

**House Study Bill 190 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON KLEIN)

**A BILL FOR**

1 An Act relating to the peace officer, public safety, and  
2 emergency personnel bill of rights, and providing an  
3 immediate effective date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 80F.1, subsection 1, paragraph a, Code  
2 2019, is amended to read as follows:

3 a. "Complaint" means a formal written allegation ~~signed~~  
4 sworn by the complainant or a written statement by an officer  
5 receiving an oral complaint supported by a sworn affidavit  
6 stating the complainant's allegation.

7 Sec. 2. Section 80F.1, subsections 3, 5, 6, 7, 8, 9, 11, 13,  
8 and 18, Code 2019, are amended to read as follows:

9 3. a. A formal administrative investigation of an officer  
10 shall be commenced without delay within one hundred eighty days  
11 from the date of the incident giving rise to the allegation  
12 against the officer and shall be completed without delay in  
13 a reasonable period of time ~~and~~ not to exceed one hundred  
14 eighty days from the date of the complaint unless the officer  
15 signs a written waiver tolling the period of time for a  
16 specific period.

17 b. Upon initiating a formal administrative investigation  
18 of an officer, the investigating agency shall promptly serve  
19 the officer under investigation with written notice of the  
20 complaint, shall inform the officer of the officer's right  
21 to counsel, and shall provide the officer with a copy of the  
22 peace officer bill of rights. The notice shall include the  
23 names of all of the complainants, the alleged date of the  
24 occurrence giving rise to the complaint, a summary of the  
25 allegations against the officer, and the name and rank or title  
26 of the investigator in charge of the formal administrative  
27 investigation. The investigator shall not preside over any  
28 hearing or make the decision in any punitive or disciplinary  
29 action taken against the officer.

30 c. The officer and the officer's legal counsel, designated  
31 union representative, and designated employee representative  
32 shall be immediately notified in writing of the results of  
33 the investigation when the investigation is completed unless  
34 otherwise specified by the officer. If the act, omission,  
35 or other allegation is also the subject of a criminal

1 investigation or criminal proceeding, the time during which  
2 the criminal investigation or criminal proceeding is pending  
3 shall toll the one-hundred-eighty-day period to complete the  
4 investigation under paragraph "a".

5 5. An officer who is the subject of a complaint and the  
6 officer's legal counsel, shall at a minimum, be provided a  
7 written summary or copy of the complaint and a copy of any  
8 policy, procedure, guideline, or order that the officer is  
9 alleged to have violated within a reasonable period of time  
10 prior to an interview, but not less than seventy-two hours  
11 in advance of the interview. Upon written request of the  
12 officer or the officer's legal counsel, the employing agency  
13 shall provide to the officer or the officer's legal counsel a  
14 complete copy of any statements, documents, incident reports,  
15 video or audio recordings, and photographs from the incident  
16 giving rise to the complaint without unnecessary delay prior to  
17 an interview of the officer and allowing at least seventy-two  
18 hours for review before the interview. If a collective  
19 bargaining agreement applies, the complaint or written summary,  
20 a copy of any policy, procedure, guideline, or order that  
21 the officer is alleged to have violated, any statements,  
22 documents, incident reports, video or audio recordings, and  
23 photographs from the incident giving rise to the complaint  
24 shall be provided pursuant to the procedures established  
25 under the collective bargaining agreement. If the complaint  
26 alleges domestic abuse, sexual abuse, or sexual harassment, an  
27 officer, the officer's counsel, or union or designated employee  
28 representative shall not receive more than a written summary  
29 of the complaint.

30 6. An officer being interviewed shall only be asked  
31 questions which are within the scope of the complaint and shall  
32 be advised by the interviewer that the officer shall answer the  
33 questions and be advised that the answers shall not be used  
34 against the officer in any subsequent criminal proceeding or  
35 investigation.

1 7. An interview of an officer who is the subject of the  
2 complaint and of any witness shall, at a minimum, be audio  
3 recorded, but the officer shall not be video recorded without  
4 the officer's written consent. The employing agency shall  
5 provide the officer or the officer's legal counsel or employee  
6 representative a complete copy of any audio recording and any  
7 transcript made of any interview without charge and without  
8 undue delay.

