MISSISSIPPI LEGISLATURE

By: Representative Anderson (110th)

To: Judiciary B; Accountability, Efficiency, Transparency

HOUSE BILL NO. 788

AN ACT TO CREATE THE REVIEW BOARD FOR OFFICER-INVOLVED DEATHS; TO REQUIRE THE REVIEW BOARD TO MAKE AN ANNUAL REPORT TO THE LEGISLATURE REGARDING THE NUMBER AND LOCATION OF OFFICER-INVOLVED DEATHS; TO REQUIRE THE REVIEW BOARD TO MAKE RECOMMENDATIONS TO THE ATTORNEY GENERAL REGARDING THE INVESTIGATION OF OFFICER-INVOLVED DEATHS; TO REQUIRE EACH LAW ENFORCEMENT AGENCY TO HAVE A POLICY REGARDING THE HANDLING OF OFFICER-INVOLVED DEATHS; TO PROVIDE THE MINIMUM REQUIREMENTS FOR EACH POLICY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) (a) There is created a Review Board for Officer-Involved Deaths that shall be composed of five (5) members to be appointed by the Attorney General, as follows:

(i) One (1) retired or reserve judge;
(ii) A former sheriff, chief of police, chief deputy sheriff, or chief deputy of police;
(iii) An Assistant Attorney General;
(iv) A professor or researcher affiliated with a Mississippi university or college who has expertise in the field of criminal law or criminal justice; and
(v) A former district attorney or assistant district attorney who has served in that capacity for at least ten (10) years.

(b) The review board shall meet at least once a month and shall hold its first meeting no later than August 31, 2020. At its first meeting, the review board shall elect a chairperson and a vice chairperson from its membership and shall adopt rules for the transaction of business and keeping records. All meetings of the review board shall be subject to the Open Meetings Act. The Attorney General must appoint members of the review board within thirty (30) days of the effective date of this act. A majority of the membership of the task force shall constitute a quorum, and shall meet at the call of the chairperson, or upon an affirmative vote of a majority of the task force. All members must be notified in writing of all meetings at least five (5) days before the date on which a meeting of the task force is scheduled. Any vacancy in the review board shall not affect its powers, but shall be filled in the same manner prescribed above.

(c) The duties of the review board shall be to:

   (i) Review all information received from law enforcement agencies regarding officer-involved deaths;

   (ii) Make recommendations to the Attorney General regarding investigation or further investigation of officer-involved deaths; and
(iii) Create an annual report to be submitted to the Legislature by December 31 of each year that includes the number of officer-involved shootings throughout the state, the race and ethnicity of the persons who are killed, and the name and location of the law enforcement agency involved.

(d) Members of the review board who are not legislators, state officials or state employees shall be compensated at the per diem rate authorized by Section 25-3-69 and shall be reimbursed in accordance with Section 25-3-41 for mileage and actual expenses incurred in the performance of their duties. Legislative members of the review board shall be paid from the contingent expense funds of their respective houses in the same manner as provided for committee meetings when the Legislature is not in session. However, no per diem or expense for attending meetings of the review board will be paid to legislative members of the review board while the Legislature is in session. No review board member may incur per diem, travel or other expenses unless previously authorized by vote, at a meeting of the review board, which action shall be recorded in the official minutes of the meeting. Nonlegislative members shall be paid from any funds made available to the task force for that purpose.

(e) The review board shall use clerical and legal staff already employed by the Attorney General and any other staff assistance made available to it. To effectuate the purposes of this section, any department, division, board, bureau, commission
or agency of the state or of any political subdivision thereof shall, at the request of the chairman of the review board, provide to the review board such facilities, assistance and data as will enable the task force to properly carry out its task.

(2) (a) Each law enforcement agency shall have a written policy regarding the handling of officer-involved deaths caused by any law enforcement officer employed by the agency. Each policy shall include at least the following:

(i) Require the agency to report any death involving a law enforcement officer to the review board;

(ii) If the death being investigated is traffic related, require the investigative team to use a crash reconstruction unit that does not employ a law enforcement officer involved in the death being investigated. The policy shall give preference to using a unit from the Department of Public Safety;

(iii) Require any officer involved in the death to submit a blood sample. No person may perform any analysis or test on the blood sample without either the permission of the officer who submitted the sample or a search warrant. At the conclusion of the investigation, the sample may be destroyed if a court approves.

(b) The policies required by this subsection shall be provided to the review board by October 1, 2020.

(c) Any law enforcement agency that fails to adopt the written policy required by this subsection (2) shall not be
eligible to claim any immunity protections provided by the Mississippi Tort Claims Act.

SECTION 2. This act shall take effect and be in force from and after July 1, 2020.