

RESOLUTION No. 23-48

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE MIAMI DADE COUNTY STATE ATTORNEY'S OFFICE RELATING TO THE HUMAN TRAFFICKING TASK FORCE; PROVIDING THE CHIEF OF POLICE WITH THE AUTHORITY TO EXECUTE THE AGREEMENT; PROVIDING THE CITY MANAGER AND CHIEF OF POLICE WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Section 787.06(2)(d), Florida Statutes, human trafficking is defined as the transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person ("Human Trafficking"); and

WHEREAS, Florida ranks number 3 in the nation for Human Trafficking; and

WHEREAS, the Miami Dade State Attorneys Office ("SAO") created a Human Trafficking Task Force, which is lauded as an innovative trauma-informed law enforcement model for the investigation and prosecution of Human Trafficking; and

WHEREAS, the City of Doral (the "City") and the SAO (collectively, the "Parties") recognize the value of establishing a collaborative relationship to better enforce anti-trafficking laws and serve the community in its anti-trafficking efforts; and

WHEREAS, the proposed Memorandum of Understanding ("MOU") between the Parties provides that the Parties agree to enter into a partnership with the specific and mutual goals of rescuing and assisting victims of human trafficking, investigating and arresting those engaged in human trafficking, educating the law enforcement community how they may be encountering human trafficking during their service to the City, and proactively seeking ways to eradicate human trafficking in the City and Miami

Dade County; and

WHEREAS, as a result of the Parties' overlapping investigative jurisdictional powers and duties, there are times that may cause them to unknowingly receive the same tips and/or investigate the same cases; and

WHEREAS, the Parties recognize to be efficient and effective in their mutual goals, it is necessary to enter into the MOU, delineating collaboration, responsibilities, and distributions of investigations; and

WHEREAS, the City Council desires to enter into an MOU with the SAO in substantially the form attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA:

Section 1. Incorporation of Recitals. The foregoing recital paragraphs are hereby ratified and confirmed as being true and the same are hereby made part of this Resolution.

Section 2. Approval of Memorandum of Understanding. The City Council hereby approves a Memorandum of Understanding between the City of Doral and the Miami Dade State Attorneys Office, attached hereto as Exhibit "A".

Section 3. Authorization of Chief of Police and City Manager. The City's Chief of Police is hereby authorized to execute said Memorandum of Understanding, and the City Manager is authorized to do all things necessary to effectuate its terms and conditions.

Section 4. Effective Date. This Resolution shall become effective upon passage.

The foregoing Resolution was offered by Councilmember Puig-Corve who moved its adoption. The motion was seconded by Vice Mayor Pineyro and upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	Yes
Vice Mayor Rafael Pineyro	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Maureen Porras	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED this 12 day of April, 2023.



CHRISTI FRAGA, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



VALERIE VICENTE, ESQ. for
NABORS, GIBLIN & NICKERSON, P.A.
INTERIM CITY ATTORNEY

EXHIBIT “A”



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STATE ATTORNEY'S OFFICE, HUMAN TRAFFICKING TASK FORCE

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is made and entered into by the Miami-Dade State Attorney's Office (hereinafter "SAO") and the City of Doral Police Department (hereinafter DPD). Nothing in this MOU should be construed as limiting or impeding the basic spirit of cooperation which exists between the agencies involved.

The parties recognize the value of establishing a collaborative relationship to better enforce anti-trafficking laws and serve the community in its anti-trafficking efforts. The Parties agree to enter into this partnership with the specific and mutual goals of rescuing and assisting victims of human trafficking, investigating and arresting those engaged in human trafficking, educating the law enforcement community how they may be encountering human trafficking during their service to our community, and proactively seeking ways to eradicate human trafficking in Miami Dade County.

The Parties recognize the SAO and DPD each have overlapping investigative jurisdictional powers and duties in Miami-Dade County. These powers and duties cause them to investigate violations of the laws of the State of Florida county wide. These powers and duties can also at times cause them to unknowingly receive the same tips and/or investigate the same cases.

The Parties recognize to be efficient and effective in their mutual goals, it is necessary to establish an agreement delineating collaboration, responsibilities, and distributions of investigations. This agreement amongst the parties is in no way meant to relinquish or forfeit any jurisdictional powers or duties each party is afforded by the State Constitution, State Statutes, County Code, Municipal Charters, etc.

IT IS THEREFORE AGREED that to promote collaboration, efficiency and effective investigations throughout ALL police jurisdictions located within the county of Miami-Dade, also known as the Eleventh Judicial Circuit, SAO and DPD agree to partner, collaborate, and operate jointly through the Miami-Dade State Attorney's Office Human Trafficking Task Force (hereinafter "SAO HTTF").



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COMPOSITION OF THE SAO HTTF

The SAO HTTF is a combined enforcement effort led by the SAO with the participation of local, state, and federal law enforcement agencies operating in Miami-Dade County. The effort was started in 2012 by the Honorable Katherine Fernandez Rundle in response to national reports indicating Florida ranks number three nationally in human trafficking cases and Miami-Dade ranks number one.

The Parties recognize the number of local, state, and federal law enforcement agencies that make-up the SAO HTTF has, and will vary at times, depending on staffing limitations and emergency declarations affecting the individual law enforcement agencies. The participation of SAO investigators, SAO Assistant State Attorneys, and SAO employees at the SAO HTTF is and will remain constant and-prevailing, thereby making the SAO the lead agency.

Assignment of personnel to the SAO HTTF is based primarily on ability and performance, not necessarily experience. Selection of personnel that will be assigned to the SAO HTTF is at the discretion of the respective agencies. Agencies are encouraged to select candidates within their departments who are able and willing to proactively pursue complex investigations, and who are willing to collaborate with other agencies. All personnel assigned must possess strong writing skills and a personal drive that will cause them to want to investigate claims, even when victims are uncooperative. Participating agencies are encouraged to meet with the SAO HTTF Command Staff to discuss assignment of personnel and help select the candidates to be assigned. The selected personnel will then be subject to background checks made by the SAO, to ensure he/she is in good standing, before final acceptance into the SAO HTTF.

SAO HTTF MISSION STATEMENT

"To turn victims into survivors by providing them with not only the will to do this, but by assisting them through the process with impeccable victim services, law enforcement support, and successful prosecution of their offenders."



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POLICY AND DIRECTION

The SAO HTTF will operate under a trauma-informed model that is victim centered. All investigations will be treated as complex and approached with an expectation that investigations can and will likely continue beyond the arrest stage.

The parties acknowledge human trafficking cannot be eradicated solely by the SAO HTTF; therefore, additional partnerships will be continuously sought, and multifaceted and multidisciplinary approaches will be undertaken to combat this horrible scourge that affects our community.

Rescues, recoveries, and assistance to human trafficking victims will be undertaken by SAO HTTF members regardless if there is a prosecutable case or not, and in an environment where service delivery is not linked with victims' willingness to serve as witnesses in prosecutions.

SAO HTTF members will also be expected to promote collaboration with other human trafficking task forces, NGOs, and service providers.

The Parties recognize human trafficking does not occur within delineated times or days. Therefore, members assigned to the SAO HTTF can and will have work schedules that may need to change depending upon need.

ROLES AND RESPONSIBILITIES

The State Attorney's Office Human Trafficking Taskforce will:

1. Provide SAO HTTF members the jurisdictional powers to investigate HT crimes throughout Miami-Dade County. All full-time and part-time SAO HTTF law enforcement members will be sworn in pursuant to Florida Statutes §27.251 and §27.255 (2020), as SAO Special Investigators and/or SAO Investigators.
2. Provide SAO HTTF members with the office space needed to house the enforcement effort. All SAO HTTF members will be provided with a SAO HTTF e-mail address, workspace, and access to the Institute for Coordination and Prosecution (ICAP) building, facilities, and shared files.
3. SAO HTTF members will work closely with DPD Detective/s to investigate leads, tips, and reports which contain indications or allegations of human trafficking.