9 8. The officer shall have the right to have legal counsel  
10 present, at the officer's expense, during the interview of  
11 the officer, during hearings, or during other disciplinary  
12 proceedings related to the complaint. The officer may request  
13 legal counsel at any time before or during an interview,  
14 hearing, or disciplinary proceeding. When an officer makes  
15 request for legal counsel, no questioning, interview, or  
16 hearing shall proceed until a reasonable amount of time  
17 and opportunity to obtain legal counsel are provided to the  
18 officer. In addition, the officer shall have the right, at the  
19 officer's expense, to have a union representative or employee  
20 representative present during the interview, hearings, or other  
21 disciplinary proceedings, or, if not a member of a union, the  
22 officer shall have the right to have a designee present. The  
23 union representative or employee representative shall not be  
24 required to disclose, nor be subject to any adverse employment  
25 action for refusing to disclose, any information received from  
26 the officer under investigation. The officer's legal counsel,  
27 union representative, or employee representative shall not  
28 be compelled to disclose in any judicial proceeding, nor be  
29 subject to any investigation or punitive action for refusing  
30 to disclose, any information received from the officer under  
31 investigation or from an agent of the officer. The officer and  
32 the officer's legal counsel may coordinate and communicate in  
33 confidence with the officer's designated union representative  
34 or employee representative, and the communications are not  
35 subject to discovery.

1 9. If a formal administrative investigation ~~results may~~  
2 result in the removal, discharge, ~~or~~ suspension, or other  
3 disciplinary action against an officer, copies of any witness  
4 statements and the complete investigative agency's report  
5 shall be timely provided and at no charge to the officer or  
6 the officer's legal counsel upon the request of the officer or  
7 legal counsel.

8 11. If an interview, hearing, or other disciplinary  
9 proceeding involving the officer who is the subject of a formal  
10 administrative investigation, an officer who is a witness  
11 in the investigation or other proceeding, or an employee  
12 representative of the accused officer, is conducted while  
13 an the officer is off duty or at a time that is outside of  
14 the officer's regularly scheduled shift, the officer shall  
15 be compensated as provided by law, or as provided in the  
16 applicable collective bargaining agreement. Volunteer officers  
17 shall be compensated by the employing agency for actual  
18 lost time from other work as a result of an interview or any  
19 proceeding related to an investigation.

20 13. a. An officer shall have the right to bring a private  
21 cause of action and pursue civil remedies under the law  
22 including but not limited to money damages against a citizen  
23 arising from the filing of a false complaint against the  
24 officer.

25 b. An officer shall have the right to bring an expedited  
26 action in district court to seek equitable relief to enforce  
27 any provision of this chapter. An action under this paragraph  
28 shall be brought within thirty days after the officer knew  
29 or should have known of a violation of this chapter, but the  
30 failure to bring an action under this paragraph shall not bar  
31 an action under paragraph "c" of this subsection. The district  
32 court may grant any equitable relief to the officer, including  
33 but not limited to a temporary or permanent injunction, or an  
34 order staying investigatory or disciplinary proceedings.

35 c. In addition to the right granted pursuant to paragraph

1 "b" of this subsection, an officer may seek judicial review  
2 of the final actions of the employing agency in accordance  
3 with the procedures applicable to review of decisions by the  
4 employing agency. The officer shall bring a suit under this  
5 paragraph within one hundred eighty days after a final agency  
6 decision unless otherwise extended by the district court upon  
7 a showing of good cause. The district court may award money  
8 damages, including front pay and back pay, and equitable relief  
9 to an officer upon a showing of a violation of the officer's  
10 substantive or procedural rights under this chapter.

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

24 Sec. 3. Section 80F.1, Code 2019, is amended by adding the  
25 following new subsections:

26 NEW SUBSECTION. 18A. a. The employing agency shall  
27 promptly provide an officer and the officer's legal counsel  
28 with a formal written statement of the administrative charges  
29 and specifications of alleged fact resulting from the formal  
30 administrative investigation and an opportunity to be heard  
31 prior to deciding upon or imposing any punitive or disciplinary  
32 action against the officer.

