

SENATE BILL NO. 967

June 11, 2020, Introduced by Senators JOHNSON, VICTORY, MACDONALD, SHIRKEY, RUNESTAD, SANTANA, CHANG, BULLOCK and VANDERWALL and referred to the Committee on Judiciary and Public Safety.

A bill to require law enforcement agencies to regulate law enforcement officers' failure to intervene during the use of excessive force; to enable law enforcement agencies to impose certain disciplinary actions in instances of law enforcement officers' failure to intervene during the use of excessive force; to provide for the adoption of certain policies; and to prescribe powers and duties of certain state agencies and departments.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "law
2 enforcement officer duty to intervene act".

1 Sec. 2. As used in this act:

2 (a) "Law enforcement agency" means that term as defined in
3 section 2 of the Michigan commission on law enforcement standards
4 act, 1965 PA 203, MCL 28.602.

5 (b) "Law enforcement officer" means that term as defined in
6 section 2 of the Michigan commission on law enforcement standards
7 act, 1965 PA 203, MCL 28.602.

8 Sec. 3. (1) Beginning on January 1, 2021, each law enforcement
9 agency in this state shall adopt a written duty to intervene
10 policy.

11 (2) The policy required under subsection (1) must include, at
12 a minimum, all of the following:

13 (a) A law enforcement officer in the employ of a law
14 enforcement agency has an affirmative duty to intervene verbally or
15 physically to prevent an observed use of excessive force by another
16 law enforcement officer.

17 (b) A law enforcement agency shall take appropriate
18 disciplinary actions against a law enforcement officer who observes
19 the use of excessive force by another law enforcement officer and
20 fails to intervene.

21 (3) Each law enforcement agency in this state shall provide a
22 copy of the policy required under subsection (1) to a law
23 enforcement officer in its employ.