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November 13, 2025

VIA EMAIL AND U.S. MAIL

Lynn Gelin
City Attorney's Office
200 NW 1st Avenue
Delray Beach, Florida 33444-2768

Re: Equal Protection Concerns-Police Advisory Board Appointments Process

Dear City Attorney Gelin:

I am writing to bring your attention to a matter that has come before the Office of the Attorney General regarding potential equal protection concerns related to the City of Delray Beach's appointment process for the Police Advisory Board.

As you are aware, the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution provides in part that "no state shall... deny to any person within its jurisdiction the equal protection of the laws." Article I, section 2 of Florida's Constitution similarly states that all residents of Florida are "equal before the law." These fundamental principles require that governmental entities treat similarly situated individuals equally, without preference or discrimination based on race or other protected classes. The Supreme Court reaffirmed these equal protection guarantees in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181 (2023), holding that race-based decision making violates the Equal Protection Clause.

Our office received a complaint about the City of Delray Beach's September 30, 2025 advertisement for appointments to the Police Advisory Board, attached. Under "Qualifications of Members," the advertisement includes language stating that "the City Commission shall endeavor to include as many racial and ethnic minority members as possible."

The stated qualification in your advertisement appears to suggest a racial or ethnic preference and that individuals who are not members of racial or ethnic minorities

may be disadvantaged in the appointment process, regardless of their qualifications, experience, or commitment to serving their community.

Every person should be able to compete for appointment to government boards on an equal basis, regardless of their racial or ethnic background. The stated policy, as currently worded, could-indeed, may be designed to-dissuade non-minority residents from applying for appointment to the Board.

I respectfully request that your office review this matter promptly to ensure compliance with both federal and state constitutional equal protection requirements. This may include revising the advertisement language and reviewing the appointment criteria to ensure they are race neutral. It is important that the City of Delray Beach's appointment processes serve all residents fairly and comply with constitutional requirements.

I am available to discuss this concern further or to provide any additional information that may assist in your review. If you have any questions, please feel free to contact me at the number referenced above.

Sincerely,



Danille R. Carroll
Director of Civil Rights

Enclosure: Policy Advisory Board advertisement



The Police Advisory Board is seeking new applicants. The board acts as an advisory body to the Chief of Police, City Manager, and City Commission on policy and resource issues and serves as a conduit for the community to communicate its issues and community problems through a cooperative effort. The qualifications to serve as a member of this board are as follows:

- The Police Advisory Board membership shall include a diverse cross section of the community.
- The membership shall include business owners, religious and faith-based organizations, youth, school officials, and local organizations, where feasible.
- The City Commission shall endeavor to include as many racial and ethnic minority members as possible.

Apply online at: DelrayBeachFL.Gov/Boards

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