

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 380**

**Representatives Dever, Reece**

**Cosponsors: Representatives Amstutz, Boyd, Kuhns, Buchy, Thompson, Conditt, Ashford, Sykes, Smith, K., Rezabek, Patterson, Burkley, Schaffer, Sheehy, Ramos, Antonio, Howse**

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**A BILL**

To amend sections 2930.01, 2930.03, and 2930.04 and 1  
to enact section 2901.45 of the Revised Code to 2  
require each law enforcement agency to adopt a 3  
written policy regarding the investigation of 4  
firearms-related officer-involved deaths that 5  
involve an officer serving the agency; to 6  
provide for investigations into officer-involved 7  
deaths by investigatory panels of law 8  
enforcement officers; to require an 9  
investigatory panel to provide a report of its 10  
investigation findings to the prosecutor and the 11  
officer's law enforcement agency; to provide for 12  
public access to the report, except for 13  
information that is not a public record, if the 14  
prosecutor determines that there is no basis to 15  
prosecute or a grand jury enters a no bill 16  
regarding the involved officer; and to require 17  
an investigatory panel to inform the deceased 18  
individual's family members of contact 19  
information for the office of the prosecutor 20  
handling the case. 21

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 2930.01, 2930.03, and 2930.04 be 22  
amended and section 2901.45 of the Revised Code be enacted to 23  
read as follows: 24

**Sec. 2901.45.** (A) As use in this section: 25

(1) "Confidential law enforcement investigatory record" 26  
has the same meaning as in section 149.43 of the Revised Code. 27

(2) "Firearm" has the same meaning as in section 2923.11 28  
of the Revised Code. 29

(3) "Law enforcement agency" means a governmental unit of 30  
one or more law enforcement officers who are employed or 31  
appointed full time for the purpose of preventing and detecting 32  
crime and enforcing laws or ordinances, employees of which unit 33  
are authorized to make arrests for crimes while acting within 34  
the scope of their authority. 35

(4) "Law enforcement officer" means any person who is a 36  
law enforcement officer identified in division (A)(11) of 37  
section 2901.01 of the Revised Code, who is employed or 38  
appointed for the purpose of detecting and preventing crime and 39  
enforcing laws or ordinances, and who is authorized to make 40  
arrests for violations of the laws or ordinances that the person 41  
is employed to enforce. 42

(5) "Mutual-aid partner" means a law enforcement agency 43  
that has entered into a mutual aid agreement with another law 44  
enforcement agency. 45

(6) "No bill" has the same meaning as in section 2953.51 46  
of the Revised Code. 47

(7) "Officer-involved death" means a death of an individual that results directly from the use 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 the officer's law enforcement duties.

(B) Not later than sixty days after the effective date of this section, each law enforcement agency shall adopt a written policy regarding the investigation of officer-involved deaths that involve a law enforcement officer who serves the agency.

(C) Not later than sixty days after the effective date of this section, any law enforcement agency may designate one or more of its law enforcement officers as the agency's representative or representatives in the pool of potential investigators of officer-involved deaths that is maintained by the attorney general under this division. An agency that so designates one or more officers shall notify the attorney general in writing of the name and contact information for the officer or officers so designated. No officer shall be designated as the representative unless the officer satisfies the minimum standards for investigating officer-involved deaths that are specified by the Ohio peace officer training commission pursuant to division (H) of this section. The agency may change the officer or officers so designated at any time and shall notify the attorney general of any such change. The attorney general shall maintain a database that contains the names of, contact information for, and law enforcement agency served by each law enforcement officer designated for the pool of potential investigators of officer-involved deaths as described in this division. The database shall indicate the department of transportation district, as those districts exist on the

effective date of this section, within which each law 79  
enforcement officer in the pool is employed. 80

