**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 2 TO TITLE 23 SO AS TO PROVIDE A LOCAL GOVERNMENTAL BODY SHALL ESTABLISH A LAW ENFORCEMENT CIVILIAN REVIEW BOARD AND PROVIDE FOR ITS RESPONSIBILITIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 23 of the 1976 Code is amended by adding:

“CHAPTER 2

Law Enforcement Civilian Review Board

Section 23‑2‑10. (A) As used in this section:

(1) ‘law enforcement agency’ means the political subdivision or the campus police department of any public institution of higher education of the state employing a law enforcement officer; and

(2) ‘law enforcement officer’ means any person, other than a chief of police or sheriff, who, in his official capacity, is authorized by law to make arrests.

(B) A local governmental body shall establish a law enforcement civilian review board, which shall have the following duties:

(1) receive, investigate, and issue findings on complaints from civilians regarding conduct of law enforcement officers and civilian employees of a law enforcement agency serving under the authority of the locality;

(2) investigate and issue findings on incidents, including the use of force by a law enforcement officer, death or serious injury to any person held in custody, serious abuse of authority or misconduct, allegedly discriminatory stops, and other incidents regarding the conduct of law enforcement officers or civilian employees of a law enforcement agency serving under the authority of the locality;

(3) recommend disciplinary actions in cases that involve serious breaches of departmental and professional standards, as defined by the locality. Such disciplinary recommendations may include letters of reprimand, suspension without pay, suspension with pay, demotion within the department, reassignment within the department, termination, involuntary restitution, or mediation to be implemented by the local governmental employee with ultimate supervisory authority over officers or employees of law enforcement agencies under the authority of the locality;

(4) investigate policies, practices, and procedures of law enforcement agencies under the authority of the locality and to make recommendations regarding changes to policies, practices, and procedures of law enforcement agencies under the authority of the locality. If the law enforcement agency declines to implement any recommended changes from the board, the law enforcement agency may be required to create a written record, which shall be made available to the public, of its rationale for declining to implement recommendations of the board;

(5) review all investigations conducted internally by law enforcement agencies under the authority of the locality, including internal investigations of civilians employed by the law enforcement agencies, and to issue findings regarding the accuracy, completeness, and impartiality of the investigations and the sufficiency of any discipline resulting from such investigations;

(6) request reports of the annual expenditures of the law enforcement agencies under the authority of the locality and to make budgetary recommendations to the local governmental body concerning future appropriations;

(7) make public reports on the activities of the board, including investigations, hearings, findings, recommendations, determinations, and oversight activities;

(8) undertake any other duties as reasonably necessary for the board to effectuate its lawful purpose as provided for in this section to effectively oversee the law enforcement agencies as authorized by the locality; and

(9) establish a mediation program to mediate minor citizen complaints against law enforcement officers. The board shall recruit and provide mediation training for mediators. Law enforcement officers would be required to participate in mediations.

(C) The local governmental body shall establish the policies and procedures for the performance of duties by the board as set forth in this section. The board may hold hearings and, if after making a good faith effort to obtain, voluntarily, the attendance of witnesses and the production of books, papers, and other evidence necessary to perform its duties, the board is unable to obtain such attendance or production, it may apply to the circuit court for a subpoena compelling the attendance of the witness or the production of books, papers, and other evidence, and the court may, upon good cause shown, cause the subpoena to be issued. Any person so subpoenaed may apply to the court that issued the subpoena to quash it.

(D) Any person currently employed by a law enforcement agency is ineligible to serve on a civilian review board established pursuant to this section.

(E) A law enforcement officer who is subject to a disciplinary recommendation may file an action in circuit court.

(F) A civilian review board may retain legal counsel to represent the board in all cases, hearings, controversies, or matters involving the interests of the board. The counsel shall be paid from the funds of the locality.”

SECTION 2. This act takes effect upon approval by the Governor.

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