

MEMORANDUM

Amended
Substitute No. 2
Agenda Item No. 5(A)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

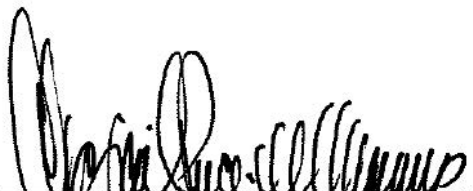
DATE: July 8, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to the Independent Review Panel (“Panel”); amending article IC of chapter 2 of the Code; changing the name of the Panel; amending the composition, authority, powers, and staffing of the Panel; providing terms of members appointed to the Panel notwithstanding other provisions of the Code; directing the County Mayor to identify a funding source for the operation of the Panel during the current Fiscal Year and include such funding in future annual budgets

Ordinance No. 20-65

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsors Commissioner Daniella Levine Cava, Commissioner Eileen Higgins and Commissioner Xavier L. Suarez.



Abigail Price-Williams
County Attorney

APW/uw

Memorandum



Date: July 8, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez". The signature is fluid and cursive, with a large initial "C" and "G".

Subject: Fiscal Impact Statement for Ordinance Relating to the Independent Review Panel;
Amending Article IC of Chapter 2 of the Code

If implemented this ordinance will have an estimated fiscal impact of \$738,000. This estimate is based upon five positions and a one-time startup cost of \$100,000. The annual cost of operations assumes a recurring personnel expenses increase of five percent and other operating expenses of three percent, every year thereafter.

A handwritten signature in blue ink, appearing to read "M. Kemp". The signature is fluid and cursive, with a large initial "M" and "K".

Maurice Kemp
Deputy Mayor

FIS051 201264

Ordinance Relating to the Independent Civilian Panel (201264)


Fiscal Impact Table

Use Existing
Resources

Revenue Category	Annual Value	Year 1	Future Yr 1	Future Yr 2	Future Yr 3	Future Yr 4	Future Yr 5	Yes	No
General Fund	\$ 738,000	\$ 738,000	\$ 669,380	\$ 701,510	\$ 736,050	\$ 771,473	\$ 809,495	X	
Proprietary									
Federal Funds									
State Funds									
Interagency Transfers									
Subtotal	\$ 738,000	\$ 738,000	\$ 669,380	\$ 701,510	\$ 736,050	\$ 771,473	\$ 809,495		
Expenditure Category									
<i>Operating</i>									
Salary	\$ 453,000	\$ 453,000	\$ 475,650	\$ 499,433	\$ 524,404	\$ 550,624	\$ 578,156		X
Fringes	\$ 159,000	\$ 159,000	\$ 166,950	\$ 175,298	\$ 184,062	\$ 193,265	\$ 202,929		X
Court Costs									
Contractual Services									
Charges for County Services									
Other Operating	\$ 26,000	\$ 26,000	\$ 26,780	\$ 26,780	\$ 27,583	\$ 27,583	\$ 28,411		X
Grants to Outside Organizations									
Capital	\$ 100,000	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ -		X
Subtotal	\$ 738,000	\$ 738,000	\$ 669,380	\$ 701,510	\$ 736,050	\$ 771,473	\$ 809,495		
<i>Non-Operating</i>									
Debt Services									
Distribution of Funds In Trust									
Transfers									
Depreciation, Amortization, and Deletions									
Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Grand Total	\$ 738,000	\$ 738,000	\$ 669,380	\$ 701,510	\$ 736,050	\$ 771,473	\$ 809,495		

Note: Fiscal impact narrative (paragraph above the table) should contain the following, if applicable:

1. Description of the anticipated increase or decrease of expenditures listed above and current and subsequent fiscal years, if any,
2. Description of projected dollar value of anticipated expenditures that will be absorbed within existing resources within the current fiscal year;
3. Description of subsequent governmental action that will be required in order to determine anticipated revenues and expenditures, including new revenues (federal, state, or the need to increase existing fees)
4. Any long-term fiscal implications as a result of the implementation of the proposed legislation, if any, in cases where risk factors or other variables that may impact future revenues or expenditures are uncertain, volatile, or difficult to project, a description of risk factors or variables and estimate or projection of anticipated or projected impacts to revenues and expenditures
5. Description of all assumptions used to project the fiscal impact of the proposed legislation and include estimate anticipated revenues and expenditures
6. In the cases where the Mayor has determined a "no fiscal impact", a description of the assumptions and analysis used to reach that conclusion

