

HOUSE BILL 25-479

By Senator(s) Robertson
also Representative(s) Richards, Mitchell

AN ACT

CONCERNING OVERSIGHT OF PUBLIC SAFETY

Be It Enacted by the General Assembly of the State of San Andreas:

SECTION 1. SHORT TITLE.

This Act shall be known and may be cited as the Public Safety Conduct Review Board Act.

SECTION 2. DEFINITIONS.

As used in this Act, unless the context otherwise requires:

- (a) "Board" means the Public Safety Conduct Review Board, whether acting as the State Board or as a District Board, established under this Act.
- (b) "State Board" means the State Public Safety Conduct Review Board created under Section 4 of this Act, possessing appellate jurisdiction, rulemaking authority, and statewide certification oversight.
- (c) "District Board" means a District Public Safety Conduct Review Board established under Section 6 of this Act within each county of the State of San Andreas, possessing original jurisdiction over complaints and investigations within its district.
- (d) "Public safety officer" means any person employed or certified by a governmental entity within the State of San Andreas whose official duties involve the protection of life, property, or public order, including but not limited to:
 - (I) Peace officers, including state troopers, sheriffs, deputies, and municipal police officers;
 - (II) Firefighters, whether career or volunteer, certified under the standards of the San Andreas Division of Public Safety;
 - (III) Emergency medical technicians (EMTs), paramedics, and other pre-hospital emergency personnel licensed or certified under the Department of Public Safety or Department of Health; and
 - (IV) Public safety dispatchers and telecommunicators, including emergency communications personnel certified by any state or local public safety agency.
- (e) "Peace officer" means any person vested by law with the authority to enforce laws, maintain public order, make arrests, and carry firearms in the performance of official duties.

PROFESSIONS
AND
OCCUPATIONS

(f) “Certification” means a credential issued by the Department of Public Safety or an affiliated division authorizing an individual to act as a peace officer, firefighter, EMT, or other public safety professional within the State.

(g) “Complaint” means a written, oral, or recorded allegation of misconduct, abuse of authority, violation of law, or breach of professional standards by a public safety officer, submitted by any person, agency, or official body.

(h) “Misconduct” means any act or omission by a public safety officer that violates state or federal law, established professional standards, or the ethical obligations of their office, including but not limited to:

(I) Abuse of authority or power;

(II) Neglect of duty or dereliction of service;

(III) Unlawful use of force or gross negligence;

(IV) Discrimination, harassment, or bias in the performance of official duties;

(V) Falsification of records or deception in an official capacity;

(VI) Breach of confidentiality or improper release of sensitive information; or

(VII) Any conduct unbecoming of a public safety officer.

(i) “Disciplinary action” means an administrative or corrective measure taken in response to sustained misconduct, including but not limited to reprimand, suspension, demotion, termination, revocation, or restriction of certification.

(j) “Sustained finding” means a determination by a District or State Board, based on a preponderance of the evidence, that an allegation of misconduct is substantiated and that disciplinary action is warranted.

(k) “Internal Affairs Unit” or “Internal Affairs Division” means an internal department or section within a public safety agency responsible for investigating alleged violations of that agency’s own policies, employment rules, or internal standards of conduct.

(I) Internal Affairs Units operate independently from the Public Safety Conduct Review Boards.

(II) Internal Affairs findings are administrative in nature and do not, by themselves, affect state certification, licensure, or the disclosure requirements established under this Act.

(III) Internal Affairs Units may refer or jointly investigate cases with the District or State Boards, but final certification and disclosure authority remains with the Boards.

(l) “District Attorney” means the elected or appointed prosecuting attorney for the judicial district in which an alleged act of misconduct occurred, or any deputy or designee acting under their authority.

(m) “Ex parte communication rule” means the general prohibition against communications between an adjudicatory or disciplinary body and one party to a proceeding without notice or participation by the other party, as defined by law or professional standards.

(n) “Public service position” means any position of trust, employment, or appointment within state or local government involving law enforcement, emergency response, or regulatory authority over the public.

PROFESSIONS
AND
OCCUPATIONS

(o) “Department” means the San Andreas Department of Public Safety, including its subordinate divisions such as the Peace Officer Standards and Training (POST) Division, Division of Fire Services, and Emergency Medical Services Division.

(p) “Referral” means the formal transmission of an investigation or complaint from a public safety agency or Internal Affairs Unit to a District or State Public Safety Conduct Review Board for independent review or adjudication.

(q) “Certification authority” means the state entity responsible for issuing, suspending, or revoking professional licenses or credentials for public safety personnel.

SECTION 3. LEGISLATIVE DECLARATION.

The General Assembly finds and declares that:

(a) The safety and trust of the public depend upon the ethical and professional conduct of all first responders and public safety officers.

(b) A transparent and impartial system of review promotes accountability, protects the rights of both officers and citizens, and strengthens confidence in emergency services.

(c) Uniform statewide oversight ensures that disciplinary standards are consistent, fair, and based on due process.

(d) Cooperation between conduct review boards and prosecutorial authorities facilitates lawful referral of potential criminal violations while preserving confidentiality prior to formal charges.

