

As Introduced

131st General Assembly

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H. B. No. 437

Representatives Boyd, Kuhns

Cosponsors: Representatives Smith, K., Sykes, Cera, Reece, Howse

A BILL

To enact section 2901.51 of the Revised Code to 1
require every law enforcement agency to adopt a 2
written policy that requires an investigation 3
into a death resulting from the actions of a law 4
enforcement officer employed by the law 5
enforcement agency and to require the 6
investigation to be conducted by at least two 7
law enforcement officers who are not employed by 8
a law enforcement agency that employs any law 9
enforcement officer involved in the officer- 10
involved death. 11

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

Section 1. That section 2901.51 of the Revised Code be 12
enacted to read as follows: 13

Sec. 2901.51. (A) As used in this section: 14

(1) "Officer-involved death" means a death of another or 15
the unlawful termination of another's pregnancy that results 16
from an action or omission of a law enforcement officer who is 17
engaged in the performance of the law enforcement officer's 18

official duties or is performing activities that are within the 19
scope of the law enforcement officer's official duties outside 20
of the course of the law enforcement officer's official duties. 21

(2) "Unlawful termination of another's pregnancy" has the 22
same meaning as in section 2903.09 of the Revised Code. 23

(B) (1) Each law enforcement agency shall adopt a written 24
policy regarding the investigation of an officer-involved death 25
that involves a law enforcement officer employed by the law 26
enforcement agency. The written policy shall require an officer- 27
involved death investigation to be conducted by at least two law 28
enforcement officers employed by a law enforcement agency that 29
does not employ any law enforcement officer involved in the 30
officer-involved death. 31

(2) Upon request, a law enforcement agency shall provide 32
assistance to, and cooperate with, another law enforcement 33
agency in the investigation of an officer-involved death. An 34
assisting law enforcement agency may provide law enforcement 35
officers, services, or equipment to investigate the officer- 36
involved death. The law enforcement agencies cooperating in the 37
investigation shall designate a lead investigator. The 38
assistance and cooperation of an assisting law enforcement 39
agency shall be provided pursuant to any terms agreed upon by 40
the assisting law enforcement agency and the law enforcement 41
agency requesting the law enforcement agency's assistance, which 42
may include the provision of law enforcement services and 43
equipment and the interchange of services and equipment among 44
other assisting law enforcement agencies. 45

(3) The adoption of a written policy under division (B) (1) 46
of this section shall not prohibit the law enforcement agency 47
from conducting an internal investigation into an officer- 48

involved death if the internal investigation does not interfere 49
with the investigation conducted under division (B) (2) of this 50
section. 51

(C) (1) Except as provided in division (C) (2) of this 52
section, the law enforcement agency's written policy adopted 53
under division (B) (1) of this section shall require the 54
investigation of a traffic-related officer-involved death to use 55
a crash reconstruction unit from a law enforcement agency that 56
does not employ a law enforcement officer involved in the 57
officer-involved death being investigated. 58

(2) A state law enforcement agency's policy regarding the 59
investigation of an officer-involved death may allow an 60
investigation involving an officer employed by that law 61
enforcement agency to use a crash reconstruction unit from the 62
same state law enforcement agency. 63

(D) The law enforcement officers conducting an 64
investigation under division (B) (2) of this section shall, in an 65
expeditious manner, provide a complete report of the 66
investigation to the prosecuting attorney of the county in which 67
the officer-involved death occurred. If the prosecuting attorney 68
determines there is not a basis to prosecute a law enforcement 69
officer involved in the officer-involved death for the 70
commission of a crime, the report shall be released as a public 71
record by an assisting law enforcement agency or the prosecuting 72
attorney pursuant to rules adopted by the law enforcement agency 73
or prosecutor in accordance with Chapter 119. of the Revised 74
Code. 75