

1 HB563  
2 80604-1  
3 By Representatives Wood, Laird, Hinshaw, Robinson (J), Layson,  
4 Thigpen, Major, Humphryes, Collier, McLaughlin, Page, Beck and  
5 Ward  
6 RFD: Judiciary  
7 First Read: 02-FEB-06

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8 SYNOPSIS: Currently, there is no requirement that  
9 state and local law enforcement agencies adopt  
10 procedures for conducting internal administrative  
11 investigations.

12 This bill would require each state and local  
13 law enforcement agency to adopt procedures  
14 regarding internal or administrative investigations  
15 and would require the agency to distribute a copy  
16 of the procedures to law enforcement officers of  
17 the agency.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
22

23 Relating to internal investigations of complaints  
24 against law enforcement officers of state and local law  
25 enforcement agencies; to require those agencies to establish  
26 written procedures for the completion of internal

1 investigations within 90 days; and providing certain legal  
2 protections for employees under investigation.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. The following definitions shall apply to  
5 this act:

6 (1) COMMISSION. The Alabama Peace Officers'  
7 Standards and Training Commission established by Section  
8 36-21-41, Code of Alabama 1975.

9 (2) COMPLAINT. An allegation of wrongdoing based  
10 upon improper conduct, criminal behavior, or a violation of a  
11 department's, agency's, board's, or an appointing authority's  
12 rules, regulations, or directives.

13 (3) INTERNAL INVESTIGATIONS. An administrative  
14 investigation that is conducted for the purpose of determining  
15 whether the rules, regulations, policies, procedures, or  
16 directives of the department, agency, board, or appointing  
17 authority have been violated or whether criminal laws have  
18 been violated.

19 (4) LAW ENFORCEMENT AGENCY. The state Department of  
20 Public Safety, the Alabama Board of Corrections, the police  
21 department of each incorporated city or town, the sheriff's  
22 office of each sheriff of this state, the Enforcement Division  
23 of the State Department of Conservation and Natural Resources,  
24 the Public Service Commission, and each public agency in the  
25 state having officers and employees charged with enforcement  
26 of any laws which have the power to make arrests. The term

1 does not include the national guard or any military  
2 organization.

3 (5) LAW ENFORCEMENT OFFICER. A policeman, deputy  
4 sheriff, deputy constable, and other official who has been  
5 certified by the Alabama Peace Officers' Standards and  
6 Training Commission as to its rules, regulations, and code, or  
7 who has legal authority to make arrests.

8 Section 2. Every law enforcement agency employing  
9 any law enforcement officer shall establish written procedures  
10 applying to the conduct of internal or administrative  
11 investigations by the agency of its employees.

12 Section 3. The following requirements must be  
13 contained in any written procedure adopted pursuant to this  
14 act:

15 (1) At the time a law enforcement officer is  
16 initially questioned regarding a complaint or allegation of  
17 wrongdoing, the officer shall be notified in writing of the  
18 nature of the complaint and the name of the complainant, if  
19 known and if there is no compelling reason to keep  
20 confidential the name as determined by the agency or  
21 department.

22 (2) An alleged criminal charge shall take precedence  
23 over an administrative charge in the investigation process.

24 (3) If criminal charges are alleged or suspected by  
25 the law enforcement agency, the subject of the investigation  
26 shall be advised of his or her right to seek legal

1 representation and shall be informed of his or her other  
2 rights provided by law that are applicable to the proceeding.

3 (4) A law enforcement officer may be suspended or  
4 assigned alternative duties pending the conclusion of any  
5 internal investigation involving criminal or administrative  
6 charges in accordance with existing policies or procedures of  
7 the appointing authority, agency, or department.

8 (5) In the event the inquiry is solely  
9 administrative, the employee shall be advised of his or her  
10 legal rights pertaining to the administrative inquiry.

11 (6) At any administrative hearing, the employee may  
12 have a representative present. Evidentiary and procedural  
13 rules of the law enforcement agency shall be in writing and a  
14 copy provided to the employee within a reasonable time prior  
15 to the administrative hearing.

16 (7) In the event of an adverse finding against an  
17 employee, an appeal process must be available to a reviewing  
18 authority.

19 Section 4. (a) Every law enforcement agency  
20 conducting an internal investigation of any law enforcement  
21 officer pursuant to an established written procedure shall  
22 complete the investigation within 90 days following the filing  
23 of a complaint against the law enforcement officer, unless the  
24 time is extended for any of the following reasons:

25 (1) By agreement of the parties.

26 (2) Due to the inability of the agency to question a  
27 necessary witness.

1           (3) Due to the inability of the agency to obtain any  
2 necessary report.

3           (b) Nothing in this section shall prohibit the law  
4 enforcement agency from renewing any complaint against a law  
5 enforcement officer at any time based on evidence that was  
6 unavailable during the 90-day investigation.

7           (c) Nothing in this section is intended to alter or  
8 amend any statute of limitations that is otherwise established  
9 by law for any civil or criminal charge brought against a law  
10 enforcement officer. A law enforcement officer may be  
11 suspended or reassigned duty with compensation pending the  
12 completion of any internal investigation.

13           Section 5. Each law enforcement agency, upon the  
14 adoption of its internal investigation procedure pursuant to  
15 this act, shall make a copy of the policy available to all law  
16 enforcement officers employed by the agency for their review.

17           Section 6. This act shall become effective October  
18 1, 2006, following its passage and approval by the Governor,  
19 or its otherwise becoming law.