

116TH CONGRESS  
1ST SESSION

# H. R. 4440

To establish protocols for the investigation of uses of deadly force by Federal law enforcement officers, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2019

Mr. COHEN (for himself and Ms. NORTON) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To establish protocols for the investigation of uses of deadly force by Federal law enforcement officers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Deadly Force Inde-  
5 pendent Review Act of 2019”.

6 **SEC. 2. PROTOCOL FOR INVESTIGATION OF USE OF DEAD-**  
7 **LY FORCE BY FEDERAL LAW ENFORCEMENT**  
8 **OFFICER.**

9 Each Federal law enforcement agency shall establish  
10 a protocol for investigating any use of deadly force and

1 shall commence such an investigation on each occasion  
2 that an officer of that agency uses deadly force.

3 **SEC. 3. ROLE OF INSPECTORS GENERAL.**

4 (a) REVIEW OF AGENCY INVESTIGATIONS.—If the in-  
5 vestigation is not conducted by the inspector general for  
6 that agency then the inspector general shall conduct an  
7 independent review of the findings to verify that the inves-  
8 tigation was sufficiently thorough, complied with the pro-  
9 tocols, and that the findings were adequately supported  
10 by the evidence. If the investigation uncovers any wrong-  
11 doing, the findings will be reported to proper authorities  
12 for appropriate disciplinary action, including prosecution  
13 in the case of any criminal activity.

14 (b) COUNCIL TO ESTABLISH UNIFORM PROCE-  
15 DURES.—The Council of Inspectors General on Integrity  
16 and Efficiency shall establish a uniform, Governmentwide  
17 methodology for the reporting of any incident regarding  
18 the use of deadly force by an officer of a Federal law en-  
19 forcement agency and develop uniform, Governmentwide  
20 guidelines for the investigation of such uses of deadly  
21 force.

22 **SEC. 4. REPORT.**

23 (a) IN GENERAL.—The Council of Inspectors General  
24 shall submit a report each calendar quarter including a  
25 description of all instances of the use of deadly force by

1 an officer of a Federal law enforcement agency, including  
2 any referrals for criminal prosecution, to—

3 (1) the Committee on Oversight and Reform of  
4 the House of Representatives;

5 (2) the Committee on Homeland Security and  
6 Governmental Affairs of the Senate;

7 (3) the Committees on the Judiciary of the Sen-  
8 ate and of the House of Representatives; and

9 (4) the Comptroller General of the United  
10 States.

11 (b) DATA COLLECTION.—The data collected and re-  
12 ported on under subsection (a) shall—

13 (1) include identifying characteristics of the  
14 person who was the target of the use of deadly force  
15 and the officer who used deadly force, including—

16 (A) race or ethnicity;

17 (B) gender;

18 (C) approximate age; and

19 (D) the actual or perceived religious affili-  
20 ation;

21 (2) include the date, time, and location of such  
22 use of deadly force;

23 (3) include the alleged criminal activity of the  
24 person who was the target of the use of deadly force;

1           (4) include the nature of the deadly force used,  
2 including the use of a firearm;

3           (5) include an explanation, if any, from the rel-  
4 evant law enforcement agency on why deadly force  
5 was used;

6           (6) include a copy of any use of deadly force  
7 guidelines in effect at the relevant law enforcement  
8 agency at the time deadly force was used;

9           (7) include a description of any non-lethal ef-  
10 forts employed to apprehend or subdue the person  
11 who was the target of the use of deadly force before  
12 deadly force was used; and

13           (8) not include personally identifiable informa-  
14 tion described in section 5.

15 **SEC. 5. LIMITATIONS ON PUBLICATION OF DATA.**

16           The name or identifying information of a law enforce-  
17 ment officer, person who was the target of the use of dead-  
18 ly force, or any other individual involved in any activity  
19 for which data is collected and compiled under this Act  
20 shall not be—

21           (1) released to the public;

22           (2) disclosed to any person, except for—

23                   (A) such disclosures as are necessary to  
24 comply with this Act;

1 (B) disclosures of information regarding a  
2 particular person to that person; or

3 (C) disclosures pursuant to litigation; or

4 (3) subject to disclosure under section 552 of  
5 title 5, United States Code (commonly known as the  
6 Freedom of Information Act), except for disclosures  
7 of information regarding a particular person to that  
8 person.

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