

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, April 13, 2017 9:00 AM
To: Sanchez, Rodzandra (COE)
Subject: Commander Botner, MDCR (outside employment) INQ 17-113,

INQ 17-113 Botner

From: Turay, Radia (COE)
Sent: Wednesday, April 12, 2017 4:33 PM
To: Botner, Joel (MDCR) <Joel.Botner@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Kirkland, Tina (MDCR) <Tina.Kirkland@miamidade.gov>
Subject: INQ 17-113, Commander Botner, MDCR (outside employment)

Dear Commander Botner,

You have inquired whether a conflict of interest exists under the County Ethics Code between your County employment and your proposed outside employment as a consultant/ trainer for Policy Research Associates (PRA).

Background

You are the Bureau Commander for the Reentry Program Services Bureau of the Miami-Dade Corrections and Rehabilitation Department (MDCR). Your current job responsibilities include directing the administration of inmate services and programs for incarcerated individuals in the MDCR system.

You are seeking to engage in outside employment as a consultant/trainer for Policy Research Associates (PRA). PRA is a small business that is a national leader in behavioral health and research. They offer four core services that help individuals with behavioral health needs achieve recovery. In partnership with their sister non-profit, Policy Research, Inc., they offer technical assistance, training, research, and meeting facilitation services, primarily in the following content areas: behavioral health, homelessness, benefit access, criminal justice, juvenile justice, service members, recovery support, trauma, and wellness. They are not a county vendor.

In your role as a consultant/trainer, you will be a member of a training team which will provide instruction to correctional staff regarding the curriculum entitled "How Being Trauma-Informed Improves Criminal Justice System Responses." The training typically involves training staff on the curriculum and assisting them with mastery of presentation skills culminating in their certification as trainers of the program. You have represented to the COE that you will not train any MDCR employees in the trainings that you provide through your outside employment; and you do not have the ability to require that MDCR employees take any of the trainings that you will conduct in your outside employment.

Legal Analysis

Sections 2-11.1(j) and (k) of the County Ethics Code prohibit County employees from engaging in outside employment which would impair the County employee's independence of judgment in the performance of his or her official duties. Based on the information that you have provided to us at this time, it appears to be unlikely that the type of outside employment that you are seeking to engage in would impair your independence of

judgement in the performance of your duties as a Bureau Commander for the Reentry Program Services Bureau at MDCR.

As a reminder, pursuant to 2-11 of the County Code, County employees are required to request permission to engage in outside employment from their supervisor on a yearly basis. In addition, Section 2-11.1(k)(2) of the County's Ethics Code requires filing a financial disclosure form on a yearly basis. County employees are cautioned that they may not engage in any activity which would require them to disclose confidential information acquired by reason of their official position, nor use such information directly or indirectly for their personal gain or benefit. *See* Section 2-11.1(h), County Ethics Code. Lastly, a County employee may not use his or her official County position to secure privileges or exemptions for themselves or others. *See* Section 2-11.1(g), County Ethics Code.

This opinion is based on the facts presented. Should you decide to work as a consultant/trainer for any other organization and/or if any of these facts change, please contact us.

Sincerely,

RADIA TURAY

Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 350-0601
Fax: (305) 579-0273
Ethics.miamidade.gov

From: Botner, Joel (MDCR)
Sent: Thursday, April 06, 2017 11:50 AM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: RE: Outside employment request

Good Morning Ms. Turay,
Thank you for speaking with me today. My responses are below.
Regards,

Joel F. Botner, MA, CJM
Commander
Miami-Dade County Corrections & Rehabilitation Dept.
Reentry Program Services Bureau
TGK Correctional Center
7000 NW 41 Street
Miami, FL 33166
786 263-5366 – Office
786 263-5690 - Fax
305 215-5682 – Cell



AJA Member

From: Turay, Radia (COE)
Sent: Thursday, April 06, 2017 11:32 AM
To: Botner, Joel (MDCR)
Subject: Outside employment request

Hello Commander Botner,

It was a pleasure speaking to you. Please find a few questions below, the answers to which would greatly assist me in drafting our opinion.

- 1) Please provide your Title at MDCR – Bureau Commander, Reentry Program Services Bureau, MDCR
- 2) Please provide a description of your responsibilities at MDCR - My duties are to provide administration of inmate services and programs to the incarcerated individuals of the MDCR.
- 3) Please provide the names of the correctional agencies and organizations that you will be working with in your outside employment – 1) Policy Research Associates, 345 Delaware Avenue, Delmar, New York 12054, (518) 439–7415. At this time, I have no intention of working with the National Institute of Corrections or any other correctional agency / organization.
- 4) Please provide a detailed description of the duties that you will perform in your outside employment with each of the correctional agencies and organizations – Member of a training team to provide instruction to correctional staff regarding the curriculum entitled “How Being Trauma-Informed Improves Criminal Justice System Responses”. The training typically involves training staff on the curriculum and assisting them with mastery of presentation skills culminating in their certification as trainers of this program.
- 5) Are any of the correctional agencies and organizations that you plan to work for county contractors/vendors; provide funding to the county; or oversee MDCR in any way - No
- 6) Will you be training any MDCR employees in the trainings that you provide through your outside employment - No
- 7) Do you have the ability to recommend/require that MDCR employees take any of the trainings that you will be conducting in your outside employment - No

Congratulations on your promotion!! I look forward to receiving your responses. THANKS!! 😊

Thanks,

RADIA TURAY

Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 350-0601
Fax: (305) 579-0273
Ethics.miamidade.gov