



## **PART 1: EDITS TO EXISTING LAW TO REMOVE BARRIERS TO TRANSPARENCY AND ACCOUNTABILITY**

**Examine state law for barriers to transparency. Ensure police misconduct complaints, including outcome of complaint, cannot be shielded from disclosure**

- Open Records Law / Public Information Act / Freedom of Information Act
- Law Enforcement Officers Bill of Rights / Public Officers Procedural Bill of Rights Act
- Public Safety Act

## **PART II: NEW LANGUAGE INSTITUTIONALIZING TRANSPARENCY**

### **§ XXXX. DEFINITIONS**

**“BOARD” MEANS: CITIZEN REVIEW BOARD**

**“BODILY INJURY” MEANS: ANY INJURY CAUSED TO AN INDIVIDUAL’S PERSON BY A LAW ENFORCEMENT OFFICER AS A RESULT OF POLICE MISCONDUCT, INCLUDING DEATH**

**“CITIZEN REVIEW BOARD” MEANS:**

**(a) A BOARD COMPRISED OF NO LESS THAN 5 (FIVE) AND NO MORE THAN 9 (NINE), RESIDENTS OF THE STATE, WHICH MEETS NO LESS THAN ONCE EVERY 3 (THREE) MONTHS**

**“COMPLAINANT” MEANS: PERSON WHO FILES A COMPLAINT ALLEGING POLICE MISCONDUCT**

**“DISCIPLINARY ACTION” MEANS: ALL DISCIPLINE IMPOSED ON A MEMBER OF LAW ENFORCEMENT AS A RESULT OF CONDUCT IN VIOLATION OF THIS **SUBTITLE** OR THE POLICIES OF THE EMPLOYING POLICING AGENCY**

**“DISPOSITION” MEANS: ANY STATUS, APPLIED TO A COMPLAINT ALLEGING POLICE MISCONDUCT, AFTER THE COMPLAINT HAS BEEN INVESTIGATED, INCLUDING INVESTIGATIONS LEFT INCOMPLETE OR WHICH ARE ONGOING**

**“DUTY TO INTERVENE” MEANS: THE REQUIREMENT TO INTERVENE WHEN MISCONDUCT OCCURS AND TO REPORT ANY MISCONDUCT SO WITNESSED OR LEARNED OF**

**“DUTY TO SAFEGUARD LIFE” MEANS: THE REQUIREMENT TO REFRAIN FROM POLICE MISCONDUCT IN THE DISCHARGE OF RESPONSIBILITIES, THE REQUIREMENT TO DISCHARGE ONES PROFESSIONAL DUTIES IN THE BEST INTEREST OF PUBLIC SAFETY, AND THE REQUIREMENT TO ADHERE TO AGENCY POLICING POLICIES AND STANDARDS**

**“EARLY WARNING SYSTEM” MEANS: A SYSTEM FOR ELECTRONICALLY TRACKING COMPLAINTS AND DISCIPLINARY ACTION, DISAGGREGATED BY INDIVIDUAL LAW ENFORCEMENT OFFICERS**

**“ETHICAL POLICING” MEANS: THE DISCHARGE OF RESPONSIBILITIES, STEMMING FROM EMPLOYMENT AS A LAW ENFORCEMENT OFFICER (NOTE: It is possible for individual states to define “law enforcement officer” differently. For the effectiveness, this legislation should apply to all law enforcement officials without regard to rank or title.), WHICH IS DEVOID OF POLICE MISCONDUCT AND WHICH IS CARRIED OUT IN CONFORMANCE WITH THIS **SUBTITLE**, INCLUDING THE DUTY TO SAFEGUARD LIFE AND THE DUTY TO INTERVENE**

**“FAMILY UNIT” MEANS: INDIVIDUALS RELATED BY BLOOD, MARRIAGE, OR DOMESTIC PARTNERSHIP**

**“INSPECTION” MEANS: THE EXAMINATION OF INFORMATION AND RECORDS QUALIFYING FOR PUBLIC INSPECTION, INCLUDING SECURING PHYSICAL COPIES AND ELECTRONIC COPIES, PURSUANT TO THE REQUIREMENTS OF THIS **SUBTITLE** OR THE STATE PUBLIC INFORMATION ACT**

**“POLICE MISCONDUCT” MEANS: CONDUCT THAT VIOLATES ETHICAL POLICING AS DEFINED IN THIS **SUBTITLE** OR WHICH VIOLATES THE POLICIES AND STANDARDS OF THE EMPLOYING POLICING AGENCY, INCLUDING THE FOLLOWING CONDUCT:**

- (A) EXCESSIVE USE OF FORCE**
- (B) BODILY INJURY**
- (C) SEXUAL VIOLENCE**
- (D) EXCEEDING AUTHORITY**
- (E) RACIAL PROFILING**

**“QUALIFIED BOARD MEMBER” MEANS:**

- (a) A RESIDENT OF THE STATE, NO YOUNGER THAN 16 (SIXTEEN) YEARS OF AGE**
- (1) EXCEPT THAT THE FOLLOWING INDIVIDUALS SHALL NOT BE DEEMED QUALIFIED:**
  - (i) AN ELECTED OR APPOINTED OFFICIAL;**
  - (ii) MEMBER OF A LAW ENFORCEMENT AGENCY; AND**
  - (iii) EMPLOYEE OR REPRESENTATIVE OF ANY AGENCY RESPONSIBLE FOR TRAINING OR CERTIFYING LAW ENFORCEMENT OFFICERS.**

**(2) BOARD MEMBERSHIP SHALL REFLECT THE GENERAL DEMOGRAPHICS OF THE JURISDICTION IT SERVES.**

**§ XXXX. CITIZEN REVIEW BOARD**

**STATE RESIDENTS SHALL HAVE THE RIGHT TO FORM CITIZEN REVIEW BOARDS COMPRISED OF QUALIFIED BOARD MEMBERS.**

**(a) BOARD MEMBERSHIP SHALL BE VOLUNTEER-BASED**

**(i) WHERE A STATE OR JURISDICTION HAS APPROPRIATED FUNDS FOR USE BY THE BOARD, MEMBERS MAY BE OFFERED A STIPEND;**

**(ii) THE BOARD SHALL NOT SPEND MORE THAN 50 (FIFTY) PERCENT OF SUCH FUNDS ON STIPENDS.**

**(b) THE BOARD SHALL BE REQUIRED TO ADOPT A POLICY STATEMENT OF NON-DISCRIMINATION**

**(i) THE POLICY STATEMENT SHALL APPLY TO IDENTIFICATION OF QUALIFIED BOARD MEMBERS AND THE MANNER IN WHICH THE BOARD CONDUCTS ITS WORK;**

**(ii) MEMBERS OF THE SAME FAMILY UNIT SHALL NOT SERVE ON THE BOARD SIMULTANEOUSLY AND DENIAL OF MEMBERSHIP IN FURTHERANCE OF THIS RESTRICTION, SHALL NOT QUALIFY AS DISCRIMINATION; AND**

**(iii) NO PERSON SHALL BE DENIED THE OPPORTUNITY TO SERVE ON THE BOARD AS A RESULT OF HAVING BEEN PREVIOUSLY INCARCERATED.**

**(c) ANY PERSON OR ENTITY WHO DENIES THE PUBLIC THE RIGHT TO FORM, OR OTHERWISE INTERFERES WITH FORMATION OF A REVIEW BOARD, SHALL **[INSERT VIOLATION HERE]**.**

**MEMBERSHIP TERM**

**(a) QUALIFIED BOARD MEMBERS SHALL BE EXPECTED TO SERVE A TERM OF 12 (TWELVE) CONSECUTIVE MONTHS BUT MAY NOT SERVE MORE THAN 24 (TWENTY-FOUR) CONSECUTIVE MONTHS.**

**(b) THE BOARD SHALL OFFER EVERY QUALIFIED BOARD MEMBER THE SAME TERM LENGTH.**

**(c) BOARD MEMBERSHIP SHALL BE LIMITED TO 2 (TWO) TERMS.**

**(d) BOARD MEMBERS SHALL BE RESIDENTS OF THE QUALIFIED JURISDICTION SERVED BY THE BOARD**

**CONVENING**

**(a) THE BOARD SHALL CONVENE FOR THE PURPOSES OF DISCHARGING ITS RESPONSIBILITIES, NO LESS THAN ONCE EVERY 3 (THREE) MONTHS.**

