



THE SUNRISE CITY
FORT PIERCE
CITY ATTORNEY'S OFFICE *Florida*

TO : Diane Hopley-Bruney, Chief of Police
THROUGH: Nicholas C. Mimms, P.E., City Manager *ncm*
FROM : James M. Messer, City Attorney *JM*
RE : Resolution: Community Advisory Committee (FINAL)
DATE : June 29, 2018

RECEIVED
TIME _____
JUN 29 2018
CITY OF FT. PIERCE
CITY MANAGER'S OFFICE

The attached has been approved as to legal form and correctness.

JM/mm

cc: Linda Cox, City Clerk
Rose Smith, Executive Assistant



RECEIVED
TIME _____

JUN 28 2018

CITY OF FT. PIERCE
CITY MANAGER'S OFFICE

CITY ATTORNEY USE ONLY

Date Received:	06/28/18
Assigned To:	JM
File:	
Due Date:	
Hours:	



REQUEST FOR LEGAL SERVICES

To: CITY ATTORNEY

SUBMITTED BY: DIANE HOBLEY-BRUNEY, CHIEF OF POLICE *HB*

CITY MANAGER AUTHORIZATION: NICHOLAS C. MIMMS, P.E., CITY MANAGER *NCM*

RE: RESOLUTION: COMMUNITY ADVISORY COMMITTEE (FINAL)

DATE: JUNE 28, 2018

Service Required: (please circle or underline)

Review Documents

Draft Document

Written Opinion Requested

Attend Meetings

Advise

Other: _____

Upon review and/or "Approval as to Form and Correctness," the Department submitting the RLS is responsible for placement of any related item on a Commission or Board Agenda.

- Brief statement of the nature of the request or problem:** The police department has been tasked with creating a Citizens Advisory Committee. This committee will be an "advisory" committee that examine public issues or set of issues and develop alternative solutions and new ideas. The Committee may be asked to conduct research on a particular issue or set of issues, generate new ideas or solutions to ongoing or new problems, and/or provide recommendations on public policies and/or practices. However, the Committee has no authority over the police department including personnel issues. The Committee is not a policy-making body. The Committee will only serve in an advisory role to the Chief of Police.
- Discussion of the implications and the possible impact if not apparent from preceding information:** There are generally two types of Citizen Committees being utilized by law enforcement agencies and their communities: Citizen Advisory Committee and a Citizen Review Committee. The latter serves to review the investigative process and results of completed departmental investigations of formal citizen complaints, and the use of force by department employees. The Department of Justice through our Collaborative Reform Initiative conducted the research behind the two committees and strongly recommended the adoption and implementation of the Citizen Advisory Committee.

3. **Time considerations and their significance:** The Resolution creating the Community Advisory Committee is set for the July 2, 2018, City Commission Meeting.
4. **Are City funds required? If so, list approvals obtained for expenditure of funds:** No City funds are required for this Resolution at this time.
5. **Factual background:** (Outline the facts related to the underlying matter to provide context for the request.)
 - Location:
 - Phase of Construction:
 - Parties Involved: Chief of Police, City Manager, the Department of Justice (DOJ)
6. **List and/or attach all related documents and known authorities (e.g., statute, ordinance, resolution, administrative code, legal case, RFP, bidder's response, contract, lease, letter, memorandum, prior legal opinion, deed, etc.):** (Requestor should investigate the issue and gather all documents/information pertaining to the matter from any other related departments *prior* to submitting the request to this office):
 - Original "Draft" of the Chief's Community Advisory Committee that contains the background information/research conducted by the Department of Justice (DOJ)
 - "Draft" of proposed Resolution creating the Community Advisory Committee
7. **Identify prior legal assistance on this or a related matter and the attorney who handled it:** To my knowledge there was not any prior legal assistance provided on this matter.
8. **If this is a request for review of a contract, provide the following:**
 - a. **List of individuals who have read and approved the business terms and conditions of the contract and confirmed the ability to carry out the terms of the contract as they apply to the City:** (This office is not responsible for reviewing either the accuracy or value of the business terms and conditions or product specifications of the contract as agreed upon between the department and contractor. However, this office is available to negotiate the terms as desired by the City upon request.)
 - b. **Insurance requirements that differ from the City's template insurance terms:** (The department should consult with the Risk Manager for each contract to determine whether there are any special insurance requirements.)

CITY ATTORNEY USE ONLY			
Routed for Review	Date	Response Deadline	Response

RESOLUTION NO. -16

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA CREATING THE POLICE COMMUNITY ADVISORY COMMITTEE; ESTABLISHING ITS MISSION; PRESCRIBING THE SCOPE OF THE COMMITTEE ; ESTABLISHING DUTIES AND RESPONSIBILITIES OF SELECTED MEMBERS; ESTABLISHING THE COMPOSITION, NUMBER AND QUALIFICATIONS OF MEMBERS; ESTABLISHING PROCEDURES FOR THE APPOINTMENT OF MEMBERS; ESTABLISHING ORGANIZATIONAL STRUCTURE MEETINGS AND TERMS LIMITS; ESTABLISHING PROCEDURES FOR REMOVAL FROM OFFICE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission has determined that there is a need for citizen input into the Police Department so as to best promote the health, safety, and general welfare of the City of Fort Pierce; and,

WHEREAS, this input may be most efficiently obtained by the use of an advisory committee to assist the Chief of Police in order to facilitate interaction, build trust and mutual respect, and improve understanding between citizens and their Police Department.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Fort Pierce, Florida as follows:

SECTION 1. ESTABLISHMENT

The Police Community Advisory Committee is hereby established as an advisory body to the Chief of Police.

SECTION 2. MISSION STATEMENT

The Mission of the Police Community Advisory Committee (Committee) shall be to reduce crime and enrich the quality of life for the citizens of the City of Fort Pierce, through a collaborative partnership. Its main purpose is to facilitate interaction, build trust and mutual respect and improve understanding between Citizens and their Police Department.

SECTION 3. Scope of the Community Advisory Committee

1. The Committee will be developed to serve in an advisory capacity to the Chief of Police serving as a liaison concerning the relationship between the Department and the Community. The Committee shall have no authority over the Police Department and is not a policy making body, however they shall function solely as an advisory body. The Committee may be requested to make recommendations on matters affecting the relationship between the Police and the Citizens of the City of Fort Pierce. All activities of the Committee shall be conducted in accordance with Federal, State and Local laws including those laws relating to Public Records under section 119 Florida Statutes (2017) as well as the provisions of the Sunshine Law under section 286.011 Florida Statutes (2017).

2. A Citizen Advisory Committee is a group of individuals, who meet over an extended period, and who are appointed to examine an issue or set of issues of concern involving the relationship between the Police and the Community.

3. The Citizen advisory Committee ("the Committee") is established under the direction of the Chief of Police and acts as a liaison between the Community and the Police Department. Specifically, the Committee listens to the concerns of the Citizens conveys the stated concerns to the Police Chief. In this way the Committee helps further the goals and initiatives of the Police Department by providing interaction, building trust and mutual respect, and by improving understanding between the Citizens and the Police Department.

4. The Committee shall consist of a small number of individuals who represent the interests of the public and work to enhance relationships between the Fort Peirce Police Department and the Community. The Committee shall be a diverse group of volunteers with a vested interest in the addressing the issues relating to public safety and other issues which will foster safe neighborhoods within the Community.

5. The Committee will provide opportunities for citizens and the Police Department to gain a greater understanding of the nature and causes of community disharmony. The parties shall work collaboratively to strengthen and enhance mutual respect and the application of equal protection for all. The committee will assist the Police Chief in promoting public awareness of contemporary issues affecting police practice, and response of the community as well as the police to those issues.

SECTION 4. Duties and Responsibilities of the Committee

1. The Chief of Police or designee, or the committee by consensus may advance for discussion, issues of concern relating to policies, procedures or rules which directly affect the relationship between the police officers and the public. Policies and procedures which shall include personnel decisions, which do not relate to the public interface, shall not be within the purview of this Committee.

