*