

House Study Bill 704 - Introduced

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

A BILL FOR

1 An Act relating to the peace officer and public safety and
2 emergency personnel bill of rights, providing for employee
3 assessments of supervisors of certain state officers, and
4 including effective date provisions.

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

1
2 DIVISION I
3 PEACE OFFICER AND PUBLIC SAFETY AND EMERGENCY PERSONNEL BILL OF
4 RIGHTS

5 Section 1. Section 80F.1, subsection 1, paragraph a, Code
6 2020, is amended to read as follows:

7 *a.* "Complaint" means a formal written allegation signed
8 sworn by the complainant or a written statement by an officer
9 receiving an oral complaint supported by a sworn affidavit
10 stating the complainant's allegation.

11 Sec. 2. Section 80F.1, subsections 3, 5, 6, 7, 8, 9, 11, 13,
12 and 18, Code 2020, are amended to read as follows:

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

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

34 *c.* The officer and the officer's legal counsel, designated
35 union representative, and designated employee representative
shall be immediately notified in writing of the results of

1 the investigation when the investigation is completed unless
2 otherwise specified by the officer. If the act, omission,
3 or other allegation is also the subject of a criminal
4 investigation or criminal proceeding, the time during which
5 the criminal investigation or criminal proceeding is pending
6 shall toll the one-hundred-eighty-day period to complete the
7 investigation under paragraph "a".

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

33 6. An officer being interviewed shall only be asked
34 questions which are within the scope of the complaint and shall
35 be advised by the interviewer that the officer shall answer the

1 questions and be advised that the answers shall not be used
2 against the officer in any subsequent criminal proceeding or
3 investigation.

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

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

1 the officer's legal counsel may coordinate and communicate in
2 confidence with the officer's designated union representative
3 or designated employee representative, and the communications
4 are not subject to discovery.

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

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

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

29 b. An officer shall have the right to bring an expedited
30 action in district court to seek equitable relief to enforce
31 any provision of this chapter. An action under this paragraph
32 shall be brought within thirty days after the officer knew
33 or should have known of a violation of this chapter, but the
34 failure to bring an action under this paragraph shall not bar
35 an action under paragraph "c" of this subsection. The district

1 court may grant any equitable relief to the officer, including
2 but not limited to a temporary or permanent injunction, or an
3 order staying investigatory or disciplinary proceedings.

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

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

28 Sec. 3. Section 80F.1, Code 2020, is amended by adding the
29 following new subsections:

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

1 action against the officer.

2 *b.* At hearing, the burden of proof to sustain administrative
3 charges and specifications against an officer shall be by a
4 preponderance of the evidence.

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

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

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

27 NEW SUBSECTION. 20. An employing agency shall provide an
28 officer with a written copy of any document that recommends
29 removal, discharge, suspension, or other disciplinary action
30 be taken against the officer prior to placing the document in
31 the officer's personnel file. An officer shall have thirty
32 days from the date that the officer is provided a copy of
33 any document that recommends removal, discharge, suspension,
34 or other disciplinary action be taken against the officer to
35 submit a written response to the officer's employing agency.

1 The written response shall be attached to and shall accompany
2 the adverse document. This subsection does not apply to a
3 training report or to an evaluation.

4 NEW SUBSECTION. 21. A complaint against an officer that
5 is pending, withdrawn, or determined to be unfounded or not
6 sustained, records of a formal administrative investigation,
7 and a written reprimand that has been removed from an officer's
8 personnel file, shall not be subject to discovery in any civil
9 action against the officer except for actions brought pursuant
10 to chapter 216.

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

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

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

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

1 NEW SUBSECTION. 26. Upon request, the employing agency
2 shall provide to the requesting officer or the officer's legal
3 counsel a copy of the officer's personnel file and training
4 records regardless of whether the officer is subject to a
5 formal administrative investigation at the time of the request.

6 Sec. 4. EFFECTIVE DATE. This division of this Act, being
7 deemed of immediate importance, takes effect upon enactment.

8 DIVISION II

9 OFFICER SUPERVISOR ASSESSMENTS

10 Sec. 5. NEW SECTION. 80H.1 Definitions.

11 As used in this chapter, unless the context otherwise
12 requires:

13 1. "*Department*" means the department of corrections, the
14 department of natural resources, or the department of public
15 safety.

16 2. "*Officer*" means a sworn nonsupervisory peace officer, a
17 nonsupervisory corrections officer, or security staff employed
18 by a department.

19 3. "*Supervisor*" does not include an individual whose
20 position is subject to confirmation by the senate or a division
21 head, a division director in the department of public safety,
22 or the chief executive of a facility operated by the department
23 of corrections.

24 Sec. 6. NEW SECTION. 80H.2 Supervisor assessment boards.

25 1. Annually by January 1, the officers at each facility
26 operated by the department of corrections shall, by a majority
27 vote using a secret ballot, appoint a supervisor assessment
28 board of up to five members per facility.

29 2. Annually by January 1, the officers at each bureau of the
30 department of natural resources that employs officers shall,
31 by a majority vote using a secret ballot, appoint a supervisor
32 assessment board of up to five members per bureau.

33 3. Annually by January 1, the officers at each bureau
34 and division of the department of public safety that employs
35 officers shall, by a majority vote using a secret ballot,

1 appoint a supervisor assessment board of up to five members per
2 bureau and division.

3 Sec. 7. NEW SECTION. 80H.3 **Supervisor assessment procedures**
4 **— anonymity.**

5 1. Each supervisor assessment board shall establish uniform
6 assessment procedures for implementing, completing, collecting
7 results, and preparing final reports of assessments conducted
8 in accordance with this chapter. Each assessment board shall
9 use the same procedures for all supervisors that the assessment
10 board assesses each calendar year. Assessments shall use
11 objective criteria as determined by a majority vote of the
12 assessment board to assess the ability, performance, and safety
13 record of a supervisor. At least a portion of the assessment
14 shall include numerical scoring. Such scores shall be averaged
15 for all assessment board members evaluating a supervisor.

16 2. Assessment procedures shall ensure anonymity of each
17 assessment board member completing an assessment.

18 3. By a majority vote of the members of each board, the
19 members of two or more assessment boards within a department
20 may exchange one or more board members for a calendar year if
21 such exchange will, in the judgment of the boards, improve the
22 fairness of all boards involved.

23 Sec. 8. NEW SECTION. 80H.4 **Supervisor assessments — final**
24 **reports.**

25 1. Annually by July 1, an assessment board shall complete an
26 assessment of each department employee who is a supervisor of
27 one or more of the officers who appointed the assessment board.

28 2. Upon completion and scoring of an assessment of a
29 supervisor, each assessment board shall prepare a report
30 consisting of the complete results of each assessment board
31 member's assessment and a summary of the results of all of
32 the assessments. Each assessment board member shall be given
33 the opportunity to review the report. A report shall not
34 become final until it is agreed to by a majority vote of the
35 assessment board. The final report shall be provided to the

1 director of the department. The report shall be confidential.

2 3. An assessment board, by majority vote, may opt not to
3 conduct any assessments in a calendar year. If the assessment
4 board opts not to conduct assessments, the director of the
5 department shall designate one or more employees to conduct an
6 assessment of each supervisor in the calendar year as provided
7 in this section.

8 Sec. 9. NEW SECTION. 80H.5 **Assessment results — director**
9 **discussion.**

10 If a supervisor is determined by a majority of members of
11 the assessment board in a final report to be in serious need
12 of improvement in any criterion used in the report or to have
13 compromised employee safety, the director of the department
14 shall discuss the matter with the assessment board and attempt
15 to determine an effective solution to improve the supervisor's
16 job performance going forward.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 DIVISION I — PEACE OFFICER AND PUBLIC SAFETY AND EMERGENCY
21 PERSONNEL BILL OF RIGHTS. This division makes changes to Code
22 section 80F.1, the peace officer, public safety, and emergency
23 personnel bill of rights.

24 The division changes the definition of "complaint" to
25 require that any formal written allegation must be sworn by
26 the complainant or be a written statement by an officer who
27 has received an oral complaint that is supported by a sworn
28 affidavit.

29 The division provides that a formal administrative
30 investigation of an officer must be commenced within 180 days
31 from the date of the incident giving rise to the allegation
32 against the officer. The investigation is to be completed
33 within 180 days from the date of the complaint, unless the
34 officer signs a written waiver tolling the period of time for
35 a specific period. After initiating a formal administrative

1 investigation of an officer, the investigating agency must
2 promptly serve the officer under investigation with written
3 notice of the complaint, inform the officer of the officer's
4 right to counsel, and provide the officer with a copy of the
5 peace officer bill of rights. The notice must include the
6 names of all of the complainants, the alleged date of the
7 occurrence giving rise to the complaint, a summary of the
8 allegations against the officer, and the name and rank or title
9 of the investigator in charge of the formal administrative
10 investigation. The investigator must not preside over any
11 hearing or make the decision in any punitive or disciplinary
12 action taken against the officer.

13 The division provides that the officer and the officer's
14 legal counsel, designated union representative, and designated
15 employee representative are to be immediately notified
16 in writing of the results of the investigation when the
17 investigation is completed unless otherwise specified by the
18 officer. If the act, omission, or other allegation is also the
19 subject of a criminal investigation or criminal proceeding, the
20 180-day period for completing the investigation is tolled while
21 the criminal investigation or criminal proceeding is pending.