Date: July 8, 2020
To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners
From: Carlos A. Gimenez 
Mayor
Subject: Social Equity Statement for Ordinance Related to the Independent Review Panel

The proposed ordinance amends Article IC of Chapter 2 of the Code of Miami-Dade County, Florida related to the Independent Review Panel.

Although Miami-Dade County already has numerous internal mechanisms and external entities that oversee and investigate complaints against any County employee or agency, including the Miami-Dade Police Department, the proposed legislation provides the community with an additional layer of review and oversight for matters specifically involving law enforcement officers. The proposed legislation could also allow for the productive review of procedures and policies, and the development of effective strategies to improve relations between law enforcement officers and the community. However, in order to ensure that the entire community benefits from an independent review process, the panel must be truly representative of our community.



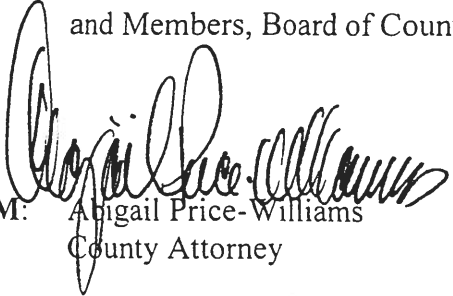
Maurice L. Kemp
Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: July 8, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Amended
Substitute No. 2
Agenda Item No. 5(A)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Amended
Substitute No. 2
Agenda Item No. 5(A)
7-8-20

ORDINANCE NO. 20-65

ORDINANCE RELATING TO THE INDEPENDENT REVIEW PANEL (“PANEL”); AMENDING ARTICLE IC OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CHANGING THE NAME OF THE PANEL; AMENDING THE COMPOSITION, AUTHORITY, POWERS, AND STAFFING OF THE PANEL; PROVIDING TERMS OF MEMBERS APPOINTED TO THE PANEL NOTWITHSTANDING OTHER PROVISIONS OF THE CODE; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO IDENTIFY A FUNDING SOURCE FOR THE OPERATION OF THE PANEL DURING THE CURRENT FISCAL YEAR AND INCLUDE SUCH FUNDING IN FUTURE ANNUAL BUDGETS; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Independent Review Panel (“IRP”) was created in 1980 after substantial unrest in the community; and

WHEREAS, the IRP is empowered to hold public hearings, prepare reports, and propose recommendations regarding serious complaints or grievances made against employees, agencies, or instrumentalities of Miami-Dade County and to provide such services to municipalities throughout the County; and

WHEREAS, the IRP was last funded during the 2008-2009 fiscal year; and

WHEREAS, in 2009, the County Commission did not provide funding for the IRP because of the economic downturn, and funding for the IRP has not been recommenced since; and

WHEREAS, on November 1, 2016, this Board adopted Resolution No. R-1075-16, which created the Miami-Dade County Independent Review Panel Working Group (“Working Group”) and charged it with: 1) reviewing Article IC of the Code of Miami-Dade County, relating to the IRP; 2) analyzing the history and effectiveness of the IRP; 3) reviewing and analyzing similar

entities from other jurisdictions; 4) obtaining input from the community; 5) reviewing relevant literature relating to citizens review panels, such as the IRP; and 6) providing the Board with a list of recommendations for proposed amendments to the IRP ordinance; and

WHEREAS, the Working Group presented its initial report to this Board on July 6, 2017, and its final report on October 17, 2017, and the Board accepted the Working Group's findings in both the initial and final reports; and

WHEREAS, thereafter, through the fall of 2018, this Board considered, but did not adopt the recommendations made by the Working Group as well as statements made at publicly noticed meetings during which proposed amendments to the IRP ordinance were discussed; and

