

As Introduced

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Representatives Dever, Reece

Cosponsors: Representatives Amstutz, Boyd, Kuhns, Buchy, Thompson, Conditt, Ashford, Sykes, Smith, K., Rezabek, Patterson, Burkley, Schaffer, Sheehy, Ramos, Antonio, Howse

A BILL

To amend sections 2930.01, 2930.03, and 2930.04 and 1
to enact section 2901.45 of the Revised Code to 2
require each law enforcement agency to adopt a 3
written policy regarding the investigation of 4
firearms-related officer-involved deaths that 5
involve an officer serving the agency; to 6
provide for investigations into officer-involved 7
deaths by investigatory panels of law 8
enforcement officers; to require an 9
investigatory panel to provide a report of its 10
investigation findings to the prosecutor and the 11
officer's law enforcement agency; to provide for 12
public access to the report, except for 13
information that is not a public record, if the 14
prosecutor determines that there is no basis to 15
prosecute or a grand jury enters a no bill 16
regarding the involved officer; and to require 17
an investigatory panel to inform the deceased 18
individual's family members of contact 19
information for the office of the prosecutor 20
handling the case. 21

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2930.01, 2930.03, and 2930.04 be 22
amended and section 2901.45 of the Revised Code be enacted to 23
read as follows: 24

Sec. 2901.45. (A) As use in this section: 25

(1) "Confidential law enforcement investigatory record" 26
has the same meaning as in section 149.43 of the Revised Code. 27

(2) "Firearm" has the same meaning as in section 2923.11 28
of the Revised Code. 29

(3) "Law enforcement agency" means a governmental unit of 30
one or more law enforcement officers who are employed or 31
appointed full time for the purpose of preventing and detecting 32
crime and enforcing laws or ordinances, employees of which unit 33
are authorized to make arrests for crimes while acting within 34
the scope of their authority. 35

(4) "Law enforcement officer" means any person who is a 36
law enforcement officer identified in division (A)(11) of 37
section 2901.01 of the Revised Code, who is employed or 38
appointed for the purpose of detecting and preventing crime and 39
enforcing laws or ordinances, and who is authorized to make 40
arrests for violations of the laws or ordinances that the person 41
is employed to enforce. 42

(5) "Mutual-aid partner" means a law enforcement agency 43
that has entered into a mutual aid agreement with another law 44
enforcement agency. 45

(6) "No bill" has the same meaning as in section 2953.51 46
of the Revised Code. 47

(7) "Officer-involved death" means a death of an individual that results directly from the use of a firearm by a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of the officer's law enforcement duties.

(B) Not later than sixty days after the effective date of this section, each law enforcement agency shall adopt a written policy regarding the investigation of officer-involved deaths that involve a law enforcement officer who serves the agency.

(C) Not later than sixty days after the effective date of this section, any law enforcement agency may designate one or more of its law enforcement officers as the agency's representative or representatives in the pool of potential investigators of officer-involved deaths that is maintained by the attorney general under this division. An agency that so designates one or more officers shall notify the attorney general in writing of the name and contact information for the officer or officers so designated. No officer shall be designated as the representative unless the officer satisfies the minimum standards for investigating officer-involved deaths that are specified by the Ohio peace officer training commission pursuant to division (H) of this section. The agency may change the officer or officers so designated at any time and shall notify the attorney general of any such change. The attorney general shall maintain a database that contains the names of, contact information for, and law enforcement agency served by each law enforcement officer designated for the pool of potential investigators of officer-involved deaths as described in this division. The database shall indicate the department of transportation district, as those districts exist on the

effective date of this section, within which each law 79
enforcement officer in the pool is employed. 80