**(b) THE BOARD SHALL HAVE THE AUTHORITY TO MEET AS OFTEN AS IT DEEMS NECESSARY TO DISCHARGE ITS RESPONSIBILITIES.**

**LOCAL LEVEL BOARDS; QUALIFIED JURISDICTIONS**

**(a) CITIES, MUNICIPALITIES, TOWNS, OR TOWNSHIPS WITH A POPULATION OF AT LEAST 10,000 SHALL BE QUALIFIED TO FORM A BOARD AT THE LOCAL LEVEL.**

**(i) THE OPPORTUNITY TO FORM A BOARD AT THE LOCAL LEVEL SHALL BE EXTENDED TO THE RESIDENTS OF A QUALIFIED JURISDICTION BEFORE A BOARD SERVING THE QUALIFIED JURISDICTION CAN BE FORMED AT ANY OTHER LEVEL.**

**(b) ANY BOARD FORMED AT THE LOCAL LEVEL SHALL HAVE THE AUTHORITY TO EXAMINE THE POLICING PRACTICES, AS SET FORTH IN THIS **SUBTITLE**, OF ANY POLICING AGENCY PROVIDING SERVICE WITHIN THE BORDERS OF THE QUALIFIED JURISDICTION.**

**(c) WHERE A CITY, MUNICIPALITY, TOWN, OR TOWNSHIP DOES NOT MEET THE POPULATION REQUIREMENTS TO FORM A BOARD AT THE LOCAL LEVEL OR WHERE RESIDENTS WHO COULD SERVE AS QUALIFIED BOARD MEMBERS CHOOSE NOT TO FORM A BOARD AT THE LOCAL LEVEL, THE OPPORTUNITY TO FORM A BOARD AT THE COUNTY LEVEL SHALL BE EXTENDED.**

**(i) ANY BOARD FORMED AT THE COUNTY LEVEL SHALL HAVE THE AUTHORITY TO EXAMINE THE POLICING PRACTICES, AS SET FORTH IN THIS SUBTITLE, OF ANY POLICING AGENCY PROVIDING SERVICE WITHIN THE BORDERS OF THE QUALIFIED JURISDICTION.**

**(ii) THE OPPORTUNITY TO FORM A BOARD AT THE COUNTY LEVEL SHALL BE EXTENDED BEFORE A BOARD CAN BE FORMED AT THE STATE LEVEL.**

**(d) WHERE RESIDENTS WHO COULD SERVE AS QUALIFIED BOARD MEMBERS CHOOSE NOT TO FORM A BOARD AT THE COUNTY LEVEL, THE BOARD CAN BE FORMED AT THE STATE LEVEL.**

**(i) A BOARD FORMED AT THE STATE LEVEL CAN BE COMPRISED OF QUALIFIED BOARD MEMBERS FROM ANYWHERE WITHIN THE STATE;**

**(ii) A STATE-LEVEL BOARD SHALL NOT DISCHARGE ITS RESPONSIBILITIES WITHIN ANY JURISDICTION ALREADY SERVED BY A BOARD WHICH HAS BEEN FORMED AT THE LOCAL LEVEL OR AT THE COUNTY LEVEL; AND**

**(iii) WHERE A LOCAL LEVEL BOARD IS FORMED AFTER A STATE-LEVEL BOARD HAS BEEN FORMED, THE STATE-LEVEL BOARD SHALL YIELD TO THE LOCAL LEVEL BOARD.**

**AUTHORITY OF THE BOARD**

**(a) THE BOARD SHALL HAVE THE AUTHORITY TO DO ALL OF THE FOLLOWING:**

**(i) EXAMINE, AT WILL, COMPLAINT RECORDS AND RECORDS OF DISCIPLINARY ACTION TO IDENTIFY BEST PRACTICES RELATED TO A**

**POLICE AGENCY'S RESPONSE TO, AND ITS RESOLUTION OF, POLICE MISCONDUCT;**

**(ii) EXAMINE, AT WILL, COMPLAINT RECORDS AND RECORDS OF DISCIPLINARY ACTION TO ASSESS A POLICE AGENCY'S OVERALL POLICING CULTURE FOR CONFORMANCE WITH ETHICAL POLICING;**

**(iii) EXAMINE, AT WILL, COMPLAINT RECORDS AND RECORDS OF DISCIPLINARY ACTION, UPON RECEIPT OF NOTICE FROM ANY MEMBER OF THE PUBLIC, ALLEGING POLICE MISCONDUCT;**

**(iv) EXAMINE, AT WILL, COMPLAINT RECORDS AND RECORDS OF DISCIPLINARY ACTION, IN RESPONSE TO PUBLICLY DISCLOSED ACTS OF ALLEGED POLICE MISCONDUCT;**

**(v) EXAMINE, AT WILL, ANY WRITTEN RECOMMENDATION OR FINAL ORDER ISSUED AS PART OF THE DISPOSITION OF AN ADMINISTRATIVE ACTION;**

**(vi) EXAMINE, AT WILL, ANY WRITTEN RECOMMENDATION OR FINAL ORDER ISSUED BY A HEARING BOARD OR SIMILAR BODY WITH THE RESPONSIBILITY OF ADJUDICATING POLICE COMPLAINTS OR POLICE DISCIPLINARY ACTIONS;**

**(vii) EXAMINE, AT WILL, ANY RECOMMENDATION RESULTING FROM AN INVESTIGATION OR INTERROGATION OF A LAW ENFORCEMENT OFFICER;**

**(viii) EXAMINE, AT WILL, COMPLAINT RECORDS AND RECORDS OF DISCIPLINARY ACTION, HELD BY ANY STATE OR LOCAL LAW ENFORCEMENT AGENCY PROVIDING SERVICES WITHIN THE BOUNDARIES OF THE JURISDICTION SERVED BY THE BOARD;**

**(ix) FILE A COMPLAINT, USING THE PROCESS SET FORTH IN THIS **SUBTITLE**, ASSERTING POLICE MISCONDUCT ON BEHALF OF A COMMUNITY MEMBER SO REQUESTING OR UPON THE BOARD'S IMPRESSION THAT A VIOLATION OF ETHICAL POLICING HAS OCCURRED;**

**(x) ENGAGE IN UNFETTERED PUBLIC EDUCATION AS TO ITS RESPONSIBILITIES AND THE BREADTH OF ITS AUTHORITY;**

**(xi) PUBLISH, FOR PUBLIC CONSUMPTION, ITS FINDINGS AND RECOMMENDATIONS;**

**(xii) REQUEST THE AGENCY WITH THE AUTHORITY TO ACT ON VIOLATIONS OF **THIS SUBTITLE** TO EXAMINE COMPLAINTS OF MISCONDUCT AND RECORDS OF DISCIPLINARY ACTION FOR THE PURPOSES OF DETERMINING IF A VIOLATION OF THIS **SUBTITLE** HAS OCCURRED;**

**(A) THE EXAMINATION AUTHORIZED BY PARAGRAPH (xii) SHALL EXTEND TO THE COMPLAINT AND DISCIPLINARY RECORDS OF:**

**(1) LAW ENFORCEMENT OFFICERS; AND**

**(2) ANY OF THE FOLLOWING:**

**(a) CHIEF OF POLICE, DEPUTY CHIEF OF POLICE, ASSISTANT CHIEF OF POLICE;**

**(b) COMMISSIONER OF POLICE, DEPUTY COMMISSIONER OF POLICE, ASSISTANT COMMISSIONER OF POLICE;**

**(c) ANY PERSON EXERCISING THE DUTIES AND RESPONSIBILITIES COMMON TO THE ROLES SET FORTH IN PARAGRAPHS (a) AND (b) REGARDLESS OF TITLE; AND**

**(d) SHERIFFS.**

**(xiii) INITIATE AN INDEPENDENT INVESTIGATION INTO MISCONDUCT COMPLAINTS WITHOUT REGARD TO THE DISPOSITION OF THOSE COMPLAINTS;**

**(A) WHERE THE STATE HAS NOT APPROPRIATED FUNDS TO BE USED BY THE BOARD FOR THESE PURPOSES, THE BOARD SHALL HAVE THE AUTHORITY TO PURSUE PRIVATE FUNDING.**

