

CHAPTER 80F

RIGHTS OF PEACE OFFICERS AND PUBLIC SAFETY
AND EMERGENCY PERSONNEL

80F.1	Peace officer, public safety, and emergency personnel bill of rights.	80F.2	Reimbursement of defense costs.
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80F.1 Peace officer, public safety, and emergency personnel bill of rights.

1. As used in [this section](#), unless the context otherwise requires:

a. “*Brady-Giglio list*” means a list compiled by a prosecuting agency containing the names and details of officers who have sustained incidents of untruthfulness, criminal convictions, candor issues, or some other type of issue which places the officer’s credibility into question.

b. “*Complaint*” means a formal written allegation signed by the complainant or a signed written statement by an officer receiving an oral complaint stating the complainant’s allegation.

c. “*Formal administrative investigation*” means an investigative process ordered by a commanding officer of an agency or commander’s designee during which the questioning of an officer is intended to gather evidence to determine the merit of a complaint which may be the basis for seeking removal, discharge, or suspension, or other disciplinary action against the officer.

d. “*Informal inquiry*” means a meeting by supervisory or command personnel with an officer who is the subject of an allegation, for the purpose of resolving the allegation or determining whether a formal administrative investigation should be commenced.

e. “*Interview*” means the questioning of an officer who is the subject of a complaint pursuant to the formal administrative investigation procedures of the investigating agency, if such a complaint may be the basis for seeking removal, discharge, or suspension, or other disciplinary action against the officer. “*Interview*” does not include questioning as part of any informal inquiry or questioning related to minor infractions of agency rules which will not result in removal, discharge, suspension, or other disciplinary action against the officer.

f. “*Officer*” means a certified law enforcement officer, fire fighter, emergency medical technician, corrections officer, detention officer, jailer, probation or parole officer, communications officer, or any other law enforcement officer certified by the Iowa law enforcement academy and employed by a municipality, county, or state agency.

g. “*Prosecuting agency*” means the attorney general, an assistant attorney general, the county attorney, an assistant county attorney, a special prosecutor, a city attorney, or an assistant city attorney.

h. “*Statement*” means the statement of the officer who is the subject of an allegation in response to a complaint.

2. [This section](#) is not applicable to a criminal investigation of an officer or where other investigations pursuant to state or federal law require different investigatory procedures.

3. A formal administrative investigation of an officer shall be commenced and completed in a reasonable period of time. An officer shall be immediately notified in writing of the results of the investigation when the investigation is completed.

4. An officer shall not be compelled to submit to a polygraph examination against the will of the officer except as otherwise provided in [section 730.4, subsection 3](#).

5. An officer who is the subject of a complaint, shall at a minimum, be provided a written summary of the complaint prior to an interview. If a collective bargaining agreement applies, the complaint or written summary shall be provided pursuant to the procedures established under the collective bargaining agreement. If the complaint alleges domestic abuse, sexual abuse, workplace harassment, or sexual harassment, an officer shall not receive more than a written summary of the complaint.

6. An officer being interviewed shall be advised by the interviewer that the officer shall answer the questions and be advised that the answers shall not be used against the officer in any subsequent criminal proceeding.

7. An interview of an officer who is the subject of the complaint shall, at a minimum, be audio recorded.

8. *a.* The officer shall have the right to have the assistance of legal counsel, at the officer's expense, during the interview of the officer and during hearings or other disciplinary or administrative proceedings relating to the complaint. In addition, the officer shall have the right, at the officer's expense, to have a union representative present during the interview or, if not a member of a union, the officer shall have the right to have a designee present.

b. The officer's legal counsel, union representative, or employee representative shall not be compelled to disclose in any judicial proceeding, nor be subject to any investigation or punitive action for refusing to disclose, any information received from an officer under investigation or from an agent of the officer, so long as the officer or agent of the officer is an uninvolved party and not considered a witness to any incident. The officer's legal counsel may coordinate and communicate in confidence with the officer's designated union representative or employee representative, and such communications are not subject to discovery in any proceeding.

9. If a formal administrative investigation results in the removal, discharge, or suspension, or other disciplinary action against an officer, copies of any witness statements and the complete investigative agency's report shall be timely provided to the officer upon the request of the officer or the officer's legal counsel upon request at the completion of the investigation.

10. An interview shall be conducted at any facility of the investigating agency.

11. If an interview is conducted while an officer is off duty, the officer shall be compensated as provided by law, or as provided in the applicable collective bargaining agreement.

12. If a complaint is determined by the investigating officer to be a violation of [section 718.6](#), the investigating officer shall be responsible for filing the necessary paperwork with the county attorney's office in order for the county attorney to make a determination as to whether to charge the person with a violation of [section 718.6](#).

13. An officer shall have the right to bring a cause of action against any person, group of persons, organization, or corporation for damages arising from the filing of a false complaint against the officer or any other violation of [this chapter](#) including but not limited to actual damages, court costs, and reasonable attorney fees.

