

116TH CONGRESS
2D SESSION

S. 3912

To hold law enforcement accountable for misconduct in court, improve transparency through data collection, and reform police training and policies.

IN THE SENATE OF THE UNITED STATES

JUNE 8, 2020

Mr. BOOKER (for himself, Ms. HARRIS, Mr. SCHUMER, Mrs. FEINSTEIN, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Ms. DUCKWORTH, Mr. DURBIN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HIRONO, Mr. JONES, Mr. KAINE, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. SANDERS, Mr. SCHATZ, Ms. SMITH, Ms. STABENOW, Mr. VAN HOLLEN, Mr. UDALL, Mr. WARNER, Ms. WARREN, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To hold law enforcement accountable for misconduct in court, improve transparency through data collection, and reform police training and policies.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Justice in Policing Act of 2020”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

TITLE I—POLICE ACCOUNTABILITY

Subtitle A—Holding Police Accountable in the Courts

Sec. 101. Deprivation of rights under color of law.
 Sec. 102. Qualified immunity reform.
 Sec. 103. Pattern and practice investigations.
 Sec. 104. Independent investigations.

Subtitle B—Law Enforcement Trust and Integrity Act

Sec. 111. Short title.
 Sec. 112. Definitions.
 Sec. 113. Accreditation of law enforcement agencies.
 Sec. 114. Law enforcement grants.
 Sec. 115. Attorney General to conduct study.
 Sec. 116. Authorization of appropriations.
 Sec. 117. National task force on law enforcement oversight.
 Sec. 118. Federal data collection on law enforcement practices.

TITLE II—POLICING TRANSPARENCY THROUGH DATA

Subtitle A—National Police Misconduct Registry

Sec. 201. Establishment of National Police Misconduct Registry.
 Sec. 202. Certification requirements for hiring of law enforcement officers.

Subtitle B—PRIDE Act

Sec. 221. Short title.
 Sec. 222. Definitions.
 Sec. 223. Use of force reporting.
 Sec. 224. Use of force data reporting.
 Sec. 225. Compliance with reporting requirements.
 Sec. 226. Federal law enforcement reporting.
 Sec. 227. Authorization of appropriations.

TITLE III—IMPROVING POLICE TRAINING AND POLICIES

Subtitle A—End Racial and Religious Profiling Act

Sec. 301. Short title.
 Sec. 302. Definitions.

PART I—PROHIBITION OF RACIAL PROFILING

Sec. 311. Prohibition.
 Sec. 312. Enforcement.

PART II—PROGRAMS TO ELIMINATE RACIAL PROFILING BY FEDERAL LAW ENFORCEMENT AGENCIES

Sec. 321. Policies to eliminate racial profiling.

PART III—PROGRAMS TO ELIMINATE RACIAL PROFILING BY STATE AND
LOCAL LAW ENFORCEMENT AGENCIES

- Sec. 331. Policies required for grants.
- Sec. 332. Involvement of Attorney General.
- Sec. 333. Data collection demonstration project.
- Sec. 334. Development of best practices.
- Sec. 335. Authorization of appropriations.

PART IV—DATA COLLECTION

- Sec. 341. Attorney General to issue regulations.
- Sec. 342. Publication of data.
- Sec. 343. Limitations on publication of data.

PART V—DEPARTMENT OF JUSTICE REGULATIONS AND REPORTS ON RACIAL
PROFILING IN THE UNITED STATES

- Sec. 351. Attorney General to issue regulations and reports.

Subtitle B—Additional Reforms

- Sec. 361. Training on racial bias and duty to intervene.
- Sec. 362. Ban on no-knock warrants in drug cases.
- Sec. 363. Incentivizing banning of chokeholds and carotid holds.
- Sec. 364. PEACE Act.
- Sec. 365. Stop Militarizing Law Enforcement Act.
- Sec. 366. Best practices for local law enforcement agencies.

Subtitle C—Law Enforcement Body Cameras

PART I—FEDERAL POLICE CAMERA AND ACCOUNTABILITY ACT

- Sec. 371. Short title.
- Sec. 372. Requirements for Federal uniformed officers regarding the use of
body cameras.
- Sec. 373. Patrol vehicles with in-car video recording cameras.
- Sec. 374. Facial recognition technology.
- Sec. 375. GAO study.
- Sec. 376. Regulations.
- Sec. 377. Rule of construction.

PART II—POLICE CAMERA ACT

- Sec. 381. Short title.
- Sec. 382. Law enforcement body-worn camera requirements.

TITLE IV—JUSTICE FOR VICTIMS OF LYNCHING ACT

- Sec. 401. Short title.
- Sec. 402. Findings.
- Sec. 403. Lynching.

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Severability.
- Sec. 502. Savings clause.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) BYRNE GRANT PROGRAM.—The term
4 “Byrne grant program” means any grant program
5 under subpart 1 of part E of title I of the Omnibus
6 Crime Control and Safe Streets Act of 1968 (34
7 U.S.C. 10151 et seq.), without regard to whether
8 the funds are characterized as being made available
9 under the Edward Byrne Memorial State and Local
10 Law Enforcement Assistance Programs, the Local
11 Government Law Enforcement Block Grants Pro-
12 gram, the Edward Byrne Memorial Justice Assist-
13 ance Grant Program, or otherwise.

