

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 879 - L.D. 1219

An Act To Establish an Independent Panel To Review the Use of Deadly Force by Law Enforcement Officers**Be it enacted by the People of the State of Maine as follows:****Sec. 1. 5 MRSA §200-K** is enacted to read:**§200-K. Deadly Force Review Panel**

There is created, within the Office of the Attorney General, the Deadly Force Review Panel, referred to in this section as "the panel." The panel must, to the extent practicable, include members that reflect the diversity of Maine's racial, gender, indigenous and tribal demographics.

1. Composition. The panel is composed of 15 members as follows:A. The Commissioner of Public Safety, ex officio;B. The director of investigations for the Office of the Attorney General, ex officio;C. The Director of the Maine Criminal Justice Academy, ex officio;D. The Chief Medical Examiner, ex officio;E. An attorney who represents plaintiffs in actions under 42 United States Code, Section 1983 appointed by the Attorney General;F. A municipal police chief appointed by the Attorney General;G. A county sheriff appointed by the Attorney General;H. A mental health professional appointed by the Attorney General;I. A representative of a statewide collective bargaining organization for law enforcement employees appointed by the Attorney General;J. A representative of a statewide civil rights organization whose primary mission is related to racial justice appointed by the Attorney General;

K. An attorney who represents defendants in actions under 42 United States Code, Section 1983 appointed by the Attorney General;

L. A criminal prosecutor appointed by the Attorney General; and

M. Three citizens, each of whom is not and has never been a sworn law enforcement officer, appointed by the Attorney General.

2. Designees; terms of office. An ex officio member of the panel may appoint a designee to represent the ex officio member on the panel for one or more meetings. A designee, once appointed, qualifies as a full voting member of the panel and may hold office and enjoy all the other rights and privileges of full membership on the panel. The appointed members of the panel serve for a term of 3 years. Any vacancy on the panel must be filled in the same manner as the original appointment for the unexpired term.

3. Meetings; officers. The Attorney General shall call the first meeting before January 1, 2020. The panel shall organize initially and annually thereafter by electing a chair and a vice-chair from among its members. The vice-chair shall also serve as secretary. The panel shall meet at such time or times as may be reasonably necessary to carry out its duties, but it shall meet at least once in each calendar quarter at such place and time as the panel determines and it shall meet at the call of the chair.

4. Powers and duties. The panel shall examine deaths or serious injuries resulting from the use of deadly force by a law enforcement officer after the Attorney General has completed the investigation of the use of deadly force under section 200-A. The purpose of such examinations is to identify whether there was compliance with accepted and best practices under the particular circumstances and whether the practices were sufficient for the particular circumstances or whether the practices require adjustment or improvement. The panel shall recommend methods of improving standards, including changes to statutes, rules, training, policies and procedures designed to ensure incorporation of best practices that demonstrate increased public safety and officer safety.

5. Access to information and records. In any case subject to review by the panel, unless prohibited by federal law and notwithstanding any provision of law to the contrary, upon oral or written request of the panel, any person who possesses information or records that are necessary and relevant to a panel review shall as soon as practicable provide the panel with the information and records. Persons disclosing or providing information or records upon request of the panel are not criminally or civilly liable for disclosing or providing information or records in compliance with this subsection. The panel in its discretion may consult with content experts or other professionals and discuss necessary information or records within the scope of such consultations.

6. Confidentiality. The proceedings of the panel are not public proceedings and the records of the panel are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The Legislature may inspect and review records covered by this subsection under conditions that protect the information from further disclosure. The Office of the Attorney General shall disclose conclusions of the panel but may not disclose information, records or data that are otherwise classified as confidential.

7. Incident examination and annual reports. Within 30 days of the conclusion of the examination of the use of deadly force by a law enforcement officer under subsection 4, the panel shall submit a report on the panel's activities, conclusions and recommendations with regard to the incident to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The panel shall submit a report by January 30, 2021, and annually thereafter, that summarizes the panel's meetings and the incidents of the use of deadly force by law enforcement officers that resulted in deaths or serious injuries that the panel examined in the preceding year.

Sec. 2. 5 MRSA §12004-I, sub-§74-J is enacted to read:

74-J.

Public Safety

Deadly Force
Review Panel

Not Authorized

5 MRSA §200-K