

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/10/17

A Bill

HOUSE BILL 2228

5 By: Representative Blake
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE INDEPENDENT INVESTIGATION OF
9 DEATHS INVOLVING A POLICE OFFICER; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12 CONCERNING THE INDEPENDENT INVESTIGATION
13 OF DEATHS INVOLVING A POLICE OFFICER.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 *SECTION 1. Arkansas Code Title 12, Chapter 12, Subchapter 1, is*
21 *amended to add an additional section to read as follows:*

22 *12-12-110. Investigation of officer-involved death.*

23 *(a) As used in this section:*

24 *(1) "Law enforcement agency" means a police force or*
25 *organization whose primary responsibility as established by law or ordinance*
26 *is the enforcement of the criminal, traffic, or highway laws of this state*
27 *and that is staffed twenty-four (24) hours a day;*

28 *(2) "Law enforcement officer" means a full-time, part-time,*
29 *volunteer, or appointed law enforcement officer or county sheriff who is*
30 *responsible for the prevention and detection of crime and the enforcement of*
31 *the criminal, traffic, or highway laws of this state; and*

32 *(3) "Officer-involved death" means the death of a person that*
33 *results directly from an act or an omission of a law enforcement officer*
34 *while the law enforcement officer is on duty, or while the law enforcement*
35 *officer is not on duty but performing activities that are within the scope of*
36 *his or her law enforcement duties.*



1 (b) A law enforcement agency shall have a written policy regarding the
2 investigation of an officer-involved death that involves a law enforcement
3 officer employed by the law enforcement agency.

4 (c)(1) The written policy required by subsection (b) of this section
5 shall require an investigation conducted by at least two (2) investigators,
6 one (1) of whom is the lead investigator and neither of whom is employed by
7 the law enforcement agency that employs the law enforcement officer involved
8 in the officer-involved death.

9 (2) If an officer-involved death being investigated is traffic-
10 related, the written policy under subsection (b) of this section shall
11 require the investigation to use a crash reconstruction unit from a law
12 enforcement agency that does not employ a law enforcement officer involved in
13 the officer-involved death being investigated, except that the written policy
14 for a state law enforcement agency may allow an investigation involving a law
15 enforcement officer employed by that state law enforcement agency to use a
16 crash reconstruction unit from the same state law enforcement agency.

17 (3) Each written policy under subsection (b) of this section may
18 allow an internal investigation into the officer-involved death if the
19 internal investigation does not interfere with the investigation conducted
20 under this subsection.

21 (d)(1) In an expeditious manner, the investigators conducting the
22 investigation under subsection (c) of this section shall provide a written
23 report to the prosecuting attorney having jurisdiction in the county in which
24 the officer-involved death occurred.

25 (2)(A) If the prosecuting attorney having jurisdiction determines
26 that there is no basis to prosecute the law enforcement officer involved in
27 the officer-involved death, the investigators conducting the investigation
28 under subsection (c) of this section shall publicly release the written
29 report described in subdivision (d)(1) of this section.

30 (B) However, before publicly releasing the written report
31 described in subdivision (d)(1) of this section, the investigators shall
32 delete any information that is not subject to disclosure under the Freedom of
33 Information Act of 1967, § 25-19-101 et seq.

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35 /s/Blake
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