

HOUSE BILL NO. 4292

February 23, 2021, Introduced by Reps. Tyrone Carter, Steenland, O'Neal, Wozniak, Rogers, Brabec, Puri, Liberati, Scott, Hope, LaGrand, Anthony, Morse, Bolden, Pohutsky, Cavanagh, Hammoud, Hood, Sowerby, Ellison, Rabhi, Young, Aiyash, Lasinski, Brenda Carter, Stone, Coleman, Whitsett, Peterson and Yancey and referred to the Committee on Government Operations.

A bill to provide for the uniform compilation of certain reports of certain actions by law enforcement officers; to require the appointment of a use of force inspector general by each law enforcement agency in this state; to require the compilation, submission, and publication of certain reports; to prescribe penalties and civil sanctions; and to provide for the powers and duties of certain state and local governmental officers and entities.

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 July 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 by a law enforcement officer.

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

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

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

29 (c) Compile reports of incidents of departmental violations

1 including, but not limited to, mistreatment of an individual in
2 custody, falsifying police reports or other reports, or failure to
3 report the use of force by law enforcement officers.

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

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

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

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

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

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

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

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

22 (i) Hard hand only.

23 (ii) Nonlethal means, which includes taser, tear gas, or pepper
24 spray.

25 (iii) Lethal means.

26 (c) The law enforcement officer's justification for the use of
27 force. The justification under this subdivision may include that
28 the individual against whom the use of force was employed was
29 combative, fleeing the scene, or a threat to others.

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

9 Sec. 4. Beginning January 1, 2022, the department shall create
10 and administer a comprehensive system for the receipt of all
11 reports compiled under this act. The department shall compile the
12 reports received under this act and publish an annual statewide law
13 enforcement use of force report on its website.

14 Sec. 5. (1) A report compiled under this act must be retained
15 by a law enforcement agency and the department for not less than 50
16 years.

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