14 (2) COPS GRANT PROGRAM.—The term “COPS
15 grant program” means the grant program author-
16 ized under section 1701 of title I of the Omnibus
17 Crime Control and Safe Streets Act of 1968 (34
18 U.S.C. 10381).

19 (3) FEDERAL LAW ENFORCEMENT AGENCY.—
20 The term “Federal law enforcement agency” means
21 any agency of the United States authorized to en-
22 gage in or supervise the prevention, detection, inves-
23 tigation, or prosecution of any violation of Federal
24 criminal law.

25 (4) FEDERAL LAW ENFORCEMENT OFFICER.—
26 The term “Federal law enforcement officer” has the

1 meaning given the term in section 115 of title 18,
2 United States Code.

3 (5) INDIAN TRIBE.—The term “Indian Tribe”
4 has the meaning given the term “Indian tribe” in
5 section 901 of title I of the Omnibus Crime Control
6 and Safe Streets Act of 1968 (34 U.S.C. 10251).

7 (6) LOCAL LAW ENFORCEMENT OFFICER.—The
8 term “local law enforcement officer” means any offi-
9 cer, agent, or employee of a State or unit of local
10 government authorized by law or by a government
11 agency to engage in or supervise the prevention, de-
12 tection, or investigation of any violation of criminal
13 law.

14 (7) STATE.—The term “State” has the mean-
15 ing given the term in section 901 of title I of the
16 Omnibus Crime Control and Safe Streets Act of
17 1968 (34 U.S.C. 10251).

18 (8) TRIBAL LAW ENFORCEMENT OFFICER.—
19 The term “tribal law enforcement officer” means
20 any officer, agent, or employee of an Indian tribe, or
21 the Bureau of Indian Affairs, authorized by law or
22 by a government agency to engage in or supervise
23 the prevention, detection, or investigation of any vio-
24 lation of criminal law.

TITLE I—POLICE
ACCOUNTABILITY
Subtitle A—Holding Police
Accountable in the Courts

SEC. 101. DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.

Section 242 of title 18, United States Code, is amended—

(1) by striking “willfully” and inserting “knowingly or with reckless disregard”; and

(2) by adding at the end the following: “For purposes of this section, an act shall be considered to be death resulting if the act was a substantial factor contributing to the death of the person.”.

SEC. 102. QUALIFIED IMMUNITY REFORM.

Section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) is amended by adding at the end the following: “It shall not be a defense or immunity to any action brought under this section against a local law enforcement officer (as defined in section 2 of the Justice in Policing Act of 2020) or a State correctional officer (as defined in section 1121(b) of title 18, United States Code) that—

“(1) the defendant was acting in good faith, or
 that the defendant believed, reasonably or otherwise,

1 that his or her conduct was lawful at the time when
 2 the conduct was committed; or

3 “(2) the rights, privileges, or immunities se-
 4 cured by the Constitution and laws were not clearly
 5 established at the time of their deprivation by the
 6 defendant, or that at this time, the state of the law
 7 was otherwise such that the defendant could not rea-
 8 sonably have been expected to know whether his or
 9 her conduct was lawful.”.

10 **SEC. 103. PATTERN AND PRACTICE INVESTIGATIONS.**

11 (a) SUBPOENA AUTHORITY.—Section 210401 of the
 12 Violent Crime Control and Law Enforcement Act of 1994
 13 (34 U.S.C. 12601) is amended—

14 (1) in subsection (b), by striking “paragraph
 15 (1)” and inserting “subsection (a)”; and

16 (2) by adding at the end the following:

17 “(c) SUBPOENA AUTHORITY.—In carrying out the
 18 authority in subsection (b), the Attorney General may re-
 19 quire by subpoena the production of all information, docu-
 20 ments, reports, answers, records, accounts, papers, and
 21 other data in any medium (including electronically stored
 22 information), as well as any tangible thing and documen-
 23 tary evidence, and the attendance and testimony of wit-
 24 nesses necessary in the performance of the Attorney Gen-
 25 eral under subsection (b). Such a subpoena, in the case

1 of contumacy or refusal to obey, shall be enforceable by
2 order of any appropriate district court of the United
3 States.”.

4 (b) GRANT PROGRAM.—

5 (1) GRANTS AUTHORIZED.—The Attorney Gen-
6 eral may award a grant to a State to assist the
7 State in conducting pattern and practice investiga-
8 tions at the State level.

9 (2) ELIGIBILITY.—In order for a State to be el-
10 igible for a grant under paragraph (1), the attorney
11 general of the State, or similar State official, shall
12 have the authority to conduct pattern and practice
13 investigations, as described in section 210401 of the
14 Violent Crime Control and Law Enforcement Act of
15 1994 (34 U.S.C. 12601), of governmental agencies
16 in the State.

