

1 A bill to be entitled
 2 An act relating to misconduct by law enforcement
 3 officers; creating s. 943.6875, F.S.; providing
 4 legislative findings and intent; requiring every law
 5 enforcement agency to create an early intervention
 6 system to track and identify potentially damaging
 7 patterns of behavior by law enforcement officers;
 8 providing risk indicators; amending s. 900.05, F.S.;
 9 defining the term "law enforcement agency"; requiring
 10 law enforcement agencies to collect and report to the
 11 Department of Law Enforcement specified data
 12 concerning the use of force incidents and other
 13 interactions with the public; providing for suspension
 14 of funding for local law enforcement agencies that
 15 fail to comply with data collection and reporting
 16 requirements; requiring specified data be collected in
 17 compliance with federal standards; providing an
 18 effective date.

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

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 22 Section 1. Section 943.6875, Florida Statutes, is created
 23 to read:

24 943.6875 Early intervention systems for law enforcement
 25 officers.-

26 (1) The Legislature finds that a small percentage of law
27 enforcement officers is responsible for a disproportionate
28 number of excessive force complaints received by law enforcement
29 agencies. The Legislature also finds that proactive and early
30 identification of that small percentage of law enforcement
31 officers and intervention through mentorship, counseling, and
32 additional training may lead to positive outcomes in the careers
33 of such officers and in their encounters with the public.

34 (2) The Legislature intends for all law enforcement
35 agencies in this state to create early intervention systems to
36 proactively identify law enforcement officers who are likely to
37 engage in potentially damaging behaviors, such as excessive
38 force, before such behaviors occur in order to protect such
39 officers, other law enforcement officers, and the members of the
40 public with whom they interact and to offer intervention through
41 mentorship, counseling, and additional training.

42 (3) Every law enforcement agency in this state shall
43 create an early intervention system to track and identify
44 potentially damaging patterns of behavior by law enforcement
45 officers.

46 (4) Risk indicators to track which may identify
47 potentially damaging patterns of behavior by law enforcement
48 officers include, but need not be limited to:

49 (a) Complaints against an individual law enforcement
50 officer or a group of law enforcement officers.

51 (b) Frequency and severity of disciplinary incidents.

52 (c) Incidents involving use of force.

53 (d) Incidents involving use of deadly force.

54 (e) Arrests made by a law enforcement officer of
 55 individuals for resisting arrest.

56 (f) Reports of injuries suffered by a law enforcement
 57 officer.

58 (g) Vehicle accidents involving a law enforcement officer.

59 (h) Civil litigation filed against a law enforcement
 60 officer.

61 Section 2. Paragraphs (y) through (ff) of subsection (2)
 62 of section 900.05, Florida Statutes, are redesignated as
 63 paragraphs (z) through (gg), respectively, a new paragraph (y)
 64 is added to that subsection, paragraph (h) is added to
 65 subsection (3), subsection (5) is amended, and subsection (7) is
 66 added to that section, to read:

67 900.05 Criminal justice data collection.—

68 (2) DEFINITIONS.—As used in this section, the term:

69 (y) "Law enforcement agency" means a law enforcement
 70 agency, as defined in s. 943.1718(1).

71 (3) DATA COLLECTION AND REPORTING.—An entity required to
 72 collect data in accordance with this subsection shall collect
 73 the specified data and report them in accordance with this
 74 subsection to the Department of Law Enforcement on a monthly
 75 basis.

76 (h) Law enforcement agency.—Each law enforcement agency
77 shall collect the following data:

78 1. Each use of force incident by its officers that results
79 in death or serious bodily injury, including:

80 a. The date, time, and location of the use of force.

81 b. The perceived demographic information of the person
82 against whom use of force was used, provided that the
83 identification of the characteristics is based on the
84 observation and perception of the law enforcement officer making
85 the contact and other available data.

86 c. The names of every officer at the scene at the time of
87 the incident, identified by whether the officer was involved in
88 the use of force or had firsthand knowledge of the incident;
89 except that the identity of other officers at the scene not
90 directly involved in the use of force shall be identified by the
91 officer's identification number, unless the officer is charged
92 criminally or is a defendant to a civil suit as a result arising
93 from the use of force.

94 d. The type of force used, the severity and nature of the
95 injury, whether the officer suffered physical injury, and the
96 severity of the officer's injury.

97 e. Whether the officer was on duty at the time of the use
98 of force incident.

99 f. Whether an officer unholstered a weapon during the
100 incident.

101 g. Whether an officer discharged a firearm during the
102 incident or used any other weapon.

103 h. Whether the use of force resulted in an agency
104 investigation and the result of the investigation, which may be
105 reported outside of the bimonthly window but within 30 days
106 after the conclusion of the investigation.

107 i. Whether the use of force resulted in a complaint and
108 the resolution of that complaint.

109 j. Whether a claim under chapter 776 was made by any
110 person involved in the incident.

111 2. Each instance when an officer resigned while under
112 investigation for violating department policy.

113 3. On a bimonthly basis, all data relating to official
114 contacts with members of the public conducted by its officers,
115 including:

116 a. The perceived demographic information of the person
117 contacted, provided that the identification of the
118 characteristics is based on the observation and perception of
119 the officer making the contact and other available data.

120 b. Whether the contact was a traffic stop.

121 c. The time, date, and location of the contact.

122 d. The duration of the contact.

123 e. The reason for the contact.

124 f. The suspected crime.

125 g. The result of the contact, such as:

126 (I) No action, warning, citation, property seizure, or
 127 arrest.

128 (II) If a warning or citation was issued, the warning
 129 provided or violation cited.

130 (III) If an arrest was made, the offense charged.

131 (IV) If the contact was a traffic stop, the information
 132 collected concerning the driver.

133 h. The actions taken by the officer during the contact,
 134 including whether:

135 (I) The officer asked for consent to search the person,
 136 and, if so, whether consent was provided.

137 (II) The officer searched the person or any property, and,
 138 if so, the basis for the search and the type of contraband or
 139 evidence discovered, if any.

140 (III) The officer seized any property and, if so, the type
 141 of property that was seized and the basis for seizing the
 142 property.

143 (IV) An officer unholstered a weapon during the contact.

144 (V) An officer discharged a firearm during the contact.

145 i. All instances of unannounced entry into a residence,
 146 with or without a warrant, including:

147 (I) The date, time, and location of the use of unannounced
 148 entry.

149 (II) The perceived demographic information of the subject
 150 of the unannounced entry, provided that the identification of

151 the characteristics is based on the observation and perception
152 of the officer making the entry and other available data.

153 (III) Whether an officer unholstered a weapon during the
154 unannounced entry.

155 (IV) Whether an officer discharged a firearm during the
156 unannounced entry.

157 (5) NONCOMPLIANCE.—Notwithstanding any other law, an
158 entity required to collect and transmit data under subsection
159 (3) which does not comply with the requirements of this section
160 is ineligible to receive funding from the General Appropriations
161 Act, any state grant program administered by the Department of
162 Law Enforcement, or any other state agency for 5 years after the
163 date of noncompliance. In addition, any law enforcement agency,
164 other than a state law enforcement agency, is subject to the
165 suspension of the law enforcement agency's funding by its
166 appropriating authority until such failure is remedied.

167 (7) USE OF FORCE DATA.—The data collected under
168 subparagraph (3)(h)1. shall be collected in compliance with the
169 standards of the Federal Bureau of Investigation's National Use-
170 of-Force Data Collection.

171 Section 3. This act shall take effect July 1, 2021.