

# SENATE BILL NO. 992

June 25, 2020, Introduced by Senator IRWIN and referred to the Committee on Judiciary and Public Safety.

A bill to require law enforcement agencies to investigate law enforcement officers' use of excessive force and failure to intervene during the use of excessive force; to enable law enforcement agencies to impose disciplinary actions in certain instances of law enforcement officers' use of excessive force and failure to intervene during the use of excessive force; to prohibit the use of excessive force and failure to intervene during the use of excessive force by law enforcement officers and prescribe penalties; and to provide for the 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 disciplinary act".

3           Sec. 2. As used in this act:

4           (a) "Law enforcement agency" means an entity that is  
5 established and maintained in accordance with the laws of this  
6 state and is authorized by the laws of this state to appoint or  
7 employ law enforcement officers.

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

11          Sec. 3. (1) A law enforcement officer shall not use excessive  
12 force on an individual in the course of his or her duty as a law  
13 enforcement officer.

14          (2) A law enforcement officer who observes the use of  
15 excessive force by another law enforcement officer must intervene  
16 verbally or physically to stop the observed use of excessive force.

17          Sec. 4. (1) Each law enforcement agency shall have a written  
18 policy regarding the use of excessive force by a law enforcement  
19 officer.

20          (2) The written policy required under subsection (1) must  
21 provide for all of the following:

22           (a) The investigation of an allegation of the use of excessive  
23 force by a law enforcement officer.

24           (b) Disciplinary action against a law enforcement officer that  
25 failed to intervene during an observed use of excessive force.

26           (c) The process and procedure for the investigation of an  
27 allegation of the use of excessive force and the failure to  
28 intervene during the observed use of excessive force.

1           (d) Procedural safeguards sufficient to satisfy the minimum  
2 due process requirements of the state constitution of 1963 and the  
3 Constitution of the United States that must be followed during the  
4 disciplinary action under this act.

5           Sec. 5. A law enforcement officer who violates this act is  
6 guilty of a misdemeanor punishable by imprisonment for not more  
7 than 1 year or a fine of not more than \$1,000.00, or both.