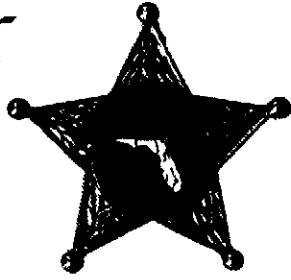


Sheriff



Monroe County Sheriff's Office

Richard D. Roth, Sheriff

5525 College Road

Key West, Florida 33040

(305) 292-7000 FAX: (305) 292-7070 1-800-273-COPS

www.keysso.net

SUBSTATIONS

Freeman Substation
20950 Overseas Hwy.
Cudjoe Key, FL 33042
(305) 745-3184
FAX (305) 745-3761

Marathon Substation
3103 Overseas Hwy.
Marathon, FL 33050
(305) 289-2430
FAX (305) 289-2497

Islamorada Substation
87000 Overseas Hwy.
Islamorada, FL 33036
(305) 853-7021
FAX (305) 853-9372

Roth Building
50 High Point Road
Tavernier, FL 33070
(305) 853-3211
FAX (305) 853-3205

DETENTION CENTERS

Key West Det. Center
5501 College Road
Key West, FL 33040
(305) 293-7300
FAX (305) 293-7353

Marathon Det. Facility
3981 Ocean Terrace
Marathon, FL 33050
(305) 289-2420
FAX (305) 289-2424

Plantation Det. Facility
53 High Point Road
Plantation Key, FL 33070
(305) 853-3266
FAX (305) 853-3270

SPECIAL OPERATIONS

P.O. Box 500975
Marathon, FL 33050
(305) 289-2410
FAX (305) 289-2498

AVIATION DIVISION

10100 Overseas Hwy.
Marathon, FL 33050
(305) 289-2777
FAX (305) 289-2776

COMMUNICATIONS

2796 Overseas Hwy.
Marathon, FL 33050
(305) 289-2351
FAX (305) 289-2493

October 2, 2007

Mr. Tom Willi, County Administrator
Gato Building
1100 Simonton Street
Key West, Florida 33040

RE: Agenda Item – Request for Expenditures from Law Enforcement
Trust Fund

Dear Mr. Willi:

I would like to request that the Commission authorize the following
expenditures from the Law Enforcement Trust Fund:

About a year ago, the FBI began asking state and local law enforcement agencies to contribute DNA samples from unidentified and missing persons to its Missing Person Database. The sample is checked for any similarity between it and DNA submitted by family members of missing persons. The Sheriff's Homicide Unit will seek court orders permitting the disinterment of the bodies of six unidentified persons. The cost of disinterment/reinterment is \$1464.00 and the court filing is \$255.00 for a total request of \$1,719.00.

TOTAL: \$1,719.00

I hereby certify that these expenditures are lawful pursuant to the Florida
Contraband Act. There will be no recurring expenses in the existing budget.

Please feel free to contact my General Counsel, Mark L. Willis, or me
should you have any questions or concerns regarding this request.

Very truly yours,

Richard D. Roth
Sheriff of Monroe County

RDR/vam



$\$1464 = 2 \text{ hrs for six graves}$
 $@ \$122/\text{hr.}$

Mark Willis

From: Mark Willis
Sent: Tuesday, September 25, 2007 9:18 AM
To: Patricia Dally
Subject: RE: Disinterment of Dead Bodies

Two hours each then. Don't have to spend all the money.

-----Original Message-----

From: Patricia Dally
Sent: Tuesday, September 25, 2007 8:52 AM
To: Mark Willis
Subject: RE: Disinterment of Dead Bodies

Mark, I think that will be all. Mr. Brittan tried to include everything in the cost per hour. I am hoping that it will be an hour or hour and a half. Do we want to ask for 2 hours each to make sure? Thanks for all your help. Trish

-----Original Message-----

From: Mark Willis
Sent: Monday, September 24, 2007 4:32 PM
To: Jon Ellsworth; Patricia Dally
Subject: RE: Disinterment of Dead Bodies

I will ask the boss to use LETF \$\$ at tomorrow's staff meeting. 1.5 hours x 6 graves x \$122 = \$1098. Any other cost items?