2. The Committee and the Department will work cooperatively to identify, inform, discuss, and address common issues and trends which may impact the quality and effectiveness of community policing and public safety. Such issues may include but are not limited to;

A) Stereotypes or implicit bias related to race, religion, ethnicity, sexual orientation, gender identity, body art or piercing, dress, or perceived socio economic status;

B) Victim Services, support, and advocacy;

- C) Training, recruitment and promotions;
- D) Crime reduction, prevention, and social disorder;
- E) Fair and impartial police practices;
- F) Distrust of Police services;
- G) Mental health issues;
- H) Homeless issues

SECTION 5. COMPOSITION, NUMBER AND QUALIFICATIONS OF MEMBERS

Committee Composition and Number

1. The membership of the Committee should reasonably represent the demographics, cultural and ethnic diversity, and special needs of the City and its neighborhoods. Committee members shall have established reputations of integrity, professionalism, and involvement in community service.

2. The Committee will be comprised of up to, but not more than, five (5) members who represent a range of backgrounds, interests, and personal or community service which shall include experience in one or more of the following areas:

- A. Faith-Based community,
- B. Mental Health resources,
- C. Education including local schools or college,
- D. Chamber of Commerce, small business, or other business organization,
- E. Social Service resources including aid to the homeless,
- F. Juvenile Justice, and dependent children or other youth centered resources,
- G. Diverse residential and business neighborhoods of the community,

Member Qualifications

3. No member of the Committee, nor any member of a Committee Appointee's immediate family, shall be currently employed by the City or be a former employee of the Police Department or the City.

4. No member of the Committee may currently be a party involved in or be a legal representative in litigation against the City or Police Department or any employee of those entities in their official capacity.

5. Each member of the Committee must be prepared and committed to invest the necessary time in enhancing police community relations in a manner that helps reduce the fear of crime and enhances relationships between the Police Department and the community.

6. Committee members must be permanent residents of the City of Fort Pierce, a member of the Business community of the City or otherwise be a recognized stakeholder in the City of Fort Pierce.

SECTION 6. Member Expectations

1. All members of the committee serve in a voluntary basis, and are expected to participate in monthly meetings of the Committee unless excused from participation by a consensus vote of the Committee.

Confidentiality and Disclosure of Conflicts of Interest

2. Members will not be privy to matters which are deemed confidential by law or which due to the nature of the information, will compromise the safety of officers or the public. Alternatively, information which may fit the legal definition of public record information shall be redacted in accordance with the provisions of Section 286.011 Florida Statutes (2017).

3. Members will not use their role as a Committee member and/or knowledge of Committee information for personal benefit or to secure special privileges, favors,

or exemptions for themselves, their community, an organization, or any other person.

4. Members are expected to abide by the consensus decisions of the Committee. Although they are free to disagree with consensus decisions of the Committee, members will refrain from publicly denigrating the Committee's decisions.

5. Members will disclose the general nature of any conflict of interest regarding matters coming before the Committee, including current or future litigation and/or being a witness to an incident in litigation against the City or Police Department.

6. Members will preserve the integrity and impartiality of the Committee and will not attempt to exercise individual authority over the Committee or Police Department, nor interfere with the operations of the Police Department.

SECTION 7. Selection and Appointment of Members

1. The City Clerk shall solicit citizen applications for membership on the Committee by:

A. Posting requests for applications on the FPPD and City of Fort Pierce web sites;

B. Issuing a press release explaining the formation, purpose, requirements for membership, and instructions on how to apply to the Committee;

C. Publishing the formation and purpose of the Committee as a public service announcement in local newspapers or other media outlets.

2. Nominees should represent the diversity set forth under Committee Composition in Section 5 for appointment to the Committee. Each nominee shall submit an application indicating their willingness to serve, agree with, and meet all requirements for membership on the Committee.

