

MEMORANDUM

Agenda Item No. 11(A)(28)

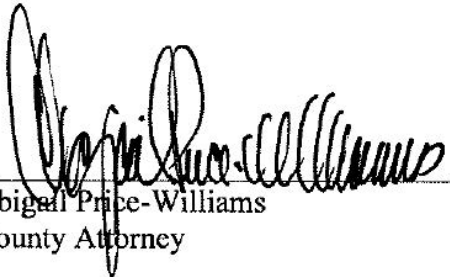
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 6, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution approving
Implementing Order 2-14
relating to the Independent
Civilian Panel (Panel); directing
the Office of Community
Advocacy to establish procedures
relating to the Panel's initial
nominating committee and to
provide reports

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.


Abigail Price-Williams
County Attorney

APW/uw



MEMORANDUM

(Revised)

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

DATE: October 6, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(28)

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 _____

Agenda Item No. 11(A)(28)
10-6-20

RESOLUTION NO. _____

RESOLUTION APPROVING IMPLEMENTING ORDER 2-14
RELATING TO THE INDEPENDENT CIVILIAN PANEL
(PANEL); DIRECTING THE OFFICE OF COMMUNITY
ADVOCACY TO ESTABLISH PROCEDURES RELATING TO
THE PANEL'S INITIAL NOMINATING COMMITTEE AND TO
PROVIDE REPORTS

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

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

WHEREAS, since that time, the community has called for its reinstatement; and

WHEREAS, however, the demand for the IRP proliferated after George Floyd was
murdered on May 25, 2020; and

WHEREAS, on August 31, 2020, this Board answered such demands and approved an
ordinance amending the IRP ordinance and directing the Mayor or his designee to identify a
funding source for the operation of the panel; and

WHEREAS, among other things, the amended IRP ordinance:

1. Changed the name of the panel to the Independent Civilian Panel ("Panel");
2. Limited the Panel's authority to matters involving sworn County police officers;
3. Provided for County Commissioners to make direct appointments to the Panel;
4. Directed the Office of Community Advocacy to empanel a nominating committee,
advertise open Panel seats, and provide applications for same;

5. Directed the nominating committee to consider applicants and submit at least two names to each Commissioner to consider for appointment of initial Panel members; and
6. Authorized Panel members to select and remove the Panel's Executive Director, subject to approval by the Board; and

WHEREAS, in light of the above, this Board would like to approve an implementing order and direct the Office of Community Advocacy to establish procedures relating to Panel's initial appointments,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Approves Implementing Order 2-14 relating to the Independent Civilian Panel, in substantially the form attached.

Section 2. Directs the Executive Director of the Office of Community Advocacy ("OCA") to establish a nominating committee to provide recommendations for appointment to the Independent Civilian Panel ("Panel"). The nominating committee shall consist of one member appointed to each of the following County advisory boards:

1. Asian-American Advisory Board;
2. Black Affairs Advisory Board;
3. Commission for Women;
4. Community Relations Board;
5. Elder Affairs Advisory Board;
6. Hispanic Affairs Advisory Board;
7. Interfaith Advisory Board;

8. LGBTQ Advisory Board; and
9. Military Affairs Advisory Board.

Section 3. In the event one or more of the advisory boards listed in section 1 has not appointed a member to the Panel within 45 days of the effective date of this resolution, directs OCA to utilize a random selection process to choose one member of each advisory board to serve on the nominating committee.

Section 4. Directs OCA to:

1. Contact each Commissioner to determine whether he or she will appoint a member to the Panel directly or appoint a member that has been vetted by the nominating committee; and
2. If necessary, advertise the seats on the Panel for each Commissioner who indicated that he or she would appoint a member considered by the nominating committee and provide applications through public notices, which may be published on social media platforms, in print media, and on the County's website.

Section 5. If necessary, instructs OCA to publish applications that:

1. Conspicuously stipulate locations, physical or electronic, where applications may be submitted and the submission deadline;
2. Include the following link <https://www.miamidade.gov/commission> so that individuals will be able to identify their County Commissioner;
3. Conspicuously provide in bold and underlined lettering that County Commissioners may opt to appoint members to the Panel outside of the application process;
4. Request that applicants provide:
 - (a) Biographical information;

- (b) Education and work history, profession, background, and experience, as applicable;
- (c) Miami-Dade County Commission District of their home residence;
- (d) Interest statement; and
- (e) Other pertinent information.

Section 6. If necessary, directs OCA to instruct the nominating committee to:

1. Group applications by County Commission Districts;
2. Review, consider, and discuss applications at a publicly noticed meeting or meetings; and
3. Concurrently send the names of no less than two applicants from his or her district to each Commissioner for the Commissioner's consideration for appointment to the Panel.

OCA is further directed to request each Commissioner to advise OCA of his or her proposed appointee no later than 30 days after the applicant names were submitted, irrespective of whether the Commissioner proposes to appoint a member selected by the nominating committee. If any Commissioner has not proposed the appointment of a member within 30 days, OCA shall contact said Commissioner to determine whether the Commissioner needs additional time or would like additional names to be transmitted for his or her consideration. If the Commissioner requests additional names be submitted, OCA shall repeat this process until all appointments have been made to the Panel.

Section 7. In the event three or more Commissioners submit the names of three or more proposed appointees who have the same or similar professions or backgrounds, directs OCA to utilize a random selection process to choose two of the proposed appointees submitted by Commissioners for appointment to the Panel. Upon such selections, OCA shall notify any Commissioner whose proposed appointee was not randomly selected to determine whether the

Commissioner would like to (1) appoint another individual, (2) reconsider the other applicants submitted to them for consideration by the nominating committee, or (3) have OCA reopen the application process and provide the names of new applicants.