**(xiv) INITIATE AN INDEPENDENT INVESTIGATION INTO ANY LAW ENFORCEMENT OFFICER WHO HAS BEEN REINSTATED AND WHO DOES, OR WILL, PROVIDE SERVICES WITHIN THE BORDERS OF THE JURISDICTION SERVED BY THE BOARD;**

**(A) WHERE THE STATE HAS NOT APPROPRIATED FUNDS TO BE USED BY THE BOARD FOR THESE PURPOSES, THE BOARD SHALL HAVE THE AUTHORITY TO PURSUE PRIVATE FUNDING.**

**(xv) INITIATE AN INVESTIGATION INTO ANY PERSON, OTHER THAN A MEMBER OF THE JUDICIARY, WHO REINSTATES A LAW ENFORCEMENT OFFICIAL;**

**(A) INVESTIGATION SHALL BE LIMITED TO DETERMINING WHETHER THE ACT OF REINSTATING VIOLATES ETHICAL POLICING AS DEFINED IN THIS **SUBTITLE**.**

**(B) WHERE THE STATE OR LOCAL GOVERNING BODY HAS NOT APPROPRIATED FUNDS TO BE USED BY THE BOARD FOR THESE PURPOSES, THE BOARD SHALL HAVE THE AUTHORITY TO PURSUE PRIVATE FUNDING.**

**(C) ALL PERSONS OR AGENCIES UNDERTAKING AN INVESTIGATION PURSUANT TO SUBPARAGRAPH (xv) SHALL, AT A MINIMUM, HAVE THE SAME RIGHT OF INSPECTION AS THE CITIZEN REVIEW BOARD.**

**(b) ANY PERSON, AGENCY OR ENTITY WHO DENIES OR OTHERWISE THWARTS THE AUTHORITY GRANTED TO CITIZEN REVIEW BOARDS, SHALL BE **[INSERT VIOLATION HERE]**.**

**§ XXXX. STANDARDIZED COMPLAINT FORM**

**(a) ALL POLICING AGENCIES WITHIN THE STATE SHALL USE THE SAME COMPLAINT FORM TO RECORD COMPLAINTS ALLEGING POLICE MISCONDUCT.**

**(b) COMPLAINTS ALLEGING POLICE MISCONDUCT FILED BY ANY LAW ENFORCEMENT OFFICER AGAINST ANOTHER LAW ENFORCEMENT OFFICER SHALL BE RECORDED ON THE STANDARDIZED COMPLAINT FORM.**

**(c) ALL INFORMATION SUBMITTED ON THE STANDARDIZED COMPLAINT FORM SHALL BE AVAILABLE FOR PUBLIC INSPECTION WITHOUT REGARD TO THE STATUS OF ANY UNDERLYING OR RELATED INVESTIGATION.**

**(i) EXCEPT THAT WHERE THE COMPLAINT WAS FILED AS SET FORTH IN PARAGRAPH (b), THE COMPLAINANT SHALL HAVE THE OPPORTUNITY TO INDICATE WHETHER COMPLAINANT'S PERSONAL CONTACT INFORMATION SHOULD BE WITHHELD FROM INSPECTION;**

**(ii) THE OPPORTUNITY SET FORTH IN PARAGRAPH (c)(i) SHALL ALSO BE EXTENDED TO MEMBERS OF THE PUBLIC.**

**(d) COMPLAINANT SHALL BE AFFORDED THE OPPORTUNITY TO FILE A COMPLAINT IN PERSON, ELECTRONICALLY, OR BY TELEPHONE INTERVIEW.**

**(i) WHERE THE COMPLAINANT FILES THE COMPLAINT ELECTRONICALLY, THE COMPLAINANT SHALL HAVE THE RIGHT TO RECEIVE ASSISTANCE.**

**(ii) WHERE THE COMPLAINANT FILES THE FORM IN PERSON OR BY PHONE, THE COMPLAINANT SHALL HAVE THE RIGHT TO ASSISTANCE FROM A PERSON OF THEIR CHOOSING, INCLUDING ASSISTANCE FOR VISUAL, READING, AND LANGUAGE BARRIERS.**

**(e) THE STANDARDIZED FORM SHALL INCLUDE ALL OF THE FOLLOWING FIELDS BUT FOR THE PURPOSES OF INSPECTION, NO COMPLAINT SHALL BE WITHHELD BECAUSE IT IS INCOMPLETE:**

**(i) DATE AND TIME COMPLAINT RECEIVED**

**(ii) LOCATION AT WHICH COMPLAINT WAS TAKEN, INCLUDING THE PRECINCT NAME AND ADDRESS**

**(iii) NAME, RANK, AND BADGE NUMBER OF PERSON TAKING THE COMPLAINT**

**(iv) PHONE NUMBER AT WHICH PERSON TAKING COMPLAINT CAN BE REACHED**

**(v) DATE AND APPROXIMATE TIME OF INCIDENT**

**(vi) LOCATION OF INCIDENT**

**(vii) CHECK-BOX TO INDICATE TOTAL NUMBER OF COMPLAINANTS**

**(viii) NAME OF COMPLAINANT OR COMPLAINANTS**

**(ix) RACE OR ETHNICITY OF COMPLAINANT/S**

**(x) COMPLAINANT'S TWO PREFERRED METHODS OF CONTACT AND A CHECK-BOX FOR COMPLAINANT TO INDICATE WHETHER THEY GRANT PERMISSION TO SHARE PERSONAL CONTACT INFO WITH THE CITIZEN REVIEW BOARD**

**(xi) IDENTIFYING INFORMATION FOR OFFICER/S AGAINST WHOM COMPLAINT IS BEING FILED, INCLUDING:**

**(A) NAME AND RANK;**

**(B) BADGE NUMBER; AND**

**(C) SPACE TO ADD ANY OTHER INFORMATION THAT MAY HELP IDENTIFY OFFICER/S WHERE NAME IS UNKNOWN**

**(xii) NAME AND RANK OF SUBJECT OFFICER'S IMMEDIATE SUPERVISOR**

**(xiii) NAME OF POLICE CHIEF**

**(xiv) CHECK-BOXES FOR CLASSIFYING TYPE OF MISCONDUCT, WITH CLEAR INSTRUCTION TO CHECK ALL THAT APPLY**

**(A) EXCESSIVE USE OF FORCE**

**(B) BODILY INJURY**

**(C) SEXUAL VIOLENCE**

**(D) EXCEEDING AUTHORITY**

**(E) RACIAL PROFILING**

**(F) FAILURE TO ACT ON THE DUTY TO INTERVENE**

**(G) OTHER \_\_\_\_\_**

**(xv) SPACE FOR NARRATIVE DESCRIBING WHAT HAPPENED**

**(A) NARRATIVE FORM OF ALLEGED FACTS SHALL BE REQUIRED**

**(xvi) CHECK-BOXES FOR INDICATING NEXT STEPS**

**(A) COMPLAINT WILL BE REFERRED TO \_\_\_\_\_ [DEPARTMENT, NAME OF PERSON WHO WILL STEER NEXT STEPS (IF KNOWN), PHONE NUMBER AND EMAIL ADDRESS]**

**(B) PERSON TAKING COMPLAINT WILL INVESTIGATE FURTHER**

**(C) OTHER \_\_\_\_\_**

**(D) DATE COMPLAINANT CAN EXPECT TO RECEIVE INITIAL RESPONDS:**

**(xvii) STANDARD AFFIRMATION STATEMENT**

**(xviii) SIGNATURE OF PERSON TAKING THE COMPLAINT OR TIME AND DATE STAMP IF THE COMPLAINT IS SUBMITTED ELECTRONICALLY**

**(xix) SIGNATURE OF COMPLAINANT/S**

**(xx) AT BOTTOM OF STANDARDIZED COMPLAINT FORM THERE SHALL BE A SECTION MARKED, "FOR AGENCY USE ONLY." THIS SECTION SHALL CONTAIN ALL OF THE FOLLOWING:**