3. Following the receipt of applications the Mayor and each City Commissioner shall nominate one applicant from within their respective Districts and shall announce their nominee during a regular or Special Commission meeting.

Background Check

4. Prior to appointment, all Committee nominees shall submit to a criminal history background check due to the sensitivity of the matters that may be brought before the Committee.

Training

3. Prior to appointment, committee members will attend an orientation presented by the Chief. The initial Committee shall complete the Fort Pierce Police Department's Citizen's Academy together as a group to familiarize all members with the operation of City Government, the Police Department and the rules and operating procedures of the Committee. Members appointed subsequent to the initial appointments will complete the same training individually.

4. Training shall also include a minimum of two, 4 hour "ride alongs" with an Officer of the Fort Pierce Police Department.

5. Should a member resign, be removed in accordance with section 10, or otherwise be unable to serve, the appointing Commissioner or Mayor will select a qualified replacement from within their district.

SECTION 8. ORGANIZATIONAL STRUCTURE AND MEETING REQUIREMENTS

1. Two members of the Community Advisory Committee will be appointed by consensus of the Committee to serve as Chair and Vice Chair. The Chair and Vice Chair may serve in that capacity for only 2 consecutive terms unless the limitation is waived by a consensus vote of the Chief and Committee.

2. The Vice Chair shall serve as Chair in the absence of the Chair.

3. Community Advisory Committee Meetings shall be scheduled on a monthly basis and will be held at the police department or in another police facility as designated by the Police Chief.

4. Special meetings may be convened by the Chief of Police as needed.

5. All committee members are expected to regularly attend scheduled meetings.

6. Members are allowed two (2) absences from scheduled regular meetings during one calendar year. The Chief and the committee may vote to excuse a member's absence under extenuating circumstances.

6. When a committee member is not able to attend a regularly scheduled meeting, he/she must notify the Chair or the Chief of Police.

7. Failure to attend two consecutive meetings without contacting the Chair or the Chief with an acceptable explanation shall constitute grounds for removal from the committee using the procedures in Section 10.

SECTION 9. TERM LIMITS

1. Committee members shall be appointed for a two-year term, with an option to renew the appointment, per City Commission approval, for an additional term of two years.

2. Appointments to fill vacancies due to resignation or other unexpected events shall be limited to the unexpired term of such vacancy.

3. No individual shall be appointed for more than two terms, excluding however, any partial term for the filling of a vacancy as referenced above. Members may continue to serve on the Committee until a replacement has been appointed.

4. After having served two consecutive terms, any appointee may reapply for reappointment to the Committee after an absence from the Committee for at

least one year.

SECTION 10. REMOVAL OF MEMBERS

1. Members of the Committee are expected to exhibit the highest ethical and professional standards. Any member who engages in criminal, or unethical, immoral or illicit conduct as such are defined by Florida Law shall be recommended for removal by the Chief of Police upon consensus of the Committee and shall be subject to removal by the City Commission.

2. No member of the Committee shall attribute to the Committee any unauthorized written or oral opinion concerning Committee activity or use is/her position to obtain information which has been deemed confidential by law.

3. Members of the Committee are subject to removal for unauthorized disclosure of matters which are confidential by law or which if disclosed would interfere with the safety of officers and or the general public.

5. Members may also be removed for cause, or at the discretion of the Chief of Police or Chairman with approval of the Commission. In addition, members who, without being excused by the Chief or Chairman, fail to attend two consecutive regular meetings may be considered to have vacated their position and may be replaced.

SECTION 11. SEVERABILITY CLAUSE

If any provision of this act or its application to any person or circumstance is held invalid, the invalidity of that section does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION 12. EFFECTIVE DATE

This resolution shall take effect immediately upon its adoption.

IN WITNESS WHEREOF, this Resolution has been duly adopted this _st day of _____, 2018.

Linda Hudson
Mayor Commissioner

ATTEST:

Linda Cox, City Clerk

Approved as to Form
And Correctness:

James M. Messer, Esq.
City Attorney