

STAFF MEASURE SUMMARY**Senate Committee On Judiciary****Fiscal:** Fiscal impact issued**Revenue:** No Revenue Impact**Action Date:** 04/21/15**Action:** Do Pass With Amendments And Requesting Referral To Ways And Means.
(Printed A-Engrossed.)**Meeting Dates:** 03/19, 04/20, 04/21**Vote:**

Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher

Prepared By: Jeff Rhoades, Counsel**WHAT THE MEASURE DOES:**

Requires grand jury recording by stenographer in all cases where police use of deadly force is the cause in fact of the death of a person. Requires that investigation into use of deadly physical force by agency's police officers must be led by a person who is not employed by agency. Creates balancing test for court's releasing of grand jury transcript.

ISSUES DISCUSSED:

- The need for community-based policing
- The loss of public trust in law enforcement
- The workings of Senate Bill 111
- Public misconceptions surrounding use of deadly force

EFFECT OF COMMITTEE AMENDMENT:

Replaces measure.

BACKGROUND:

Senate Bill 871 A creates a new statutory framework for the use of deadly force by police officers. The bill applies to situations where the use of deadly force during the course of an officer's official duties is the cause in fact of the death of a person. Such cases are prosecuted by the district attorney's office having jurisdiction over the county where the act occurred. The cases are sometimes brought before a grand jury for a determination of whether criminal charges should be filed against the officer. Whether to bring such a case is up to the discretion of the district attorney in the county where the case occurred.

Senate Bill 871 A is an attempt to make this process more measured and transparent. Currently, each county and agency utilizes a different approach to cases where a police use of deadly force is the cause in fact of a person's death. The bill seeks to add uniformity to the process by requiring that all such cases go before the grand jury regardless of the circumstances. There is no current provision in law that requires grand jury proceedings be recorded. Senate Bill 871 A changes this by requiring all deadly force grand juries to be recorded by a stenographer. This transcript may only be released to the public if the court finds that the public interest in releasing the report or transcript outweighs the privacy concerns involved in the proceeding. No reports may be released if the grand jury returns a "true bill," or if the investigation into the use of deadly force remains the subject of an active investigation. Lastly, the bill makes clear that no agency may employ both the lead investigator into the use of deadly force and the officers who used deadly force. Rather, an outside agency must act as the lead investigative body.