

2017 Regular Session

HOUSE BILL NO. 594

BY REPRESENTATIVE JAMES

LAW ENFORCEMENT: Requires the Louisiana State Police to investigate certain law enforcement officer-involved incidents in East Baton Rouge Parish

1 AN ACT

2 To enact Chapter 25-A of Title 40 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 40:2540.1, relative to certain law enforcement officer-involved
4 incidents in East Baton Rouge Parish; to provide relative to the investigation of such
5 incidents; to require the Department of Public Safety and Corrections, public safety
6 services, office of state police, to conduct such investigations; and to provide for
7 related matters.

8 Notice of intention to introduce this Act has been published
9 as provided by Article III, Section 13 of the Constitution of
10 Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Chapter 25-A of Title 40 of the Louisiana Revised Statutes of 1950, to be
13 comprised of R.S. 40:2540.1 is hereby enacted to read as follows:

14 CHAPTER 25-A. OFFICER-INVOLVED INCIDENT INVESTIGATIONS IN EAST
15 BATON ROUGE PARISH; LOUISIANA STATE POLICE TO CONDUCT

16 §2540.1. Officer-involved incidents in East Baton Rouge Parish; investigation;
17 Louisiana State Police

18 A. The provisions of this Chapter are only applicable to investigations of
19 officer-involved incidents that occur in the parish of East Baton Rouge.

20 B. For purposes of this Chapter:

1 (1) "Law enforcement officer" means any Baton Rouge police officer.

2 (2) "Officer-involved incident" means the death of an individual in the parish
3 of East Baton Rouge that results from the discharge of a firearm by a law
4 enforcement officer while the law enforcement officer is on duty or while the law
5 enforcement officer is off duty but performing activities that are within the scope of
6 his law enforcement duties.

7 C.(1) If a law enforcement officer is involved in an officer-involved incident,
8 an official investigation shall be made to determine whether the use of force by any
9 such law enforcement officer was appropriate and necessary. The Department of
10 Public Safety and Corrections, public safety services, office of state police, referred
11 to in this Chapter as the "state police", shall lead all investigative efforts, to include
12 investigative personnel and crime scene personnel.

13 (2)(a) The Baton Rouge police department shall immediately notify the state
14 police of any officer-involved incident. Upon receipt of notification, the state police
15 shall promptly coordinate the dispatch of state police personnel and shall
16 immediately implement an investigation pursuant to state police procedures.

17 (b) The Baton Rouge police department shall secure the scene of any officer-
18 involved incident to ensure that physical evidence and documentation is protected
19 and preserved, and that all witnesses are identified and separated pending the arrival
20 of the state police.

21 (3) The state police shall coordinate with the personnel from the East Baton
22 Rouge Parish coroner's office and the office of the district attorney for the 19th
23 Judicial District, referred to in this Chapter as the "district attorney", and any other
24 law enforcement agency required to facilitate the investigation.

25 D.(1) Within twenty-five days of the officer-involved incident, the state
26 police shall provide a briefing to the Baton Rouge police department and the district
27 attorney on the status of the investigation.

1 (2) The state police shall complete the investigation and submit all records
2 of the investigation and a report on the material factual findings to the district
3 attorney within sixty days of the officer-involved incident.

4 (3) If the district attorney determines that there is no basis to prosecute the
5 law enforcement officer involved in the officer-involved incident, the state police
6 shall upon request, make the report public.

7 E.(1) Nothing in this Chapter shall prohibit an internal investigation into the
8 officer-involved incident; however, the internal investigation shall not interfere with
9 the investigation conducted by the state police.

10 (2) All internal or administrative investigations shall be initiated only after
11 the criminal investigation of the officer-involved incident has concluded.

12 F. Compensation for participation by law enforcement investigators may be
13 determined in manner consistent with memorandums of understanding or
14 cooperative endeavor agreements.

15 Section 2. The provisions of this Act shall prevail over any conflicting provisions
16 of the Act which originated as House Bill No. ____ of this 2017 Regular Session of the
17 Legislature.

18 Section 3. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 594 Original 2017 Regular Session James

Abstract: Relative to law enforcement officer-involved incidents in East Baton Rouge Parish, requires the La. State Police to investigate such incidents.

Proposed law requires the Dept. of Public Safety and Corrections, public safety services, office of state police (state police) to investigate officer-involved incidents in East Baton

Rouge Parish. Defines "law enforcement officer" as any Baton Rouge police officer and defines "officer-involved incident" as the death of an individual in East Baton Rouge Parish that results from the discharge 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 his law enforcement duties.

Proposed law requires the Baton Rouge police department to immediately notify state police of any officer involved incident. Further requires the police department to secure the scene of any officer-involved incident to ensure that physical evidence and documentation is protected and preserved, and that all witnesses are identified and separated pending the arrival of the state police.

Proposed law requires state police to coordinate with the personnel from the East Baton Rouge Parish coroner's office and the office of the district attorney for the 19th Judicial District, and any other law enforcement agency required to facilitate the investigation.

Proposed law requires state police to provide a briefing on the investigation to the Baton Rouge police department within 25 days of the officer-involved incident, and to submit all records of the investigation and a report on the material factual findings to the district attorney within 60 days.

Proposed law provides that nothing in proposed law prohibits an internal investigation into the officer-involved incident, but the internal investigation cannot interfere with the investigation conducted by the state police.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 40:2540.1)