(D) Each policy adopted by a law enforcement agency under 81
division (B) of this section shall require a criminal 82
investigation of each officer-involved death that involves a law 83
enforcement officer who serves the agency. The investigation 84
shall be conducted by a panel of three or more investigators, 85
including one investigator employed by the agency or by a 86
mutual-aid partner of the agency or, if the agency so elects, by 87
the bureau of criminal identification and investigation, and two 88
or more investigators finally referred by the attorney general 89
as described in this division. Before the investigation is 90
commenced, the agency shall contact the attorney general and 91
request the attorney general to finally refer to the agency 92
investigators from the pool of potential investigators included 93
in the database maintained by the attorney general pursuant to 94
division (C) of this section. Upon receipt of a referral request 95
from an agency, the attorney general shall randomly select from 96
the pool the names of two or more law enforcement officers, at 97
least two of whom are employed within the department of 98
transportation district in which the officer-involved death 99
occurred, to serve as investigators regarding the death to be 100
investigated. The attorney general shall contact the officers 101
whose names are selected and inform the officers of the details 102
of the investigation. An officer who is contacted by the 103
attorney general may decline service as an investigator in the 104
investigation. If a contacted officer declines service as an 105
investigator, the attorney general shall randomly select the 106
name of a replacement officer, and the provisions of this 107
division regarding contacting the officer and the officer's 108
right to decline service apply regarding the replacement 109

officer. The attorney general shall continue this process until 110
the desired number of law enforcement officers is obtained to 111
serve as investigators, the attorney general shall finally refer 112
those officers to the agency as investigators, and the officers 113
finally referred shall serve as investigators. 114

The lead investigator shall be the investigator who is 115
employed by the law enforcement agency that is served by the 116
officer involved in the officer-involved death or by that 117
agency's mutual-aid partner or who is employed by the bureau of 118
criminal identification and investigation and serving at the 119
request of the agency. None of the investigators finally 120
referred by the attorney general shall serve a law enforcement 121
agency that is served by any law enforcement officer involved in 122
the officer-involved death. Upon final referral by the attorney 123
general, the investigators so referred and the lead investigator 124
shall investigate the officer-involved death. The lead 125
investigator and all investigators finally referred by the 126
attorney general shall have the same powers and authority while 127
conducting the investigation as law enforcement officers of the 128
law enforcement agency or agencies served by a law enforcement 129
officer involved in the officer-involved death, except that 130
investigators finally referred by the attorney general or 131
employed by the bureau of criminal identification and 132
investigation shall have the power to arrest only pursuant to an 133
arrest warrant. 134

(E) Each policy adopted by a law enforcement agency under 135
division (B) of this section may allow an internal 136
administrative investigation into an officer-involved death that 137
involves a law enforcement officer who serves the agency if the 138
internal administrative investigation does not interfere with 139
the investigation conducted under divisions (B) and (D) of this 140

section. 141

(F) Compensation for participation in an investigation 142
under divisions (B) and (D) of this section may be determined in 143
a manner consistent with mutual aid agreements, if any exist 144
between the involved law enforcement agencies. 145

(G) The investigators conducting an investigation of an 146
officer-involved death under divisions (B) and (D) of this 147
section shall provide a complete report of the findings of the 148
investigation to the prosecuting attorney of the county in which 149
the officer-involved death occurred and to each law enforcement 150
agency served by any law enforcement officer involved in the 151
officer-involved death. The investigators shall provide the 152
report to the prosecuting attorney and law enforcement agencies 153
not later than thirty days after the completion of the 154
investigation. If the prosecuting attorney determines that there 155
is no basis to prosecute any law enforcement officer involved in 156
the officer-involved death or if a grand jury returns a no bill 157
regarding each law enforcement officer involved in the officer- 158
involved death, except for information contained in the report 159
that is a confidential law enforcement investigatory record or 160
that otherwise is excepted from the definition of public record 161
set forth in section 149.43 of the Revised Code, the report is a 162
public record under section 149.43 of the Revised Code and the 163
law enforcement agencies immediately shall release the report to 164
the general public. 165

(H) Not later than thirty days after the effective date of 166
this section, the Ohio peace officer training commission shall 167
specify minimum standards for investigating officer-involved 168
deaths that a law enforcement officer must satisfy to be 169
designated as a representative of the officer's law enforcement 170

agency in the pool of potential investigators of officer- 171
involved deaths that is maintained by the attorney general under 172
division (C) of this section. 173

(I) Divisions (A) to (H) of this section apply with 174
respect to officer-related deaths occurring sixty or more days 175
after the effective date of this section. 176

Sec. 2930.01. As used in this chapter: 177

(A) "Crime" means any of the following: 178

(1) A felony; 179

(2) A violation of section 2903.05, 2903.06, 2903.13, 180
2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the 181
Revised Code, a violation of section 2903.07 of the Revised Code 182
as it existed prior to March 23, 2000, or a violation of a 183
substantially equivalent municipal ordinance; 184