22 The division provides that an officer who is the subject
23 of a complaint and the officer's legal counsel are to be
24 provided with a copy of the complaint and a copy of any policy,
25 procedure, guideline, or order that the officer is alleged
26 to have violated not less than 72 hours in advance of any
27 interview. Upon written request, the employing agency is also
28 required to provide to the officer or the officer's legal
29 counsel a complete copy of any statements, documents, incident
30 reports, video or audio recordings, and photographs from the
31 incident. If, however, the complaint alleges domestic abuse,
32 sexual abuse, or sexual harassment, an officer, officer's
33 legal counsel, designated union representative, or designated
34 employee representative will not receive a copy of the
35 complaint but will receive a written summary of the complaint.

1 The division provides that an officer being interviewed
2 can only be asked questions which are within the scope of the
3 complaint. The officer is to be advised by the interviewer
4 to answer the questions and that the answers cannot be used
5 against the officer in any subsequent criminal proceeding or
6 investigation. An interview of an officer who is the subject
7 of the complaint and of any witness is required to be audio
8 recorded. However, the officer shall not be video recorded
9 without the officer's written consent. The employing agency
10 must provide the officer or the officer's legal counsel or
11 employee representative a complete copy of any audio recording
12 and any transcript made of any interview without charge and
13 without undue delay.

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

1 officer's designated union representative or designated
2 employee representative are not subject to discovery.

3 The division provides that if a formal administrative
4 investigation may result in the removal, discharge, suspension,
5 or other disciplinary action against an officer, copies of any
6 witness statements and the complete investigative agency's
7 report must be provided at no charge, upon request, to the
8 officer or the officer's legal counsel. If an interview,
9 hearing, or other disciplinary proceeding involving the officer
10 who is the subject of a formal administrative investigation,
11 an officer who is a witness in the investigation or other
12 proceeding, or an employee representative of the accused
13 officer, is conducted while the officer is off duty, or at
14 a time which is outside of the officer's regularly scheduled
15 shift, the officer is to be compensated. Volunteer officers
16 are to be compensated by the employing agency for actual
17 lost time from other work as a result of an interview or any
18 proceeding related to an investigation.

19 The division provides that an officer has the right to bring
20 a private cause of action and pursue civil remedies against a
21 citizen arising from the filing of a false complaint against
22 the officer. An officer must bring an expedited action in
23 district court to seek equitable relief within 30 days after
24 the officer knew or should have known of a violation of Code
25 chapter 80F. The district court may grant any equitable
26 relief, including a temporary or permanent injunction, or
27 an order staying investigatory or disciplinary proceedings.
28 Additionally, an officer may seek, within 180 days of a
29 final agency decision, judicial review of the final actions
30 of the employing agency in accordance with the terms of the
31 administrative procedures governing the employing agency. The
32 district court may award money damages, including front pay and
33 back pay, and equitable relief to an officer upon a showing of
34 a violation of the officer's substantive or procedural rights.

35 The division requires that an officer's personal

1 information, including home address, personal telephone
2 number, personal email address, date of birth, social security
3 number, and driver's license number be held confidential and be
4 redacted from any record prior to the record's release to the
5 public by the employing agency.

6 The division requires the employing agency to provide an
7 officer and the officer's legal counsel with a formal written
8 statement of the administrative charges and specifications
9 of alleged fact from the formal administrative investigation
10 and to provide an opportunity to be heard before imposing
11 any punitive or disciplinary action against the officer.
12 The burden of proof to sustain administrative charges
13 and specifications against an officer at hearing is by a
14 preponderance of the evidence. Admissions, confessions,
15 statements against interest, or other evidence obtained during
16 the investigation and interview not conducted in accordance
17 with Code section 80F.1 cannot be used or considered in any
18 disciplinary proceeding or civil action against the officer,
19 and cannot form the basis for adverse employment action against
20 the officer. The employing agency must keep an officer's
21 statement, recordings, or transcripts of any interviews or
22 disciplinary proceedings, and any complaints made against an
23 officer confidential unless otherwise provided.

