

SENATE BILL No. 324

May 12, 2015, Introduced by Senators YOUNG, SCHUITMAKER and JOHNSON and referred to the Committee on Judiciary.

A bill to require certain law enforcement agencies to investigate certain officer-involved deaths; and to impose certain duties on certain state and local officials and agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Law enforcement agency" means the department of state
3 police, the department of natural resources, or a law enforcement
4 agency of a county, township, city, village, airport authority,
5 community college, or university, that is responsible for the
6 prevention and detection of crime and enforcement of the criminal
7 laws of this state.

8 (b) "Law enforcement officer" means any of the following:

9 (i) A person who is trained and certified under the commission
10 on law enforcement standards act, 1965 PA 203, MCL 28.601 to

1 28.616.

2 (ii) A local corrections officer as defined in section 2 of the
3 local corrections officers training act, 2003 PA 125, MCL 791.532.

4 (iii) An emergency dispatch worker employed by a law enforcement
5 agency.

6 (c) "Officer-involved death" means a death of an individual
7 that results directly from an action or an omission of a law
8 enforcement officer while the law enforcement officer is on duty or
9 while the law enforcement officer is off duty but performing
10 activities that are within the scope of his or her law enforcement
11 duties.

12 Sec. 2. (1) Each law enforcement agency shall have a written
13 policy regarding the investigation of officer-involved deaths that
14 involve a law enforcement officer employed by the law enforcement
15 agency.

16 (2) Each written policy described under subsection (1) shall
17 require an investigation conducted by not fewer than 2
18 investigators, 1 of whom is the lead investigator and neither of
19 whom is employed by a law enforcement agency that employs a law
20 enforcement officer involved in the officer-involved death.

21 (3) If the officer-involved death being investigated is
22 traffic-related, the written policy described under subsection (1)
23 shall require the investigation to use a crash reconstruction unit
24 from a law enforcement agency that does not employ a law
25 enforcement officer involved in the officer-involved death being
26 investigated, except that a policy for a state law enforcement
27 agency may allow an investigation involving a law enforcement

1 officer employed by that state law enforcement agency to use a
2 crash reconstruction unit from the same state law enforcement
3 agency.

4 (4) Each written policy described in subsection (1) may allow
5 an internal investigation into the officer-involved death if the
6 internal investigation does not interfere with the investigation
7 conducted under subsection (2).

8 (5) Compensation for participation in an investigation under
9 subsection (2) may be determined in a manner consistent with mutual
10 aid agreements.

11 (6) The investigators conducting the investigation under
12 subsection (2) shall, in an expeditious manner, provide a complete
13 report to the prosecuting attorney of the county in which the
14 officer-involved death occurred.

15 (7) If the prosecuting attorney determines that there is no
16 basis to prosecute the law enforcement officer involved in the
17 officer-involved death, the investigators conducting the
18 investigation under subsection (2) shall release the report to the
19 public.

20 Enacting section 1. This act takes effect 90 days after the
21 date it is enacted into law.