(D) Each policy adopted by a law enforcement agency under 81  
division (B) of this section shall require a criminal 82  
investigation of each officer-involved death that involves a law 83  
enforcement officer who serves the agency. The investigation 84  
shall be conducted by a panel of three or more investigators, 85  
including one investigator employed by the agency or by a 86  
mutual-aid partner of the agency or, if the agency so elects, by 87  
the bureau of criminal identification and investigation, and two 88  
or more investigators finally referred by the attorney general 89  
as described in this division. Before the investigation is 90  
commenced, the agency shall contact the attorney general and 91  
request the attorney general to finally refer to the agency 92  
investigators from the pool of potential investigators included 93  
in the database maintained by the attorney general pursuant to 94  
division (C) of this section. Upon receipt of a referral request 95  
from an agency, the attorney general shall randomly select from 96  
the pool the names of two or more law enforcement officers, at 97  
least two of whom are employed within the department of 98  
transportation district in which the officer-involved death 99  
occurred, to serve as investigators regarding the death to be 100  
investigated. The attorney general shall contact the officers 101  
whose names are selected and inform the officers of the details 102  
of the investigation. An officer who is contacted by the 103  
attorney general may decline service as an investigator in the 104  
investigation. If a contacted officer declines service as an 105  
investigator, the attorney general shall randomly select the 106  
name of a replacement officer, and the provisions of this 107  
division regarding contacting the officer and the officer's 108  
right to decline service apply regarding the replacement 109

officer. The attorney general shall continue this process until 110  
the desired number of law enforcement officers is obtained to 111  
serve as investigators, the attorney general shall finally refer 112  
those officers to the agency as investigators, and the officers 113  
finally referred shall serve as investigators. 114

The lead investigator shall be the investigator who is 115  
employed by the law enforcement agency that is served by the 116  
officer involved in the officer-involved death or by that 117  
agency's mutual-aid partner or who is employed by the bureau of 118  
criminal identification and investigation and serving at the 119  
request of the agency. None of the investigators finally 120  
referred by the attorney general shall serve a law enforcement 121  
agency that is served by any law enforcement officer involved in 122  
the officer-involved death. Upon final referral by the attorney 123  
general, the investigators so referred and the lead investigator 124  
shall investigate the officer-involved death. The lead 125  
investigator and all investigators finally referred by the 126  
attorney general shall have the same powers and authority while 127  
conducting the investigation as law enforcement officers of the 128  
law enforcement agency or agencies served by a law enforcement 129  
officer involved in the officer-involved death, except that 130  
investigators finally referred by the attorney general or 131  
employed by the bureau of criminal identification and 132  
investigation shall have the power to arrest only pursuant to an 133  
arrest warrant. 134

(E) Each policy adopted by a law enforcement agency under 135  
division (B) of this section may allow an internal 136  
administrative investigation into an officer-involved death that 137  
involves a law enforcement officer who serves the agency if the 138  
internal administrative investigation does not interfere with 139  
the investigation conducted under divisions (B) and (D) of this 140

section. 141

(F) Compensation for participation in an investigation 142  
under divisions (B) and (D) of this section may be determined in 143  
a manner consistent with mutual aid agreements, if any exist 144  
between the involved law enforcement agencies. 145

(G) The investigators conducting an investigation of an 146  
officer-involved death under divisions (B) and (D) of this 147  
section shall provide a complete report of the findings of the 148  
investigation to the prosecuting attorney of the county in which 149  
the officer-involved death occurred and to each law enforcement 150  
agency served by any law enforcement officer involved in the 151  
officer-involved death. The investigators shall provide the 152  
report to the prosecuting attorney and law enforcement agencies 153  
not later than thirty days after the completion of the 154  
investigation. If the prosecuting attorney determines that there 155  
is no basis to prosecute any law enforcement officer involved in 156  
the officer-involved death or if a grand jury returns a no bill 157  
regarding each law enforcement officer involved in the officer- 158  
involved death, except for information contained in the report 159  
that is a confidential law enforcement investigatory record or 160  
that otherwise is excepted from the definition of public record 161  
set forth in section 149.43 of the Revised Code, the report is a 162  
public record under section 149.43 of the Revised Code and the 163  
law enforcement agencies immediately shall release the report to 164  
the general public. 165

(H) Not later than thirty days after the effective date of 166  
this section, the Ohio peace officer training commission shall 167  
specify minimum standards for investigating officer-involved 168  
deaths that a law enforcement officer must satisfy to be 169  
designated as a representative of the officer's law enforcement 170

agency in the pool of potential investigators of officer- 171  
involved deaths that is maintained by the attorney general under 172  
division (C) of this section. 173

(I) Divisions (A) to (H) of this section apply with 174  
respect to officer-related deaths occurring sixty or more days 175  
after the effective date of this section. 176