(3) A violation of division (A) or (B) of section 4511.19, 185
division (A) or (B) of section 1547.11, or division (A) (3) of 186
section 4561.15 of the Revised Code or of a municipal ordinance 187
substantially similar to any of those divisions that is the 188
proximate cause of a vehicle, streetcar, trackless trolley, 189
aquatic device, or aircraft accident in which the victim 190
receives injuries for which the victim receives medical 191
treatment either at the scene of the accident by emergency 192
medical services personnel or at a hospital, ambulatory care 193
facility, physician's office, specialist's office, or other 194
medical care facility. 195

(4) A motor vehicle accident to which both of the 196
following apply: 197

(a) The motor vehicle accident is caused by a violation of 198

a provision of the Revised Code that is a misdemeanor of the first degree or higher.	199 200
(b) As a result of the motor vehicle accident, the victim receives injuries for which the victim receives medical treatment either at the scene of the accident by emergency medical services personnel or at a hospital, ambulatory care facility, physician's office, specialist's office, or other medical care facility.	201 202 203 204 205 206
(B) "Custodial agency" means one of the following:	207
(1) The entity that has custody of a defendant or an alleged juvenile offender who is incarcerated for a crime, is under detention for the commission of a specified delinquent act, or who is detained after a finding of incompetence to stand trial or not guilty by reason of insanity relative to a crime, including any of the following:	208 209 210 211 212 213
(a) The department of rehabilitation and correction or the adult parole authority;	214 215
(b) A county sheriff;	216
(c) The entity that administers a jail, as defined in section 2929.01 of the Revised Code;	217 218
(d) The entity that administers a community-based correctional facility and program or a district community-based correctional facility and program;	219 220 221
(e) The department of mental health and addiction services or other entity to which a defendant found incompetent to stand trial or not guilty by reason of insanity is committed.	222 223 224
(2) The entity that has custody of an alleged juvenile offender pursuant to an order of disposition of a juvenile	225 226

court, including the department of youth services or a school, 227
camp, institution, or other facility operated for the care of 228
delinquent children. 229

(C) "Defendant" means a person who is alleged to be the 230
perpetrator of a crime in a police report or in a complaint, 231
indictment, or information that charges the commission of a 232
crime and that provides the basis for the criminal prosecution 233
and subsequent proceedings to which this chapter makes 234
reference. 235

(D) "Member of the victim's family" means a spouse, child, 236
stepchild, sibling, parent, stepparent, grandparent, or other 237
relative of a victim but does not include a person who is 238
charged with, convicted of, or adjudicated to be a delinquent 239
child for the crime or specified delinquent act against the 240
victim or another crime or specified delinquent act arising from 241
the same conduct, criminal episode, or plan. 242

(E) "Prosecutor" means one of the following: 243

(1) With respect to a criminal case, it has the same 244
meaning as in section 2935.01 of the Revised Code and also 245
includes the attorney general and, when appropriate, the 246
employees of any person listed in section 2935.01 of the Revised 247
Code or of the attorney general. 248

(2) With respect to a delinquency proceeding, it includes 249
any person listed in division (C) of section 2935.01 of the 250
Revised Code or an employee of a person listed in that division 251
who prosecutes a delinquency proceeding. 252

(F) "Public agency" means an office, agency, department, 253
bureau, or other governmental entity of the state or of a 254
political subdivision of the state. 255

(G) "Public official" has the same meaning as in section 2921.01 of the Revised Code.	256 257
(H) "Victim" means either of the following:	258
(1) A person who is identified as the victim of a crime or specified delinquent act in a police report or in a complaint, indictment, or information that charges the commission of a crime and that provides the basis for the criminal prosecution or delinquency proceeding and subsequent proceedings to which this chapter makes reference.	259 260 261 262 263 264
(2) A person who receives injuries as a result of a vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident that is proximately caused by a violation described in division (A) (3) of this section or a motor vehicle accident that is proximately caused by a violation described in division (A) (4) of this section and who receives medical treatment as described in division (A) (3) or (4) of this section, whichever is applicable.	265 266 267 268 269 270 271 272
(I) "Victim's representative" means a member of the victim's family or another person who pursuant to the authority of section 2930.02 of the Revised Code exercises the rights of a victim under this chapter.	273 274 275 276
(J) "Court" means a court of common pleas, juvenile court, municipal court, or county court.	277 278
(K) "Delinquency proceeding" means all proceedings in a juvenile court that are related to a case in which a complaint has been filed alleging that a child is a delinquent child.	279 280 281
(L) "Case" means a delinquency proceeding and all related activity or a criminal prosecution and all related activity.	282 283