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4. When applicable, SAO HTTF Investigator/s and Victim Specialist's will respond to site locations with DPD Detective/s to investigate human trafficking allegations.
5. Assist DPD with interviewing suspected victims, minors, and witnesses to determine if they are being exploited through sex or labor trafficking.
6. Work in unison to develop safety plans and treatment plans for the victim.
7. Provide training to DPD Detective/s on how to identify victims of human trafficking, how to conduct trauma informed investigations that are victim centered, and how to respond to calls for assistance.
8. Provide workspace to DPD Detective/s to ensure a better working relationship and encourage better communication and collaboration.
9. Work with DPD to help further develop best practices and protocols in responding to incidents and investigations of human trafficking.
10. SAO HTTF Paralegal/s and the Crime Analyst will assist DPD Detective/s with subpoena requests and crime analytical assistance and support.
11. SAO HTTF Command Staff will provide law enforcement supervision for DPD Detective/s assigned to the SAO HTTF to ensure DPD Detective/s are actively investigating the HT leads assigned to them, properly documenting their investigations, complying with best practices pursuant to police standards, and following trauma informed investigations that are victim centered.
12. SAO HTTF Command Staff will keep DPD Command staff apprised of disciplinary issues, overtime requests, and funding opportunities that may be available to reimburse the department for overtime incurred.
13. SAO HTTF Assistant State Attorney(s) will provide DPD Detective/s with support to ensure prosecutable cases are developed. Support includes: search warrant review, electronic investigatory tool application and warrant approval and review, and assistance with identifying state laws which are applicable to their investigations.



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14. Upon request, participating agencies will be provided with an update as to the program, direction and accomplishments of the SAO HTTF.

City of Doral Police Department will:

1. Assign a Detective/s that will be designated to work FULL-TIME or PART-TIME in the SAO HTTF.
2. Provide the SAO HTTF Command Staff with the necessary credentials and background information for the assigned detective to ensure he/she can be approved for acceptance onto the SAO HTTF.
3. Provide contact information for the DPD Command Staff that should be contacted with updates, information, or disciplinary requests.
4. Maintain DPD Detective's law enforcement credentials, in accordance with locals, state and federal regulations.

The DPD Detective will:

1. Serve as a liaison/resource officer between the DPD and the SAO HTTF, to report and refer tips and leads brought to the attention of DPD officers.
2. Assist the SAO HTTF with investigating DCF tips/leads, SAO Hotline tips or leads, and conducting proactive investigations and operations.
3. Maintain investigative files relating to SAO HTTF investigations at the ICAP building and according to SAO HTTF protocols.
4. Comply with DPD SOP's and SAO HTTP SOP's, and notify SAO HTTF anytime DPD SOP's conflict with SAO HTTF SOP's.
5. Comply with all applicable U.S. federal, state and local laws and regulations.
6. Report to ICAP building during the hours the DPD Detective is assigned to work with the SAO HTTF.



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7. Abide by instruction provided by SAO HTTF Command Staff.
8. Promote a collaborative environment with all members and agencies in the SAO HTTF.
9. Provide trainings for their department on how to identify human trafficking and report it to the SAO HTTF.

FULL TIME MEMBERS

Each participating agency assigning full-time members to the SAO HTTF, further acknowledges:

1. All work tasked to full-time members will go through the SAO HTTF Command Staff and adhere to the unity of command.
2. Full-time members will:
 - a. Report on a full-time basis to the ICAP building and to the SAO HTTF Command Staff.
 - b. May have to adjust working hours based on a need of the SAO HTTF.
 - c. Be on-call on a rotation basis alongside other SAO HTTF members for emergency calls or operations.
 - d. Investigate tips/leads/allegations arising out of jurisdictions in the municipality the member is employed by, as well as throughout Miami-Dade.
 - e. Seek permission for overtime according to agency protocols and inform SAO HTTF Command Staff of restrictions therein.

