

Senate File 568 - Introduced

SENATE FILE 568
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1198)

A BILL FOR

1 An Act relating to officer-involved shootings and
2 officer-involved critical incidents.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 80B.11, subsection 1, Code 2019, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *m.* Minimum educational standards for
4 peace officers investigating officer-involved shootings or
5 officer-involved critical incidents.

6 Sec. 2. NEW SECTION. **80H.1 Peace officer-involved shootings**
7 **and officer-involved critical incidents — investigations.**

8 1. As used in this section, unless the context otherwise
9 requires:

10 *a.* "*Department*" means the department of public safety.

11 *b.* "*Division*" means the division of criminal investigation
12 of the department of public safety.

13 *c.* "*Officer-involved critical incident*" means any of the
14 following in the officer's official capacity as a peace
15 officer:

16 (1) The use of a dangerous weapon by an officer against a
17 person that causes a serious bodily injury to any person.

18 (2) A fatal injury to any person except the officer
19 resulting from the use of a motor vehicle by an officer.

20 (3) The death of a person who is in law enforcement
21 custody, but not including a death that is the result of
22 disease, natural causes, or conditions that have been medically
23 diagnosed prior to the person's death.

24 (4) A fatal injury to a person resulting from the efforts
25 of an officer attempting to prevent a person's escape from
26 custody, make an arrest, or otherwise gain physical control of
27 a person.

28 *d.* "*Officer-involved shooting*" means the discharge of a
29 firearm by an officer that results in serious bodily injury
30 or death of a person, including an accidental discharge of a
31 firearm.

32 *e.* "*Peace officer*" or "*officer*" means the same as defined
33 in section 801.4.

34 *f.* "*Serious bodily injury*" means an injury that creates a
35 substantial risk of death or is otherwise life-threatening.

1 2. A chief of police, sheriff, or head of any law
2 enforcement agency shall report an officer-involved shooting
3 or officer-involved critical incident to the division within
4 twenty-four hours of the incident.

5 3. The division may commence a criminal investigation of an
6 officer-involved shooting or officer-involved critical incident
7 in this state upon request of the attorney general, a county
8 attorney, a chief of police, a sheriff, or the head of any
9 other law enforcement agency.

10 4. The peace officer in charge of investigating an
11 officer-involved shooting or officer-involved critical incident
12 shall notify the attorney general and county attorney of the
13 investigation.

14 5. The peace officer in charge of investigating an
15 officer-involved shooting or officer-involved critical
16 incident may request that the officer who is the subject of an
17 officer-involved shooting or officer-involved critical incident
18 investigation submit to a voluntary interview as part of the
19 investigation.

20 6. The peace officer in charge of investigating an
21 officer-involved shooting or officer-involved critical incident
22 shall allow a reasonable opportunity for the officer who is
23 under investigation to secure legal counsel in advance of an
24 interview.

25 7. Upon request, an officer who is the subject of an
26 investigation or the officer's legal counsel shall have the
27 right to immediately receive from the employing agency, at no
28 charge, a certified copy of the officer-involved video and
29 audio recordings, including any body-worn camera video and
30 radio traffic recordings, to use in the officer's defense.
31 The requested video and audio recordings shall be provided
32 by the employing agency at least forty-eight hours prior to
33 an interview, interrogation, or grand jury proceeding. The
34 officer and officer's legal counsel shall not release any
35 confidential video and audio recordings to the public without

1 the written consent of the lawful records custodian or a court
2 order authorizing the release.

3 8. The department shall keep the name of an officer involved
4 in a shooting or a critical incident confidential until the
5 officer has been interviewed or interrogated as part of the
6 investigation, or until the officer or the officer's legal
7 counsel declines a voluntary interview. The department and
8 the officer's employing agency shall keep the home address and
9 personal contact information of the officer confidential.

10 9. The law enforcement agency employing an officer involved
11 in a shooting or a critical incident shall promptly offer
12 to the officer confidential peer support and confidential
13 counseling at no charge to the officer.

14 10. The department shall develop and maintain a searchable
15 database providing statistics and demographic information
16 for each officer-involved shooting and each officer-involved
17 critical incident reported each calendar year and shall update
18 the database at least quarterly. The commissioner of the
19 department shall post the database on the department's internet
20 site. The department shall not report personally identifying
21 information of an officer involved in a shooting or a critical
22 incident or of any other person involved.

