

By the Committee on Criminal Justice; and Senator Fasano

591-2605-07

1 A bill to be entitled

2 An act relating to the investigations of law

3 enforcement and correctional officers; amending

4 s. 112.532, F.S.; requiring that all

5 identifiable witnesses to a complaint against

6 an officer be interviewed, whenever possible,

7 prior to the investigative interview of the

8 accused officer; requiring that the accused

9 officer be furnished with the complaint and

10 witness statements prior to the investigative

11 interview; providing for waiver of the right to

12 review witness statements and provide a

13 statement by an officer; providing for tolling

14 of the limitations period during an emergency

15 or natural disaster; providing an effective

16 date.

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

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20 Section 1. Paragraph (d) of subsection (1) and

21 paragraph (a) of subsection (6) of section 112.532, Florida

22 Statutes, are amended to read:

23 112.532 Law enforcement officers' and correctional

24 officers' rights.--All law enforcement officers and

25 correctional officers employed by or appointed to a law

26 enforcement agency or a correctional agency shall have the

27 following rights and privileges:

28 (1) RIGHTS OF LAW ENFORCEMENT OFFICERS AND

29 CORRECTIONAL OFFICERS WHILE UNDER INVESTIGATION.--Whenever a

30 law enforcement officer or correctional officer is under

31 investigation and subject to interrogation by members of his

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 or her agency for any reason which could lead to disciplinary
2 action, demotion, or dismissal, such interrogation shall be
3 conducted under the following conditions:

4 (d) The law enforcement officer or correctional
5 officer under investigation shall be informed of the nature of
6 the investigation prior to any interrogation, ~~and he or she~~
7 ~~shall be informed~~ of the names ~~name~~ of all complainants. All
8 identifiable witnesses shall be interviewed, whenever
9 possible, prior to the investigative interview of the accused
10 officer. The complaint and all witness statements shall be
11 provided to the accused officer before beginning the
12 investigative interview of that officer. The officer, after
13 being informed of the right to review witness statements, may
14 voluntarily waive the provisions of this paragraph and provide
15 a voluntary statement at any time.

16 (6) LIMITATIONS PERIOD FOR DISCIPLINARY ACTIONS.--

17 (a) Except as provided in this subsection, no
18 disciplinary action, demotion, or dismissal shall be
19 undertaken by an agency against a law enforcement officer or
20 correctional officer for any act, omission, or other
21 allegation of misconduct if the investigation of such
22 allegation is not completed within 180 days after the date the
23 agency receives notice of the allegation by a person
24 authorized by the agency to initiate an investigation of the
25 misconduct. ~~If In the event that~~ the agency determines that
26 disciplinary action is appropriate, it shall complete its
27 investigation and give notice in writing to the law
28 enforcement officer or correctional officer of its intent to
29 proceed with disciplinary action, along with a proposal of the
30 action sought. Such notice ~~to the officer~~ shall be provided
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1 within 180 days after the date the agency received notice of
2 the alleged misconduct, except as follows:

3 1. The running of the limitations period may be tolled
4 for a period specified in a written waiver of the limitation
5 by the law enforcement officer or correctional officer.

6 2. The running of the limitations period shall be
7 tolled during the time that any criminal investigation or
8 prosecution is pending in connection with the act, omission,
9 or other allegation of misconduct.

10 3. If the investigation involves an officer who is
11 incapacitated or otherwise unavailable, the running of the
12 limitations period shall be tolled during the period of
13 incapacitation or unavailability.

14 4. In a multijurisdictional investigation, the
15 limitations period may be extended for a period of time
16 reasonably necessary to facilitate the coordination of the
17 agencies involved.

18 5. The running of the limitations period may be tolled
19 for emergencies or natural disasters during the time period
20 that the Governor has declared a state of emergency within the
21 jurisdictional boundaries of the concerned agency.

22 Section 2. This act shall take effect July 1, 2007.

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24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
25 COMMITTEE SUBSTITUTE FOR
Senate Bill 492

- 26
27 - The bill has been amended to provide that the officer
28 under investigation may waive the right to review the
29 complaint and witness statements prior to his or her
30 interview.
31 - Also, during a state of emergency declared by the
32 Governor within the jurisdictional boundaries of the
33 agency conducting the investigation, the time limitation
34 (180 days, generally) for completing the investigation is
35 tolled.