



Ohio Legislative Service Commission

Bill Analysis

Aida S. Montano

H.B. 437

131st General Assembly
(As Introduced)

Reps. Boyd and Kuhns, K. Smith, Sykes, Cera, Reece, Howse

BILL SUMMARY

- Requires every law enforcement agency to adopt a written policy regarding the investigation of an officer-involved death involving a law enforcement officer employed by that agency.
- Requires the policy to require such an investigation to be conducted by at least two law enforcement officers employed by a law enforcement agency other than the agency that employs the officer involved in the death.
- Requires a law enforcement agency, upon request and subject to terms agreed upon by the agencies, to assist and cooperate with another law enforcement agency in the investigation, which assistance may include the provision of officers, services, or equipment.
- Provides that the cooperating agencies must designate a lead investigator.
- Provides that the adoption of a written policy does not prohibit the law enforcement agency from conducting an internal investigation if that investigation does not interfere with the investigation described above.
- Requires the investigating officers to expeditiously provide a complete report of the investigation to the prosecuting attorney of the county in which the officer-involved death occurred.
- Requires the public release of the report if the prosecuting attorney determines there is no basis to prosecute the involved law enforcement officer for the commission of a crime.

- Generally requires a law enforcement agency's written policy to require the investigation of a traffic-related officer-involved death to use a crash reconstruction unit from a law enforcement agency other than the agency employing the involved officer being investigated.

CONTENT AND OPERATION

Written policy of investigation of officer-involved death

The bill requires each law enforcement agency to adopt a written policy regarding the investigation of an "officer-involved death" (defined below) that involves a law enforcement officer employed by the law enforcement agency. The policy must require an officer-involved death investigation to be conducted by at least two law enforcement officers employed by a law enforcement agency that does not employ any law enforcement officer involved in the officer-involved death.¹

The adoption of such a written policy does not prohibit the law enforcement agency from conducting an internal investigation into an officer-involved death if the internal investigation does not interfere with the investigation conducted as described below.²

Assistance in investigation

Upon request, a law enforcement agency must provide assistance to, and cooperate with, another law enforcement agency in the investigation. An assisting agency may provide law enforcement officers, services, or equipment to investigate the death. The agencies cooperating in the investigation must designate a lead investigator. The assistance and cooperation of an assisting agency must be provided pursuant to terms agreed upon by the assisting agency and the requesting agency, which may include the provision of law enforcement services and equipment and the interchange of services and equipment among other assisting law enforcement agencies.³

Report of investigation

The officers conducting an investigation must, in an expeditious manner, provide a complete report of the investigation to the prosecuting attorney of the county in which the officer-involved death occurred. If the prosecuting attorney determines

¹ R.C. 2901.51(B)(1).

² R.C. 2901.51(B)(3).

³ R.C. 2901.51(B)(2).



there is not a basis to prosecute a law enforcement officer involved in the officer-involved death for the commission of a crime, the report must be released as a public record by an assisting law enforcement agency or the prosecuting attorney pursuant to rules adopted by the law enforcement agency or prosecutor in accordance with the Administrative Procedure Law.⁴

Investigation of traffic-related officer-involved death

Except as described below, the law enforcement agency's written policy must require the investigation of a traffic-related officer-involved death to use a crash reconstruction unit from a law enforcement agency that does not employ a law enforcement officer involved in the officer-involved death being investigated. However, a state law enforcement agency's policy regarding the investigation of an officer-involved death may allow an investigation involving an officer employed by that law enforcement agency to use a crash reconstruction unit from the same state law enforcement agency.⁵

Definitions

The bill defines the following terms:⁶

"Officer-involved death" means a death of another or the "unlawful termination of another's pregnancy" that results from an action or omission of a law enforcement officer who is engaged in the performance of the law enforcement officer's official duties or is performing activities that are within the scope of the law enforcement officer's official duties outside of the course of the law enforcement officer's official duties.

"Unlawful termination of another's pregnancy" means causing the death of an unborn member of the species homo sapiens, who is or was carried in the womb of another, as a result of injuries inflicted during the period that begins with fertilization and that continues unless and until live birth occurs.⁷

⁴ R.C. 2901.51(D).

⁵ R.C. 2901.51(C).

⁶ R.C. 2901.51(A).

⁷ By reference to R.C. 2903.09, which is not in the bill.

HISTORY

ACTION

DATE

Introduced

01-27-16

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