WHEREAS, since that time, the community has continued to demand the reinstatement of the IRP and has implored this Board to authorize an entity that could provide independent oversight of the Miami-Dade Police Department; and

WHEREAS, such an entity could ensure that the Miami-Dade Police Department and its officers, as well as other police departments within the County that opt to utilize the Panel, would be accountable to the community for any transgressions or behavior that violate Miami-Dade County policies and procedures; and

WHEREAS, unfortunately, since the IRP was defunded, the nation has witnessed the deaths of numerous men, women, and children of color at the hands of police officers; and

WHEREAS, currently, people across the world are decrying the deaths of and demanding justice for George Floyd and Breonna Taylor and numerous other individuals who were killed by rogue police officers; and

WHEREAS, specifically, protests, marches, and, in some cases, riots have occurred in cities throughout the U.S. and worldwide; and

WHEREAS, irrespective of location and the manner of expression, the protestors are united in the message that racial discrimination is insidious and repugnant and individuals who display and act on racial biases, including police officers, must be held accountable for their actions; and

WHEREAS, this Board denounces all forms of racism and bias; and

WHEREAS, by reinstating funding and amending the IRP ordinance, this Board will provide the community with increased transparency as it relates to reported allegations of police misconduct or questionable behavior or interactions involving officers from the Miami-Dade Police Department and other police departments throughout the County; and

WHEREAS, in response to the community's demands for further oversight of the Miami-Dade Police Department, this Board wishes to amend the ordinance establishing the IRP and reinstate funding,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Article IC of chapter 2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

**ARTICLE IC. – INDEPENDENT ~~[[REVIEW]]~~
>>CIVILIAN<< PANEL**

Sec. 2-11.41. - Legislative intent and purpose; liberal construction.

The purpose of this article is to create a mechanism for external community fact-finding and dispute resolution. It is the intent of the Board ~~[[of County Commissioners]]~~ that the impartial review panel

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. The remaining provisions are now in effect and remain unchanged.

created by this article conduct independent >>investigations and<< reviews and hold public hearings concerning ~~[[serious]]~~ complaints or grievances made against ~~[[an employee, agency or instrumentality of Miami-Dade County]]~~ >>sworn officers of (i) the Miami-Dade Police Department or any successor agency, or (ii) any other law enforcement agency established by the Board. Further, it is the intent of the Board that, to the extent permitted by law, all County employees shall cooperate with requests from and participate in investigations conducted by the Independent Civilian Panel (“Panel”).<< It is also the intent of the Board ~~[[of County Commissioners]]~~ that the ~~[[Independent Review]]~~ Panel conduct ~~[[hearings]]~~ >>hearings<< as provided in ~~[[Chapter]]~~ >>chapter<< 2, ~~[[Article]]~~ >>article<< LXXI of the Code where there is a complaint of retaliation for the disclosure of specific information >>related to matters investigated or reviewed by the Panel<<. The provisions of this article shall be liberally construed to accomplish these legislative objectives.

Sec. 2-11.42. - Created, established.

There is hereby created and established an Independent ~~[[Review]]~~ >>Civilian<< Panel ~~[[hereinafter referred to as the “Panel”]]~~ pursuant to Section ~~[[4.08(a)]]~~ >>5.08(a)<< of the Miami-Dade County Home Rule Charter.

Sec. 2-11.43. - Composition; appointment and terms of office; compensation; oath; attendance at meetings, vacancies.

~~[[A)]]~~ >>(a) Composition.<< The Panel shall consist of ~~[[nine(9)]]~~ >>13<< members, each of whom is a qualified elector of Miami-Dade County and possesses a reputation for civic pride, integrity, responsibility>>,<< and has demonstrated an active interest in public affairs and service. >>Each County Commissioner shall appoint one person to serve on the Panel as set forth below. Panel members should have diverse backgrounds. Consideration should be given to appointing a retired law enforcement officer and retired member of the judiciary, judge, or magistrate, and retired or active individuals in the following fields: (1) human resources; (2) faith-based; (3) social justice; and (4) civil rights law. No Panel member or any Panel member’s immediate family shall be a sworn law enforcement officer.

