



Broward County

Legislation Details (With Text)

File #: 20-1802 **Version:** 1

Status: Agenda Ready

In control: PUBLIC HEARING

On agenda: 10/20/2020 **Final action:** 10/20/2020

Title: MOTION TO ENACT Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CREATING A POLICE AND CRIMINAL JUSTICE REVIEW BOARD; CREATING SECTION 18-7 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.
(Sponsored by Mayor Dale V.C. Holness)

Sponsors:

Indexes: Established Commission Goals

Code sections:

Attachments: 1. Exhibit 6 - Copy of Senator Rich amendment (Additional Material 59(5) to October 6 meeting), 2. Exhibit 1 - Copy of Proposed Ordinance (original), 3. Exhibit 2 - Copy of Fiscal Impact Statement, 4. Exhibit 3 - Copy of Mayor Holness amendment (Additional Material 59(4) to October 6 meeting), 5. Exhibit 4 - Copy of Commissioner Sharief amendment (Additional Material 59(3) to October 6 meeting), 6. Exhibit 5 - Copy of Commissioner Bogen amendment (Additional Material 59(2) to October 6 meeting), 7. Exhibit 7 - Copy of Proposed Ordinance (operative version, revised during October 6 meeting), 8. Additional Material - Information, 9. Additional Material - Information, 10. Additional Material - Information, 11. Additional Material - Information, 12. Additional Material - Information, 13. Additional Material - Information

Date	Ver.	Action By	Action	Result
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Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO ENACT Ordinance, the title of which is as follows:

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(Sponsored by Mayor Dale V.C. Holness)

Why Action is Necessary

A Resolution directing the County Administrator to publish notice of public hearing to consider enactment of the Ordinance was adopted by the Board of County Commissioners at its meeting of October 6, 2020.

What Action Accomplishes

Permits the Board to consider enactment of an Ordinance creating a Police and Criminal Justice Review Board.

Is this Action Goal Related

Yes

Previous Action Taken

Summary Explanation/Background

This item supports the Board Goal to “Collaborate with public and private partners to find creative, equitable, and responsible solutions to systemic community problems.”

On June 16, 2020, the Board directed the Office of the County Attorney to study the legal feasibility of establishing a civilian board to review allegations of police misconduct and use of force. Florida statutes and case law provide for internal review of alleged police misconduct by the officer’s employer. However, a County board may review completed police disciplinary investigations and other information for purposes other than officer discipline-such as to increase transparency or to encourage better policing policies.

The proposed Ordinance would create a Broward County Police and Criminal Justice Review Board that would gather data on police use of force and alleged misconduct, publish data and reports, identify issues that could be addressed through policy changes, and make recommendations. The Police and Criminal Justice Review Board could also study other issues related to bias in the criminal justice system in Broward County.

During the Board meeting of October 6, 2020, the Board addressed written amendments submitted by Mayor Holness (Exhibit 3), Commissioner Sharief (Exhibit 4), Commissioner Bogen (Exhibit 5), and Senator Rich (Exhibit 6), and oral amendments made by members of the Board (some of which were based on public comment received). Based on direction from the Board, we prepared Exhibit 7 for the Board’s consideration. Exhibit 7 incorporates Mayor Holness’s proposed Ordinance (Exhibit 3) and the additional provisions approved by the Board. Additional language was added on page 9, lines 13-18, to address the issue of statutory restrictions on the Review Board’s ability to exercise powers granted under the Ordinance.

While we attempted to incorporate all approved changes into a single document (Exhibit 7), if you believe we have missed anything you would like incorporated, or if you wish to propose a new amendment for the Board’s consideration on October 20, please raise the issue at or before your upcoming agenda briefing so any proposed amendments may be prepared and distributed by Friday, October 16.

Source of Additional Information

Adam Katzman, Senior Assistant County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

Fiscal Impact Statement by the Office of Management and Budget is attached as Exhibit 2.