

2021 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 84

BY REPRESENTATIVE JAMES

A CONCURRENT RESOLUTION

To urge and request the State Police Commission, as established by Constitution Article X, Section 43, to adopt standard policies regarding a police officer's right to counsel and investigation of an officer.

WHEREAS, Chapter 25 of the Louisiana Revised Statutes of 1950, entitled "Rights of Law Enforcement Officers While Under Investigation", applies to police employees as defined by R.S. 40:1372(5), P.O.S.T. certified probation and parole officers employed by the Department of Public Safety and Corrections, law enforcement officers employed by a municipality, and campus police employed at a state-supported college or university who are under investigation and subject to possible disciplinary action, demotion, or dismissal; and

WHEREAS, the legislature unanimously adopted Senate Concurrent Resolution No. 7 of the 2020 First Extraordinary Session which established the Police Training, Screening, and De-escalation Task Force to study and make recommendations to the legislature on the topics, including training, screening, de-escalation, racial bias recognition, misconduct, duty to report misconduct, penalties, use of force, identifying and eliminating bad actors, and any other recommendations the task force deems necessary to restore the public's trust that the law enforcement community is serving and protecting all the citizens of Louisiana in a fair and unbiased manner; and

WHEREAS, to efficiently do the work of the task force, the following subcommittees were established: Community Relations and Internal Operations, Finance and Funding, Policy and Oversight, and Training and Education; and

WHEREAS, on January 14, 2021, the task force completed its business in accordance to Senate Concurrent Resolution No. 7 by adopting eighteen recommendations; and

WHEREAS, some of the recommendations of the Task Force are described in House Bill Nos. 129 and 430 and Senate Bill No. 34 of the 2021 Regular Session; and

WHEREAS, in the event House Bill Nos. 129 and 430 and Senate Bill 34 become law, the task force and the legislature believe there should be uniformity in the policies and procedures for similarly situated police employees; and

WHEREAS, the provisions under Chapter 25 of the Louisiana Revised Statutes of 1950 do not apply to Louisiana State Police employees; and

WHEREAS, Louisiana State Police employees under investigation are subject to policies adopted by the State Police Commission, as established by Constitution Article X, Section 43.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the State Police Commission to adopt policies to reflect the recommendations adopted by the Police Training, Screening, and De-escalation Task Force.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request the State Police Commission to adopt a policy to reduce the time period that a police employee or law enforcement officer is granted to secure representation from thirty days to fourteen days, with certain exceptions.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request the State Police Commission to adopt a policy to extend the time period within which the investigation of a police employee or law enforcement officer is required to be completed from sixty days to seventy-five days, excluding weekends and holidays.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request the State Police Commission to adopt a policy to require that sustained complaints regarding a law enforcement officer remain in the officer's file for at least ten years.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request the State Police Commission to adopt a policy to prohibit the use of choke holds and carotid holds, except when the officer reasonably believes he or another person is at risk of great bodily harm or when deadly force is authorized.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request the State Police Commission to adopt a policy to prohibit the use of no-knock warrants under certain circumstances.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request the State Police Commission to adopt a policy to require any governmental entity that employs a peace officer to implement an in-service anti-bias training program, as administered by P.O.S.T., including but not limited to topics such as procedural justice, cultural diversity, community relations, and peer intervention in order to be eligible to apply for and receive any state grants administered or procured by the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request the State Police Commission to adopt a policy to require that any law enforcement automobile equipped with a dash camera that has the technology to automatically record upon the activation of the automobile's police emergency lights to utilize that technology, no later than January 1, 2022.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request the State Police Commission to adopt a policy to require any law enforcement agency that utilizes body worn cameras to have a policy regarding the activation and deactivation of such cameras by the officer, no later than January 1, 2022.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request the State Police Commission to adopt a policy to require all law enforcement agencies, correctional agencies, and institutions to disclose to prosecutors any and all information that may be used to impeach the credibility of a prosecution witness, including but not limited to prior statements, prior criminal acts, or other misconduct.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request the State Police Commission to adopt a policy to provide for penalties for non-compliance with P.O.S.T. reporting requirements.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted to the chairman of the State Police Commission and the superintendent of the office of state police, Department of Public Safety and Corrections.

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE