

RED - Fort Lauderdale FOP proposed changes as of 3/18/21

BLUE – CPRB proposed ordinance changes as of 9/1/20

ORDINANCE NO. C-20-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING Division 4, CITIZENS' POLICE REVIEW BOARD, of Article VII of CHAPTER 2, ADMINISTRATION, SECTIONS 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' review board 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 October 5, 2005, the City Commission adopted Ordinance No. C-05-28 which changed the name of the Board to Citizen's Police Review Board to more accurately the Board's responsibilities to the citizens of the City of Fort Lauderdale and the community at large; and

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

WHEREAS, as a result of the November 1, 2016 meeting, on August 22, 2017, the City Commission adopted Ordinance C-17-22, which clarified the Board's decision-making process, expanded the Board's authority to review all Category I complaints of alleged police misconduct regardless of its source, make recommendations regarding whether the Board agrees or disagrees with the discipline imposed, and review and make recommendations regarding police department policy; and

WHEREAS, on September 1, 2020, the City Commission held a joint meeting with the Citizen's Police Review Board, wherein it was discussed and thereafter determined that the Board's duties and responsibilities should be revised;

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 ~~the police department's an~~ internal ~~affairs~~-investigation of a complaint, ~~and~~ after the ~~chief of police~~ Chief or City Manager has made his/her ~~recommendation~~ final disciplinary decision 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~~ investigative file ~~and final disciplinary action notice within thirty (30) days,~~ unless otherwise 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 thirty-five (35) working days of the date the police officer is notified by the chief of police of his/her recommendation. However, failure of~~

~~the board to make its recommendation to the city manager shall not prohibit the city manager from making his/her 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 final dispositions of disciplinary action and 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.
- (c) The police department's office of internal affairs shall provide the citizens' review board annually with a report containing a summary of all administrative internal investigations and all officers' responses to resistance for the preceding year.

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 and final disciplinary action, the citizens' police review board ~~shall~~ may render one (1) of the following decisions by majority vote:
 - (1) Concur. The board agrees with the findings of the office of internal affairs- and the final disciplinary action imposed by the Chief of Police or City Manager.
 - (2) Do not concur. The board does not agree with the findings of the office of internal affairs- and/or the final disciplinary action imposed. The board may recommend any one (1) of the following alternative findings: sustained, not sustained, exonerate, unfounded, or policy failure. 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.
 - e. Policy failure. A finding or conclusion that current policies, procedures, rules, or regulations covering the situation were non-existent or inadequate, or the employee followed policy, but the investigation reveals that policy changes are recommended.
- (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.~~

(a) The board may also make a recommendation to the city manager that an employee whose actions were reviewed by the board should receive training. ~~as part of the resolution of the disciplinary matter.~~

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 _____, ~~2020.~~ 2021

PASSED SECOND READING this ____ day of _____, ~~2020.~~ 2021

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI