

HOUSE BILL NO. 1537

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BUTLER.

5058H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 590, RSMo, by adding thereto three new sections relating to the quality policing act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 590, RSMo, is amended by adding thereto three new sections, to be known as sections 590.730, 590.733, and 590.736, to read as follows:

590.730. 1. Sections 590.730 to 590.736 shall be known as the "Quality Policing Act".

2. Every law enforcement agency in this state shall annually report certain law enforcement officer data to the department of public safety to be compiled within a database and used by agencies to determine the need for increased monitoring, supervision, or counseling of any officer.

3. Data required to be reported under subsection 2 of this section shall include, but not be limited to, any:

(1) Incident and pattern of disciplinary complaints made by a private citizen or agency personnel against any officer employed by the agency;

(2) Allegation of racial bias or domestic violence made against any officer employed by the agency;

(3) Civil action against an officer for alleged misconduct committed while he or she was on duty;

(4) Use of force by the officer reported under subsection 4 of this section;

(5) Illegal entry or search documented under subsection 4 of this section; and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **(6) Other evidence that an officer could be a danger to himself, herself, or any other**
18 **person.**

19 **4. In addition to inclusion in an annual report to the department, every law**
20 **enforcement agency shall require every law enforcement officer to submit, within forty-**
21 **eight hours of the incident, a written report to the agency concerning:**

22 **(1) The use of force when the officer uses any type of force greater than escort and**
23 **compliant cuffing; or**

24 **(2) Any search and seizure when the officer performs a warrantless search,**
25 **performs a body cavity or strip search, or conducts any warrantless seizure of property.**

590.733. 1. No law enforcement agency shall discharge, demote, suspend, threaten,
2 **harass, or otherwise discriminate against an employee in the terms and conditions of**
3 **employment because the employee initiates, assists in, or participates in an internal affairs**
4 **investigation. Such prohibition shall not apply to an employment action against an**
5 **employee who:**

6 **(1) Is determined to have a frivolous or clearly vexatious claim; or**

7 **(2) Is convicted of criminal conduct arising from the conduct alleged in the**
8 **complaint.**

9 **2. Any employee who initiates, assists in, or participates in an internal affairs**
10 **investigation shall be permitted to transfer to another unit or agency and shall be**
11 **considered for any promotion that he or she is eligible to receive.**

12 **3. An employer who violates this section is liable to the employee for the following:**

13 **(1) Reinstatement to the employee's position without loss of seniority;**

14 **(2) Two times the amount of lost back pay; and**

15 **(3) Interest on the back pay at the rate of one percent over the prime rate.**

590.736. 1. Every law enforcement agency shall retain records of any disciplinary
2 **complaint it has received regarding any law enforcement officer employed by the agency**
3 **for a period of three years. The records shall include, but not be limited to, the facts,**
4 **parties, and disposition of the complaint. Disciplinary complaints of misconduct shall be**
5 **considered when evaluating a law enforcement officer's job performance or when**
6 **considering an offer of promotion for the officer.**

7 **2. Any disciplinary complaint received by a law enforcement agency shall be made**
8 **available to the public via a monthly statistical report on the website of the agency, county,**
9 **or city not within a county and a printed report released annually. The annual report shall**
10 **include, but not be limited to:**

11 **(1) The amount and type of complaints filed with the agency;**

12 **(2) Who investigated the complaints;**

- 13 **(3) The final disposition of the complaints as sustained, not sustained, unfounded,**
- 14 **or exonerated;**
- 15 **(4) Punishment recommended at each phase of the process; and**
- 16 **(5) Actual punishment at the final disposition.**

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