(M) The "defense" means the defense against criminal charges in a criminal prosecution or the defense against delinquent child complaint in a delinquency proceeding.	284 285 286
(N) The "prosecution" means the prosecution of criminal charges in a criminal prosecution or the prosecution of a delinquent child complaint in a delinquency proceeding.	287 288 289
(O) "Specified delinquent act" means any of the following:	290
(1) An act committed by a child that if committed by an adult would be a felony;	291 292
(2) An act committed by a child that is a violation of a section listed in division (A) (1) or (2) of this section or is a violation of a substantially equivalent municipal ordinance;	293 294 295
(3) An act committed by a child that is described in division (A) (3) or (4) of this section.	296 297
(P) (1) "Alleged juvenile offender" means a child who is alleged to have committed a specified delinquent act in a police report or in a complaint in juvenile court that charges the commission of a specified delinquent act and that provides the basis for the delinquency proceeding and all subsequent proceedings to which this chapter makes reference.	298 299 300 301 302 303
(2) As used in divisions (O) and (P) (1) of this section, "child" has the same meaning as in section 2151.011 of the Revised Code.	304 305 306
(Q) "Motor vehicle accident" means any accident involving a motor vehicle.	307 308
(R) "Motor vehicle" has the same meaning as in section 4509.01 of the Revised Code.	309 310

(S) "Aircraft" has the same meaning as in section 4561.01 of the Revised Code. 311
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(T) "Aquatic device" means any vessel, or any water skis, aquaplane, or similar device. 313
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(U) "Vehicle," "streetcar," and "trackless trolley" have the same meanings as in section 4511.01 of the Revised Code. 315
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(V) "Vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident" means any accident involving a vehicle, streetcar, trackless trolley, aquatic device, or aircraft. 317
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(W) "Vessel" has the same meaning as in section 1547.01 of the Revised Code. 321
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(X) "Law enforcement officer-involved death" means an "officer-involved death," as defined in section 2901.45 of the Revised Code. 323
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(Y) "Investigatory panel" means the panel of investigators established pursuant to division (D) of section 2901.45 of the Revised Code to investigate a law enforcement officer-involved death. 326
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Sec. 2930.03. (A) A person or entity required or authorized under this chapter to give notice to a victim shall give the notice to the victim by any means reasonably calculated to provide prompt actual notice. An investigatory panel required under division (C) of section 2930.04 of the Revised Code to provide information to members of the family of an individual who experienced a law enforcement officer-involved death shall provide the information to the family members by any means reasonably calculated to promptly provide the information. Except when a provision requires that notice or information is

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to be given to a victim or family members in a specific manner, 340
a notice may be oral or written. 341

(B) (1) (a) Except for receipt of the initial information 342
and notice required to be given to a victim under divisions (A) 343
and (B) of section 2930.04, section 2930.05, and divisions (A) 344
and (B) of section 2930.06 of the Revised Code and the notice 345
required to be given to a victim under division (D) of section 346
2930.16 of the Revised Code, a victim who wishes to receive any 347
notice authorized by this chapter shall make a request for the 348
notice to the prosecutor or the custodial agency that is to 349
provide the notice, as specified in this chapter. If the victim 350
does not make a request as described in this division, the 351
prosecutor or custodial agency is not required to provide any 352
notice described in this chapter other than the initial 353
information and notice required to be given to a victim under 354
divisions (A) and (B) of section 2930.04, section 2930.05, and 355
divisions (A) and (B) of section 2930.06 of the Revised Code and 356
the notice required to be given to a victim under division (D) 357
of section 2930.16 of the Revised Code. 358