**Sec. 2930.01.** As used in this chapter: 177

(A) "Crime" means any of the following: 178

(1) A felony; 179

(2) A violation of section 2903.05, 2903.06, 2903.13, 180  
2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the 181  
Revised Code, a violation of section 2903.07 of the Revised Code 182  
as it existed prior to March 23, 2000, or a violation of a 183  
substantially equivalent municipal ordinance; 184

(3) A violation of division (A) or (B) of section 4511.19, 185  
division (A) or (B) of section 1547.11, or division (A) (3) of 186  
section 4561.15 of the Revised Code or of a municipal ordinance 187  
substantially similar to any of those divisions that is the 188  
proximate cause of a vehicle, streetcar, trackless trolley, 189  
aquatic device, or aircraft accident in which the victim 190  
receives injuries for which the victim receives medical 191  
treatment either at the scene of the accident by emergency 192  
medical services personnel or at a hospital, ambulatory care 193  
facility, physician's office, specialist's office, or other 194  
medical care facility. 195

(4) A motor vehicle accident to which both of the 196  
following apply: 197

(a) The motor vehicle accident is caused by a violation of 198

a provision of the Revised Code that is a misdemeanor of the first degree or higher.	199 200
(b) As a result of the motor vehicle accident, the victim receives injuries for which the victim receives medical treatment either at the scene of the accident by emergency medical services personnel or at a hospital, ambulatory care facility, physician's office, specialist's office, or other medical care facility.	201 202 203 204 205 206
(B) "Custodial agency" means one of the following:	207
(1) The entity that has custody of a defendant or an alleged juvenile offender who is incarcerated for a crime, is under detention for the commission of a specified delinquent act, or who is detained after a finding of incompetence to stand trial or not guilty by reason of insanity relative to a crime, including any of the following:	208 209 210 211 212 213
(a) The department of rehabilitation and correction or the adult parole authority;	214 215
(b) A county sheriff;	216
(c) The entity that administers a jail, as defined in section 2929.01 of the Revised Code;	217 218
(d) The entity that administers a community-based correctional facility and program or a district community-based correctional facility and program;	219 220 221
(e) The department of mental health and addiction services or other entity to which a defendant found incompetent to stand trial or not guilty by reason of insanity is committed.	222 223 224
(2) The entity that has custody of an alleged juvenile offender pursuant to an order of disposition of a juvenile	225 226



court, including the department of youth services or a school, 227  
camp, institution, or other facility operated for the care of 228  
delinquent children. 229

(C) "Defendant" means a person who is alleged to be the 230  
perpetrator of a crime in a police report or in a complaint, 231  
indictment, or information that charges the commission of a 232  
crime and that provides the basis for the criminal prosecution 233  
and subsequent proceedings to which this chapter makes 234  
reference. 235

(D) "Member of the victim's family" means a spouse, child, 236  
stepchild, sibling, parent, stepparent, grandparent, or other 237  
relative of a victim but does not include a person who is 238  
charged with, convicted of, or adjudicated to be a delinquent 239  
child for the crime or specified delinquent act against the 240  
victim or another crime or specified delinquent act arising from 241  
the same conduct, criminal episode, or plan. 242

(E) "Prosecutor" means one of the following: 243

(1) With respect to a criminal case, it has the same 244  
meaning as in section 2935.01 of the Revised Code and also 245  
includes the attorney general and, when appropriate, the 246  
employees of any person listed in section 2935.01 of the Revised 247  
Code or of the attorney general. 248

(2) With respect to a delinquency proceeding, it includes 249  
any person listed in division (C) of section 2935.01 of the 250  
Revised Code or an employee of a person listed in that division 251  
who prosecutes a delinquency proceeding. 252

(F) "Public agency" means an office, agency, department, 253  
bureau, or other governmental entity of the state or of a 254  
political subdivision of the state. 255

(G) "Public official" has the same meaning as in section 2921.01 of the Revised Code.	256 257
(H) "Victim" means either of the following:	258
(1) A person who is identified as the victim of a crime or specified delinquent act in a police report or in a complaint, indictment, or information that charges the commission of a crime and that provides the basis for the criminal prosecution or delinquency proceeding and subsequent proceedings to which this chapter makes reference.	259 260 261 262 263 264
(2) A person who receives injuries as a result of a vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident that is proximately caused by a violation described in division (A) (3) of this section or a motor vehicle accident that is proximately caused by a violation described in division (A) (4) of this section and who receives medical treatment as described in division (A) (3) or (4) of this section, whichever is applicable.	265 266 267 268 269 270 271 272
(I) "Victim's representative" means a member of the victim's family or another person who pursuant to the authority of section 2930.02 of the Revised Code exercises the rights of a victim under this chapter.	273 274 275 276
(J) "Court" means a court of common pleas, juvenile court, municipal court, or county court.	277 278
(K) "Delinquency proceeding" means all proceedings in a juvenile court that are related to a case in which a complaint has been filed alleging that a child is a delinquent child.	279 280 281
(L) "Case" means a delinquency proceeding and all related activity or a criminal prosecution and all related activity.	282 283