(b) Appointments.

(1) Nominating committee. There shall be a nominating committee consisting of nine members to make recommendations to each County Commissioner for his or her appointment to the Panel. The Office of Community Advocacy shall request that each of the following County advisory boards submit the name of one<< [[individual]] >>member appointed to each board to serve as a member of the nominating committee:

- A. Asian-American<<[[and — Pacific — Islander]]>>Advisory Board;
- B. Black Affairs Advisory Board;
- C. Commission for Women;
- D. Community Relations Board;
- E. Elderly Affairs Advisory Board;
- F. Hispanic Affairs Advisory Board;
- G. Interfaith Advisory Board;
- H. LGBTQ Advisory Board; and
- I. Military Affairs Advisory Board.

(2) Appointment of the Panel. After the nominating committee is empaneled, the Office of Community Advocacy shall advertise the open Panel seats and provide applications through public notices, which may be published on social media, print media, and the County’s website. After considering all applicants as directed by the Board, the nominating committee shall provide each County Commissioner with the names of no less than two applicants from his or her district. Each Commissioner may, but is not required to, select his or her appointment to the Panel from the applicants submitted by the nominating committee. In the event the nominating committee does not receive applications from at least two qualified candidates or upon any Commissioner’s request, the Office of Community Advocacy shall readvertise the open seat and repeat the process until the seat is filled.

(3) Representation on the Panel. The Panel shall be limited to two members with the same or similar professions or backgrounds. During the initial appointment of the Panel, if more than two prospective Panel members have the same or similar professions or backgrounds, the Executive Director of the Office of Community Advocacy shall utilize a random selection process to identify two of the prospective applicants for consideration to be appointed to the Panel. If necessary, this process shall be repeated until a maximum of

two members with the same or similar professions or backgrounds have been appointed to the Panel.

(c) Terms of Office. The nominating committee shall stagger the terms of initial Panel members as follows:

- (1) Five members shall be appointed to serve for three years;
- (2) Four members shall be appointed to serve for two years; and
- (3) Four members shall be appointed to serve for one year.

The nominating committee shall utilize a random selection process to determine the applicable term for each Commission district. Subject to the initial staggered terms above, but notwithstanding any other provision of the Code including, but not limited to, section 2-11.38.2, each member shall serve for a period of three years. The Board may extend this term if necessary to complete any pending investigations.

The initial Panel members may be eligible to serve for one additional term of three years after their initial terms expires.<<

~~[(1) Members:~~

~~(a) In order to secure representative membership on the Panel, each of the following five (5) community groups or organizations shall submit a list containing the names of three (3) qualified persons the Board of County Commissioners shall select one (1) panel member from each of the five lists:~~

~~(i) The Community Relations Board.~~

~~(ii) The Community Action Agency.~~

~~(iii) The Miami Dade County League of Women Voters.~~

~~(iv) The Miami Dade County Bar Association.~~

~~(v) — The Miami Dade County Association of Chiefs of Police Chiefs' Association. Each nominee by the Miami Dade Police Chiefs' Association shall be an Association member. In the event the Panel is investigating an incident involving the jurisdiction employing this appointee, the Miami Dade County Association of Chiefs of Police Chiefs' Association shall submit the names of three (3) different members for an appointment as a substitute until the conclusion of the investigation. In the event that none of the three (3) nominees meets with County Commission approval, the nominating entity shall submit another and entirely different list for Commission consideration. This process shall continue until a member has been appointed.~~

~~(b) — In addition to the five (5) Panel members selected in accordance with the preceding subparagraph (a) of paragraph (1) of this subsection, four (4) members shall be appointed by the Panel based on consensus of integrity and community representation, considering ethnocultural and gender balance.~~

~~The foregoing appointments shall constitute the membership of the Panel, and each member shall serve for a period of three ~~[[3]]~~ years. The Board of County Commissioners may extend this term if necessary to complete any pending investigation(s).]]~~

[[2]] Nonpermanent members. In addition to the foregoing, former Panel members may serve as substitute Panel members given advanced notice of absence of current members or vacancy pending appointment. >>The selection of nonpermanent members will be specified in an implementing order pertaining to the Panel.<<

~~[(B)]~~ >>(d) Compensation.<< Members of the Panel shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties as shall be determined and approved by the Board ~~[[of County Commissioners]]~~.

