26-714-07

1 A bill to be entitled 2 An act relating to correctional and law 3 enforcement officer discipline; amending s. 4 112.533, F.S.; requiring that certain 5 investigative reports include a statement 6 relating to compliance with ss. 112.532 and 7 112.533, F.S., and that these reports be 8 verified; requiring that certain statements be made under oath and subject to prosecution for 9 10 perjury; providing an effective date. 11 12 Be It Enacted by the Legislature of the State of Florida: 13 Section 1. Subsection (1) and paragraph (a) of 14 subsection (2) of section 112.533, Florida Statutes, are 15 amended to read: 16 17 112.533 Receipt and processing of complaints.--(1) Every law enforcement agency and correctional 18 agency shall establish and put into operation a system for the 19 receipt, investigation, and determination of complaints 20 21 received by such agency from any person, which shall be the procedure for investigating a complaint against a law 23 enforcement and correctional officer and for determining whether to proceed with disciplinary action or to file 2.4 disciplinary charges, notwithstanding any other law or 25 ordinance to the contrary. When law enforcement or 26 27 correctional agency personnel assigned the responsibility of 2.8 investigating the complaint prepare an investigative report or summary, regardless of form, the person preparing the report 29 30 shall, at the time the report is completed: 31

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(a) Verify pursuant to s. 92.525 that the contents of 2 the report are true and accurate based upon the person's personal knowledge, information, and belief. 3 4 (b) Include the following statement, sworn and subscribed to pursuant to s. 92.525: 5 6 7 "I, the undersigned, do hereby swear, under 8 penalty of perjury, that, to the best of my 9 personal knowledge, information, and belief, I 10 have not knowingly or willfully deprived, or allowed another to deprive, the subject of the 11 12 investigation of any of the rights contained in 13 ss. 112.532 and 112.533, Florida Statutes." 14 The requirements of paragraphs (a) and (b) shall be completed 15 prior to the determination as to whether to proceed with 16 disciplinary action or to file disciplinary charges. This 18 subsection does not preclude the Criminal Justice Standards and Training Commission from exercising its authority under 19 chapter 943. 2.0 21 (2)(a) A complaint filed against a law enforcement 2.2 officer or correctional officer with a law enforcement agency 23 or correctional agency and all information obtained pursuant to the investigation by the agency of such complaint shall be 2.4 confidential and exempt from the provisions of s. 119.07(1) 25 26 until the investigation ceases to be active, or until the 27 agency head or the agency head's designee provides written 2.8 notice to the officer who is the subject of the complaint, either personally or by mail, that the agency has either: 29

proceed with disciplinary action or to file charges; or

1. Concluded the investigation with a finding not to

1	2. Concluded the investigation with a finding to
2	proceed with disciplinary action or to file charges.
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4	Notwithstanding the foregoing provisions, the officer who is
5	the subject of the complaint, along with legal counsel or any
6	other representative of his or her choice, may review the
7	complaint and all statements regardless of form made by the
8	complainant and witnesses immediately prior to the beginning
9	of the investigative interview. All statements, regardless of
10	form, provided by a law enforcement officer or correctional
11	officer during the course of a complaint investigation of that
12	officer shall be made under oath pursuant to s. 92.525.
13	Knowingly false statements given by a law enforcement officer
14	or correctional officer under investigation may subject the
15	law enforcement officer or correctional officer to prosecution
16	for perjury. If a witness to a complaint is incarcerated in a
17	correctional facility and may be under the supervision of, or
18	have contact with, the officer under investigation, only the
19	names and written statements of the complainant and
20	nonincarcerated witnesses may be reviewed by the officer under
21	investigation immediately prior to the beginning of the
22	investigative interview.
23	Section 2. This act shall take effect upon becoming a
24	law.
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27	SENATE SUMMARY
28	Requires law enforcement or correctional agency personnel preparing an investigative report to verify the accuracy
29	of the statement and to include a statement verifying compliance with ss. 112.532 and 112.533, F.S. Requires
30	that all statements made during the course of a complaint investigation be made under oath. Provides that knowingly
31	false statements may be subject to prosecution for perjury.

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