(M) The "defense" means the defense against criminal charges in a criminal prosecution or the defense against delinquent child complaint in a delinquency proceeding.	284 285 286
(N) The "prosecution" means the prosecution of criminal charges in a criminal prosecution or the prosecution of a delinquent child complaint in a delinquency proceeding.	287 288 289
(O) "Specified delinquent act" means any of the following:	290
(1) An act committed by a child that if committed by an adult would be a felony;	291 292
(2) An act committed by a child that is a violation of a section listed in division (A) (1) or (2) of this section or is a violation of a substantially equivalent municipal ordinance;	293 294 295
(3) An act committed by a child that is described in division (A) (3) or (4) of this section.	296 297
(P) (1) "Alleged juvenile offender" means a child who is alleged to have committed a specified delinquent act in a police report or in a complaint in juvenile court that charges the commission of a specified delinquent act and that provides the basis for the delinquency proceeding and all subsequent proceedings to which this chapter makes reference.	298 299 300 301 302 303
(2) As used in divisions (O) and (P) (1) of this section, "child" has the same meaning as in section 2151.011 of the Revised Code.	304 305 306
(Q) "Motor vehicle accident" means any accident involving a motor vehicle.	307 308
(R) "Motor vehicle" has the same meaning as in section 4509.01 of the Revised Code.	309 310

(S) "Aircraft" has the same meaning as in section 4561.01 of the Revised Code. 311  
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(T) "Aquatic device" means any vessel, or any water skis, aquaplane, or similar device. 313  
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(U) "Vehicle," "streetcar," and "trackless trolley" have the same meanings as in section 4511.01 of the Revised Code. 315  
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(V) "Vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident" means any accident involving a vehicle, streetcar, trackless trolley, aquatic device, or aircraft. 317  
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(W) "Vessel" has the same meaning as in section 1547.01 of the Revised Code. 321  
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(X) "Law enforcement officer-involved death" means an "officer-involved death," as defined in section 2901.45 of the Revised Code. 323  
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(Y) "Investigatory panel" means the panel of investigators established pursuant to division (D) of section 2901.45 of the Revised Code to investigate a law enforcement officer-involved death. 326  
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**Sec. 2930.03.** (A) A person or entity required or authorized under this chapter to give notice to a victim shall give the notice to the victim by any means reasonably calculated to provide prompt actual notice. An investigatory panel required under division (C) of section 2930.04 of the Revised Code to provide information to members of the family of an individual who experienced a law enforcement officer-involved death shall provide the information to the family members by any means reasonably calculated to promptly provide the information. Except when a provision requires that notice or information is

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to be given to a victim or family members in a specific manner, 340  
a notice may be oral or written. 341

(B) (1) (a) Except for receipt of the initial information 342  
and notice required to be given to a victim under divisions (A) 343  
and (B) of section 2930.04, section 2930.05, and divisions (A) 344  
and (B) of section 2930.06 of the Revised Code and the notice 345  
required to be given to a victim under division (D) of section 346  
2930.16 of the Revised Code, a victim who wishes to receive any 347  
notice authorized by this chapter shall make a request for the 348  
notice to the prosecutor or the custodial agency that is to 349  
provide the notice, as specified in this chapter. If the victim 350  
does not make a request as described in this division, the 351  
prosecutor or custodial agency is not required to provide any 352  
notice described in this chapter other than the initial 353  
information and notice required to be given to a victim under 354  
divisions (A) and (B) of section 2930.04, section 2930.05, and 355  
divisions (A) and (B) of section 2930.06 of the Revised Code and 356  
the notice required to be given to a victim under division (D) 357  
of section 2930.16 of the Revised Code. 358