**(A) CHECK BOXES TO INDICATE FINAL DISPOSITION OF COMPLAINT**

**(1) SUSTAINED**

**(2) UNSUSTAINED**

**(3) EXONERATED**

**(4) UNFOUNDED**

**(5) REFERRED**

**(i) NAME OF DEPARTMENT OR AGENCY REFERRED TO**

**(ii) ARBITRATION**

**(iii) MEDIATION**

**(iv) DATE OF REFERRAL**

**(v) OTHER: \_\_\_\_\_**



**(6) WHERE INVESTIGATION INTO COMPLAINT IS ONGOING AT THE TIME INSPECTION IS REQUESTED, THIS SECTION MUST INCLUDE AN INDICATION OF “ONGOING”**

**(B) CHECKBOXES TO INDICATE WHAT TYPE OF DISCIPLINE, IF ANY, IMPOSED**

**(1) SUSPENSION**

**(i) WITH PAY**

**(ii) WITHOUT PAY**

**(2) ADMINISTRATIVE ACTION**

**(3) SUMMARY PUNISHMENT**

**(4) EMERGENCY SUSPENSION**

**(i) WITH PAY**

**(ii) WITHOUT PAY**

**(5) TERMINATION**

**(6) OTHER \_\_\_\_\_**

**(7) DATE COMPLAINT RESOLVED OR OTHERWISE CLOSED**

**(8) NAME AND RANK OF PERSON SO RESOLVING OR CLOSING THE COMPLAINT**

**(C) WHERE “FOR AGENCY USE ONLY” PORTION OF THE STANDARDIZED FORM IS BEING COMPLETED AS A RESULT OF DISCIPLINARY ACTION NOT STEMMING FROM A COMPLAINT OF MISCONDUCT, THE FOLLOWING PORTIONS OF THE STANDARDIZED COMPLAINT FORM SHALL BE COMPLETED:**

**(I) NAME, RANK AND BADGE NUMBER OF THE LAW ENFORCEMENT OFFICER BEING DISCIPLINED;**

**(II) NARRATIVE DESCRIBING THE CONDUCT PRECIPITATING THE DISCIPLINARY ACTION; AND**

**(II) USING THE PORTION OF THE FORM DESIGNATED FOR INDICATING THE TYPE OF DISCIPLINE IMPOSED, AN INDICATION AS TO THE DISCIPLINARY ACTION TAKEN.**

**(xxi) ALL OTHER INFORMATION REQUIRED FOR, OR USED FOR, THE PURPOSES OF CONDUCTING AN INVESTIGATION STEMMING FROM A COMPLAINT OF MISCONDUCT, SHALL BE RECORDED SEPARATE FROM THE INFORMATION ON THE STANDARDIZED COMPLAINT FORM.**

**(f) IT SHALL BE A VIOLATION OF ETHICAL POLICING TO DO ANY OF THE FOLLOWING:**

**(i) REFUSE TO TAKE A COMPLAINT**

**(ii) OBSTRUCT OR DELAY THE ABILITY OF A LAW ENFORCEMENT OFFICER OR THE PUBLIC TO FILE A COMPLAINT; OR**

**(iii) FAIL TO ACCURATELY RECORD ON THE STANDARDIZED COMPLAINT FORM, ALL AVAILABLE INFORMATION.**

**(g) PARAGRAPH (f) SHALL APPLY TO ANY PERSON WITH THE RESPONSIBILITY OF TAKING COMPLAINTS ALLEGING POLICE MISCONDUCT.**

**§ XXXX. DISCIPLINARY ACTIONS**

**(a) ALL POLICING AGENCIES SHALL RECORD ALL INSTANCES OF DISCIPLINARY ACTION ON THE STANDARDIZED COMPLAINT FORM USED TO RECORD MISCONDUCT.**

**(i) DISCIPLINARY ACTION SHALL BE RECORDED AS SET FORTH IN PARAGRAPH (a) WITHOUT REGARD TO WHETHER THE ACTION RESULTED FROM THE FILING OF AN OFFICIAL COMPLAINT OF MISCONDUCT OR AN INTERNAL AGENCY DECISION TO IMPOSE DISCIPLINARY ACTION.**

**(A) WHERE THERE IS NO RELATED COMPLAINT OF MISCONDUCT, THE NAME OF THE LAW ENFORCEMENT OFFICER SUBJECT TO THE DISCIPLINARY ACTION MUST BE NOTED ON THE STANDARDIZED COMPLAINT FORM;**

**(B) THE STANDARDIZED COMPLAINT FORM MUST INCLUDE A DESCRIPTION OF THE CONDUCT UNDERLYING THE DISCIPLINARY ACTION;**

**(C) THE PERSON RECORDING THE DISCIPLINARY ACTION ON THE STANDARDIZED COMPLAINT FORM MUST SIGN ON THE FORM'S SIGNATURE LINE.**

**(b) THE DISCIPLINARY ACTION IMPOSED CANNOT BE INDICATED SOLELY IN THE FORM OF A CODE, INCLUDING ANY NUMERIC, LETTERING OR SYMBOL SYSTEM WITHOUT ALSO INCLUDING A WRITTEN DEFINITION FOR EACH CODE SO USED.**

**(c) ALL DISCIPLINARY ACTIONS SHALL BE RECORDED ON THE STANDARDIZED COMPLAINT FORM WITHIN 72 (SEVENTY-TWO) HOURS OF BEING IMPOSED.**

**(d) IT SHALL BE A VIOLATION OF ETHICAL POLICING TO FAIL TO ACCURATELY AND TIMELY RECORD DISCIPLINARY ACTION ON THE STANDARDIZED COMPLAINT FORM.**

**(e) PARAGRAPHS (c) AND (d) SHALL APPLY TO ANY PERSON WITH THE RESPONSIBILITY OF TAKING COMPLAINTS ALLEGING POLICE MISCONDUCT.**

**§ XXXX. PRODUCTION OF RECORDS FOR INSPECTION**

**(a) INSPECTION OF THE INFORMATION SUBMITTED ON A STANDARDIZED COMPLAINT FORM SHALL BE PERMITTED IN ACCORDANCE WITH THE TIMELINE FOR PRODUCTION OF PUBLIC RECORDS SET FORTH IN THE PUBLIC INFORMATION ACT.**

**(b) WHERE REQUEST FOR INSPECTION IS PROMPTED BY AN ALLEGED ACT OF POLICE MISCONDUCT RESULTING IN DEATH OR SUBSTANTIAL HARM OR INJURY TO THE PUBLIC, THE CITIZEN REVIEW BOARD SHALL HAVE THE AUTHORITY TO REQUEST EMERGENCY INSPECTION.**

**(i) IN THE CASE OF A REQUEST FOR EMERGENCY INSPECTION, INSPECTION SHALL BE PERMITTED WITHIN 48 (FORTY-EIGHT) HOURS OF THE REQUEST.**

**(c) FAILURE TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (b) SHALL BE DEEMED A VIOLATION OF ETHICAL POLICING.**

**§ XXXX. FORMAT IN WHICH INFORMATION SUBMITTED ON A STANDARDIZED COMPLAINT FORM, MUST BE HELD**

**(a) THE STANDARDIZED COMPLAINT FORM AND ALL INFORMATION FILED ON IT, MUST BE HELD OR STORED IN A MANNER CONDUCIVE TO INSPECTION.**

**(b) INFORMATION RECORDED ON THE STANDARDIZED COMPLAINT FORM SHALL BE PERMANENTLY RETAINED AND ALSO PERMANENTLY RETAIN ITS CHARACTER AS A PUBLIC RECORD.**

**(c) FAILURE TO HOLD OR STORE THE STANDARDIZED COMPLAINT FORM AND ALL INFORMATION FILED ON IT AS REQUIRED IN PARAGRAPH (a), SHALL BE A VIOLATION OF ETHICAL POLICING.**

**§ XXXX. COPY TO COMPLAINANT**

**(a) THE COMPLAINANT SHALL BE PROVIDED A COPY OF THE COMPLAINT NO LATER THAN 24 (TWENTY-FOUR) HOURS AFTER FILING.**

**(b) COPY CAN BE A PHYSICAL COPY OR A COPY PROVIDED ELECTRONICALLY.**

**(c) WHERE A COPY IS NOT PROVIDED TO THE COMPLAINANT DIRECTLY, IT CAN BE PROVIDED BY MAIL SERVICE WITH PROOF OF DELIVERY, OR BY ELECTRONIC MAIL.**