(e) Integration of disciplinary findings into certification systems ensures that repeated or egregious misconduct results in appropriate administrative and professional consequences.

SECTION 4. ESTABLISHMENT AND COMPOSITION.

(a) Creation. There is hereby created the State Public Safety Conduct Review Board (“State Board”), a body corporate and politic within the Department of Public Safety for administrative purposes only.

(b) Membership. The State Board shall consist of twelve (12) members appointed as follows:

(I) Four (4) civilians of recognized integrity and good moral character;

(II) Two (2) peace officers (active or retired);

(III) Two (2) firefighters;

(IV) Two (2) emergency medical or public health professionals; and

(V) Two (2) attorneys experienced in criminal or administrative law, one of whom shall have expertise in civil rights.

(c) Members shall be nominated jointly by the Director of the Department of Public Safety and the Supreme Court of San Andreas, and confirmed by a majority vote of the General Assembly. Members shall serve staggered four-year terms and may be reappointed once.

(d) Leadership. The Board shall elect from among its members a Chair and Vice-Chair for renewable two-year terms.

(e) Compensation. Members shall receive per-diem compensation and reimbursement for reasonable expenses as provided by law.

SECTION 5. POWERS AND DUTIES OF THE STATE BOARD.

(a) The State Board shall:

- (I) Hear appeals from District Boards and issue final administrative determinations;
- (II) Establish statewide standards of professional conduct and disciplinary procedures applicable to all public safety officers;
- (III) Develop criteria for suspension or revocation of peace officer, firefighter, or EMT certification for sustained misconduct;
- (IV) Maintain a centralized database of disciplinary actions and findings accessible to authorized agencies;
- (V) Publish annual public reports summarizing disciplinary statistics and recommendations;
- (VI) Coordinate with the Department and other licensing authorities to ensure consistent certification standards; and
- (VII) Adopt uniform rules for due process and complaint handling.

(b) Consultation with Prosecutors. The State Board, and each District Board, shall have authority to meet and confer with the District Attorney or their designee to determine whether evidence from a board investigation may support the filing of criminal charges under state law.

(c) Any meeting held before the filing of charges shall be exempt from the ordinary ex parte communication rule, and shall not require the presence of the potential defendant, provided that the meeting is limited to factual and evidentiary exchange; and the exemption ends immediately upon the formal filing of charges, at which time all due-process and disclosure requirements shall apply.

(d) Nothing in this subsection shall limit the prosecutorial discretion of the District Attorney or create a private cause of action based on the substance of such meetings.

(e) Final Authority. Decisions of the State Board shall constitute the final administrative determination of the State, subject to judicial review by the Supreme Court of San Andreas.

SECTION 6. ESTABLISHMENT AND COMPOSITION.

(a) There is hereby created one District Public Safety Conduct Review Board in each County of the State of San Andreas.

(b) Each District Board shall consist of ten (10) members appointed by the County Commission representing that district, composed equally of civilians and public safety professionals, including at least one member from each represented field (law enforcement, fire, EMS).

(c) District Boards shall receive, investigate, and adjudicate complaints within their jurisdiction and issue written findings and recommendations, subject to appeal to the State Board.

(d) District Boards may issue findings, impose disciplinary recommendations, and refer cases to the State Board or POST authority for further action.

- (e) Each District Board shall have the same authority to consult with the District Attorney pursuant to Section 5(b).
- (f) Parties aggrieved by a District Board decision may appeal to the State Board within thirty (30) days.
- (g) Reporting. District Boards shall submit quarterly summaries to the State Board containing complaint statistics, case outcomes, and any recommendations for systemic improvement.

SECTION 7. INTEGRATION WITH CERTIFICATION SYSTEMS.

- (a) All findings, decisions, and disciplinary actions issued by any Board shall be recorded in the officer's or responder's certification file maintained by the Department of Public Safety or the relevant certifying authority.
- (b) The State Board shall, by rule, establish thresholds and standards under which recurring or severe misconduct shall result in suspension or revocation of certification.
- (c) Any person whose certification is suspended or revoked under this Act shall be prohibited from serving in any public safety capacity within the State until reinstated.
- (d) Public safety officers with sustained disciplinary findings shall be required to disclose such record when applying for employment with any law enforcement, fire, emergency medical, or other public service agency.
- (e) Former employers shall be legally required to disclose to any prospective public safety employer—within or outside the State—any known disciplinary history or board findings involving the applicant.
- (f) No agency shall withhold, alter, or conceal such information upon a valid request. Any deliberate failure to disclose shall be a violation of this Act and subject to administrative sanction by the Department of Public Safety.
- (g) Disclosure obligations under this section shall apply both within the State of San Andreas and to out-of-state law enforcement or public service agencies making a good-faith request for employment verification or background investigation.

SECTION 8. STANDARDS OF REVIEW AND PROCEDURE.

- (a) All proceedings shall ensure due process, including written notice, right to counsel, opportunity to present evidence, and right to appeal.
- (b) The standard of proof shall be a preponderance of the evidence.
- (c) All findings shall be issued in writing and made public with necessary redactions.