>>(e) Oath.<< Before entering upon the duties of office, each member shall submit written acceptance of appointment and subscribe to the oath of office prescribed by law, which shall be filed in the Office of the Clerk of the ~~[[County Commission]]~~ >>Board<<.

~~[(C)]~~ >>(f) Attendance at Meetings.<< Any Panel member shall be automatically removed if absent for three ~~[[3]]~~ consecutive meetings without a satisfactory excuse or if absent from more than one-half of the Panel's meetings during his or her term of office. A Panel member shall be deemed absent from a meeting when not present at the meeting at least ~~[[seventy-five (75)]]~~ 75~~[[1]]~~ percent of the time. The provisions of this section may be waived by a two-thirds vote of the members of the full Board ~~[[of County Commissioners]]~~. Any vacancy shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy shall serve for three ~~[[3]]~~ years from the date of appointment

>>(g) Vacancies. In the event of a vacancy on the Panel, the Chair of the Panel shall appoint at least five Panel members to serve as a nominating committee. The nominating committee shall advertise the open seat on the Panel as provided in subsection (b)(2) above and interview candidates. Said advertisement shall include the professions or backgrounds of the existing Panel members and expressly provide that no more than two members with the same or similar professions or backgrounds may be appointed to the Panel. The Panel shall then submit the names of at least two applicants to the County Commissioner who appoints the open seat for selection and appointment to the Panel.<<

* * *

Sec. 2-11.45. - Authority and powers generally.

(a) >>The Panel's authority and powers shall relate to matters involving sworn officers of (i) the Miami-Dade Police

Department or any successor agency or (ii) any other law enforcement agency established by the Board.

- (b) The Panel shall have the authority to investigate or review the following matters:
- (1) Allegations of misconduct;
 - (2) Use of force incidents resulting in death, permanent disability, permanent disfigurement, or other great bodily harm to a person;
 - (3) All files that have been closed by the Miami-Dade Police Department, Professional Compliance Bureau, Internal Affairs Section or any successor entity. The Miami-Dade Police Department shall transmit such files to the Panel within three days of the date the Miami-Dade Police Department Director signs the file;
 - (4) Upon request for inspection and copying, all documents and records in any medium supporting or relating to a closed investigation conducted by the Professional Compliance Bureau, Internal Affairs Section or any successor entity; and
 - (5) Other matters relating to policing.
- (c) The Panel shall have the authority to make recommendations regarding current and proposed police department policies, procedures, and practices on matters including, but not limited to training, recruitment, and disciplinary procedures.
- (d)<< The Panel may hold public hearings, >>conduct alternative<< ~~[[mediations or other forms of]]~~ >>dispute resolution,<< make factual determinations, draw conclusions, propose recommendations, and prepare interim and final reports on matters relating to ~~[[serious]]~~ complaints or grievances~~[[made against an employee, agency or instrumentality of Miami-Dade County]]~~.
- >>(e)<< The Panel may ~~[[also]]~~ hold hearings, render findings of fact>>,<< ~~[[and conclusions of law]]~~ and issue recommendations, as provided in ~~[[Chapter]]~~ >>chapter<< 2, ~~[[Article]]~~ >>article<< LXXI of the Code >>for matters related to those investigated or reviewed by the Panel.
- (f)<< The Panel shall have the authority and responsibility to determine whether >>sufficient merit has been established for<< complaints or grievances ~~[[sufficiently serious]]~~ to institute a review >>or investigative<< process.
- ~~[[b]]~~ >>(g)<< The Panel may adopt, promulgate, amend>>,<<

and rescind such rules of procedure as may be necessary to exercise its authority; provided, however, that no rules shall conflict with the provisions of this article.

