

MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 733, L.D. 1066, Bill, "An Act To Establish the Independent Review Board for Police Involved in Fatal Shootings"

Amend the bill by striking out the title and substituting the following:

'Resolve, Directing the Board of Trustees of the Maine Criminal Justice Academy To Amend Its Minimum Standards for the Law Enforcement Use of Force Policy'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

'Sec. 1. Board of Trustees of the Maine Criminal Justice Academy to amend its minimum standards for the law enforcement use of force policy.

Resolved: That the Board of Trustees of the Maine Criminal Justice Academy is directed to amend its minimum standards for the use of force policy relative to the procedure for agency investigation and review of the use of deadly force to include, at a minimum, the convening of an incident review team consisting of members appointed by the chief executive officer of each law enforcement agency. Members appointed must include at least one member who is a commissioned officer of the Maine State Police and at least one member of the public who is not and has not previously served as a sworn law enforcement officer. The incident review team shall review the use of deadly force to determine the facts of an incident, whether relevant policy was clearly understandable and effective to cover the particular situation and whether changes are necessary to incorporate improved procedures or practices demonstrated to increase public safety or officer safety, whether training protocols should be reviewed or revised and whether equipment or other resources should be modified. The incident review team shall generate a written report of its findings, and that report is public as provided under the Maine Revised Statutes, Title 5, section 7070-A and Title 30-A, section 503, subsection 1-A and Title 30-A, section 2702, subsection 1-A; and be it further

Sec. 2. Reporting date established. Resolved: That the Board of Trustees of the Maine Criminal Justice Academy shall report about the implementation of the changes to the use of deadly force policy and the work of the incident review teams under section 1 to the joint standing committee of the Legislature having jurisdiction over

COMMITTEE AMENDMENT

R. 076

1 criminal justice and public safety matters no later than January 15, 2011. The report must
2 include at least the following information: an update on law enforcement agency
3 compliance and implementation of the policy change, the number of incidents where an
4 officer used deadly force, the number of incident review teams that were convened to
5 review instances of the use of deadly force, the number of reports generated by incident
6 review teams and the availability of those reports.'

7 **SUMMARY**

8 This amendment replaces the bill with a resolve that directs the Board of Trustees of
9 the Maine Criminal Justice Academy to amend its minimum standards for the use of force
10 policy relative to the procedure for agency investigation and review of the use of deadly
11 force. Amendments to the policy must include the convening of an incident review team
12 consisting of members appointed by the chief executive officer of each law enforcement
13 agency to review instances of the use of deadly force. Members appointed must include
14 at least one member who is a commissioned officer of the Maine State Police and at least
15 one member of the public who is not and has not previously served as a sworn law
16 enforcement officer. The incident review team shall review the use of deadly force to
17 determine the facts of an incident, whether relevant policy was clearly understandable
18 and effective to cover the particular situation and whether changes are necessary to
19 incorporate improved procedures or practices demonstrated to increase public safety or
20 officer safety, whether training protocols should be reviewed or revised and whether
21 equipment or other resources should be modified. The incident review team shall
22 generate a written report of its findings, and that report is public. The amendment also
23 directs the board to report on compliance, implementation and the results of the new
24 policy change. That report is due to the joint standing committee of the Legislature
25 having jurisdiction over criminal justice and public safety matters no later than January
26 15, 2011.

FISCAL NOTE REQUIRED
(See attached)



124th MAINE LEGISLATURE

LD 1066

LR 480(02)

An Act To Establish the Independent Review Board for Police Involved in Fatal Shootings

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Public Safety can be absorbed within existing budgeted resources.