

ORDINANCE NO. C-19-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING DIVISION 4, CITIZENS' POLICE REVIEW BOARD, SECTION 2-250 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO ADD AN ALTERNATIVE FINDING TO THE CITIZENS' POLICE REVIEW BOARD'S RECOMMENDATIONS, 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, in November, 2018, the Fort Lauderdale Police Department revised department policy 117.3 (Internal Affairs – Responsibility/Complaint Processing), by adding an additional alternative finding of "Policy Failure"; and

WHEREAS, the Citizens' Police Review Board, has the authority to review police disciplinary matters and the disciplinary findings of the police command and recommend to the City Manager any finding as described in department policy 117.3; and

WHEREAS, it is necessary to amend Section 2-250 of the Code of Ordinances to add "Policy Failure" as an alternative finding of the Board so that the Board's findings are consistent with department policy 117.3.

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

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

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) *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 (1) of the following alternative findings: sustained, not sustained, exonerate, ~~or 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.

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 the _____ day of _____, 2019.

PASSED SECOND READING this the _____ day of _____, 2019.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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