~~[(e)]~~ >>(h)<< The Panel may demand, examine>>₂<< and duplicate public records and documents in accordance with the provisions of ~~[[Chapter]]~~ >>chapter<< 119, Florida Statutes, as may be amended from time to time.

~~[(d)]~~ ~~The Panel may enter and inspect any premises under the jurisdiction or control of Miami Dade County or any of its agencies or instrumentalities.~~

~~(e)]~~ >>(i)<< The Panel may request any person ~~[[, including the supervisor of the Internal Review Section of the Miami-Dade Police Department to]]~~ give sworn testimony or to produce documentary or other evidence>>, to the extent permitted by applicable law<<.

~~[(f)]~~ >>(j)<< The Panel>>, in whole or part,<< may conduct or participate in conferences, inquiries, meetings>>₂<< or studies.

~~[(g)]~~ >>(k)<< The Panel may request the County Attorney to render opinions relating to >>the Panel's<< ~~[[its]]~~ duties, jurisdiction>>₂<< or power.

~~[(h)]~~ >>(l)<< The Panel shall not interfere with any ~~[[ongoing criminal]]~~ investigation of the State Attorney>>, Miami-Dade County Commission on Ethics and Public Trust, Miami-Dade County Office of Inspector General, Miami-Dade Police Department, or any state or federal agency that has jurisdiction over matters investigated by the Panel, when the Panel is expressly notified<< ~~[[, in writing,]]~~ >>by representatives from said entities that the Panel's investigation may interfere with an investigation.

(m) Upon a majority vote, the Panel shall have the authority to request the issuance of subpoenas for witnesses, documents, and other potential evidence for all matters within its jurisdiction, except as may be prohibited by applicable law or if notified by representatives identified in subsection (l) above that the Panel's investigation would be interfering in an investigation. Said subpoenas shall be signed, served, and enforced pursuant to applicable law. Ten days prior to the issuance of any subpoena, the Executive Director shall

notify the State Attorney, Miami-Dade County Commission on Ethics and Public Trust, Miami-Dade County Office of Inspector General, or Miami-Dade Police Department of the Panel's intention to issue the subpoena.

- (n) The Panel shall establish bylaws or procedures or both for its governance and training standards for Panel members and staff.
- (o) The Panel shall establish evaluation criteria to assess the Executive Director's performance.
- (p) The Panel's Executive Director shall ensure staff and Panel members receive (i) Ethics Training from the Miami-Dade County Commission on Ethics and Public Trust, and (ii) Police-Based Perception Training or other civilian police training that simulates police encounters, and (iii) training on police policies, procedures, and practices from the Miami-Dade Police Department or another entity that trains civilian panels that provide oversight to law enforcement agencies. Panel members shall receive all required training prior to investigating or reviewing any matter.<<

Sec. 2-11.46. - Panel proceedings.

>>The Panel<< shall meet with [[staff]] >>the Executive Director<< from time to time:

- (1) To consider the County's complaint review processes and investigatory activities designed to serve the public; and
- (2) To consider whether >>sufficient merit has been established for<< any complaint or grievance filed with the Panel [[is sufficiently serious]] to >>warrant investigation or<< [[merit]] review by the full Panel.

Full [[panel]] >>Panel<< meetings shall be scheduled monthly and with appropriate notice given to the public.

* * *

Sec. 2-11.48. - Final reports on matters reviewed; referral for further proceedings.

The Panel shall publish a final report with regard to each matter >>investigated or<<reviewed. Said final report shall be transmitted

simultaneously to the Board ~~[[of County Commissioners]]~~, the County ~~[[Manager]]~~ >>Mayor or County Mayor's designee,<< and the director of the ~~[[concerned County department.]]~~ >>Miami-Dade Police Department or any successor agency. Within 45 days of receipt of the Panel's final report, the County Mayor or County Mayor's designee shall transmit a report to the Board and the Panel, which shall provide all actions taken in response to the Panel's final report and any related recommendations. The County Mayor or County Mayor's designee shall place such report on an agenda of the Board pursuant to Ordinance No. 14-65.<< If the Panel has reason to believe that any public official, employee>>₂<< or other person warrants criminal or disciplinary proceedings, it shall refer the matter to the appropriate governmental authorities.

