

LC 748 STAFF MEASURE SUMMARY

Joint Committee on Transparent Policing and Use of Force Reform Second Special Session of 2020

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WHAT THE MEASURE DOES:

Requires the Department of Public Safety Standards and Training (DPSST) to include officer resignations in lieu of termination information in public-facing online database. Requires DPSST to publish reports of disciplinary actions of law enforcement officers that result in economic sanctions and make such information available to law enforcement agencies. Makes disciplinary actions with economic consequences available to the public upon finalization of arbitration or in instances in which public interest requires disclosure. Requires annual report to appropriate committee of the Legislative Assembly summarizing the number of reports of disciplinary actions with economic consequences received in the prior year, an analysis of the types of misconduct that resulted in disciplinary actions with economic consequences, and an analysis of the types of discipline that were reversed in arbitration. Defines “disciplinary action with economic consequences” as a corrective or punitive action imposed by a law enforcement agency following an investigation into an officer’s alleged misconduct that deprives the officer of pay, rank, accrued time or other pecuniary benefits.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

BACKGROUND:

In the First Special Session of 2020, the Assembly enacted House Bill 4207. The measure required DPSST to publish information on the reasons for suspension or revocation of an officer's certification in a publicly accessible online database. The measure also requires a law enforcement agency to request the personnel file of any officer it may hire before extending an offer of employment. Agencies are provided liability protection for both requesting and fulfilling the request.

LC 748 requires the database to include information on officers who resign in lieu of termination and to make publicly available any disciplinary proceeding against an officer that results in economic consequences. Economic consequences include any action that results in deprivation of a pecuniary interest, such as pay, rank, or accrued time. When the discipline with economic consequences is imposed by the law enforcement agency, the agency must notify DPSST within 72 hours. DPSST must then publish the information in its database within ten days of its receipt from the agency. In cases in which the discipline is subject to arbitration, the information on discipline is only available to other law enforcement agencies until the arbitration is finalized, or in cases in which public interest requires the disclosure. Once arbitration is finalized, discipline that is upheld must be publicly published. The measure also requires an annual report to the Legislative Assembly with the number of number of reports of disciplinary action received in the prior year, an analysis of the alleged misconduct within the reports, and an analysis of the types of misconduct that were overturned in arbitration. Finally, the measure clarifies that publicly published information on the DPSST website must be prominently posted on the DPSST website for ease of public access.

This summary has not been adopted or officially endorsed by action of the committee.

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