Florida Senate - 2007

By Senator Haridopolos

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26-714-07
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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
9	made under oath and subject to prosecution for
10	perjury; providing an effective date.
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12	Be It Enacted by the Legislature of the State of Florida:
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14	Section 1. Subsection (1) and paragraph (a) of
15	subsection (2) of section 112.533, Florida Statutes, are
16	amended to read:
17	112.533 Receipt and processing of complaints
18	(1) Every law enforcement agency and correctional
19	agency shall establish and put into operation a system for the
20	receipt, investigation, and determination of complaints
21	received by such agency from any person, which shall be the
22	procedure for investigating a complaint against a law
23	enforcement and correctional officer and for determining
24	whether to proceed with disciplinary action or to file
25	disciplinary charges, notwithstanding any other law or
26	ordinance to the contrary. When law enforcement or
27	correctional agency personnel assigned the responsibility of
28	investigating the complaint prepare an investigative report or
29	summary, regardless of form, the person preparing the report
30	shall, at the time the report is completed:
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(a) Verify pursuant to s. 92.525 that the contents of eport are true and accurate based upon the person's

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 б 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 17 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. 20 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 30 1. Concluded the investigation with a finding not to proceed with disciplinary action or to file charges; or 31

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perjury.

1 2. Concluded the investigation with a finding to 2 proceed with disciplinary action or to file charges. 3 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 officer during the course of a complaint investigation of that 11 12 officer shall be made under oath pursuant to s. 92.525. 13 Knowingly false statements given by a law enforcement officer or correctional officer under investigation may subject the 14 law enforcement officer or correctional officer to prosecution 15 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 names and written statements of the complainant and 19 nonincarcerated witnesses may be reviewed by the officer under 2.0 21 investigation immediately prior to the beginning of the 2.2 investigative interview. 23 Section 2. This act shall take effect upon becoming a 2.4 law. 25 26 27 SENATE SUMMARY Requires law enforcement or correctional agency personnel 2.8 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 false statements may be subject to prosecution for 31

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