(b) Division (B) (1) (a) of this section does not apply with 359  
respect to the information required to be provided by an 360  
investigatory panel under division (C) of section 2930.04 of the 361  
Revised Code to members of the family of an individual who 362  
experienced a law enforcement officer-involved death. That 363  
information shall be given regardless of whether the family 364  
members have made a request that the information be given. 365

(2) A victim who does not wish to receive any of the 366  
notices required to be given to a victim under division (E) (2) 367  
or (K) of section 2929.20, division (D) of section 2930.16, 368  
division (H) of section 2967.12, division (E) (1) (b) of section 369

2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 370  
of section 2967.28, or division (A) (2) of section 5149.101 of 371  
the Revised Code shall make a request to the prosecutor or 372  
custodial agency that is to provide the particular notice that 373  
the notice not be provided to the victim. Unless the victim 374  
makes a request as described in this division, the prosecutor or 375  
custodial agency shall provide the notices required to be given 376  
to a victim under division (E) (2) or (K) of section 2929.20, 377  
division (D) of section 2930.16, division (H) of section 378  
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 379  
(b) of section 2967.26, division (D) (1) of section 2967.28, or 380  
division (A) (2) of section 5149.101 of the Revised Code in any 381  
manner, and in accordance with the procedures, specified in the 382  
particular division. This division also applies to a victim's 383  
representative or a member of a victim's immediate family that 384  
is authorized to receive any of the notices specified in this 385  
division. 386

(C) A person or agency that is required to furnish notice 387  
under this chapter shall give the notice to the victim at the 388  
address or telephone number provided to the person or agency by 389  
the victim. If an investigatory panel that is required under 390  
division (C) of section 2930.04 of the Revised Code to provide 391  
information to members of the family of an individual who 392  
experienced a law enforcement officer-involved death provides 393  
the information by mail or by telephone, the panel shall provide 394  
the information at the address or telephone numbers provided to 395  
the panel by the family members. A victim who requests to 396  
receive notice under this chapter as described in division (B) 397  
of this section shall inform the person or agency of the name, 398  
address, or telephone number of the victim and of any change to 399  
that information. 400

(D) A person or agency that has furnished information to a 401  
victim in accordance with any requirement or authorization under 402  
this chapter shall notify the victim promptly of any significant 403  
changes to that information. 404

(E) Divisions (A) to (D) of this section do not apply 405  
regarding a notice that a prosecutor is required to provide 406  
under section 2930.061 of the Revised Code. A prosecutor 407  
required to provide notice under that section shall provide the 408  
notice as specified in that section. 409

**Sec. 2930.04.** (A) After its initial contact with a victim 410  
of a crime, the law enforcement agency responsible for 411  
investigating the crime promptly shall give to the victim, in 412  
writing, all of the following information: 413

(1) An explanation of the victim's rights under this 414  
chapter; 415

(2) Information about medical, counseling, housing, 416  
emergency, and any other services that are available to a 417  
victim; 418

(3) Information about compensation for victims under the 419  
reparations program in sections 2743.51 to 2743.72 of the 420  
Revised Code and the name, street address, and telephone number 421  
of the agency to contact to apply for an award of reparations 422  
under those sections; 423

(4) Information about protection that is available to the 424  
victim, including protective orders issued by a court. 425

(B) As soon as practicable after its initial contact with 426  
a victim of a crime, the law enforcement agency responsible for 427  
investigating the crime shall give to the victim all of the 428  
following information: 429

(1) The business telephone number of the law enforcement officer assigned to investigate the case; 430  
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(2) The office address and business telephone number of the prosecutor in the case; 432  
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(3) A statement that, if the victim is not notified of the arrest of the offender in the case within a reasonable period of time, the victim may contact the law enforcement agency to learn the status of the case. 434  
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(C) As soon as practicable after its initial contact with the members of the family of an individual who experienced a law enforcement officer-involved death, the investigatory panel established to investigate the death promptly shall inform the family members of contact information for the office of the prosecutor who is handling the case. 438  
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(D) To the extent that the information required by this section is provided in the pamphlet prepared pursuant to section 109.42 of the Revised Code or in the information card or other material prepared pursuant to section 2743.71 of the Revised Code, the law enforcement agency may fulfill that portion of its obligations under this section by giving that pamphlet, information card, or other material to the victim. 444  
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**Section 2.** That existing sections 2930.01, 2930.03, and 2930.04 of the Revised Code are hereby repealed. 451  
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