33 b. At hearing, the burden of proof to sustain administrative  
34 charges and specifications against an officer shall be by a  
35 preponderance of the evidence.

1 c. Admissions, confessions, statements against interest, or  
2 other evidence obtained during the course of the investigation  
3 and interview not conducted in accordance with this section  
4 shall not be used or considered in any disciplinary proceeding  
5 or civil action against the officer, and shall not form the  
6 basis for any adverse employment action against the officer.

7 NEW SUBSECTION. 18B. The employing agency shall keep  
8 an officer's statement, recordings, or transcripts of any  
9 interviews or disciplinary proceedings, and any complaints made  
10 against an officer confidential unless otherwise provided in  
11 this section.

12 NEW SUBSECTION. 18C. A written reprimand shall be  
13 removed from an officer's personnel file no later than one  
14 year from the date of the reprimand unless the officer is  
15 disciplined during the one-year period under the same policy  
16 for substantially similar conduct. A written reprimand that  
17 has been removed from an officer's personnel file shall not  
18 be used to form the basis for or to enhance any disciplinary  
19 action against the officer. Except as otherwise provided in  
20 subsection 21, nothing in this section prohibits the employing  
21 agency from removing a written reprimand from an officer's  
22 personnel file before the one-year period has expired.

23 NEW SUBSECTION. 20. An employing agency shall provide an  
24 officer with a written copy of any document that recommends  
25 removal, discharge, suspension, or other disciplinary action  
26 be taken against the officer prior to placing the document in  
27 the officer's personnel file. An officer shall have thirty  
28 days from the date that the officer is provided a copy of  
29 any document that recommends removal, discharge, suspension,  
30 or other disciplinary action be taken against the officer to  
31 submit a written response to the officer's employing agency.  
32 The written response shall be attached to and shall accompany  
33 the adverse document. This subsection does not apply to a  
34 training report or to an evaluation.

35 NEW SUBSECTION. 21. A complaint against an officer that

1 is pending, withdrawn, or determined to be unfounded or not  
2 sustained, records of a formal administrative investigation,  
3 and a written reprimand that has been removed from an officer's  
4 personnel file, shall not be subject to discovery in any civil  
5 action against the officer except for actions brought pursuant  
6 to chapter 216.

7 NEW SUBSECTION. 22. If at least thirty days have passed  
8 since the final disposition, upon written request by an  
9 officer, the record of a complaint made against the officer  
10 shall be expunged from any file held by the employing agency if  
11 the investigation exonerated the officer of allegations in the  
12 complaint, the investigation determined that the allegations  
13 were withdrawn, not sustained or unfounded, or if the officer  
14 is exonerated in any administrative proceeding, appeal, other  
15 disciplinary proceeding, or judicial review.

16 NEW SUBSECTION. 23. An agency employing full-time or  
17 part-time officers shall provide annual training to any officer  
18 or supervisor who may perform or supervise an investigation  
19 under this section, and shall maintain documentation of any  
20 training related to this section.

21 NEW SUBSECTION. 24. An employing agency shall not prohibit  
22 secondary employment by an officer, but may adopt reasonable  
23 regulations that relate to secondary employment.

24 NEW SUBSECTION. 25. A locker, or other space for storage  
25 that may be assigned to an officer, shall not be searched  
26 without the officer being present, or without the officer's  
27 consent, unless a valid search warrant has been obtained or  
28 the officer has been notified in advance that a search will be  
29 conducted. This section shall apply only to lockers or other  
30 spaces for storage that are owned or leased by the officer's  
31 employing agency.

