

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 597 Law Enforcement & Correctional Officer Investigations
SPONSOR(S): Allen
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1696

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Criminal Justice (Sub)</u>	_____	<u>Cole</u>	<u>De La Paz</u>
2) <u>Public Safety & Crime Prevention</u>	_____	_____	_____
3) <u>Local Government & Veteran's Affairs</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Current law provides that internal investigations of law enforcement or correctional officers be deemed inactive if they have not been resolved within 45 days. However, there is nothing in law that prohibits an agency from reopening the investigation in the future if it is declared inactive and not officially closed. HB 597 puts a 180 day deadline on internal investigations from the time the complaint is received until the final recommendation for disposition is made. Several exceptions allow the 180 day deadline to be extended. If a case has been closed and new information is developed either from the officer's testimony, or that was not able to reasonably have been discovered during the investigation, the case can be reopened. The bill requires such reopened cases to be closed within 30 days.

There does not appear to be any fiscal impact to this bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Current law mandates an internal affairs investigation of a law enforcement or correctional officer be deemed inactive if no finding is made by the investigating authority within 45 days of the complaint being received.¹ There have been cases where inactive investigations have been brought back active up to two and a half years after the initial complaint was filed. There is currently no provision in law that says internal investigations must come to a conclusion at some definitive date. The Criminal Justice Standards and Training Commission (CJSTC), the body responsible for certifying law enforcement and correctional officers, is required by statute to complete investigations it begins under s. 943.1395(6), F.S., within 6 months.

HB 597 creates a new section of law prohibiting any punishment against a law enforcement or correctional officer if the internal investigation is not completed within 180 days of the complaint being received. Several exemptions permit the investigation to proceed past the 180 day deadline. The exemptions are if an officer waives the 180 day limit, an active criminal prosecution is underway, an officer is incapacitated or otherwise unavailable, or extra time is needed to facilitate a multi-jurisdictional investigation. The exemptions authorize an extension of the 180 day period for a reasonable amount of time.

An investigation may be reopened if new evidence comes to light that could influence the outcome of the investigation and that evidence could not have been discovered during the initial investigation or the evidence was discovered during the interview of the officer. The bill requires that any reopened investigation be completed within 30 days, without exception.

HB 597 is an effort to bring closure to internal investigations of law enforcement and correctional officers and not have cases remain open indefinitely. While the bill does create a deadline in which these cases must be completed, it does not allow for legitimate investigations that may take longer than the 180 days unless they fall within the exemptions provided. [See Other Comments].

C. SECTION DIRECTORY:

Section 1: Amends S. 112.532, F.S., relating to the length of internal investigations of law enforcement and correctional officers.

Section 2: Provides an effective date.

¹ S. 112.533(2)(b), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

There does not appear to be any fiscal impact o this bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No exercise of rulemaking authority is necessary to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not provide for an extension of the 180 day deadline when the internal investigation involves complex issues, multiple parties, or any other legitimate reason an agency may have to need to extend the investigation past that date. The bill allows for an exception to the 180 day deadline if an officer is "otherwise unavailable," but this term is not defined. The bill allows for a closed investigation to be reopened if "evidence could not have reasonably been discovered in the normal course of investigation." The bill does not specify who will decide what evidence could or could not have been discovered during the original investigation. The bill allows for an investigation to remain open for 180 days, but only allows 30 days for any follow up investigation greatly limiting the time the agency may conduct any necessary follow up investigation.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES