

By Senator Fasano

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

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

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

112.533 Receipt and processing of complaints.--

- (2)(a) A complaint filed against a law enforcement
officer or correctional officer with a law enforcement agency
or correctional agency and all information obtained pursuant
to the investigation by the agency of the ~~such~~ complaint shall
be confidential and exempt from the provisions of s. 119.07(1)
until the investigation ceases to be active, or until the
agency head or the agency head's designee provides written
notice to the officer who is the subject of the complaint,
either personally or by mail, that the agency has either:
1. Concluded the investigation with a finding not to
proceed with disciplinary action or to file charges; or
 2. Concluded the investigation with a finding to
proceed with disciplinary action or to file charges.

Notwithstanding the foregoing provisions, the officer who is
the subject of the complaint, along with legal counsel or any
other representative of his or her choice, may review the

1 complaint and all statements regardless of form made by the
2 complainant and all identifiable witnesses who shall be
3 interviewed ~~immediately~~ prior to the ~~beginning of the~~
4 ~~investigative~~ interview of the accused officer. If a witness
5 to a complaint is incarcerated in a correctional facility and
6 may be under the supervision of, or have contact with, the
7 officer under investigation, only the names and written
8 statements of the complainant and nonincarcerated witnesses
9 may be reviewed by the officer under investigation immediately
10 prior to the beginning of the investigative interview.

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

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14 SENATE SUMMARY

15 Requires that all identifiable witnesses to a complaint
16 against a law enforcement officer be interviewed before
the interview of the accused officer.

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