

RESOLUTION NO. 09R-2126

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SARASOTA, FLORIDA: ESTABLISHING AN AD HOC COMMITTEE TO BE KNOWN AS THE POLICE ADVISORY PANEL; SETTING FORTH RECITALS AS TO THE NEED FOR SAID PANEL AND THE PURPOSE TO BE SERVED BY IT; CONFIRMING THE APPOINTMENT OF PANEL MEMBERS AND CONFIRMING THE APPOINTMENT OF A TECHNICAL SUPPORT GROUP TO ASSIST THE PANEL IN THE CONDUCT OF ITS ASSIGNED TASKS; PROVIDING FOR ADMINISTRATIVE SUPPORT AND ASSISTANCE; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 26, 2009 an officer of the City of Sarasota Police Department was filmed on video tape kicking a handcuffed man who had been taken into custody; and,

WHEREAS, the occurrence of the incident itself, the delay in reporting the incident and the subsequent attempt to obtain a release of liability from the individual who was kicked may have to some extent undermined public confidence in the City of Sarasota Police Department; and,

WHEREAS, the City Commission desires to take steps to restore public confidence in the City of Sarasota Police Department (SPD) to the extent it may have been eroded or undermined by the above referenced incident and the events in its aftermath; and,

WHEREAS, the City Commission believes that the creation and appointment of an ad hoc Police Advisory Panel comprised of citizen volunteers who are representative of various groups in the community, to be tasked as hereinafter set forth, will help to restore and maintain public confidence in the Police Department; and,

WHEREAS, by creation of the Police Advisory Panel, the City Commission hopes to foster constructive, task oriented and problem solving dialogue so that situations that legitimately call for the use of force may be handled in a way that produces an acceptable result from the law enforcement perspective while minimizing the risk of harm to suspects, officers and the public at large; and,

WHEREAS, the City Commission has determined that the creation of an ad hoc Police Review Committee is in the best interest of the citizens of the City of Sarasota.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SARASOTA, FLORIDA:

Section 1. The City Commission hereby creates an ad hoc special purpose advisory committee to be known and referred to as the Police Advisory Panel. The Police Advisory Panel

shall consist of eleven (11) members who have been appointed in accordance with Section 2 below. The Police Advisory Panel may be subsequently referred to herein as "the panel." At least six (6) members appointed to the panel shall be residents of the City of Sarasota.

Section 2. Each of the eleven Panel members shall be appointed by majority vote of the City Commission from one of the following groups, constituencies or "communities of interest:"

- (1) the Hispanic community
- (2) the African American community
- (3) City neighborhoods
- (4) the business community
- (5) Civic or community service organizations
- (6) Professionals in the field of criminal justice (law enforcement phase, adjudication phase, corrections phase)
- (7) Charitable foundations
- (8) Advocates for disadvantaged, homeless or indigent persons
- (9) Three (3) citizens at large

Section 3. The panel shall conduct public meetings and may receive written or verbal comments from City employees or from the public at large, as it deems necessary or appropriate. At its first meeting, the panel shall select a Chairperson and a Vice Chairperson from among its members. All meetings of the panel shall be public meetings which shall be noticed and advertised in advance and shall be open to attendance by the public. Written minutes shall be kept of all meetings of the panel.

The appointments of panel members made by the City Commission at its regular meeting of November 2, 2009 (as reflected in the official minutes of said meeting) are hereby ratified and confirmed.

Section 4. The Police Advisory Panel shall perform the following tasks:

(1) Conduct a review and evaluation of the Police Department's current policies, procedures and practices relating to the use of force by officers in the performance of their duties. Such review and evaluation shall include identification of incidents of deviation from defined and established policies and procedures and from "best practice" standards and a review and evaluation of managerial and supervisory oversight regarding such incidents of deviation. The panel may review and evaluate the structure and operation of the Police Department, including its recruitment and training practices, internal disciplinary system and citizen complaint system, in order to determine whether or not there are a significant number of officers who repeatedly fail to follow departmental guidelines regarding the use of force. The panel shall determine whether there are systemic patterns and practices in the Police Department which may contribute to or increase the likelihood of incidents similar to the June 26, 2009 incident in the future. The panel shall make findings and recommendations intended to ensure that the Police Department has a means of identifying and acknowledging deviations from established "best practices" regarding the use of force and has rigorous systems in place to correct such deviations.

(2) Conduct a review and evaluation of the Police Department's current policies, procedures and practices to determine the extent to which same may result in disparate treatment of any segment of the community or which may result in the perception of such disparate treatment. The panel shall identify and systemic cultural issues and shall make findings and

recommendations for improved interaction between the Police Department and the citizens of the community as a whole and between the Police Department and racial, ethnic or language minorities.

(3) Conduct a review and evaluation of internal perceptions and attitudes within the Police Department regarding the matters described in paragraphs (1) and (2) above and investigate whether there are deficiencies in management and leadership which should be identified and addressed to maintain morale within the department and to better ensure that the Police Department functions to the satisfaction of the public that it exists to serve.

(4) Articulate the community's vision and goals for the Police Department and articulate the standards which the community expects the department to follow with respect to the use of force and with respect to the avoidance of disparate treatment of any particular groups within the community and the avoidance of the perception of such disparate treatment. Make recommendations as to the steps which are necessary to restore trust between the Police Department and the community at large.

(5) Assess the need for permanent civilian oversight of the Police Department and if the need is determined to exist, then consider and make recommendations regarding such oversight.

(6) Consider and make recommendations regarding any further specific matters which may be referred to it by the City Commission during the course of its existence.

The City Commission has appointed Technical Support Group to assist the Police Advisory Panel in the performance of the tasks described above. The Technical Support Group consists of three individuals, each with a high degree of professional expertise in some facet or aspect of the tasks assigned to the panel. The Technical Support Group shall provide guidance

and support to the panel in carrying out its functions. The Technical Support Group shall provide the panel with the benefit of its expertise and individual members of the Technical Support Group may conduct interviews with city officials, police departmental personnel or citizens in the community as deemed necessary to assist the Committee in the conduct of its assigned tasks. The appointments of individuals to serve as the Technical Support Group to the Police Advisory Panel made by the City Commission at its regular meeting of November 2, 2009 (as reflected in the official minutes of said meeting) are hereby ratified and confirmed.

The Police Advisory Panel, with the assistance of the Technical Support Group, shall prepare a written report of its findings and recommendations for submission to the City Commission. Said written report shall be completed within six (6) months from the date of the first organizational meeting of the panel.

Section 5. In order to carry out those investigative functions specifically authorized specifically authorized by Section 4 above, and for no other purposes, the Police Advisory Panel may issue subpoenas to compel attendance of witnesses and production of documents; provided that the Panel has obtained the written concurrence of the City Attorney prior to issuance. Subpoenas shall be signed, served and enforced pursuant to applicable law. Any person who fails or refuses to obey a lawful order or subpoena issued in accordance with this section shall be guilty of a misdemeanor upon conviction and shall be punished according to law.

Section 6. Although the Police Advisory Panel has been created in response to the above referenced incident of June 26, 2009, the purpose of the Panel is not to establish or to prove the culpability of any individuals for particular instances of inappropriate behavior. Accordingly, the Police Advisory Panel created by this Resolution shall not have the power or authority to (1) participate in any way in any active investigation being conducted by the Internal

Affairs Division of the Police Department; (2) impose discipline, reprimand, or to recommend the imposition of discipline for or reprimand of any Police Department personnel; (3) discuss or make recommendations regarding any matters which are the subject of pending claims made or suits filed against the City of Sarasota related in any way to alleged acts or omissions of the Police Department or its personnel. Nothing in the Resolution shall be deemed or construed to confer such power or authority.

Section 7. The City Commission may provide for administrative support to the Police Advisory Panel, as it shall, in its discretion, deem appropriate.

Section 8. This Resolution shall take effect immediately upon adoption.

ADOPTED by the City Commission of the City of Sarasota, Florida, upon reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to adoption, as authorized by Article IV, Section of the Charter of the City of Sarasota this 16th day of November, 2009.



Billy E. Robinson
Billy E. Robinson, CMC
City Auditor and Clerk

CITY OF SARASOTA

Richard Clapp
Richard Clapp, Mayor

- Yes Mayor Clapp
- Yes Vice Mayor Kirschner
- Yes Commissioner Atkins
- Yes Commissioner Atwell
- Yes Commissioner Turner