32 NEW SUBSECTION. 26. Upon request, the employing agency  
33 shall provide to the requesting officer or the officer's legal  
34 counsel a copy of the officer's personnel file and training  
35 records regardless of whether the officer is subject to a



1 in writing of the results of the investigation when the  
2 investigation is completed unless otherwise specified by the  
3 officer. If the act, omission, or other allegation is also the  
4 subject of a criminal investigation or criminal proceeding, the  
5 180-day period for completing the investigation is tolled while  
6 the criminal investigation or criminal proceeding is pending.

7 The bill provides that an officer who is the subject of a  
8 complaint and the officer's legal counsel are to be provided  
9 with a copy of the complaint and a copy of any policy,  
10 procedure, guideline, or order that the officer is alleged  
11 to have violated not less than 72 hours in advance of any  
12 interview. Upon written request, the employing agency is also  
13 required to provide to the officer or the officer's legal  
14 counsel a complete copy of any statements, documents, incident  
15 reports, video or audio recordings, and photographs from the  
16 incident. If, however, the complaint alleges domestic abuse,  
17 sexual abuse, or sexual harassment, an officer, officer's  
18 counsel, union, or designated employee representative will not  
19 receive a copy of the complaint but will receive a written  
20 summary of the complaint.

21 The bill provides that an officer being interviewed can only  
22 be asked questions which are within the scope of the complaint.  
23 The officer is to be advised by the interviewer to answer the  
24 questions and that the answers cannot be used against the  
25 officer in any subsequent criminal proceeding or investigation.  
26 An interview of an officer who is the subject of the complaint  
27 and of any witness is required to be audio recorded. However,  
28 the officer shall not be video recorded without the officer's  
29 written consent. The employing agency must provide the officer  
30 or the officer's legal counsel or employee representative a  
31 complete copy of any audio recording and any transcript made of  
32 any interview without charge and without undue delay.

33 The bill provides that an officer has the right to have  
34 legal counsel present, at the officer's expense, during  
35 the interview of the officer, hearings, or during other

1 disciplinary proceedings related to the complaint, and the  
2 officer may request legal counsel at any time before or during  
3 an interview, hearing, or disciplinary proceeding. When an  
4 officer makes a request for legal counsel, no questioning,  
5 interview, or hearing can proceed until a reasonable amount  
6 of time and opportunity are provided to the officer to obtain  
7 legal counsel. In addition, the officer has the right, at the  
8 officer's expense, to have a union representative, employee  
9 representative, or designee present during the interview,  
10 hearings, or other disciplinary proceedings. The union  
11 representative or employee representative shall not be required  
12 to disclose, nor be subject to any adverse employment action  
13 for refusing to disclose, any information received from the  
14 officer under investigation, and shall not be compelled to  
15 disclose in any judicial proceeding, nor be subject to any  
16 investigation or punitive action for refusing to disclose,  
17 any information received from the officer under investigation  
18 or from an agent of the officer. Communications between  
19 the officer, the officer's legal counsel, and the officer's  
20 designated union representative or employee representative are  
21 not subject to discovery.

22 The bill provides that if a formal administrative  
23 investigation may result in the removal, discharge, suspension,  
24 or other disciplinary action against an officer, copies of any  
25 witness statements and the complete investigative agency's  
26 report must be provided at no charge, upon request, to the  
27 officer or the officer's legal counsel. If an interview,  
28 hearing, or other disciplinary proceeding involving the officer  
29 who is the subject of a formal administrative investigation,  
30 an officer who is a witness in the investigation or other  
31 proceeding, or an employee representative of the accused  
32 officer, is conducted while the officer is off duty, or at  
33 a time which is outside of the officer's regularly scheduled  
34 shift, the officer is to be compensated. Volunteer officers  
35 are to be compensated by the employing agency for actual

1 lost time from other work as a result of an interview or any  
2 proceeding related to an investigation.

3 The bill provides that an officer has the right to bring a  
4 private cause of action and pursue civil remedies against a  
5 citizen arising from the filing of a false complaint against  
6 the officer. An officer must bring an expedited action in  
7 district court to seek equitable relief within 30 days after  
8 the officer knew or should have known of a violation of Code  
9 chapter 80F. The district court may grant any equitable  
10 relief, including a temporary or permanent injunction, or  
11 an order staying investigatory or disciplinary proceedings.  
12 Additionally, an officer may seek, within 180 days of a  
13 final agency decision, judicial review of the final actions  
14 of the employing agency in accordance with the terms of the  
15 administrative procedures governing the employing agency. The  
16 district court may award money damages, including front pay and  
17 back pay, and equitable relief to an officer upon a showing of  
18 a violation of the officer's substantive or procedural rights.

