

Item # 59⁽⁵⁾

Proposed Amendments

ADDITIONAL MATERIAL

Regular Meeting

OCTOBER 6, 2020

SUBMITTED AT THE REQUEST OF

COMMISSIONER NAN RICH

1 to gather and publish information on trends, practices, and patterns in policing, including
2 regarding the use of force, and to bring forward advice and insights to inform law
3 enforcement policymaking, is appropriate at this time,
4

5 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
6 BROWARD COUNTY, FLORIDA:
7

8 Section 1. Section 18-7 of the Broward County Code of Ordinances is hereby
9 created to read as follows:

10 [Underlining omitted]

11 **Sec. 18-7. Broward County Police and Criminal Justice Review Board**

12 (a) *Definitions.*

13 The following terms and phrases, when used in this article, shall have the meaning
14 ascribed to them in this section, except where the context clearly indicates a different
15 meaning. Words used in the present tense shall include the future, and the singular
16 number includes the plural, and the plural, the singular.

17 *County Commission* means the Board of County Commissioners of Broward
18 County, Florida.

19 *Police agencies* means the Broward Sheriff's Office, including both law
20 enforcement and correctional functions, and municipal police departments, however
21 denominated, within the geographic boundaries of Broward County.

22 *Review Board* means the Broward County Police and Criminal Justice Review
23 Board created by this section.
24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 (b) *Creation of Police and Criminal Justice Review Board.* The County
2 Commission hereby creates and establishes a Broward County Police and Criminal
3 Justice Review Board.

4 (c) *Review Board membership.*

5 (1) Composition and selection.

6 a. The Review Board shall comprise ~~sixteen~~ eighteen (1618) voting
7 members appointed by the County Commission after nomination in
8 the following manner:

- 9 1. Nine (9) members nominated by County Commissioners, with
10 each County Commissioner nominating one (1) member;
- 11 2. One (1) member nominated by the president of the Broward
12 County Bar Association;
- 13 3. One (1) member nominated by the president of the Broward
14 County Hispanic Bar Association;
- 15 4. One (1) member nominated by the president of the T.J.
16 Reddick Bar Association;
- 17 5. One (1) member nominated by the Broward County Public
18 Defender;
- 19 6. One (1) member nominated by the Broward County State
20 Attorney;
- 21 7. One (1) member, ~~who must be a member in good standing of~~
22 ~~The Florida Bar~~, nominated by the Broward County branch of
23 the National Association for the Advancement of Colored
24 People ("NAACP"); ~~and~~

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1 8. One (1) member of the clergy from a religious institution or
2 house of worship whose membership is substantially
3 comprised of individuals disproportionately impacted by
4 improper police tactics and the criminal justice system,
5 nominated by the Mayor of Broward County;-

6 9. One (1) member, who must be a Florida-licensed mental
7 health professional, nominated by the chief executive officer
8 of the Broward Behavioral Health Coalition, Inc.; and

9 10. One (1) member nominated by the Gay & Lesbian Community
10 Center of Greater Fort Lauderdale, Inc., better known as the
11 Pride Center at Equality Park.

12 b. In addition, the following persons shall serve as *ex officio* nonvoting
13 members and may participate in the Review Board's discussions:

14 1. The president of the Broward County Chiefs of Police
15 Association, or a designee thereof; and

16 2. The Sheriff of Broward County, or a designee thereof.

17 (2) Qualifications. Voting members must be residents of Broward County. In
18 selecting persons for nomination as voting members, County
19 Commissioners shall consider, in addition to any other criteria they deem
20 appropriate, the prospective nominee's personal experience with, or
21 professional or academic study of, criminal justice, police misconduct, use
22 of force, or over-policing.

23 (3) Training. Each voting member shall attend training arranged by the County,
24 which will include, at a minimum, an overview of policing and the criminal

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1 justice system in Broward County, one (1) ride-along with a local law
2 enforcement agency, and training addressing racial inequity and implicit
3 bias.

4 (4) Terms of appointment.

5 a. Review Board members shall serve in accordance with
6 Section 1-233, Broward County Code of Ordinances (“Code”),
7 except as otherwise provided in this section.

8 b. Members shall not be compensated for their service on the Review
9 Board.

10 c. The term for each voting member shall be four (4) years from the
11 date of appointment.

12 d. Upon the expiration of a term, a Review Board member shall
13 continue to serve until a successor is appointed.

14 e. Any member may be removed from the Review Board pursuant to
15 Sections 1-233 or 1-234 of the Code. Additionally, by majority vote
16 of the County Commission, any member may be removed from the
17 Review Board for misconduct, incompetence, neglect of duty, at the
18 request of a County Commissioner, or upon recommendation of the
19 Review Board.

20 f. Any member who no longer satisfies the requirements of the
21 appointed position, including the residency requirement, shall
22 automatically cease to be a member, and the position shall be
23 declared vacant.
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1 (d) *Review Board organization.*

2 (1) The meetings, quorum, and attendance requirements of the Review Board
3 shall be as set forth in Section 1-233 of the Code, except as otherwise
4 provided in this section.