FUNDING

Each participating agency agrees to provide the full-time services of its assigned respective personnel for the duration of this initiative. Participating agencies agree to assume all personnel costs for their respective task force representatives, including salaries, overtime payments and fringe benefits.

Subject to funding availability through grants, the SAO will reimburse overtime expenses for SAO HTTF members to the participating agencies provided the overtime expenses were incurred because of SAO HTTF related duties. Each participating agency agrees to assist the SAO to comply with all overtime expense reporting requirements imposed by local, state, and/or federal grant administrating agencies (e.g. Grants through South Florida HIDTA, etc.).



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RICO CIVIL FORFEITURES

Proceeds from any RICO Civil Forfeiture actions related to the SAO HTTF shall be deposited into the SAO RICO Trust Fund and used to further SAO RICO investigations and initiatives in accordance with, and pursuant to Florida Statutes §895.09.

MEDIA

All news released pertaining to SAO HTTF investigations and/or arrests will be coordinated by the SAO Media Personnel and respective agency Public Information Office. Credits, acknowledgements, and attendance at any press Conference or events will be provided to all the participating agencies of the SAO HTTF.

No press releases shall be made disclosing the address of the ICAP building which houses the SAO HTTF, the identities of the individual members of the SAO HTTF or the identities of any of the victims being assisted by the SAO HTTF.

USE OF FORCE

SAO HTTF members will strictly adhere to their respective agencies use of force policies and rules. In addition to the required agency notifications if force is utilized, the SAO Command Staff must also be notified immediately.

EQUIPMENT

Each agency will be responsible for providing vehicles, communications equipment, and other law enforcement equipment needed by members to perform their duties.

OTHER

Location: The office/work space will be located within the ICAP Building located at 1390 NW 14th Avenue Miami, FL 33136.

Expenses for location: SAO is providing the space referenced herein without cost or expense (rent, utilities) to DPD.



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Use of Premises: DPD will not make or allow any unlawful or improper use of the premises or any use or occupancy thereof contrary to applicable federal, state, and local laws or the Ordinances of the City and/or County, and or SAO policies, in which the demised premises are located, now or hereinafter made, as may be applicable. DPD shall have free use of the Common Areas (restrooms, client parking, conference rooms, lobby seating) and of designated workspace, as determined by the SAO HTTF Command Staff and subject to availability.

Liability: The Parties agree to assume its own liability and responsibility for the acts, omission, or conduct of such Party's own employees while such employees are engaged in rendering such aid, cooperation, and assistance pursuant to this MOU, subject to the provisions of Section 768.28, Florida Statutes, where applicable

Term: The term of the MOU shall take effect on the date which the MOU has been executed by all parties, and it shall remain in effect until terminated by the parties in writing. A party may terminate this MOU or withdraw from the SAO HTTF at any time, for any reason, by providing a 30-day Written notice of such intent.

Katherine Fernandez Rundle
State Attorney for the Eleventh Judicial Circuit,
also known as the Miami-Dade Sate Attorney's Office

Date

Edwin Lopez
Chief of Police
City of Doral Police Department
CITY OF DORAL, a Florida Municipal Corporation

Date

Counterparts and Electronic Signatures. This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute but one and the same Agreement. The parties shall be entitled to sign and transmit an electronic signature of this Agreement (whether by facsimile, PDF or other email transmission), which signature shall be binding on the party whose name is contained therein. Any party providing an electronic signature agrees to promptly execute and deliver to the other parties an original signed Agreement upon request.



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Attest:

By:
City Manager
Date:

By:
City Clerk
Date:

Approved as to Form and Correctness:

By:
City Attorney

Date: