

116TH CONGRESS  
2D SESSION

# H. R. 7784

To amend title 38, United States Code, to improve the staffing, transparency, and accountability of the law enforcement operations of the Department of Veterans Affairs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2020

Miss RICE of New York (for herself and Mr. PAPPAS) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to improve the staffing, transparency, and accountability of the law enforcement operations of the Department of Veterans Affairs, 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 “VA Police Improve-  
5 ment and Accountability Act”.

1 **SEC. 2. IMPROVEMENTS TO TRANSPARENCY OF LAW EN-**  
2 **FORCEMENT OPERATIONS OF DEPARTMENT**  
3 **OF VETERANS AFFAIRS.**

4 (a) CONTACT AND INFORMATION.—Section 902 of  
5 title 38, United States Code, is amended by adding at the  
6 end the following new subsection:

7 “(e)(1) The Secretary shall ensure that each police  
8 force of a facility of the Department designates an em-  
9 ployee of the Department to serve as a point of contact  
10 for other employees and for the public with respect to, at  
11 a minimum—

12 “(A) statistical information regarding—

13 “(i) arrests made by and tickets issued by  
14 Department police officers at such facility;

15 “(ii) prosecutions, ticketing, and other ac-  
16 tions relating to such arrests; and

17 “(iii) the use of force and weapons dis-  
18 charge;

19 “(B) complaints and investigations regarding  
20 Department police officers at such facility; and

21 “(C) providing information to an individual (or  
22 the representative, attorney, or authorized agent of  
23 the individual) regarding the arrest, ticketing, de-  
24 tainment, use of force, or other police matters per-  
25 taining to that individual, including any relevant  
26 court proceedings or other legal actions.

1       “(2) The Secretary shall make available on the public  
2 internet website of each facility covered by paragraph (1)  
3 the following information:

4           “(A) The statistical information under subpara-  
5 graph (A) of such paragraph.

6           “(B) How to contact the point of contact.

7           “(C) General information regarding how an in-  
8 dividual (or the representative, attorney, or author-  
9 ized agent of the individual) may receive information  
10 regarding the arrest, ticketing, detainment, use of  
11 force, or other police matters pertaining to that indi-  
12 vidual by Department police officers at such facility  
13 (or by other Federal, State, or local law enforcement  
14 officers at the request of Department police offi-  
15 cers), including with respect to any subsequent court  
16 proceedings.”.

17       (b) IMPROVED TRAINING.—

18           (1) TRAINING.—The Secretary of Veterans Af-  
19 fairs shall provide to Department police officers an-  
20 nual training on—

21           (A) recognizing, defining, understanding,  
22 and avoiding racial profiling and implicit bias  
23 and best practices regarding the duty to inter-  
24 vene; and

1 (B) preventing suicide among the popu-  
2 lation served by the police officers.

3 (2) CURRICULUM.—In carrying out paragraph  
4 (1), the Secretary shall improve any similar training  
5 provided before the date of the enactment of this  
6 Act, including by ensuring that the curriculum for  
7 the training addresses, at a minimum, the following:

8 (A) Effective behavioral science procedures  
9 for suicide prevention and risk mitigation.

10 (B) Crisis intervention and de-escalation  
11 skills, including through the use of interactive  
12 training.

13 (C) Information about mental health and  
14 substance abuse disorders.

15 (D) Information about local law enforce-  
16 ment crisis intervention teams and other re-  
17 sources for veterans experiencing mental health  
18 crises available by the Department of Veterans  
19 Affairs, other elements of the Federal Govern-  
20 ment, and the community in which the police  
21 officers serve.

22 (3) CONSULTATION.—The Secretary shall en-  
23 sure that the annual training provided under para-  
24 graph (1) to Department police officers at a medical  
25 facility of the Department is provided in consulta-

1       tion with law enforcement accreditation organiza-  
2       tions and the mental health experts at such facility.

3               (4) PLAN ON COMMUNITY PARTNERSHIPS.—

4       The Secretary shall ensure that each police force of  
5       a facility of the Department develops a plan to enter  
6       into partnerships with—

7               (A) local community mental health organi-  
8               zations and experts, local community veterans  
9               organizations, and local community criminal  
10              justice organizations and experts; and

11             (B) local police departments, including by  
12             facilitating the sharing of training resources  
13             with crisis intervention teams of the local police  
14             departments.

15             (5) REPORT.—Not later than one year after the  
16       date of the enactment of this Act, the Secretary  
17       shall submit to the Committees on Veterans' Affairs  
18       of the House of Representatives and the Senate a  
19       report on the improved training under paragraph  
20       (1), including—

21             (A) a description of the curriculum of such  
22             training;

23             (B) with respect to the year preceding the  
24             date of the report—

1 (i) the number of facilities of the De-  
2 partment that conducted such training;

3 (ii) the number of Department police  
4 officers who received such training; and

5 (iii) any barriers to ensuring that  
6 each Department police officer receives  
7 such training;

8 (C) any recommendations to address the  
9 barriers identified under subparagraph (B)(iii);  
10 and

11 (D) the number of facilities of the Depart-  
12 ment that have established partnerships under  
13 paragraph (3).

14 (c) USE OF BODY CAMERAS BY DEPARTMENT PO-  
15 LICE OFFICERS.—

16 (1) REQUIREMENT.—

17 (A) IN GENERAL.—Department police offi-  
18 cers shall wear a body camera that—

19 (i) has a field of view at least as  
20 broad as the officer's vision; and

21 (ii) is worn in a manner that maxi-  
22 mizes the camera's ability to capture video  
23 footage of the officer's activities.

24 (B) ACTIVATION.—Both the video and  
25 audio recording functions of the body camera

1 shall be activated whenever a Department police  
2 officer is responding to a call for service or at  
3 the initiation of any other law enforcement or  
4 investigative stop between a Department police  
5 officer and a member of the public, except that  
6 when an immediate threat to the officer’s life or  
7 safety makes activating the camera impossible  
8 or dangerous, or in instances relating to health  
9 care privacy pursuant to paragraph (2)(C)(iv),  
10 the officer shall activate the camera at the first  
11 reasonable opportunity to do so.

12 (C) EXCEPTION.—The body camera shall  
13 not be deactivated until the stop has fully con-  
14 cluded and the Department police officer leaves  
15 the scene.

16 (D) LAW ENFORCEMENT OR INVESTIGA-  
17 TIVE STOP DEFINED.—In this paragraph, the  
18 term “law enforcement or investigative stop”  
19 means an action by a Department police officer  
20 in relation to enforcement and investigation du-  
21 ties, including traffic stops, pedestrian stops,  
22 abandoned vehicle contacts, requests for identi-  
23 fication, or responses to requests for emergency  
24 assistance.

1           (2) GUIDANCE.—The Secretary shall issue, and  
2           make publicly available, guidance on the use of body  
3           cameras by Department police officers. The Sec-  
4           retary shall ensure that such guidance—

5                   (A) requires that Department police offi-  
6                   cers wear and use body cameras pursuant to  
7                   paragraph (1);

8                   (B) is consistent with upholding the civil  
9                   rights and the privacy of patients of medical fa-  
10                  cilities of the Department of Veterans Affairs,  
11                  the public, and employees of the Department;  
12                  and

13                  (C) describes the policies and procedures of  
14                  the Department with respect to such use of  
15                  body cameras, including with respect to—

16                          (i) the safe and effective use of body  
17                          cameras and the resulting imagery, includ-  
18                          ing operational issues such as when a body  
19                          camera is activated and deactivated;

20                          (ii) the secure storage, handling, and  
21                          destruction of recorded data collected by a  
22                          body camera;

23                          (iii) the retention of recorded data col-  
24                          lected by a body camera;



1 (iv) protecting the privacy rights of an  
2 individual who may be recorded by a body  
3 camera, including with respect to instances  
4 of an individual being treated in a medical  
5 facility of the Department or in other in-  
6 stances requiring health care privacy;

7 (v) release of, and access to, any re-  
8 corded data collected by a body camera, in  
9 accordance with relevant open-records laws  
10 of the State in which the body camera is  
11 used; and

12 (vi) making recorded data collected by  
13 a body camera available to prosecutors, de-  
14 fense attorneys, and other officers of a  
15 court.

16 (3) CONSULTATION.—The Secretary shall issue  
17 the guidance under paragraph (2) in consultation  
18 with veterans service organizations, civil rights orga-  
19 nizations, law enforcement organizations, law en-  
20 forcement accreditation organizations, privacy rights  
21 organizations, and other relevant organizations or  
22 experts.

23 (4) REPORT.—Not later than 180 days after  
24 the date of the enactment of this Act, the Secretary  
25 shall submit to the Committees on Veterans' Affairs

1 of the House of Representatives and the Senate a  
2 report containing the following:

3 (A) A review of past and current use of  
4 body cameras by Department police officers.

5 (B) A description of the implementation of  
6 this subsection.

7 (C) The guidance issued under paragraph  
8 (2).

9 (D) A review of the use of security cam-  
10 eras at facilities of the Department, including  
11 an analysis of—

12 (i) the number of such cameras that  
13 are operational and the number that are  
14 not operational;

15 (ii) the number of employees and con-  
16 tractors of the Department who operate  
17 and maintain the security of such cameras;  
18 and

19 (iii) the number of such employees  
20 and contractors that is necessary to ensure  
21 that such cameras are properly operated  
22 and maintained to ensure that such facili-  
23 ties are observed.

24 (d) REPORT ON STAFFING, TRAINING, AND DATA  
25 SYSTEMS.—Not later than 180 days after the date of the

1 enactment of this Act, the Secretary of Veterans Affairs  
2 shall submit to the Committees on Veterans' Affairs of  
3 the House of Representatives and the Senate a report that  
4 includes the following:

5           (1) An assessment of the hiring needs of the  
6 police force of the Department of Veterans Affairs,  
7 including—

8           (A) identification of—

9                   (i) the number of Department police  
10 officers as of the date of the report;

11                   (ii) the number of Department police  
12 officers that the Secretary determines nec-  
13 essary to meet the needs of the Depart-  
14 ment; and

15                   (iii) the amount of turnover among  
16 Department police officers;

17           (B) an analysis of the staffing require-  
18 ments to appropriately provide the improved  
19 training under subsection (b);

20           (C) a discussion of how the compensation  
21 for Department police officers affects such  
22 needs and turnover; and

23           (D) a comparison of such compensation  
24 with the compensation provided to specialty po-

1           lice units, such as police units at medical facili-  
2           ties and other police units in the region.

3           (2) A discussion with respect to developing a  
4           plan for improving police data systems and Depart-  
5           ment-wide systems for tracking and analyzing inci-  
6           dents, arrests, ticketing, prosecutions, and occur-  
7           rences of the use of force.

8           (e) DEPARTMENT POLICE OFFICER DEFINED.—In  
9           this section, the term “Department police officer” means  
10          an employee of the Department of Veterans Affairs de-  
11          scribed in section 902(a) of title 38, United States Code.

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