**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑23‑165 SO AS TO PROVIDE THE LAW ENFORCEMENT TRAINING COUNCIL SHALL DEVELOP A MINIMUM SET OF STANDARDS THAT A STATE OR LOCAL LAW ENFORCEMENT AGENCY MUST FOLLOW WHEN ESTABLISHING AND IMPLEMENTING A MEDIATION PROGRAM AS AN ALTERNATE METHOD OF RESOLVING LAW ENFORCEMENT MISCONDUCT COMPLAINTS.

Whereas, some law enforcement misconduct complaints may be resolved through mediation rather than a traditional fact‑finding investigation; and

Whereas, this alternate complaint resolution procedure, which takes place in an informal setting, can be used to resolve certain complaints through dialogue and with the intent to strengthen relations between law enforcement agencies and the communities they serve; and

Whereas, mediation is a form of confidential dispute resolution in which complainants and law enforcement agency employees meet fact‑to‑face with impartial mediators to discuss and resolve alleged misconduct; and

Whereas, it is the General Assembly’s intent to have a uniform standard set of guidelines that govern each law enforcement agency that offers a mediation program as an alternate method of resolving law enforcement misconduct complaints. Now, therefore,

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

SECTION 1. Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑23‑165. (A) The Law Enforcement Training Council shall develop a minimum set of uniform standards that a state or local law enforcement agency must follow when establishing and implementing a mediation program as an alternate method of resolving law enforcement misconduct complaints.

(B) The standards shall include, but are not limited to:

(1) the types of alleged law enforcement misconduct that may be referred to a mediation program;

(2) individuals that may serve as mediators;

(3) training required for mediators;

(4) the rights and duties of a person whose complaint is referred to mediation;

(5) the rights and duties of a law enforcement employee who is the subject of a complaint that is referred to mediation;

(6) the impact of a decision rendered by a mediator;

(7) steps to be taken if a decision is not rendered by a mediator; and

(8) any other standards the council determines are necessary.

(C) The council shall develop and offer programs to train mediators.

(D) Mediators shall have no power to influence the outcome of the mediation.

(E) A law enforcement agency that fails to comply with this section is subject to the provisions contained in Section 23‑23‑100.”

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

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