

Item # 59

Proposed Amendments

ADDITIONAL MATERIAL

Regular Meeting

OCTOBER 6, 2020

SUBMITTED AT THE REQUEST OF

MAYOR DALE V.C. HOLNESS

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
18 Broward 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 seventeen~~ nineteen (169)
7 voting members appointed by the County Commission after
8 nomination in the following manner:

Commented [SA1]: New changes for Mayor Holness.

- 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
12 Broward County Bar Association;
- 13 3. One (1) member nominated by the president of the
14 Broward County Hispanic Bar Association;
- 15 4. One (1) member nominated by the president of the
16 T.J. Reddick Bar Association;
- 17 5. One (1) member nominated by the president of the
18 Caribbean Bar Association;
- 19 ~~5~~ 6. One (1) member nominated by the Broward County
20 Public Defender;
- 21 ~~6~~ 7. One (1) member nominated by the Broward County
22 State Attorney;
- 23 ~~7~~ 8. One (1) member, who must be a member in good standing of
24 The Florida Bar, nominated by the Broward County branch of

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1 the National Association for the Advancement of Colored
2 People ("NAACP"); and

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3 ~~8~~ 9. One (1) member of the clergy from a religious institution or
4 house of worship whose membership is substantially
5 comprised of individuals disproportionately impacted by
6 improper police tactics and the criminal justice system,
7 nominated by the Mayor of Broward County;

8 10. One (1) member nominated by a Dream Defenders group;
9 and

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10 11. One (1) member nominated by a Black Lives Matter group.

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

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

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

16 (2) Qualifications. Voting members must be residents of Broward County. In
17 selecting persons for nomination as voting members, County
18 Commissioners shall consider, in addition to any other criteria they deem
19 appropriate, the prospective nominee's personal experience with, or
20 professional or academic study of, criminal justice, police misconduct, use
21 of force, or over-policing. In addition, Commissioners shall make an effort
22 to ensure that the Review Board includes one or more representatives of
23 the following groups: the lesbian, gay, bisexual, transgender, and
24 queer/questioning (LGBTQ) community; persons with disabilities; working-

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~~class persons; one or more representatives from and~~ religious minority

groups.

(3) Training. Each voting member shall attend training arranged by the County, which will include, at a minimum, an overview of policing and the criminal justice system in Broward County, one (1) ride-along with a local law enforcement agency, and training addressing racial inequity and implicit bias.

(4) Terms of appointment.

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

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

c. The term for each ~~voting~~ member nominated by the Mayor or a County Commissioner shall be four (4) years from the date of appointment. The term for other voting members shall be two (2) years from the date of appointment.

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

e. Any member may be removed from the Review Board pursuant to Sections 1-233 or 1-234 of the Code. Additionally, by majority vote of the County Commission, any member may be removed from the Review Board for misconduct, incompetence, neglect of duty, at the

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1 request of a County Commissioner, or upon recommendation of the
2 Review Board.

3 f. Any member who no longer satisfies the requirements of the
4 appointed position, including the residency requirement, shall
5 automatically cease to be a member, and the position shall be
6 declared vacant.

7 (d) *Review Board organization.*

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

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

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

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

18 (e) *Staff support.* The County Administrator or designee shall appoint a Review
19 Board Administrator to serve as the Review Board's primary staff support, and to
20 supervise such other staff as the County Administrator may provide. The Review Board
21 Administrator shall report to the County Administrator or designee. The Review Board
22 may request that the County Commission provide such other fact-finding and research
23 personnel as the Review Board may determine are necessary from time to time.

24 (f) *Functions.* The Review Board shall publish data compilations and reports
and make recommendations regarding policy to the County Commission on the subjects

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1 of police use of force, police misconduct, and such other matters pertaining to bias in the
2 criminal justice system as the Review Board determines appropriate and its resources
3 permit. The Review Board Administrator and appropriate staff as designated by the
4 County Administrator shall be tasked with providing research, statistical, and other
5 administrative support for the Review Board. The Review Board Administrator shall bear
6 primary responsibility for gathering and analyzing data, drafting reports, and providing
7 general administrative support for the Review Board. The Review Board shall be
8 responsible for determining what policy recommendations, if any, to make to the County
9 Commission, including based upon the data obtained and analyses conducted by the
10 Review Board Administrator.

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

21 (2) The Review Board Administrator shall make publicly available, including by
22 publication on the County website, statistical data compiled from the police
23 agencies and other sources.
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1 (3) At least once ~~per year~~ every six months, the Review Board shall publish a
2 report summarizing the preceding ~~year's six months'~~ data and analyzing any
3 trends or patterns observed. These reports may describe specific incidents
4 for the purpose of illustrating systemic problems.

Commented [SA6]: New change for Mayor Holness.

Commented [SA7]: New change for Mayor Holness.

5 (g) *Objectives.* The objectives of the Review Board are to identify and report
6 on systemic issues ~~of-related to~~ policing and the criminal justice system, including but not
7 limited to:

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

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

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

15 (h) *Powers.* In order to achieve its objectives, the Review Board shall have the
16 authority to:

17 (1) Make recommendations regarding current and proposed police agency
18 policies, procedures, and practices on matters including, but not limited to
19 training, recruitment, and disciplinary procedures.

20 (2) Hold public hearings, make factual determinations, draw conclusions,
21 propose recommendations, and prepare interim and final reports on matters
22 relating to the Review Board's objectives and functions.

23 (3) Demand, examine, and duplicate public records and documents in
24 accordance with the provisions of Chapter 119, Florida Statutes.

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1 (4) Request any person to give sworn testimony before the Review Board or to
2 produce documentary or other evidence, to the extent permitted by
3 applicable law.

4 (5) Issue subpoenas for witnesses, documents, and other potential evidence
5 for all matters within the Review Board's jurisdiction, except as may be
6 prohibited by applicable law.

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

13 ~~(i)~~ (j) *Sunset.* Section 18-7 shall automatically sunset on December 31, 20~~25~~30,
14 unless reauthorized by the County Commission.

15 Section 2. Severability.

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

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

23 It is the intention of the Board of County Commissioners that the provisions of this
24 Ordinance become part of the Broward County Code of Ordinances as of the effective

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1 date. The sections of this Ordinance may be renumbered or relettered and the word
2 "ordinance" may be changed to "section," "article," or such other appropriate word or
3 phrase to the extent necessary in order to accomplish such intention.

4 Section 4. Effective Date.

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

6
7 ENACTED

8 FILED WITH THE DEPARTMENT OF STATE

9 EFFECTIVE

10
11 Approved as to form and legal sufficiency:
12 Andrew J. Meyers, County Attorney

13 By /s/ Scott Andron 09/04/2020
14 Scott Andron (date)
15 Assistant County Attorney

16 By /s/ Adam M. Katzman 09/04/2020
17 Adam M. Katzman (date)
18 Senior Assistant County Attorney

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20 SA/jl
Police and Criminal Justice Review Board
21 09/04/2020
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