19 The bill requires that an officer's personal information,  
20 including home address, personal telephone number, personal  
21 email address, date of birth, social security number, and  
22 driver's license number be held confidential and be redacted  
23 from any record prior to the record's release to the public by  
24 the employing agency.

25 The bill requires the employing agency to provide an officer  
26 and the officer's legal counsel with a formal written statement  
27 of the administrative charges and specifications of alleged  
28 fact from the formal administrative investigation and to  
29 provide an opportunity to be heard before imposing any punitive  
30 or disciplinary action against the officer. The burden of  
31 proof to sustain administrative charges and specifications  
32 against an officer at hearing is by a preponderance of the  
33 evidence. Admissions, confessions, statements against  
34 interest, or other evidence obtained during the investigation  
35 and interview not conducted in accordance with this Code

1 section cannot be used or considered in any disciplinary  
2 proceeding or civil action against the officer, and cannot form  
3 the basis for adverse employment action against the officer.  
4 The employing agency must keep an officer's statement,  
5 recordings, or transcripts of any interviews or disciplinary  
6 proceedings, and any complaints made against an officer  
7 confidential unless otherwise provided.

8 The bill requires that a written reprimand be removed from  
9 an officer's personnel file within one year from the date of  
10 the reprimand unless the officer is disciplined during the  
11 one-year period for substantially similar conduct. Except  
12 for actions brought pursuant to Code chapter 216 (civil  
13 rights commission), a written reprimand that has been removed  
14 from an officer's personnel file cannot be used to form the  
15 basis for or to enhance any disciplinary action against the  
16 officer. An employing agency must provide an officer a written  
17 copy of any document that recommends removal, discharge,  
18 suspension, or other disciplinary action be taken against the  
19 officer, excluding a training report or an evaluation, prior  
20 to placing it in the officer's personnel file. An officer has  
21 30 days from the date that the officer is provided a copy of  
22 the documents to submit a written response to the officer's  
23 employing agency. The written response will be attached to  
24 and accompany the adverse document. A complaint against  
25 an officer that is pending, withdrawn, or determined to be  
26 unfounded or not sustained, records of a formal administrative  
27 investigation, and a written reprimand removed from an  
28 officer's personnel file, are not subject to discovery in any  
29 civil action against the officer except for actions brought  
30 pursuant to Code chapter 216. If at least 30 days have passed  
31 since the final disposition, upon written request by an  
32 officer, the record of a complaint made against the officer  
33 will be expunged from any file held by the employing agency if  
34 the investigation exonerated the officer of allegations in the  
35 complaint, the investigation determined that the allegations

1 were withdrawn, not sustained or unfounded, or if the officer  
2 is exonerated in any administrative proceeding, appeal, other  
3 disciplinary proceeding, or judicial review.

4 The bill requires that an agency employing full-time or  
5 part-time officers provide annual training to any officer or  
6 supervisor who may perform or supervise an investigation under  
7 this Code section, and maintain documentation of any training  
8 related to this Code section. An employing agency cannot  
9 prohibit secondary employment by an officer, but may adopt  
10 reasonable regulations related to secondary employment. A  
11 locker, or other space for storage that may be assigned to an  
12 officer, cannot be searched without the officer being present,  
13 or without the officer's consent, unless a valid search warrant  
14 has been obtained or the officer has been notified in advance  
15 that a search will be conducted.

16 The bill requires that, on request, the employing agency  
17 must provide to the officer or the officer's legal counsel  
18 a copy of the officer's personnel file and training records  
19 regardless of whether the officer is subject to a formal  
20 administrative investigation at the time of the request.

21 The bill takes effect upon enactment.