MLW

-----Original Message-----

From: Jon Ellsworth
Sent: Monday, September 24, 2007 4:17 PM
To: Patricia Dally
Cc: Mark Willis
Subject: RE: Disinterment of Dead Bodies

I'll work on it. I will need a list of the burial sites for a motion. Jon

-----Original Message-----

From: Patricia Dally
Sent: Monday, September 24, 2007 3:37 PM
To: Mark Willis; Jon Ellsworth
Cc: Nancy Alvarez
Subject: RE: Disinterment of Dead Bodies

Mark and Jon, I was finally able to get an approximate amount for each disinterment. Russell Brittan (Sexton of KW Cemetery) gave me a price of \$122 per hour (that includes the manpower for the removal, lift, re-interment, and cement. Mr. Brittan estimates each case would be between 1 and 1 1/2 hour. He will have some of the pre-planning and extra cement slabs for the interment available to cut down on time. While Dr. Hunter is removing the DNA sample, they would be working on opening another vault. We are looking at 6 cases right now. Let me know what our next step is.. Do we have to petition the county commission or can this come out of investigative

funds? Will you help with the court orders? Thank you for all your help so far. Trish

-----Original Message-----

From: Mark Willis
Sent: Monday, July 23, 2007 9:16 AM
To: Patricia Dally
Cc: Jon Ellsworth
Subject: RE: Disinterment of Dead Bodies

Where are the bodies? Are they paupers buried in a cemetery?
No research yet but you are on the list.

MLW

-----Original Message-----

From: Patricia Dally
Sent: Friday, July 20, 2007 1:14 PM
To: Mark Willis
Cc: Nancy Alvarez; Ross Thomson
Subject: RE: Disinterment of Dead Bodies

Mark, I heard back from the ME's office and they will help with what ever we need, but if there is any cost to disinter any body they do not cover that. Who would cover any cost? It is a county project and it seems we are all county/city employees. Any expense over and above would that come out of Investigative funds? On some of the homicide cases we would ultimately charge the defendant (when we catch them) with the cost. Let me now and did you get a chance to do any research yet?
Thanks, Trish

-----Original Message-----

From: Mark Willis
Sent: Wednesday, July 11, 2007 11:15 AM
To: Patricia Dally
Cc: Jon Ellsworth
Subject: RE: Disinterment of Dead Bodies

Will do Sgt.

MLW

-----Original Message-----

From: Patricia Dally
Sent: Wednesday, July 11, 2007 9:54 AM
To: ME 2 (E-mail); Mark Willis; Jon Ellsworth
Cc: Corey Bryan; Ross Thomson
Subject: FW: Disinterment of Dead Bodies

Howdy, We are researching several cold cases (Unidentified persons) and have met with Social services in an attempt to locate where they were buried. We believe we have identified several burial spots and wish to disinter them for the collection of DNA. Please review what the county attorney has determined is needed to complete this. Let me know if this is correct and what specific court order is required (or if you can give me a template for the court order). Thanks, Trish

-----Original Message-----

From: Graham-Sheryl [mailto:Graham-Sheryl@MonroeCounty-FL.Gov]
Sent: Wednesday, July 11, 2007 8:31 AM
To: Patricia Dally
Subject: FW: Disinterment of Dead Bodies

Here you go. Please let me know if I can be of any assistance with this in the future.

Sheryl L. Graham, MA, CWDP
Compliance Manager, Social Services
Monroe County Board of County Commissioners
The Historic Gato Cigar Factory
1100 Simonton Street, Suite 1-202
Key West, FL 33040
Phone (305) 292-4592 or 4574
Fax (305) 295-4361
graham-sheryl@monroecounty-fl.gov

HELP US HELP YOU!

Please take a moment to complete our Customer Satisfaction Survey:

<http://monroesurvey.virtualtownhall.net/survey.php?9acc14aeb>

Please note: Florida has a very broad public records law. Most written communications to or from the County regarding County business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.

From: Barsell-Debbie
Sent: Tuesday, July 10, 2007 7:26 PM
To: Graham-Sheryl
Subject: FW: Disinterment of Dead Bodies

Could you get back to Det Sgt Tricia Dally at 289-2410 to let her know that we will need a court order to disinter paupers. See Suzanne opinion below. Thanks...deb

Deb Barsell
(v) 305.292.4510

From: Hutton-Suzanne
Sent: Tuesday, July 10, 2007 5:57 PM
To: Peters-Katherine
Cc: Mercado-Pedro; Barsell-Debbie
Subject: Disinterment of Dead Bodies

Kathy, I looked through the materials you pulled in reference to a request as to how to authorize & go about a disinterment of an unidentified body. FS 497.005(37) defines legally authorized persons, except that there is no

known next of kin, since we don't know who the person is. Under FS 406.52, the County commissioners are deemed a legally authorized person in order to bury a pauper. The latter definition is provided only for the purpose for placing responsibility to dispose of a body on the local jurisdiction. Accordingly, I believe the sheriff would have to obtain a court order in order to disinter the body. If in so doing, his counsel can get a written order that opines that the legally authorized County under 406.52 should be deemed a legally authorized person for the purposes of 497.384, then we should be able to sign off on the disinterment in the future.

Suzanne A. Hutton

County Attorney
Monroe County
PO Box 1026
Key West, Fl. 33041-1026
305-292-3470