

ORDINANCE NO. C-17-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING DIVISION 4, CITIZENS' POLICE REVIEW BOARD, SECTIONS 2-248, 2-249 AND 2-250 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO REVISE AND CLARIFY THE DUTIES AND RESPONSIBILITIES OF THE CITIZENS' POLICE REVIEW BOARD, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, On November 15, 1994, the City Commission of the City of Fort Lauderdale, Florida, adopted Ordinance No. C-94-47, creating a citizens' police review board, and to assist in maintaining the confidence of Fort Lauderdale citizens that complaints of alleged police officer misconduct are being thoroughly investigated by the internal affairs division of the police department; and

WHEREAS, on November 1, 2016, the City Commission met with the Citizens' Police Review Board to discuss proposed changes to the City's Ordinances modifying and clarifying the Board's duties and responsibilities regarding the review of matters involving alleged police misconduct; and

WHEREAS, Board members proposed to the City Commission various changes to the City's Ordinances which would enhance the Board's ability to review and reflect the concerns of the citizens of the City of Fort Lauderdale and the community at large;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1: That Division 4, Citizens' Police Review Board, of Article VII of Chapter 2, ADMINISTRATION, of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

DIVISION 4. CITIZENS' POLICE REVIEW BOARD

Section 2-248. Established, intent, composition, term.

There is hereby established a citizens' police review board. This board is being created to assist in maintaining the confidence of Fort Lauderdale citizens that all Category I complaints of alleged police

officer misconduct, regardless of their source, are being thoroughly and objectively investigated and resolved. This board shall be composed of nine (9) members and will be appointed as follows: three (3) will be police officers appointed by the chief of police and six (6) will be citizens that reside in the city, one (1) to be appointed by each city commissioner and one (1) to be appointed by the city commission as a body.

Section 2-249. Duties.

(a) The citizens' police review board shall review all Category I complaints, regardless of their source, investigated by the internal affairs division of the police department. The citizens' police review board shall conduct its review at the conclusion of an internal affairs investigation of a complaint after the chief of police has made ~~his~~ a recommendation regarding any complaint to the city manager, and after the police officer about whom the complaint was made has been informed of the recommendation of the chief of police. The citizens' police review board shall receive the complete internal affairs file, unless otherwise ~~provided~~ determined to be confidential by law, and in this regard shall receive the cooperation of the police department in providing information to the board. The citizens' police review board shall make its recommendation for the city manager's consideration within ~~twenty (20)~~ thirty-five (35) working days of the date the police officer is notified by the chief of police of ~~his~~ the recommendation. However, failure of the board to make its recommendation to the city manager shall not prohibit the city manager from making ~~his~~ a decision regarding the complaint against the police officer.

(b) The citizens' police review board shall, at the request of the city manager or the chief of police, or when a matter comes to the attention of the board, review police department policies and make recommendations to the city manager and the chief of police, which reflect the best interests of the citizens of the City of Fort Lauderdale and the community at large.

Section 2-250. Decision of the board.

(a) The decision of the citizens' police review board shall be advisory only to the city manager. Upon review of the investigation, the citizens' police review board shall render one (1) of the following decisions by majority vote:

~~(1) *Sustained.* The investigation produced a preponderance of evidence to substantiate the allegation of an act which was determined to be misconduct.~~

~~(2) *Not sustained.* The investigation failed to produce a preponderance of evidence to either prove or disprove the allegation.~~

~~(3) *Exonerate.* The allegation did in fact occur, but the actions of the employee were legal, justified, proper, and in conformance with city policy and procedure.~~

~~(4) *Unfounded.* The allegation concerned an act by an employee which did not occur.~~

(1) Concur. The Board agrees with the findings of the Office of Internal Affairs.

(2) Do not concur. The Board does not agree with the findings of the Office of Internal Affairs. The Board may recommend any one of the following alternative findings: sustained, not sustained, exonerate, or unfounded. These findings are defined in Fort Lauderdale Police Department Policy 117.3.

a. Sustained. The investigation produced a preponderance of evidence to substantiate the allegation of an act which was determined to be misconduct.

- b. Not sustained. The investigation failed to produce a preponderance of evidence to either prove or disprove the allegation.
- c. Exonerate. The allegation did in fact occur, but the actions of the employee were legal, justified, proper, and in conformance with city policy and procedure.
- d. Unfounded. The allegation concerned an act by an employee which did not occur.

(5)(3) *Defer case for more information.* This will be the decision when the citizens' police review board determines that there is insufficient factual evidence to render a decision. The Board's decision of deferral shall include the specific additional information or investigation sought and shall be in accordance with applicable Florida or federal law.

(4) *Unable to reach a decision.* The Board shall state, with specificity, the reasons related thereto.

(b) In addition, the Board shall make a recommendation to the city manager that either agrees or disagrees with the chief of police's recommendation to the city manager regarding discipline. If the Board disagrees with the chief of police's recommendation, the Board shall indicate whether the discipline should be greater or less than the chief's recommendation.

SECTION 2. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect immediately upon and after its final passage.

PASSED FIRST READING this \_\_\_ day of \_\_\_\_\_, 2017.

PASSED SECOND READING this \_\_\_ day of \_\_\_\_\_, 2017.

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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

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City Clerk  
JEFFREY A. MODARELLI