

HB 0431

2004

1 A bill to be entitled
 2 An act relating to the receipt and processing of
 3 complaints against law enforcement officers and
 4 correctional officers; amending s. 112.533, F.S.;
 5 requiring that all identifiable witnesses to a complaint
 6 against a law enforcement officer or correctional officer
 7 be interviewed before the interview of the accused
 8 officer; providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Paragraph (a) of subsection (2) of section
 13 112.533, Florida Statutes, is amended to read:

14 112.533 Receipt and processing of complaints.--

15 (2)(a) A complaint filed against a law enforcement officer
 16 or correctional officer with a law enforcement agency or
 17 correctional agency and all information obtained pursuant to the
 18 investigation by the agency of the ~~such~~ complaint shall be
 19 confidential and exempt from the provisions of s. 119.07(1)
 20 until the investigation ceases to be active, or until the agency
 21 head or the agency head's designee provides written notice to
 22 the officer who is the subject of the complaint, either
 23 personally or by mail, that the agency has either:

24 1. Concluded the investigation with a finding not to
 25 proceed with disciplinary action or to file charges; or

26 2. Concluded the investigation with a finding to proceed
 27 with disciplinary action or to file charges.

28

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29 Notwithstanding the foregoing provisions, the officer who is the
30 subject of the complaint, along with legal counsel or any other
31 representative of his or her choice, may review the complaint
32 and all statements regardless of form made by the complainant
33 and all identifiable witnesses who shall be interviewed
34 ~~immediately~~ prior to the ~~beginning of the investigative~~
35 interview of the accused officer. If a witness to a complaint is
36 incarcerated in a correctional facility and may be under the
37 supervision of, or have contact with, the officer under
38 investigation, only the names and written statements of the
39 complainant and nonincarcerated witnesses may be reviewed by the
40 officer under investigation immediately prior to the beginning
41 of the investigative interview.

42 Section 2. This act shall take effect July 1, 2004.