

HB 1096 -- CIVILIAN REVIEW BOARDS

SPONSOR: Walsh (50)

This bill changes the actions that can be recommended by a civilian review board from "disciplinary" to "appropriate", and provides that a finding or recommendation cannot be based upon an unsworn complaint or statement rather than solely based on such, and prohibits undocumented complaints.

The bill adds requirements for a civilian review board and its members. The board must contain an odd number of members who are residents and registered voters in the community, are not an employee of the same governmental body as the department employing the law enforcement officer against whom the complaint is filed, and are not a party to any pending litigation against that body, an officeholder, or candidate.

Civilian review board members must:

- (1) Accurately reflect the educational, cultural, professional, geographic, and racial diversity of community served by the department and at least one member of the board shall possess prior experience as a commissioned law enforcement officer in Missouri;
- (2) Not have a record of felony conviction or convictions involving moral turpitude or dishonesty;
- (3) Attend a training program sponsored by the department, such as a citizens' police academy, or other such training provided by the department;
- (4) Follow the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics; and
- (5) Participate in a training ride, or ride-along, with an officer routinely assigned to patrol duties, for a duration equal to one-half of the normal shift for a patrol officer with the department as a part of the qualification for the board and again at least one time every calendar year thereafter while serving on the board.

Complaints must be filed within 30 days of an alleged incident in order to ensure the availability of necessary evidence, and the necessary and accurate recollection of any witnesses.

Notice that a complaint has been filed must be given to each officer named in the complaint and will be considered delivered when served upon the officer or when a certified mail return receipt is signed.

All testimony before the board must be given under oath or affirmation and will be permanently recorded.

Complaints containing substantiated false allegations must be referred by the board or chief law enforcement officer to the local prosecuting attorney to be filed for prosecution.

Legal counsel will not be required for the representation of an individual person.

The board may establish rules and regulations that do not conflict with the provisions of this bill or the local department rules and regulations governing the security of internal affairs investigations.

Notice of board meetings must be consistent with the provisions of Chapter 610, RSMo. The board must meet in open sessions at all times, except when it closes to hear testimony, receive evidence, or discuss certain issues set out in the bill.

All information classified by the department as confidential must be treated as such by the board, and board members must not disclose or discuss the information with anyone other than another current board member. All records provided to or held by the board must be closed until legal counsel for the department has approved any information sought to be released to any entity or person who is not a member of the board.

Board members must not reveal, disclose, or discuss, outside of a closed board meeting:

(1) The personal information of an officer. The violation of this prohibition may result in removal from the board, as well as prosecution and punishment; or

(2) Any information that could disclose the identity of a source wishing to remain confidential or a suspect not in custody, or which would disclose techniques, procedures, or guidelines for law enforcement investigations or potential prosecutions reasonably likely to pose a danger to the safety of any victim, witness, undercover officer, or other person, or jeopardize a criminal investigation.

Any officer whose conduct is the subject of a matter before the board or who is involved with the investigation, or a determination by the department of a matter before the board must be notified at least 10 business days in advance, and must be allowed to attend any board meeting at which such matters are to be discussed or

considered whether the meeting is open or closed.