**(d) ANY COMPLAINANT DENIED A COPY OR WHERE A COPY IS NOT PROVIDED IN CONFORMANCE WITH THE REQUIREMENTS OF PARAGRAPH (a), SHALL BE ENTITLED TO PURSUE ALL AVAILABLE REMEDIES.**

**§ XXXX. INSPECTION BY POLICING AGENCIES**

**(A) ALL INFORMATION SUBMITTED ON A STANDARDIZED COMPLAINT FORM SHALL BE MADE AVAILABLE FOR INSPECTION TO POLICING AGENCIES WHO REQUEST RECORDS FOR THE FOLLOWING PURPOSES:**

- (i) DETERMINE ELIGIBILITY FOR TRANSFER; AND**
- (ii) DETERMINE ELIGIBILITY FOR EMPLOYMENT.**

**(B) FAILURE TO MAKE THE INFORMATION AVAILABLE FOR INSPECTION, SHALL BE DEEMED A VIOLATION OF ETHICAL POLICING.**

**§ XXXX. INSPECTION BY THE COMMUNITY REVIEW BOARD**

**(a) ALL INFORMATION SUBMITTED ON A STANDARDIZED COMPLAINT FORM SHALL BE MADE AVAILABLE FOR INSPECTION TO ANY CITIZEN REVIEW BOARD UPON REQUEST AND IN CONFORMANCE WITH THE REQUIREMENTS SET FORTH IN THIS **SUBTITLE**.**

**(b) FAILURE TO COMPLY WITH PARAGRAPH (a) SHALL BE DEEMED A VIOLATION OF ETHICAL POLICING.**

**§ XXXX. INSPECTION REQUIRED: TRANSFERS**

**(a) COMPLAINT HISTORY AND RECORDS OF DISCIPLINARY ACTION MUST BE INSPECTED, AS A CONDITION OF TRANSFER, FOR ANY LAW ENFORCEMENT OFFICER TRANSFERRING BETWEEN POLICING AGENCIES, DEPARTMENTS, OR PRECINCTS.**

**(i) COMPLAINT HISTORY AND RECORDS OF DISCIPLINARY ACTION SHALL BE PART OF THE DETERMINATION AS TO THE TRANSFEREE'S ABILITY TO ENGAGE IN ETHICAL POLICING;**

**(ii) NO PERSON WITH A COMPLAINT HISTORY OR RECORD OF DISCIPLINARY ACTION INDICATIVE OF CONDUCT IN VIOLATION OF ETHICAL POLICING SHALL SERVE AS A LAW ENFORCEMENT OFFICER WITHIN THE STATE.**

**(b) IF NO COMPLAINT HISTORY OR RECORDS OF DISCIPLINARY ACTION EXIST, THE PERSON RESPONSIBLE FOR OBTAINING SUCH RECORDS SHALL CERTIFY, IN WRITING, THE ABSENCE OF SUCH RECORDS.**

**(c) WHERE COMPLAINT HISTORY AND RECORDS OF DISCIPLINARY ACTION ARE AVAILABLE BUT THE INFORMATION IS NOT HELD ON THE STANDARDIZED COMPLAINT FORM, THE INFORMATION SHALL BE TRANSFERRED TO THE STANDARDIZED COMPLAINT FORM BY THE RECIPIENT OF THE INFORMATION AND THE ACCURACY OF THE TRANSFERRED INFORMATION CERTIFIED, IN WRITING, BY THE PERSON SO DOING.**

**(d) WHERE THE REQUIREMENTS OF PARAGRAPH (a)(i) and (ii) IS NOT UNDERTAKEN AND THE TRANSFEREE IS SUBSEQUENTLY NAMED IN A COMPLAINT ALLEGING POLICE MISCONDUCT INVOLVING BODILY INJURY, RACIAL PROFILING, SEXUAL VIOLENCE, OR FAILURE TO ACT ON THE DUTY**

**TO INTERVENE, WHICH IS SUSTAINED, THE FOLLOWING INDIVIDUALS SHALL BE DEEMED TO HAVE VIOLATED ETHICAL POLICING:**

**(i) THE LAW ENFORCEMENT OFFICER NAMED IN THE COMPLAINT; AND**

**(ii) THE PERSON WHO APPROVED THE LAW ENFORCEMENT OFFICER'S TRANSFER.**

**(iii) THE PARTIES IDENTIFIED IN PARAGRAPHS (d) (i) and (ii) SHALL BE ELIGIBLE FOR REINSTATEMENT ONLY UPON COURT ORDER.**

**§ XXXX. INSPECTION REQUIRED: NEW EMPLOYEES**

**(a) COMPLAINT HISTORY AND RECORDS OF DISCIPLINARY ACTION MUST BE INSPECTED FOR ANY LAW ENFORCEMENT OFFICER SEEKING NEW EMPLOYMENT OR RE-EMPLOYMENT, WITH A POLICING AGENCY.**

**(i) COMPLAINT HISTORY AND RECORDS OF DISCIPLINARY ACTION SHALL BE PART OF THE DETERMINATION AS TO THE APPLICANT'S ABILITY TO ENGAGE IN ETHICAL POLICING;**

**(ii) NO PERSON WITH A COMPLAINT HISTORY OR RECORDS OF DISCIPLINARY ACTION INDICATIVE OF CONDUCT IN VIOLATION OF ETHICAL POLICING SHALL SERVE AS A LAW ENFORCEMENT OFFICER WITHIN THE STATE.**

**(b) IF NO COMPLAINT HISTORY OR RECORDS OF DISCIPLINARY ACTION EXIST, THE PERSON RESPONSIBLE FOR OBTAINING SUCH RECORDS SHALL CERTIFY, IN WRITING, THE ABSENCE OF SUCH RECORDS.**

**(c) WHERE COMPLAINT HISTORY AND RECORDS OF DISCIPLINARY ACTION ARE AVAILABLE BUT THE INFORMATION IS NOT HELD ON THE STANDARDIZED COMPLAINT FORM, THE INFORMATION SHALL BE TRANSFERRED TO THE STANDARDIZED FORM BY THE RECIPIENT OF THE INFORMATION AND THE ACCURACY OF THE TRANSFERRED INFORMATION CERTIFIED, IN WRITING, BY THE PERSON SO DOING.**

**(d) WHERE THE REQUIREMENTS OF PARAGRAPH (a)(i) and (ii) IS NOT UNDERTAKEN BUT THE APPLICANT IS EMPLOYED AND SUBSEQUENTLY NAMED IN A COMPLAINT ALLEGING POLICE MISCONDUCT INVOLVING BODILY INJURY, RACIAL PROFILING, SEXUAL VIOLENCE, OR FAILURE TO ACT ON THE DUTY TO INTERVENE, WHICH IS SUSTAINED, THE FOLLOWING INDIVIDUALS SHALL BE DEEMED TO HAVE VIOLATED ETHICAL POLICING:**

**(i) THE LAW ENFORCEMENT OFFICER NAMED IN THE COMPLAINT; AND**

**(ii) THE PERSON OR PERSONS WHO APPROVED THE LAW ENFORCEMENT OFFICER'S APPLICATION FOR EMPLOYMENT.**

**(iii) THE PARTIES IDENTIFIED IN PARAGRAPHS (d)(i) and (ii) SHALL BE ELIGIBLE FOR REINSTATEMENT ONLY UPON COURT ORDER.**

PART III: NEW SECTION INSTITUTIONALIZING ACCOUNTABILITY

**§ XXXX. ETHICAL POLICING: REQUIRED**

**(a) ALL LAW ENFORCEMENT OFFICERS SHALL ENGAGE IN ETHICAL POLICING IN THE DISCHARGE OF THEIR DUTIES.**

**(b) NO PERSON WITH A COMPLAINT HISTORY OR RECORDS OF DISCIPLINARY ACTION INDICATIVE OF CONDUCT IN VIOLATION OF ETHICAL POLICING SHALL SERVE AS A LAW ENFORCEMENT OFFICER WITHIN THE STATE.**

**(c) WHERE THERE IS A REQUIREMENT FOR TRAINING, LICENSING OR CERTIFICATION AS A CONDITION OF EMPLOYMENT OR PROMOTION, THE REQUIREMENT FOR ETHICAL POLICING SHALL BE ACKNOWLEDGED VIA SIGNATURE AS PART OF THOSE PROCESSES.**