14. Notwithstanding any other provision of state law to the contrary, an officer shall not be denied the opportunity to be a candidate for any elected office as long as the officer's candidacy does not violate the federal Hatch Act, 5 U.S.C. §1501 et seq. An officer may be required, as a condition of being a candidate, to take a leave of absence during the campaign. If the officer is subject to [chapter 341A](#) and is a candidate for county sheriff, the candidate, upon the candidate's request, shall automatically be given a leave of absence without pay as provided in [section 341A.18](#).

15. An officer shall have the right, as any other citizen, to engage in political activity except while on duty as long as the officer's political activity does not violate the federal Hatch Act, 5 U.S.C. §1501 et seq. An officer shall not be required to engage in political activity by the officer's agency, a representative of the officer's agency, or any other agency.

16. An officer shall not be discharged, disciplined, or threatened with discharge or discipline in retaliation for exercising the rights of the officer enumerated in [this section](#).

17. The rights enumerated in [this section](#) are in addition to any other rights granted pursuant to a collective bargaining agreement or other applicable law.

18. A municipality, county, or state agency employing an officer shall not publicly release the officer's official photograph without the written permission of the officer or without a request to release pursuant to [chapter 22](#). An officer's personal information including but not limited to the officer's home address, personal telephone number, personal electronic mail address, date of birth, social security number, and driver's license number shall be confidential and shall be redacted from any record prior to the record's release to the public by the employing agency. Nothing in [this subsection](#) prohibits the release of an officer's photograph or unredacted personal information to the officer's legal counsel, union representative, or designated employee representative upon the officer's request.

19. If a formal administrative investigation results in removal, discharge, suspension, or disciplinary action against an officer, and the officer alleges in writing a violation of the provisions of [this section](#), the municipality, county, or state agency employing the officer shall hold in abeyance for a period of ten days any punitive action taken as a result of the investigation, including a reprimand. An allegation of a violation of [this section](#) may be raised and given due consideration in any properly authorized grievance or appeal exercised by an officer, including but not limited to a grievance or appeal exercised pursuant to the terms of an applicable collective bargaining agreement and an appeal right exercised under [section 341A.12](#) or [400.20](#).

20. The employing agency shall keep an officer's statement, recordings, or transcripts of any interviews or disciplinary proceedings, and any complaints made against an officer confidential unless otherwise provided by law or with the officer's written consent. Nothing in [this section](#) prohibits the release of an officer's statement, recordings, or transcripts of any interviews or disciplinary proceedings, and any complaints made against an officer to the officer or the officer's legal counsel upon the officer's request.

21. An agency employing full-time or part-time officers shall provide training to any officer or supervisor who performs or supervises an investigation under [this section](#), and shall maintain documentation of any training related to [this section](#). The Iowa law enforcement academy shall adopt minimum training standards not inconsistent with [this subsection](#), including training standards concerning interviewing an officer subject to a complaint.

22. Upon written request, the employing agency shall provide to the requesting officer or the officer's legal counsel a copy of the officer's personnel file and training records regardless of whether the officer is subject to a formal administrative investigation at the time of the request.

23. *a.* An officer shall not be discharged, disciplined, or threatened with discharge or discipline by a state, county, or municipal law enforcement agency solely due to a prosecuting agency making a determination or disclosure that exculpatory evidence exists concerning the officer.

b. [This subsection](#) does not prohibit a law enforcement agency from dismissing, suspending, demoting, or taking other disciplinary actions against an officer based on the underlying actions that resulted in the exculpatory evidence being withheld. If a collective bargaining agreement applies, the actions taken by the law enforcement agency shall conform to the rules and procedures adopted by the collective bargaining agreement.

24. *a.* A prosecuting agency that maintains a Brady-Giglio list shall adopt a policy that, at a minimum, includes all of the following:

(1) The criteria used by the prosecuting agency to place an officer's name on a Brady-Giglio list.

(2) The officer's right to receive written notice before the prosecuting agency places the officer's name on a Brady-Giglio list, and the officer's right to provide input to the prosecuting agency before the prosecuting agency makes a determination of whether the officer's name should be placed on a Brady-Giglio list.

(3) The duty of the prosecuting agency to provide notice of the prosecuting agency's decision regarding placement of the officer's name on a Brady-Giglio list.

(4) The officer's right to make a request for reconsideration of the prosecuting agency's determination to include the officer's name on a Brady-Giglio list and to submit supporting and corroborating documents and evidence in support of the officer's request for reconsideration.

(5) The applicable time frame and procedures for notifying the officer of the prosecuting agency's final decision on an officer's request for reconsideration.

b. Before a prosecuting agency places an officer's name on a Brady-Giglio list, the prosecuting agency shall send a written notice by mail or email to the officer's current or last known employment address. Upon receipt of the notice, and if the officer's contact information is known, the officer's current or last known employer shall provide the written notice to the officer. The written notice shall include, at a minimum, all of the following:

(1) A notice that the officer's name may be placed on a Brady-Giglio list.

