

HB 933 -- OFFICER INVOLVED DEATHS

SPONSOR: English

This bill creates a civilian review board under the Office of the Attorney General for officer-involved deaths. The board must be composed of:

- (1) One retired judge;
- (2) A former sheriff, chief of police, chief deputy sheriff, or chief deputy of police;
- (3) An assistant attorney general;
- (4) A professor or researcher affiliated with a state university or college who has expertise in the field of criminal law or criminal justice; and
- (5) A former district attorney or assistant district attorney who served in that capacity for at least 10 years.

Each member will be appointed to staggered four-year terms by the Attorney General as specified in the bill. The board will meet as often as necessary to perform its duties and are entitled to reasonable reimbursement for necessary travel and other expenses pertaining to the duties of the board.

The bill requires each law enforcement agency to have a written policy regarding how to handle officer-involved deaths. Each policy must be reviewed and approved by the Director of the Department of Public Safety.

Each policy must:

- (1) Require a team of investigators with at least three specified individuals;
- (2) Require any officer involved in a death to submit a blood sample however, permission of the officer who submitted the sample or a search warrant must be obtained prior to any analysis or test on the blood sample; and
- (3) Allow an internal investigation into the death if the internal investigation does not interfere with the duties of the investigation team.

The investigative team must consult and report to the prosecuting attorney in the jurisdiction where the death occurred. When the

report is complete the prosecutor must release the report to the board for the review of the officer-involved death. The investigative team must respond to any requests from the board unless the prosecutor restricts the team from a response due to a court order or because a response could jeopardize the prosecution or investigation of an open case. When the board finishes its review of the report, it may make recommendations to the prosecutor in the jurisdiction where the death occurred and forward the report to any individual responsible for disciplining any officer involved, and the Attorney General must release the report and any accompanying written files unless the information must be kept confidential as required by law.

Meetings of the board for the review of an officer-involved death are open to the public, but public comment is closed unless the majority of the board votes to allow public comment.