**(d) WHERE NO SUCH REQUIREMENT FOR TRAINING, LICENSING OR CERTIFICATION EXISTS, THE REQUIREMENT FOR ETHICAL POLICING SHALL BE ACKNOWLEDGED VIA EMPLOYEE SIGNATURE AS PART OF THE EMPLOYER'S EMPLOYMENT POLICIES.**

**(e) NO PERSON WHO FAILS TO ACKNOWLEDGE THE REQUIREMENT FOR ETHICAL POLICING VIA SIGNATURE, SHALL BE ELIGIBLE FOR EMPLOYMENT AS A LAW ENFORCEMENT OFFICER WITHIN THE STATE.**

**§ XXXX. LAW ENFORCEMENT OFFICERS: PROTECTIONS FROM UNWARRANTED DISCIPLINARY ACTION AND RETALIATION**

**(a) A LAW ENFORCEMENT OFFICER SHALL FILE A COMPLAINT ALLEGING VIOLATION OF ETHICAL POLICING WHENEVER SUCH CONDUCT EXISTS AND SHALL DO SO ON THE STANDARDIZED COMPLAINT FORM.**

**(i) FAILURE TO REPORT SHALL BE A VIOLATION OF ETHICAL POLICING.**

**(b) LAW ENFORCEMENT OFFICERS WHO FILE A COMPLAINT ALLEGING ANY ACTION IN VIOLATION OF ETHICAL POLICING SHALL NOT BE DISCIPLINED, EITHER DIRECTLY OR INDIRECTLY, FOR HAVING SO FILED.**

**(i) FOR THE PURPOSES OF THIS PARAGRAPH, DISCIPLINE SHALL INCLUDE ALL FORMS OF DISCIPLINARY ACTION INCLUDING DEMOTION.**

**(c) LAW ENFORCEMENT OFFICERS WHO FILE A COMPLAINT ALLEGING ANY ACTION IN VIOLATION OF ETHICAL POLICING SHALL NOT BE SUBJECTED TO RETALIATION, EITHER DIRECTLY OR INDIRECTLY, FOR HAVING SO FILED.**

**(d) WHERE A VIOLATION OF THE PROTECTIONS AFFORDED BY PARAGRAPHS (b) AND (c) ARE ALLEGED, THE PRESUMPTION SHALL BE IN FAVOR OF THE COMPLAINANT.**

**(e) WHERE A LAW ENFORCEMENT OFFICER ACTS IN FURTHERANCE OF THE DUTY TO INTERVENE, THE PROTECTIONS AFFORDED BY PARAGRAPHS (b), (c) AND (d) SHALL APPLY.**

**(f) ANY COMPLAINT FILED AS A RESULT OF THE DUTY TO INTERVENE, SHALL BE FILED ON THE STANDARDIZED COMPLAINT FORM.**

**(g) ANY LAW ENFORCEMENT OFFICER ALLEGING A VIOLATION OF THE PROTECTIONS AFFORDED HEREIN, SHALL BE ENTITLED TO PURUSE ALL AVAILABLE REMEDIES.**

**(h) ANY PERSON ACTING IN VIOLATION OF THE PROTECTIONS AFFORDED BY PARAGRAPHS (b), (c) (d), AND (e) SHALL BE DEEMED TO HAVE VIOLATED ETHICAL POLICING.**

**§ XXXX. MEMBERS OF THE PUBLIC: PROTECTIONS FROM HARASSMENT AND RETALIATION**

**(a) MEMBERS OF THE PUBLIC OR MEMBERS OF CITIZEN REVIEW BOARDS WHO FILE COMPLAINTS ALLEGING POLICE MISCONDUCT SHALL NOT BE SUBJECTED TO HARRASSMENT, DIRECT OR INDIRECT, FOR HAVING SO FILED.**

**(b) MEMBERS OF THE PUBLIC OR MEMBERS OF CITIZEN REVIEW BOARDS WHO FILE COMPLAINTS ALLEGING POLICE MISCONDUCT SHALL NOT BE SUBJECTED TO RETALIATION, DIRECT OR INDIRECT, FOR HAVING SO FILED.**

**(c) WHERE A VIOLATION OF THE PROTECTIONS AFFORDED BY PARAGRAPHS (a) AND (b) ARE ALLEGED, THE PERSON SO ALLEGING SHALL HAVE THE RIGHT TO FILE A FORMAL COMPLAINT WITHOUT REGARD TO THE STATUS OF THE COMPLAINT THAT PRECIPITATED THE HARRASMENT OR RETALIATION;**

**(i) THIS COMPLAINT SHALL BE FILED ON THE STANDARDIZED COMPLAINT FORM.**

**(d) ANY MEMBER OF THE PUBLIC OR MEMBER OF A CITIZEN REVIEW BOARD EXPERIENCING HARASSMENT OR RETALIATION BELIEVED TO BE AS A RESULT OF HAVING FILED A COMPLAINT, SHALL BE ENTITLED TO PURUSE ALL AVAILABLE REMEDIES.**

**(e) ANY LAW ENFORCEMENT OFFICER ACTING IN VIOLATION OF THE PROTECTIONS AFFORDED BY PARAGRAPHS (a) (b) and (c) SHALL BE DEEMED TO HAVE VIOLATED ETHICAL POLICING.**

**§ XXXX. NOTICE OF HEARING REQUIRED**

**(a) WHERE A HEARING HAS BEEN SCHEDULED IN RESPONSE TO, OR IN RESOLUTION OF A COMPLAINT OF POLICE MISCONDUCT, WRITTEN NOTICE TO THE PUBLIC SHALL BE PROVIDED.**

**(i) SUCH NOTICE SHALL BE ISSUED AT LEAST 5 (FIVE) DAYS IN ADVANCE OF THE HEARING AND SHALL STATE THE DATE, TIME, AND ADDRESS OF THE HEARING AS WELL AS THE NAME OF THE SUBJECT OR SUBJECTS OF THE HEARING;**

**(ii) WHERE A HEARING WILL BE HELD WITHIN 5 (FIVE) DAYS OF THE COMPLAINT BEING FILED, PUBLIC NOTICE SHALL BE ISSUED IMMEDIATELY;**

**(iii) THE COMPLAINANT SHALL BE ENTITLED TO NOTICE WHICH MEETS THE REQUIREMENTS OF PARAGRAPH (a) (i) AND PROOF OF DELIVERY SHALL BE REQUIRED.**

**(b) FAILURE TO PROVIDE PROPER NOTICE SHALL BE [INSERT VIOLATION].**

**§ XXXX. PUBLIC ACCESS REQUIRED**

**(a) ALL HEARINGS SCHEDULED IN RESPONSE TO, OR IN RESOLUTION OF, A COMPLAINT OF POLICE MISCONDUCT SHALL BE OPEN TO THE PUBLIC.**

**(i) HEARINGS SHALL BE CLOSED TO PROTECT MINORS WHO ARE SERVING AS WITNESSES, THE IDENTITY OF UNDERCOVER LAW ENFORCEMENT OFFICERS, AND INFORMANTS.**

**§ XXXX. UNREASONABLE BARRIERS TO INVESTIGATION**

**(a) INVESTIGATIONS STEMMING FROM THE FILING OF A COMPLAINT ALLEGING POLICE MISCONDUCT OR VIOLATION OF ETHICAL POLICING, INCLUDING VIOLATION OF THE DUTY TO INTERVENE, SHALL NOT BE UNREASONABLY RESTRICTED;**

**(i) REASONABLE TIME FOR THE THOROUGH EXAMINATION OF ALL RELEVANT EVIDENCE AND FACTS SHALL BE ALLOWED;**

**(ii) POLICING AGENCIES MAY ADOPT INTERNAL POLICIES SETTING REASONABLE PARAMETERS ON THE LENGTH OF AN INVESTIGATION WHERE THE ALLEGED MISCONDUCT IS MINOR AND THE FACTS UNDISPUTED;**

**(iii) WHERE AN INVESTIGATION IS NOT COMPLETED WITHIN THE PARAMETERS SET AS TO LENGTH OF THE INVESTIGATION, IT SHALL BE NOTED ON THE UNDERLYING STANDARDIZED COMPLAINT FORM AS PART OF THE DISPOSITION OF THE COMPLAINT;**