5 (2) The Review Board shall elect a chair and such other officers as it deems
6 necessary for purposes of managing its activities. Each officer shall serve
7 for one (1) year or until their successor is chosen, whichever occurs later.

8 (3) The Review Board may establish procedural rules as needed to carry out
9 its business in an orderly manner.

10 (4) The Review Board shall establish a meeting schedule, and shall meet no
11 fewer than four (4) times per year.

12 (e) *Staff support.* The County Administrator or designee shall appoint a Review
13 Board Administrator to serve as the Review Board's primary staff support, and to
14 supervise such other staff as the County Administrator may provide. The Review Board
15 Administrator shall report to the County Administrator or designee.

16 (f) *Functions.* The Review Board shall publish data compilations and reports
17 and make recommendations regarding policy to the County Commission on the subjects
18 of police use of force, police misconduct, and such other matters pertaining to bias in the
19 criminal justice system as the Review Board determines appropriate and its resources
20 permit. The Review Board Administrator and appropriate staff as designated by the
21 County Administrator shall be tasked with providing research, statistical, and other
22 administrative support for the Review Board. The Review Board Administrator shall bear
23 primary responsibility for gathering and analyzing data, drafting reports, and providing
24 general administrative support for the Review Board. The Review Board shall be

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1 responsible for determining what policy recommendations, if any, to make to the County
2 Commission, including based upon the data obtained and analyses conducted by the
3 Review Board Administrator.

4 (1) The Review Board Administrator and staff shall compile data as requested
5 by the Review Board. Such data shall include information contained in
6 databases and reports from police agencies concerning police use of force
7 and allegations of police misconduct, including but not limited to completed
8 internal investigations. Such data may also include information regarding
9 arrests from each police agency and data regarding bail and sentencing
10 from Florida's 17th Judicial Circuit or other applicable sources, to the extent
11 data is available. At the Review Board's direction, the Review Board
12 Administrator may compile additional data relevant to the Review Board's
13 objectives.

14 (2) The Review Board Administrator shall make publicly available, including by
15 publication on the County website, statistical data compiled from the police
16 agencies and other sources.

17 (3) At least once per year, the Review Board shall publish a report summarizing
18 the preceding year's data and analyzing any trends or patterns observed.
19 These reports may describe specific incidents for the purpose of illustrating
20 systemic problems.

21 (g) *Objectives*. The objectives of the Review Board are to identify and report
22 on systemic issues of policing, including but not limited to:

1 (1) Patterns of police misconduct, use of force, misuse of position,
2 over-policing, arrest rates, bail terms, or sentencing that may indicate
3 disparities based on race or other factors; and

4 (2) Repeated incidents of misconduct or improper use of force within the same
5 police agency, agency subunit, or geographical area.

6 The Review Board is not tasked with investigation of specific incidents of alleged police
7 misconduct or misuse of force.

8 (h) *Complaints.* The Review Board and the Review Board Administrator may
9 assist members of the public in determining how to make a complaint to a specific law
10 enforcement agency and may request a copy of the response from the particular agency.
11 Any complaint received by the Review Board pertaining to a law enforcement or
12 correctional officer shall be provided within five (5) business days after receipt to the
13 employing agency of the officer pursuant to Section 112.533(1)(b), Florida Statutes.

14 (i) *Sunset.* Section 18-7 shall automatically sunset on December 31, 2025,
15 unless reauthorized by the County Commission.

16 Section 2. Severability.

17 If any portion of this Ordinance is determined by any court to be invalid, the invalid
18 portion will be stricken, and such striking will not affect the validity of the remainder of this
19 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
20 legally applied to any individual, group, entity, property, or circumstance, such
21 determination will not affect the applicability of this Ordinance to any other individual,
22 group, entity, property, or circumstance.

1 Section 3. Inclusion in the Broward County Code of Ordinances.

2 It is the intention of the Board of County Commissioners that the provisions of this
3 Ordinance become part of the Broward County Code of Ordinances as of the effective
4 date. The sections of this Ordinance may be renumbered or relettered and the word
5 "ordinance" may be changed to "section," "article," or such other appropriate word or
6 phrase to the extent necessary in order to accomplish such intention.

7 Section 4. Effective Date.

8 This Ordinance is effective as of the date provided by law.

9
10 ENACTED

11 FILED WITH THE DEPARTMENT OF STATE

12 EFFECTIVE

13
14 Approved as to form and legal sufficiency:
15 Andrew J. Meyers, County Attorney

16 By /s/ Scott Andron 08/27/2020
17 Scott Andron (date)
18 Assistant County Attorney

19 By /s/ Adam M. Katzman 08/27/2020
20 Adam M. Katzman (date)
21 Senior Assistant County Attorney

22
23 SA/jc
24 Police and Criminal Justice Review Board
09/29/2020
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