(2) The officer's right to request documents, records, and any other evidence in the possession of the prosecuting agency relevant to the determination of whether the officer's name should be placed on a Brady-Giglio list from the prosecuting agency.

(3) The officer's right to provide input to the prosecuting agency prior to the prosecuting agency's determination of whether the officer's name should be placed on a Brady-Giglio list.

(4) The prosecuting agency's procedural requirements for an officer to provide input to the prosecuting agency prior to the prosecuting agency's determination of whether the officer's name should be placed on a Brady-Giglio list.

c. If the prosecuting agency makes a determination to place the officer's name on a Brady-Giglio list, the prosecuting agency shall send a written notice by mail or email to the officer's current or last known employment address. Upon receipt of the notice, and if the officer's contact information is known, the officer's current or last known employer shall provide the written notice to the officer. The written notice shall include, at a minimum, all of the following:

(1) The officer's right to make a request to reconsider the allegations and the placement of the officer's name on a Brady-Giglio list.

(2) The prosecuting agency's procedural requirements for submitting a written request for reconsideration of the prosecuting agency's determination to place the officer's name on a Brady-Giglio list including the method and time frame for submitting the request for reconsideration and any supporting and corroborating documents and evidence from any pertinent sources.

(3) A statement that, if the officer intends to make a request for reconsideration, the officer must submit the written request for reconsideration to the prosecuting agency within ten business days after receiving the notice.

d. If an officer submits a request for reconsideration pursuant to [this subsection](#) and the officer's request for reconsideration is approved by the prosecuting agency on its merits, the officer's name shall be removed from the Brady-Giglio list. If the officer's request for reconsideration is denied by the prosecuting agency, the officer's name shall remain on the Brady-Giglio list. If the officer does not submit a request for reconsideration or fails to comply with the requirements for submitting a request for reconsideration, the officer's name shall remain on the Brady-Giglio list.

e. An officer whose name was placed on a Brady-Giglio list prior to July 1, 2022, shall have the right to request reconsideration as follows:

(1) A prosecuting agency shall notify the officer, within ninety days of July 1, 2022, and provide the officer with the information required under paragraph "c".

(2) Upon receipt of a notification from a prosecuting agency pursuant to subparagraph (1), an officer shall have ten days to request reconsideration.

f. A prosecuting agency shall keep confidential and shall not release to the public an officer's personnel file, medical records, or any statement, recording, transcript, or complaint protected under [subsection 20](#), to the public. Nothing in this paragraph shall be construed to prohibit the release of records to the officer or the officer's legal counsel as required under [this section](#) upon the request of the officer or the officer's legal counsel or as otherwise provided by law or court order.

g. [This subsection](#) does not limit the duty of a prosecuting agency to produce Brady-Giglio discovery evidence in all cases as required by the Constitution of the United States, the Constitution of the State of Iowa, and the rules of criminal procedure, including after the initial placement of the officer's name on a Brady-Giglio list, while the decision or a request for reconsideration is still under consideration.

h. [This subsection](#) does not limit or restrict a prosecuting agency's ability to remove an officer's name from a Brady-Giglio list if, upon receipt of additional supporting and corroborating information or a change in factual circumstances at any time, the prosecuting agency determines that the officer's name no longer requires placement on a Brady-Giglio list.

i. This subsection does not create a private cause of action against a prosecuting agency or an employee of a prosecuting agency.

2007 Acts, ch 160, §1; 2021 Acts, ch 183, §17 – 20; 2022 Acts, ch 1142, §1 – 4; 2023 Acts, ch 149, §1 – 4

Subsection 1, paragraph a amended

Subsection 24, NEW paragraph f and former paragraph i stricken and former paragraphs f, g, and h redesignated as g, h, and i

80F.2 Reimbursement of defense costs.

1. If a peace officer, as defined in [section 801.4](#), or a corrections officer is charged with the alleged commission of a public offense, based on acts or omissions within the scope of the officer's lawful duty or authority, and the charge is dismissed or the officer is acquitted of the charge, the presiding magistrate or judge shall enter judgment awarding reimbursement to the officer for any costs incurred in defending against the charge, including but not limited to a reasonable attorney fee, if the court finds the existence of any of the following grounds:

- a. The charge was without probable cause.
- b. The charge was filed for malicious purposes.
- c. The charge was unwarranted in consideration of all of the circumstances and matters of law attending the alleged offense.

2. The officer may apply for review of a failure or refusal to rule or an adverse ruling as to the existence of any of the above grounds. The application shall be to a district judge if the officer is seeking review of the act of a magistrate or district associate judge and the application shall be to a different district judge if review is sought of an act of a district judge.

2016 Acts, ch 1049, §1