**(A) FAILURE TO COMPLETE AN INVESTIGATION WITHIN THE PARAMETERS SET FORTH PURSUANT TO PARAGRAPH (ii), SHALL NOT BE CAUSE TO DISCONTINUE THE INVESTIGATION; AND**

**(B) WHERE AN INVESTIGATION FAILS TO MEET THE PARAMETERS SET FORTH PURSUANT TO PARAGRAPH (ii), THE REASON FOR SUCH FAILURE SHALL BE RECORDED IN WRITING AND MADE AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST.**

**§ XXXX. TRAINING, LICENSING, OR CERTIFICATION REQUIRED**

**(a) ALL LAW ENFORCEMENT OFFICERS SHALL BE TRAINED, LICENSED OR CERTIFIED IN THE PROPER DISCHARGE OF THEIR POLICING DUTIES, INCLUDING ETHICAL POLICING.**

**(b) SUCH TRAINING, LICENSING OR CERTIFICATION SHALL BE REQUIRED AS A CONDITION OF EMPLOYMENT;**

**(i) RE-TRAINING, RENEWED LICENSING, OR RECERTIFICATION SHALL OCCUR NO LESS THAN EVERY 24 (TWENTY-FOUR) MONTHS.**

**(c) NO LAW ENFORCEMENT OFFICER WITH A HISTORY OF SUSTAINED COMPLAINTS ALLEGING MISCONDUCT INVOLVING BODILY INJURY, RACIAL PROFILING, SEXUAL VIOLENCE, OR FAILURE TO ACT ON THE DUTY TO INTERVENE OR A RECORD WHICH INCLUDES 5 (FIVE) DISCIPLINARY ACTIONS, SHALL BE RE-TRAINED, HAVE THEIR LICENSE RENEWED OR BE ELIGIBLE FOR RECERTIFICATION.**

**(d) UPON WRITTEN REQUEST FROM A CITIZEN REVIEW BOARD, ANY AGENCY OR ENTITY STATUTORILY RESPONSIBLE FOR THE TRAINING, LICENSING, OR CERTIFICATION REQUIRED BY PARAGRAPH (a) SHALL EXAMINE THE COMPLAINT RECORDS OF THE LAW ENFORCEMENT OFFICER NAMED IN THE WRITTEN REQUEST.**

**(e) WHERE TRAINING, LICENSING OR CERTIFICATION IS DENIED, A WRITTEN DETERMINATION SHALL BE ISSUED BY THE ENTITY OR AGENCY MAKING THE DETERMINATION;**

**(i) SUCH DETERMINATION SHALL INDICATE THE REASON SUCH TRAINING, LICENSING OR CERTIFICATION IS DENIED, INCLUDING DENIAL OF RE-TRAINING, RE-LICENSING AND RECERTIFICATION;**

**(ii) SUCH DETERMINATION SHALL BE SUBJECT TO INSPECTION;**

**(iii) WHERE THE DETERMINATION WAS ISSUED AS A RESULT OF A REQUEST FROM A CITIZEN REVIEW BOARD, THE DETERMINATION SHALL BE PROVIDED TO THE BOARD SO REQUESTING; AND**

**(iv) SUCH DETERMINATION SHALL BE PROVIDED TO THE NAMED LAW ENFORCEMENT OFFICER'S SUPERVISOR.**

**§ XXXX. CANCELLATION REQUIRED**

**(a) WHERE A COMPLAINT ALLEGING MISCONDUCT, INVOLVING BODILY INJURY, RACIAL PROFILING, SEXUAL VIOLENCE, OR FAILURE TO ACT ON THE DUTY TO INTERVENE IS SUSTAINED, ANY LICENSE OR CERTIFICATION PREVIOUSLY ISSUED TO THE NAMED LAW ENFORCEMENT OFFICER, SHALL BE IMMEDIATELY CANCELED AND REVOKED.**

**§ XXXX. PROFESSIONAL LIABILITY INSURANCE REQUIRED**

**(a) ALL LAW ENFORCEMENT OFFICERS SHALL CARRY PROFESSIONAL LIABILITY INSURANCE AS A CONDITION OF EMPLOYMENT.**

**(i) MINIMUM REQUIRED INSURANCE AMOUNT SHALL BE DETERMINED BY REGULATION AND MUST BE IN AN AMOUNT REASONABLY CALCULATED TO SHIELD THE POLICY-HOLDER.**

**(ii) ALL LAW ENFORCEMENT OFFICERS SHALL BE REQUIRED TO ATTAIN PROFESSIONAL LIABILITY INSURANCE WITH THE SAME MINIMUM COVERAGE.**

**(A) NO INDIVIDUAL LAW ENFORCEMENT OFFICER SHALL BE PREVENTED FROM OBTAINING COVERAGE IN HIGHER AMOUNTS NOR REQUIRED TO OBTAIN COVERAGE IN AN AMOUNT HIGHER THAN THAT REQUIRED OF OTHER LAW ENFORCEMENT OFFICERS OF THE SAME RANK.**

**§ XXXX. SUMMARY DATA REQUIRED**

**(a) EVERY POLICE AGENCY EMPLOYING LAW ENFORCEMENT OFFICERS SHALL RELEASE AN ANNUAL REPORT SUMMARIZING THE TOTAL NUMBER OF COMPLAINTS FILED, AND DISCIPLINARY ACTIONS IMPOSED, ON ITS LAW ENFORCEMENT OFFICERS.**

**(i) THIS INFORMATION SHALL BE AVAILABLE FOR PUBLIC INSPECTION AND MAY BE PUBLISHED ON THE POLICE AGENCY'S WEBSITE OR THROUGH THE WEBSITE OF ANY STATE AGENCY WITH AN INTEREST IN ETHICAL POLICING.**

**(ii) THE ANNUAL REPORT SHALL CONTAIN ALL OF THE FOLLOWING INFORMATION, DISAGGREGATED BY POLICING AGENCY AND WHERE APPLICABLE, BY PRECINCT:**

**(A) THE NAME OF EVERY LAW ENFORCEMENT OFFICER AGAINST WHOM A COMPLAINT ALLEGING MISCONDUCT HAS BEEN SUSTAINED;**

**(B) THE RACE OR ETHNICITY OF THE PERSON FILING THE COMPLAINT AND IF THE COMPLAINANT IS DIFFERENT FROM THE VICTIM, THE RACE AND ETHNICITY OF THE VICTIM;**

**(C) A DESCRIPTION OF THE OFFENDING CONDUCT, AND THE DISCIPLINE IMPOSED;**

**(1) WHERE THE NAMED LAW ENFORCEMENT OFFICER HAS MULTIPLE SUSTAINED COMPLAINTS ON RECORD, THE TOTAL NUMBER OF SUSTAINED COMPLAINTS MUST ALSO BE INCLUDED.**

**(D) THE TOTAL NUMBER OF COMPLAINTS FILED AGAINST THE AGENCY'S LAW ENFORCEMENT OFFICERS, DISAGGREGATED BY DISPOSITION OF THE COMPLAINT AT THE TIME THE ANNUAL REPORT IS RELEASED; AND  
(E) THE TOTAL NUMBER OF DISCIPLINARY ACTIONS IMPOSED ON THE AGENCY'S LAW ENFORCEMENT OFFICERS AS A RESULT OF INTERNAL ACTION NOT PRECIPITATED BY A FORMAL COMPLAINT OF MISCONDUCT, DISAGGREGATED BY TYPE OF DISCIPLINE IMPOSED.**

**(b) THE ANNUAL REPORT REQUIRED HEREIN SHALL PERMANENTLY RETAIN ITS CHARACTER AS AVAILABLE FOR INSPECTION.**

**§ XXXX. EARLY WARNING SYSTEM REQUIRED**

**(a) EVERY POLICING AGENCY SHALL ADOPT AND USE AN EARLY WARNING SYSTEM TO TRACK COMPLAINTS FILED AGAINST, AND DISCIPLINARY ACTIONS IMPOSED ON, INDIVIDUAL LAW ENFORCEMENT OFFICERS.**