* * *

Sec. 2-11.51. – Physical facilities and staff.

- (a) Office space, etc.; auditorium. The County shall provide the Panel with appropriately located office space and auditorium facilities together with necessary office supplies, equipment>>₂<< and furnishings.

- (b) Executive Director. ~~[[The Board of County Commissioners shall appoint an Executive Director]]~~ >>Subject to approval by the Board, the Panel shall appoint a full-time Independent Executive Director, who shall be employed at will and under the supervision and direction of the Panel. The Executive Director shall have an educational background or professional work experience in fields including, but not limited to social work, social justice, civil rights, and criminal justice. The Panel shall have the authority to remove the Executive Director, subject to approval from the Board.<< ~~[[from 3 three nominees provided by the Independent Review Panel.]]~~ The ~~[[Independent Review]]~~ Panel shall utilize ~~[[a]]~~ >>an open<< competitive selection process when selecting nominees for Executive Director. ~~[[The Executive Director shall only be removed by Independent Review Panel. Such removal shall be for good cause upon a majority vote.]]~~ The >>Board<< ~~[[Independent Review Panel]]~~ shall establish ~~[[the rate of remuneration]]~~ >>the salary and benefits<< of the Executive

Director ~~[[in conjunction, concurrence and consensus with the County Manager]].~~ >>The Executive Director's salary and benefits shall be consistent with policies and salary ranges established by Miami-Dade County Human Resources Department, or its successor department.<<

(c) Staff. The Executive Director may hire >>, terminate,<< and administer the necessary staff ~~[[; subject to budgetary allocation by the Board]].~~ >>At a minimum, subject to budget allocations by the Board, staff shall consist of the following positions:

(1) Senior investigator/mediator.

(2)<< ~~[[Mediator.]]~~ >>Other investigative personnel.

(3) Office Administrator.

(4) Policy Analyst.<< ~~[[Professional Auditor.]]~~

(d) Legal counsel. The County Attorney shall provide the Panel with necessary legal counsel.

(e) Research >>personnel<<, investigative personnel>>, and outside counsel<<. The Panel may request the Board ~~[[to]]~~ provide such other fact-finding >>personnel<< ~~[[and]]~~ research personnel>>, and outside counsel<< as it may determine are necessary from time to time.

Sec. ~~[[2-11.51]]~~ >>2-11.52.<< – **Municipal Utilization of Panel authorized.**

At the request of any municipality, on a case-by-case basis or for a time certain, the Panel may assume jurisdiction to consider >>all matters authorized herein on behalf of said municipality<< ~~[[complaints of citizens]]~~ against ~~[[any employee, agency or instrumentality]]~~ >>sworn police officers the municipality employs.<< ~~[[of said municipality. The Panel may proceed to consider, review, investigate and conduct hearings relative to such complaint or grievance.]]~~ In such event, all references to the County or County ~~[[officers,]]~~ employees or >>sworn officers of (i) the Miami-Dade Police Department or any successor agency, or (ii) any other law enforcement agency established by the Board, as

~~applicable, << [[representatives]] shall be determined to be references to the municipality>>, municipal employees, << and [[to the]] >>sworn << municipal >>police << officers [[, employees or representatives who serve in comparable capacities]].~~

Section 2. This Board directs the County Mayor or County Mayor’s designee to identify a funding source for the operation of the Independent Civilian Panel, established by article IC of chapter 2 of the Code of Miami-Dade County, as may be amended from time to time, during the current fiscal year, to include such funding in the fiscal year 2020-21 budget and future annual budgets.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

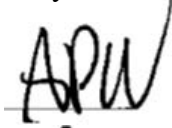
Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

July 8, 2020

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Shanika A. Graves

Prime Sponsor: Commissioner Barbara J. Jordan
Co-Sponsors: Commissioner Daniella Levine Cava
Commissioner Eileen Higgins
Commissioner Xavier L. Suarez