

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §12004-G, sub-§30-D** is enacted to read:

**30-D.**

Public Safety

Not Authorized

25 MRSA §3831

Independent Review  
Board for Police  
Involved in Fatal  
Shootings

**Sec. 2. 25 MRSA c. 409** is enacted to read:

### **CHAPTER 409**

#### **USE OF DEADLY FORCE**

#### **§ 3831. Independent Review Board for Police Involved in Fatal Shootings**

The Independent Review Board for Police Involved in Fatal Shootings, referred to in this chapter as "the board," is established.

**1. Members.** The board consists of 7 members, appointed by the Governor as follows:

A. One member of the clergy;

B. One retired lawyer who practiced in the field of criminal law;

C. One professional in the field of human behavior;

D. One professional in the field of mental health;

E. Two law enforcement officials, one who works in the field of law enforcement and one who is retired; and

F. One public member who has never been a sworn member of a law enforcement agency or employed as a corrections officer. In appointing the public member, the Governor shall consider appointing a member from a minority community or the low-income community or a representative of a statewide organization that advocates on behalf of women.

Members serve 2-year terms and may not serve more than 4 consecutive terms.

**2. Review.** The board shall conduct a review of an incident involving the use of a firearm by a law enforcement or corrections officer that results in the death of another person for the purpose of determining:

- A. The facts of the incident;
- B. Whether relevant policy was clearly understandable and effective for the particular circumstances;
- C. Whether compliance with relevant policy occurred;
- D. Whether the relevant current training curriculum was sufficient and effective for the particular circumstances;
- E. Whether changes in the relevant current policy, practice, procedures or training are recommended;
- F. Whether any remedial action should be recommended; and
- G. Whether any recommendation other than those under paragraphs E and F should be made.

**3. Access to records; deliberations not public proceedings.** The board is granted access to the records and findings of the Attorney General, the records and findings of any internal or administrative investigation undertaken by the department employing the law enforcement or corrections officer whose actions are under review, the records and findings of the Board of Trustees of the Maine Criminal Justice Academy if action was contemplated or taken pursuant to section 2806 and personnel records maintained by the department employing or any department that previously employed the law enforcement or corrections officer whose actions are under review. To the extent the board determines it relevant, the board must also be granted access to similar records relating to prior incidents of the use of force that have been investigated by the Attorney General. The grant of access to the records or findings described in this subsection does not constitute a public right to access that does not otherwise exist. The review and deliberations of the board do not constitute public proceedings as defined in Title 1, section 402, subsection 2.

**4. Public report.** The board, at the conclusion of its review and deliberations, shall issue a public report stating its determinations with respect to each of the factors identified in subsection 2. Prior to the board releasing its public report, the board or a representative of the board may meet with the chief of the law enforcement agency whose officer was involved in the incident under review or the Commissioner of Public Safety or any other commissioner in the Executive Department to discuss the board's findings. The board also shall report to the joint standing committee of the Legislature having jurisdiction over public safety matters and to the law enforcement agency involved in the incident under review.

**5. Admissibility of public report in subsequent proceedings.** The public report issued pursuant to subsection 4 is not admissible in any litigation arising out of the incident. The testimony of board members on the subjects covered by this report are not discoverable or admissible in any subsequent proceeding, nor may the members of the board be subject to subpoena for trial or deposition with respect to the subjects covered by the report, except to the extent that a party seeking such testimony can show that a member of the board possesses firsthand knowledge with respect to factual issues that is not available from any other source. The opinions and conclusions of the board or of individual board members are not discoverable or admissible under any circumstances.

**6. Unlawful dissemination.** A person is guilty of unlawful dissemination of information relating to the board if that person knowingly disseminates confidential information in violation of this section. Unlawful dissemination of information relating to the board is a Class E crime.

## SUMMARY

This bill establishes the Independent Review Board for Police Involved in Fatal Shootings to review an incident involving the use of a firearm by a law enforcement or corrections officer that results in the death of another person. At the conclusion of its review, the board is required to issue a public report and report to the joint standing committee of the Legislature having jurisdiction over public safety matters and to the law enforcement agency involved in the incident under review.