23 11. The Iowa law enforcement academy shall develop and
24 promulgate minimum educational standards for any peace officer
25 performing officer-involved shooting or officer-involved
26 critical incident investigations. An employing law enforcement
27 agency shall provide periodic training to a peace officer
28 performing officer-involved shooting or officer-involved
29 critical incident investigations and any supervisor who
30 may respond to a report of an officer-involved shooting or
31 officer-involved critical incident.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill relates to officer-involved shootings and

1 officer-involved critical incidents.

2 The bill defines "officer-involved critical incident" as any
3 of the following in the officer's official capacity as a peace
4 officer: the use of a dangerous weapon by an officer against
5 a person that causes a serious bodily injury to any person; a
6 fatal injury to any person except the officer resulting from
7 the use of a motor vehicle by an officer; the death of a person
8 who is in law enforcement custody, but not including a death
9 that is the result of disease, natural causes, or conditions
10 that have been medically diagnosed prior to the person's death;
11 or a fatal injury to a person resulting from the efforts of an
12 officer attempting to prevent a person's escape from custody,
13 make an arrest, or otherwise gain physical control of a person.
14 "Officer-involved shooting" is defined as the discharge of a
15 firearm by an officer that results in serious bodily injury
16 or death of a person, including an accidental discharge of
17 a firearm. "Serious bodily injury" is defined as an injury
18 that creates a substantial risk of death or is otherwise
19 life-threatening.

20 The bill provides that the chief of police, sheriff, or head
21 of any law enforcement agency shall report an officer-involved
22 shooting or officer-involved critical incident to the division
23 of criminal investigation of the department of public safety
24 (division) within 24 hours of the incident. The division
25 may commence an investigation upon request by the attorney
26 general, a county attorney, a chief of police, a sheriff,
27 or the head of any other law enforcement agency. The peace
28 officer in charge of investigating an officer-involved
29 shooting or officer-involved critical incident shall notify
30 the attorney general and county attorney of the investigation,
31 and may request that the officer who is the subject of the
32 investigation submit to a voluntary interview. The officer
33 who is the subject of the investigation shall be allowed a
34 reasonable opportunity to secure legal counsel in advance of
35 an interview or interrogation.

1 The bill provides that upon request, an officer who is the
2 subject of an investigation or the officer's legal counsel
3 shall have the right to receive from the employing agency,
4 at least 48 hours prior to an interview, interrogation, or
5 grand jury proceeding, at no charge, a certified copy of
6 the officer-involved video and audio recordings, including
7 body-worn camera video and radio traffic recordings, to use in
8 the officer's defense. The officer and officer's legal counsel
9 shall not release any confidential video and audio recordings
10 to the public without the written consent of the lawful records
11 custodian or a court order authorizing the release.

12 The bill provides that the department of public safety
13 (department) shall keep the name of an officer involved in a
14 shooting or critical incident confidential until the officer
15 has been interviewed or interrogated as part of the criminal
16 investigation, or until the officer or the officer's legal
17 counsel declines a voluntary interview. The department and
18 the officer's employing agency shall keep the home address
19 and personal contact information of the officer confidential.
20 The law enforcement agency employing an officer involved in
21 a shooting or critical incident shall promptly offer to the
22 officer confidential peer support and confidential counseling
23 at no charge to the officer.

24 The bill provides that the department shall develop and
25 maintain a searchable database providing statistics and
26 demographic information for each officer-involved shooting and
27 each officer-involved critical incident reported each calendar
28 year and shall update the database at least quarterly, and the
29 commissioner of the department shall post the database on the
30 department's internet site. The department shall not report
31 personally identifying information of an officer involved in a
32 shooting or critical incident or of any other person involved.
33 The Iowa law enforcement academy shall develop and promulgate
34 minimum educational standards for any peace officer performing
35 officer-involved shooting or officer-involved critical incident

1 investigations. An employing law enforcement agency shall
2 provide periodic training to a peace officer performing
3 officer-involved shootings or officer-involved critical
4 incident investigations and any supervisor who may respond to a
5 report of an officer-involved shooting or an officer-involved
6 critical incident.