Section 8. Directs OCA and the nominating committee to operate under the Government in the Sunshine Law and the state’s public records laws, and provide members of the public a reasonable opportunity to be heard, consistent with section 286.0114, Florida Statutes.

Section 9. Directs OCA to provide a report to this Board within 15 days of the effective date of this resolution and every 30 days thereafter until the initial Panel is appointed detailing the development and implementation of the directives included in this resolution and article IC of chapter 2 of the Code of Miami-Dade County. Said completed reports shall be placed on agendas of the Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman

Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.

Jose “Pepe” Diaz

Eileen Higgins

Joe A. Martinez

Dennis C. Moss

Xavier L. Suarez

Daniella Levine Cava

Sally A. Heyman

Barbara J. Jordan

Jean Monestime

Sen. Javier D. Souto

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of October, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be 'SG', written over a horizontal line.

Shanika A. Graves

Implementing Order



Implementing Order No.: IO 2-14

Title: MIAMI-DADE COUNTY INDEPENDENT CIVILIAN PANEL

Ordered: __/__/____

Effective: __/__/____

AUTHORITY:

Sections 1.01, 2.02, and 5.02 of the Miami-Dade County Home Rule Charter.

POLICY:

Miami-Dade County is committed to providing a mechanism for external community fact-finding and dispute resolution related to complaints or grievances made against sworn police officers. Such review shall be conducted by the Independent Civilian Panel (Panel).

APPLICABILITY:

The Panel shall only be authorized to review and investigate matters concerning sworn police officers of (1) the Miami-Dade Police Department or any successor, or (2) or any law enforcement agency established by the Miami-Dade County Board of Commissioners (Board).

DEFINITIONS:

A "nonpermanent member" is a former panel member who either resigned from the Panel in good standing or whose term on the Panel expired.

A "substitute Panel member" is a nonpermanent member who serves on the Panel, in the event of an advance notice of absence of a current member or a vacancy pending appointment.

PANEL MEMBERS:

The Panel shall consist of 13 individuals. Each member of the Board shall appoint one member to serve on the Panel. However, no Panel member or any Panel member's immediate family shall be a sworn law enforcement officer. Each Panel member shall serve for a period of three years. Panel members appointed to serve on the initial Panel may serve for one additional term of three years after their initial term expires.

In the event of an advanced notice of absence of a current member or a vacancy pending appointment, the Panel's executive director may appoint a nonpermanent member to serve as a substitute Panel member.

PROCEDURE FOR EMPANELING NEW MEMBERS:

After the appointment of the initial Panel, which shall be conducted as prescribed by this Board, vacant seats on the Panel shall be filled as provided herein. The Panel's executive director or his or her designee shall contact any Commissioner

whose seat on the Panel is vacant to ascertain whether the Commissioner would like the seat filled by a direct appointment or an appointee who has been vetted by a nominating committee empaneled by the chair of the Panel.

If the Commissioner would like to select a member that has been vetted by the nominating committee, the chair of the Panel shall appoint five members to serve as a nominating committee. The nominating committee shall advertise the open seat on the Panel and provide applications through public notices, which may be published on social media platforms, print media, and the County's website. 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 applications shall:

- (1) Conspicuously stipulate locations, physical or electronic, where applications may be submitted and the submission deadline;
- (2) Include the following link <https://www.miamidade.gov/commission> so that individuals will be able to identify their County Commissioner;
- (3) Conspicuously provide in bold and underlined lettering that members of the Miami-Dade County Board of Commissioners may opt to appoint members to the Panel outside of the application process; and
- (4) Request that applicants provide the following information:
 - a. Biographical information;
 - b. Education and work history, profession, background, and experience, as applicable;
 - c. Miami-Dade County Commission District of their home residence;
 - d. Interest statement; and
 - e. Other pertinent information.

After interviewing and considering all applicants, the nominating committee shall review, consider, and discuss applications at a publicly noticed meeting or meetings and provide the appropriate County Commissioner with the names of no less than two applicants from his or her district. If there are more than two vacancies to be filled, the Panel's executive director shall send the applicant names concurrently to each Commissioner for the Commissioner's consideration for appointment to the Panel. In the event the nominating committee does not receive applications from at least two qualified candidates or upon any Commissioner's request, the nominating committee shall readvertise the open seat and repeat the process until the seat is filled.

In the event any Commissioner submits the name of a proposed appointee who has the same or similar profession or background of two other Panel members, the Panel's executive director shall advise the Commissioner that the Panel currently has two Panel members with the same or similar professions or backgrounds and determine whether the Commissioner would like to (1) appoint another individual, (2) reconsider the other applicant(s) submitted to them for

consideration by the nominating committee, or (3) have OCA reopen the application process and provide the names of new applicants.

MANDATORY TRAININGS:

Staff and Panel members shall receive (1) Ethics Training from the Miami-Dade County Commission on Ethics and Public Trust, and (2) Police-Based Perception Training or other civilian police training that simulates police encounters, and (3) 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 complete all required training prior to investigating or reviewing any matter. The Panel's executive director shall: (1) ensure Panel members receive all required training prior to investigating or reviewing any matter; and (2) be responsible for monitoring Panel staff and members compliance with all required training. Should a Panel or staff member fail to complete required training within a period of three months of said training being made available, the Panel's executive director shall notify the Panel member's appointing Commissioner.

REPORTING:

The Panel's executive director shall ensure that all reports issued by the Panel are published on a web page on the County's website.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

Approved by County Attorney as
to form and legal sufficiency. _____

Shanika A. Graves