

HOUSE BILL NO. 6264

September 29, 2020, Introduced by Reps. Tyrone Carter, Sabo, Ellison, Brixie, Chirkun, Hood, Tate, Peterson, Anthony, Hope, Stone, Sowerby, Pohutsky, Brenda Carter, Garrett and Jones and referred to the Committee on Judiciary.

A bill to provide for the uniform compilation of reports of certain actions by law enforcement officers; to require law enforcement agencies to create the offices of the use of force inspector generals; to require the use of force inspector generals to compile certain reports received about law enforcement officers and submit the reports to the department of state police; to require the department of state police to compile certain reports received from the use of force inspector generals and publish them annually, to prescribe penalties and civil sanctions; and to provide for the powers and duties of certain state agencies and



departments.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "uniform reporting act."

3 Sec. 2. As used in this act:

4 (a) "Commission" means the Michigan commission on law
5 enforcement standards created under the Michigan commission on law
6 enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, or by
7 express delegation of the Michigan commission on law enforcement
8 standards, its executive director and staff.

9 (b) "Department" means the department of state police.

10 (c) "Inspector" means the use of force inspector general
11 appointed under section 3.

12 (d) "Law enforcement agency" means that term as defined in
13 section 2 of the Michigan commission on law enforcement standards
14 act, 1965 PA 203, MCL 28.602.

15 (e) "Law enforcement officer" means that term as defined in
16 section 2 of the Michigan commission on law enforcement standards
17 act, 1965 PA 203, MCL 28.602.

18 Sec. 3. (1) Beginning on January 1, 2021, each law enforcement
19 agency in this state shall appoint a use of force inspector
20 general. The inspector appointed under this subsection shall serve
21 at the pleasure of the head of the law enforcement agency and shall
22 not be an individual that was involved in the investigation of an
23 allegation involving the use of force or misconduct by a law
24 enforcement officer.

25 (2) The inspector shall perform all of the following duties:

26 (a) Review reports by the public regarding the use of force or
27 misconduct by law enforcement officers.



1 (b) Classify reports of incidents of use of force into
2 categories as provided under subsection (3).

3 (c) Compile reports of incidents of departmental violations
4 including, but not limited to, mistreatment of an individual in
5 custody, falsifying police reports or other reports, or failure to
6 report law enforcement officer misconduct.

7 (d) Compile reports of incidents of use of force by a law
8 enforcement officer in the employ of the law enforcement agency.

9 (e) Submit the reports compiled under subdivisions (c) and (d)
10 to the department on a monthly basis.

11 (3) The inspector shall classify reports of incidents of the
12 use of force into the following categories:

13 (a) The status of the individual against whom the use of force
14 was employed. The inspector shall use the following colors to
15 designate categories under this subdivision:

16 (i) Green to indicate that the force was used exclusively
17 against 1 or more nonminority individuals.

18 (ii) Yellow to indicate that the force was used against at
19 least 1 nonminority individual and at least 1 minority individual.

20 (iii) Red to designate that the force was used exclusively
21 against 1 or more minority individuals.

22 (b) The type of force used by the law enforcement officer.
23 Under this category, the inspector shall indicate whether the force
24 used was by any of the following methods:

25 (i) Hard hand only.

26 (ii) Nonlethal means, which includes taser, tear gas, or pepper
27 spray.

28 (iii) Lethal means.

29 (c) The law enforcement officer's justification for the use of



1 force. The justification under this subdivision may include that
2 the individual against whom the use of force was employed was
3 combative, fleeing the scene, or a threat to others.

4 (d) Determination of the reasonableness or unreasonableness of
5 the force used. If the inspector finds that the force used by the
6 law enforcement officer was determined to be reasonable, the
7 inspector shall indicate the reasons for the determination. If the
8 inspector finds that the force used by the law enforcement officer
9 was determined to be unreasonable, the inspector shall indicate
10 whether any administrative or criminal actions were taken against
11 the law enforcement officer that used force.

12 Sec. 4. Beginning on January 1, 2021, the department shall
13 create and administer a comprehensive system for the receipt of all
14 reports compiled under this act. The department shall compile the
15 reports received under this act and publish an annual statewide law
16 enforcement use of force report on its website.

17 Sec. 5. (1) A report compiled under this act shall be retained
18 by a law enforcement agency and the department for not less than 50
19 years.

20 (2) A law enforcement agency that fails to comply with the
21 requirements of this act may be liable for criminal or civil
22 sanctions, including, but not limited to, the loss of law
23 enforcement training funds and other state and federal funding
24 sources.

