

By Senator Bracy

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1 A bill to be entitled
2 An act relating to investigations of officer-involved
3 deaths; creating s. 943.6872, F.S.; defining terms;
4 requiring that each law enforcement agency have a
5 written policy regarding the investigation of officer-
6 involved deaths; providing requirements for such
7 policies; authorizing internal investigations under
8 certain circumstances; authorizing compensation for
9 certain investigations to be determined in a manner
10 consistent with mutual aid agreements; requiring
11 certain investigators to provide a complete report to
12 the appropriate state attorney; requiring such
13 investigators to publicly release the completed
14 report, redacted as required by law, if the state
15 attorney determines that there is no basis to
16 prosecute the law enforcement officer involved;
17 providing an effective date.

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19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Section 943.6872, Florida Statutes, is created
22 to read:

23 943.6872 Investigations of officer-involved deaths.-

24 (1) As used in this section, the term:

25 (a) "Law enforcement agency" means an agency that has as
26 its primary mission the prevention and detection of crime and
27 the enforcement of the penal, criminal, traffic, and motor
28 vehicle laws of this state and, in furtherance of that primary
29 mission, employs law enforcement officers.

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30 (b) "Law enforcement officer" has the same meaning as in s.
31 943.10.

32 (c) "Officer-involved death" means the death of an
33 individual which results directly from an action or an omission
34 by a law enforcement officer while the law enforcement officer
35 is on duty or while he or she is off duty but performing
36 activities that are within the scope of his or her law
37 enforcement duties.

38 (2) Each law enforcement agency in this state shall have a
39 written policy regarding the investigation of officer-involved
40 deaths that involve a law enforcement officer employed by that
41 law enforcement agency. Each policy adopted under this
42 subsection:

43 (a) Must require that any such investigation be conducted
44 by at least two investigators, one of whom must be designated
45 the lead investigator. An investigator may not be employed by
46 the law enforcement agency that employs a law enforcement
47 officer involved in the officer-involved death.

48 (b) Must require that, if the officer-involved death being
49 investigated is traffic-related, the investigators use a crash
50 reconstruction unit from a law enforcement agency that does not
51 employ a law enforcement officer involved in the officer-
52 involved death; however, the policy may provide that, if the law
53 enforcement agency is a state law enforcement agency, the state
54 law enforcement agency may use a crash reconstruction unit from
55 the same state law enforcement agency.

56 (c) May allow an internal investigation of the officer-
57 involved death if the internal investigation does not interfere
58 with the investigation conducted under paragraph (a).

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59 (3) Compensation for investigations conducted under
60 paragraph (2) (a) or paragraph (2) (b) may be determined in a
61 manner consistent with mutual aid agreements.

62 (4) (a) The investigators who conduct an investigation under
63 paragraph (2) (a) or paragraph (2) (b) shall provide, in an
64 expeditious manner, a complete report to the state attorney of
65 the judicial circuit in which the officer-involved death
66 occurred.

67 (b) If the state attorney determines that there is no basis
68 for prosecuting the law enforcement officer involved in the
69 officer-involved death, the investigators who provided the
70 report to the state attorney must publicly release the completed
71 report, after redacting any information as required by law.

72 Section 2. This act shall take effect July 1, 2021.