**(b) THE EARLY WARNING SYSTEM SO ADOPTED AND USED, SHALL BE ACCOMPANIED BY CLEAR POLICIES SETTING FORTH THE RESPONSIBILITY OF PERSONS IN SUPERVISORY POSITIONS, TO TIMELY AND PROPERLY RESPOND TO PATTERNS SUGGESTIVE OF CONDUCT INCOMPATIBLE WITH ETHICAL POLICING;**

**(i) SUCH POLICIES MUST, AT A MINIMUM, SET FORTH THE STEPS THAT MUST BE TAKEN AND IDENTIFY THE DISCIPLINARY CONSEQUENCES, UP TO AND INCLUDING DISMISSAL, WHEN CONDUCT INCOMPATIBLE WITH ETHICAL POLICING IS IDENTIFIED;**

**(ii) SUCH POLICIES MUST ALSO SET FORTH THE CONSEQUENCES FOR FAILING TO TIMELY AND PROPERLY RESPOND TO PATTERNS SUGGESTIVE OF CONDUCT INCOMPATIBLE WITH ETHICAL POLICING; AND**

**(ii) WHERE THE EARLY WARNING SYSTEM INDICATES A PATTERN OF CONDUCT INCOMPATIBLE WITH ETHICAL POLICING FOR AN INDIVIDUAL LAW ENFORCEMENT OFFICER AND THE INCOMPATIBILITY IS CONFIRMED AFTER EXAMINATION OF THE UNDERLYING RECORDS, THE LAW ENFORCEMENT OFFICER SHALL BE DEEMED TO BE IN VIOLATION OF ETHICAL POLICING.**

**§ XXXX. DECISIONS TO REINSTATE**

**(a) ANY DECISION, NOT MADE BY THE COURTS, TO REINSTATE A LAW ENFORCEMENT OFFICER PREVIOUSLY SUSPENDED OR DISMISSED, SHALL BE RECORDED ON THE STANDARDIZED COMPLAINT FORM.**

**(i) IF THE REINSTATEMENT SUPERCEDES OR OTHERWISE CHANGES THE DISPOSITION ON A PREVIOUSLY FILED COMPLAINT, THE INFORMATION REQUIRED BY PARAGRAPH (b) SHALL BE ADDED TO THE INITIAL COMPLAINT FORM BUT IN NO INSTANCE SHALL THE ORIGINAL DISPOSITION BE REMOVED OR REDACTED.**

**(ii) IF THE REINSTATEMENT SUPERCEDES OR OTHERWISE CHANGES AN INSTANCE OF DISCIPLINARY ACTION PREVIOUSLY RECORDED ON THE STANDARDIZED COMPLAINT FORM, THE INFORMATION REQUIRED BY PARAGRAPH (b) SHALL BE ADDED TO THE INITIAL COMPLAINT FORM BUT IN NO INSTANCE SHALL THE ORIGINAL DISPOSITION BE REMOVED OR REDACTED.**

**(b) WHEN A LAW ENFORCEMENT OFFICER IS REINSTATED AS SET FORTH IN PARAGRAPH (a), THE FOLLOWING INFORMATION SHALL, AT A MINIMUM, BE ADDED TO THE STANDARDIZED COMPLAINT FORM:**

**(i) NAME AND RANK OF THE SUBJECT LAW ENFORCEMENT OFFICER, PRIOR TO THE ACTION PRECIPITATING REINSTATEMENT; AND**

**(ii) THE SUBJECT LAW ENFORCEMENT OFFICER'S RANK UPON REINSTATEMENT.**

**(iii) NAME AND IF APPLICABLE, RANK, OF THE PERSON REINSTATING THE LAW ENFORCEMENT OFFICER.**

**(c) WHERE A LAW ENFORCEMENT OFFICER IS REINSTATED, PUBLIC NOTICE AS TO THE DECISION TO REINSTATE SHALL BE MADE NO LESS THAN 72 (SEVENTY-TWO) HOURS PRIOR TO THE LAW ENFORCEMENT OFFICER RESUMING EMPLOYMENT.**

**(i) WHERE THERE EXISTS A CITIZEN REVIEW BOARD, THE BOARD SHALL BE INFORMED, IN WRITING, OF THE DECISION TO REINSTATE;**

**(ii) THE NOTICE REQUIRED BY PARAGRAPH (c) SHALL STATE THE FULL NAME AND RANK OF THE OFFICER BEING REINSTATED; and**

**(iii) WHERE PROPER NOTICE IS NOT PROVIDED, [INSERT VIOLATION].**

#### **§ XXXX. INVESTIGATION MANDATORY**

**(a) WHERE A PERSON, OTHER THAN A MEMBER OF THE JUDICIARY, HAS REINSTATED MORE THAN 3 (THREE) LAW ENFORCEMENT OFFICERS, THE PERSON'S ACTIONS SHALL BE IMMEDIATELY INVESTIGATED FOR VIOLATION OF ETHICAL POLICING.**

**(b) ANY MEMBER OF THE PUBLIC SHALL HAVE THE RIGHT TO INITIATE THE INVESTIGATION.**

**(c) THE CITIZEN REVIEW BOARD SHALL HAVE THE RIGHT TO INITIATE THE INVESTIGATION.**

**(d) INTERNAL AFFAIRS SHALL HAVE THE RIGHT TO INITIATE THE INVESTIGATION IF IT ALSO HAS AUTHORITY OVER THE SUBJECT OF THE INVESTIGATION.**

**(i) WHERE THE PERSON IS NOT SUBJECT TO THE AUTHORITY OF INTERNAL AFFAIRS, ANY INDIVIDUAL OR AGENCY WITH AUTHORITY OVER THE PERSON SHALL CONDUCT THE INVESTIGATION.**

**(e) FOR THE PURPOSES OF THIS SUBSECTION, WHERE AN INVESTIGATION IS UNDERTAKEN, A WRITTEN DETERMINATION OF FINDINGS SHALL BE ISSUED AS FOLLOWS:**

**(i) THE INVESTIGATION SHALL BE COMPLETED AND THE FINDINGS ISSUED WITHIN 60 (SIXTY) DAYS;**

**(ii) THE FINDINGS SHALL BE MADE AVAILABLE FOR INSPECTION; AND**

**(iii) WHERE THERE IS A CITIZEN REVIEW BOARD, THE INVESTIGATING AGENCY SHALL PROVIDE A COPY OF THE FINDINGS TO THE BOARD.**

**(f) WHERE THE INVESTIGATION IS NOT UNDERTAKEN OR THE FINDINGS NOT MADE AVAILABLE FOR INSPECTION, SUCH ACTIONS SHALL BE DEEMED A VIOLATION OF ETHICAL POLICING.**

#### **§ XXXX. TRANSFER, REINSTATEMENT, OR EMPLOYMENT PROHIBITED**

**(a) WHERE A LAW ENFORCEMENT OFFICER HAS 5 (FIVE) RECORDS OF DISCIPLINARY ACTION IMPOSED, THE LAW ENFORCEMENT OFFICER SHALL, UNLESS OTHERWISE DIRECTED BY THE COURTS, BE INELIGIBLE FOR TRANSFER, REINSTATEMENT, OR EMPLOYMENT WITH ANY POLICING AGENCY WITHIN THE STATE.**

**(b) A LAW ENFORCEMENT OFFICER CONVICTED OF ANY CRIMINAL OFFENSE, SHALL BE INELIGIBLE FOR REINSTATEMENT, TRANSFER, OR EMPLOYMENT WITH ANY POLICING AGENCY WITHIN THE STATE.**

**(c) A LAW ENFORCEMENT OFFICER FOUND TO HAVE VIOLATED ETHICAL POLICING SHALL BE INELIGIBLE FOR REINSTATEMENT, TRANSFER, OR EMPLOYMENT WITH ANY POLICING AGENCY WITHIN THE STATE.**

**(d) ANY PERSON PERMITTING A LAW ENFORCEMENT OFFICER TO ENGAGE IN POLICING WITHIN THE STATE, IN VIOLATION OF THIS SUBSECTION, SHALL BE DEEMED TO HAVE VIOLATED ETHICAL POLICING.**

#### **§ XXXX. SEVERABILITY AND CONFLICTS**

**[INSERT STANDARD SEVERABILITY CLAUSE AND LANGUAGE INDICATING THAT WHERE THERE IS CONFLICT BETWEEN THIS AND ANOTHER PORTION OF LAW, THIS SUBTITLE SUPERSEDES]**