(b) Division (B) (1) (a) of this section does not apply with 359
respect to the information required to be provided by an 360
investigatory panel under division (C) of section 2930.04 of the 361
Revised Code to members of the family of an individual who 362
experienced a law enforcement officer-involved death. That 363
information shall be given regardless of whether the family 364
members have made a request that the information be given. 365

(2) A victim who does not wish to receive any of the 366
notices required to be given to a victim under division (E) (2) 367
or (K) of section 2929.20, division (D) of section 2930.16, 368
division (H) of section 2967.12, division (E) (1) (b) of section 369

2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 370
of section 2967.28, or division (A) (2) of section 5149.101 of 371
the Revised Code shall make a request to the prosecutor or 372
custodial agency that is to provide the particular notice that 373
the notice not be provided to the victim. Unless the victim 374
makes a request as described in this division, the prosecutor or 375
custodial agency shall provide the notices required to be given 376
to a victim under division (E) (2) or (K) of section 2929.20, 377
division (D) of section 2930.16, division (H) of section 378
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 379
(b) of section 2967.26, division (D) (1) of section 2967.28, or 380
division (A) (2) of section 5149.101 of the Revised Code in any 381
manner, and in accordance with the procedures, specified in the 382
particular division. This division also applies to a victim's 383
representative or a member of a victim's immediate family that 384
is authorized to receive any of the notices specified in this 385
division. 386

(C) A person or agency that is required to furnish notice 387
under this chapter shall give the notice to the victim at the 388
address or telephone number provided to the person or agency by 389
the victim. If an investigatory panel that is required under 390
division (C) of section 2930.04 of the Revised Code to provide 391
information to members of the family of an individual who 392
experienced a law enforcement officer-involved death provides 393
the information by mail or by telephone, the panel shall provide 394
the information at the address or telephone numbers provided to 395
the panel by the family members. A victim who requests to 396
receive notice under this chapter as described in division (B) 397
of this section shall inform the person or agency of the name, 398
address, or telephone number of the victim and of any change to 399
that information. 400

(D) A person or agency that has furnished information to a 401
victim in accordance with any requirement or authorization under 402
this chapter shall notify the victim promptly of any significant 403
changes to that information. 404

(E) Divisions (A) to (D) of this section do not apply 405
regarding a notice that a prosecutor is required to provide 406
under section 2930.061 of the Revised Code. A prosecutor 407
required to provide notice under that section shall provide the 408
notice as specified in that section. 409

Sec. 2930.04. (A) After its initial contact with a victim 410
of a crime, the law enforcement agency responsible for 411
investigating the crime promptly shall give to the victim, in 412
writing, all of the following information: 413

(1) An explanation of the victim's rights under this 414
chapter; 415

(2) Information about medical, counseling, housing, 416
emergency, and any other services that are available to a 417
victim; 418

(3) Information about compensation for victims under the 419
reparations program in sections 2743.51 to 2743.72 of the 420
Revised Code and the name, street address, and telephone number 421
of the agency to contact to apply for an award of reparations 422
under those sections; 423

(4) Information about protection that is available to the 424
victim, including protective orders issued by a court. 425

(B) As soon as practicable after its initial contact with 426
a victim of a crime, the law enforcement agency responsible for 427
investigating the crime shall give to the victim all of the 428
following information: 429

(1) The business telephone number of the law enforcement officer assigned to investigate the case; 430
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(2) The office address and business telephone number of the prosecutor in the case; 432
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(3) A statement that, if the victim is not notified of the arrest of the offender in the case within a reasonable period of time, the victim may contact the law enforcement agency to learn the status of the case. 434
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(C) As soon as practicable after its initial contact with the members of the family of an individual who experienced a law enforcement officer-involved death, the investigatory panel established to investigate the death promptly shall inform the family members of contact information for the office of the prosecutor who is handling the case. 438
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(D) To the extent that the information required by this section is provided in the pamphlet prepared pursuant to section 109.42 of the Revised Code or in the information card or other material prepared pursuant to section 2743.71 of the Revised Code, the law enforcement agency may fulfill that portion of its obligations under this section by giving that pamphlet, information card, or other material to the victim. 444
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Section 2. That existing sections 2930.01, 2930.03, and 2930.04 of the Revised Code are hereby repealed. 451
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