PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: Department	September 1, 2015	[] Consent [] Public Hearing	[X] Regular
Submitted By:	County Attorney's Office)	

I. EXECUTIVE BRIEF

Motion and Title: Staff seeks Board direction on: whether the County desires to establish an independent Citizen's Review Board (CRB) to investigate complaints of alleged misconduct by the Palm Beach County Sheriff's Office (PBSO).

Summary: Staff's research on this issue reveals that the BCC is not prohibited from creating a CRB, however, the CRB would have significantly limited powers. <u>Countywide</u> (DO)

Background and Policy Issues: Florida's Constitution, statutes and case law make it abundantly clear that the Sheriff is an independent constitutional officer not subject to County jurisdiction. The only exception would be a charter amendment (after a successful referendum approved by the voters) that abolishes the Sheriff's Office and completely assumes its functions as has been done in Miami-Dade. Specifically to the question at hand, the statutory Law Enforcement Bill of Rights requires the Sheriff to establish and operate a system for receiving and investigating complaints against his deputies, and further states that the procedure for investigating a complaint against a law enforcement officer or for determining whether to proceed with disciplinary action or to file disciplinary charges, shall be the agency's internal investigation and that no other procedure is authorized.

Should the County desire to establish a CRB, it would lack the authority to subpoena or otherwise mandate the presence or participation of the Sheriff or his deputies before that panel. The CRB would be prohibited from conducting an investigation while there is an ongoing PBSO investigation on the same issue, or during any pending or potential criminal investigations on the same issue. Without the authority to subpoena the Sheriff, his deputies and/or documents, the means of obtaining information from PBSO would be limited to public record requests, to the extent permitted by law, at the conclusion of PBSO investigations or any criminal investigation, except where the Sheriff volunteers to participate in the CRB investigation. Regarding the County's ability to formally participate in any oversight or community groups established by the Sheriff, the Sheriff's Office does not welcome that involvement.

Staff also reviewed the information available on the National Association for Civilian Oversight of Law Enforcement (NACOLE) website, regarding the CRB membership of law enforcement agencies. Of the eleven Florida law enforcement NACOLE members, nine are cities, and the two counties are Miami-Dade and Orange Counties. Although Miami-Dade Sheriff's Office, unlike Orange County, is not an independent constitutional office, they both operate their CRBs through the internal affairs section of the Sheriff's Office.

	County Attorney	Date
Approved by:	JON Winn	8/26/15

I. FISCAL IMPACT ANALYSIS

A. Five Y	ear Summary of Fisc	al Impact				
Fisca	l Years	<u>2015</u>	<u>2016</u>	2017	<u>2018</u>	<u>2019</u>
Operating External F Program I	•	777/10/1	-			
Net Fis	cal Impact	**				·
POSITIO Is Ite	ONAL FTE NS (Cumulative) em Included In Currer					0
Budg	get Account Exp No: Rev No	Fund Depa : Fund De	artment	Jnit Obje Unit Ob	ct ject	
В.	Recommended Se			•	ıct:	
	**NO FISCAL IMP/	ACT – indetermi	nable at this t	time		
C.	Departmental Fisc	cal Review:				
		III. <u>REVIE</u>	W COMMEN	<u>TS</u>		
A.	OFMB Fiscal and/	or Contract De	Contra	ol Comments act Dev. and C	Control	£)27/19
В.	Legal Sufficiency Assistant County				•	
C.	Other Department	:Review:				
	Department	Director				

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)