SECTION 9. RULEMAKING AUTHORITY.

The State Board shall adopt all rules necessary to implement this Act, including uniform complaint forms, hearing procedures, confidentiality standards, and certification tracking mechanisms.

SECTION 10. APPROPRIATION.

The General Assembly shall appropriate such funds as are necessary to carry out this Act and to integrate disciplinary records across public safety certification systems.

SECTION 11. AUTHORITY OF DEPARTMENTAL INTERNAL AFFAIRS UNITS.

(a) Independent Investigatory Authority. Each law enforcement, fire, or emergency medical agency within the State of San Andreas retains the authority to maintain and operate its own Internal Affairs Unit for the purpose of investigating alleged violations of departmental rules, employment policies, or internal conduct codes by its personnel.

(b) Scope of Authority. Internal Affairs investigations and determinations are administrative and departmental in nature, and are not subject to review, modification, or appeal by the State or District Public Safety Conduct Review Boards except as provided in subsection (e) of this section.

(c) Internal Affairs findings shall have no direct effect on an individual's state certification status or licensure unless such finding has been adopted, affirmed, or referred to a Public Safety Conduct Review Board for independent consideration.

(d) Disclosure and Recordkeeping. Records and determinations made exclusively by Internal Affairs Units are not subject to the public disclosure requirements or inter-agency sharing mandates established by this Act. Such records shall remain internal to the employing department, except when:

(I) The Internal Affairs Unit refers the matter to a District or State Public Safety Conduct Review Board for formal review; or

(II) Disclosure is otherwise required under court order, subpoena, or applicable state or federal law.

(e) Coordination of Investigations. An Internal Affairs Unit may, at any time, refer a complaint or case to the District or State Board for investigation or joint review when:

(I) The alleged misconduct implicates state law, constitutional rights, or public trust violations;

(II) The misconduct involves multiple agencies or jurisdictions; or

(III) The department determines that an independent review is in the public interest.

(f) When an Internal Affairs Unit and a Board conduct joint or parallel investigations, the Boards shall maintain primary jurisdiction over certification-related findings, while the department retains authority over internal employment discipline.

(g) Relative Weight of Findings. For purposes of certification, suspension, or revocation, only findings, decisions, or disciplinary actions issued by a District or State Public Safety Conduct Review Board shall be recognized as determinative.

(h) Internal Affairs findings may be considered as supplemental information, but shall not by themselves trigger certification action under this Act.

(i) In the event of conflicting conclusions between an Internal Affairs Unit and a Board, the Board's determination shall control for purposes of state certification, disclosure, and recordkeeping.

(j) Referral Standards and Cooperation. The State Board shall promulgate rules establishing uniform criteria and procedures for referrals from Internal Affairs Units, joint investigations, and coordination of information-sharing to ensure consistency and due process across all agencies.

SECTION 12. DUTY TO PROVIDE RECORDS AND EVIDENCE.

(a) Mandatory Cooperation. All public safety agencies, law-enforcement departments, fire departments, emergency medical services, and any other governmental entity employing public safety officers shall fully cooperate with investigations conducted by a District or State Public Safety Conduct Review Board. Such cooperation shall include the prompt surrender of any and all evidence, records, data, or material relevant to an investigation, including but not limited to:

(I) Written or oral civilian complaints;

(II) Witness or co-worker statements;

(III) Internal incident or use-of-force reports;

(IV) Personnel and disciplinary files;

(V) Training, qualification, and psychological evaluation records;

(VI) Audio or video recordings, including body-worn and dash-mounted camera footage;

(VII) Radio or dispatch logs;

(VIII) Photographs, forensic evidence, or investigative documents; and

(IX) Any other material deemed necessary by the Board to reach a determination of fact.

(b) Timeliness of Compliance. Agencies shall produce such materials within a reasonable time frame prescribed by the Board's rules, not to exceed thirty (30) days from the date of written request, unless otherwise extended for good cause shown.

(c) Confidentiality. All materials received under this section shall be treated as investigative records, subject to the confidentiality and disclosure provisions of this Act and applicable law.

(d) Sanctions for Non-Compliance. Any agency that willfully fails or refuses to comply with a lawful request or subpoena issued by a District or State Public Safety Conduct Review Board shall be subject to administrative sanction by the Department of Public Safety.

(I) Upon written certification by the State Board to the Department of Treasury, the Department shall withhold or reduce state funding allocations to the non-compliant agency for the following fiscal year in an amount determined by rule of the Department of Public Safety, not to exceed ten percent (10%) of annual state disbursements.

(II) Persistent or repeated non-compliance may be referred to the Attorney General for civil enforcement and additional penalties.

PROFESSIONS
AND
OCCUPATIONS

(e) No Waiver of Privilege. Production of materials under this section does not waive any applicable legal privilege as to third parties; however, it constitutes a limited waiver for use in Board proceedings and state certification reviews.

(f) Rulemaking. The State Board, in consultation with the Department of Public Safety, shall promulgate rules establishing uniform procedures for requests, subpoenas, confidentiality, and funding sanctions under this section.