24 The division requires that a written reprimand be removed
25 from an officer's personnel file within one year from the date
26 of the reprimand unless the officer is disciplined during the
27 one-year period for substantially similar conduct. Except
28 for actions brought pursuant to Code chapter 216 (Iowa civil
29 rights commission), a written reprimand that has been removed
30 from an officer's personnel file cannot be used to form the
31 basis for or to enhance any disciplinary action against the
32 officer. An employing agency must provide an officer a written
33 copy of any document that recommends removal, discharge,
34 suspension, or other disciplinary action be taken against the
35 officer, excluding a training report or an evaluation, prior

1 to placing it in the officer's personnel file. An officer has
2 30 days from the date that the officer is provided a copy of
3 the documents to submit a written response to the officer's
4 employing agency. The written response will be attached to
5 and accompany the adverse document. A complaint against
6 an officer that is pending, withdrawn, or determined to be
7 unfounded or not sustained, records of a formal administrative
8 investigation, and a written reprimand removed from an
9 officer's personnel file, are not subject to discovery in any
10 civil action against the officer except for actions brought
11 pursuant to Code chapter 216. If at least 30 days have passed
12 since the final disposition, upon written request by an
13 officer, the record of a complaint made against the officer
14 will be expunged from any file held by the employing agency if
15 the investigation exonerated the officer of allegations in the
16 complaint, the investigation determined that the allegations
17 were withdrawn, not sustained or unfounded, or if the officer
18 is exonerated in any administrative proceeding, appeal, other
19 disciplinary proceeding, or judicial review.

20 The division requires that an agency employing full-time
21 or part-time officers provide annual training to any officer
22 or supervisor who may perform or supervise an investigation
23 under Code section 80F.1, and maintain documentation of such
24 training. An employing agency cannot prohibit secondary
25 employment by an officer, but may adopt reasonable regulations
26 related to secondary employment. A locker, or other space for
27 storage that may be assigned to an officer, cannot be searched
28 without the officer being present, or without the officer's
29 consent, unless a valid search warrant has been obtained or
30 the officer has been notified in advance that a search will be
31 conducted.

32 The division requires that, on request, the employing agency
33 must provide to the officer or the officer's legal counsel
34 a copy of the officer's personnel file and training records
35 regardless of whether the officer is subject to a formal

1 administrative investigation at the time of the request.

2 The division takes effect upon enactment.

3 DIVISION II — OFFICER SUPERVISOR ASSESSMENTS. This
4 division provides for employee assessments of supervisors of
5 certain officers employed by the department of corrections, the
6 department of natural resources, or the department of public
7 safety.

8 The division defines "officer" as a sworn, nonsupervisory
9 peace officer, a nonsupervisory corrections officer, or
10 security staff employed by a department. "Supervisor" does not
11 include an individual whose position is subject to confirmation
12 by the senate or a division head, a division director in
13 the department of public safety, or the chief executive of a
14 facility operated by the department of corrections.

15 The division requires department employees who are officers
16 to appoint a supervisor assessment board of up to five members
17 comprised of such employees for each facility, bureau, and
18 division of the departments by majority vote using a secret
19 ballot annually by January 1.

20 The division requires each supervisor assessment board to
21 establish uniform assessment procedures for implementing,
22 completing, collecting results, and preparing final reports of
23 assessments conducted in accordance with the division. Each
24 supervisor assessment board shall use the same procedures
25 for all supervisors that the assessment board assesses each
26 calendar year. Assessments shall use objective criteria as
27 determined by a majority vote of the supervisor assessment
28 board to assess the ability, performance, and safety record
29 of a supervisor. At least a portion of the assessment shall
30 include numerical scoring, which shall be averaged for all
31 supervisor assessment board members evaluating a supervisor.
32 Assessment procedures shall ensure anonymity of each supervisor
33 assessment board member completing an assessment.

34 The division provides procedures for assessment boards
35 within a department to exchange one or more board members for

1 a calendar year if such exchange will, in the judgment of the
2 boards, improve the fairness of all boards involved.

3 The division requires a supervisor assessment board to
4 complete an assessment of each department employee who is a
5 supervisor of one or more officers who appointed the assessment
6 board annually by July 1. Upon completion and scoring of
7 an assessment of a supervisor, the division requires each
8 supervisor assessment board to prepare a report consisting
9 of the complete results of each supervisor assessment board
10 member's assessment and a summary of the results of all of the
11 assessments. Each supervisor assessment board member shall be
12 given the opportunity to review the report, which shall not
13 become final until it is agreed to by a majority vote of the
14 assessment board. The final report shall be provided to the
15 director of the department. The report shall be confidential.

16 The division permits a supervisor assessment board, by
17 majority vote, to opt not to conduct any assessments in a
18 calendar year. If the supervisor assessment board does so,
19 the director of the department shall designate one or more
20 employees to conduct an assessment of each supervisor in the
21 calendar year as provided in the division.

22 If a supervisor is determined by a majority of members of
23 the supervisor assessment board in a final report to be in
24 serious need of improvement in any criterion used in the report
25 or to have compromised employee safety, the division requires
26 the director of the department to discuss the matter with
27 the supervisor assessment board and attempt to determine an
28 effective solution to improve the supervisor's job performance
29 going forward.