17 (3) APPLICATION.—A State seeking a grant
18 under paragraph (1) shall submit an application in
19 such form, at such time, and containing such infor-
20 mation as the Attorney General may require.

21 (4) FUNDING.—There are authorized to be ap-
22 propriated \$100,000,000 to the Attorney General for
23 each of fiscal years 2020 through 2022 to carry out
24 this subsection.

1 **SEC. 104. INDEPENDENT INVESTIGATIONS.**

2 (a) IN GENERAL.—

3 (1) DEFINITIONS.—In this subsection:

4 (A) DEADLY FORCE.—The term “deadly
5 force” means that force which a reasonable per-
6 son would consider likely to cause death or seri-
7 ous bodily harm.

8 (B) INDEPENDENT PROSECUTION.—The
9 term “independent prosecution”, with respect to
10 a criminal investigation or prosecution of a law
11 enforcement officer’s use of deadly force, in-
12 cludes using one or more of the following:

13 (i) Using an agency or civilian review
14 board that investigates and independently
15 reviews all officer use of force allegations.

16 (ii) Assigning the attorney general of
17 the State in which the alleged crime was
18 committed to conduct the criminal inves-
19 tigation and prosecution.

20 (iii) Adopting a procedure under
21 which an automatic referral is made to a
22 special prosecutor appointed and overseen
23 by the attorney general of the State in
24 which the alleged crime was committed.

25 (iv) Adopting a procedure under
26 which an independent prosecutor is as-

1 signed to investigate and prosecute the
2 case.

3 (v) Having law enforcement agencies
4 agree to and implement memoranda of un-
5 derstanding with other law enforcement
6 agencies under which the other law en-
7 forcement agencies—

8 (I) shall conduct the criminal in-
9 vestigation; and

10 (II) upon conclusion of the crimi-
11 nal investigation, shall file a report
12 with the attorney general of the State
13 containing a determination regarding
14 whether—

15 (aa) the use of deadly force
16 was appropriate; and

17 (bb) any action should be
18 taken by the attorney general of
19 the State.

20 (vi) Using an independent prosecutor.

21 (C) INDEPENDENT PROSECUTION OF LAW
22 ENFORCEMENT STATUTE.—The term “inde-
23 pendent prosecution of law enforcement stat-
24 ute” means a statute requiring an independent
25 prosecution in a criminal matter in which—

1 (i) one or more of the possible defend-
2 ants is a law enforcement officer;

3 (ii) one or more of the alleged offenses
4 involves the law enforcement officer's use
5 of deadly force in the course of carrying
6 out that officer's duty; and

7 (iii) the law enforcement officer's use
8 of deadly force resulted in a death or in-
9 jury.

10 (D) INDEPENDENT PROSECUTOR.—The
11 term “independent prosecutor” means, with re-
12 spect to a criminal investigation or prosecution
13 of a law enforcement officer's use of deadly
14 force, a prosecutor who—

15 (i) does not oversee or regularly rely
16 on the law enforcement agency by which
17 the law enforcement officer under inves-
18 tigation is employed; and

19 (ii) would not be involved in the pros-
20 ecution in the ordinary course of that pros-
21 ecutor's duties.

22 (2) GRANT PROGRAM.—The Attorney General
23 may award grants to eligible States and Indian
24 Tribes to assist in implementing an independent
25 prosecution of law enforcement statute.

1 (3) ELIGIBILITY.—To be eligible for a grant
 2 under this subsection, a State shall, as of the last
 3 day of the prior fiscal year, have enacted and have
 4 in effect an independent prosecution of law enforce-
 5 ment statute.

6 (4) AUTHORIZATION OF APPROPRIATIONS.—
 7 There are authorized to be appropriated to the At-
 8 torney General \$750,000,000 for fiscal years 2020
 9 through 2022 to carry out this subsection.

10 (b) COPS GRANT PROGRAM USED FOR CIVILIAN RE-
 11 VIEW BOARDS.—Part Q of title I of the Omnibus Crime
 12 Control and Safe Streets Act of 1968 (34 U.S.C. 10381
 13 et seq.) is amended—

14 (1) in section 1701(b) (34 U.S.C. 10381(b))—

15 (A) by redesignating paragraphs (22) and
 16 (23) as paragraphs (23) and (24), respectively;

17 (B) in paragraph (23), as so redesignated,
 18 by striking “(21)” and inserting “(22)”; and

19 (C) by inserting after paragraph (21) the
 20 following:

21 “(22) to develop best practices for and to create
 22 civilian review boards;”; and

23 (2) in section 1709 (34 U.S.C. 10389), by add-
 24 ing at the end the following:

1 “(8) ‘civilian review board’ means an adminis-
 2 trative entity that—

3 “(A) is independent and adequately fund-
 4 ed;

5 “(B) has investigatory authority and staff
 6 subpoena power;

7 “(C) has representative community diver-
 8 sity;

9 “(D) has policy making authority;

10 “(E) provides advocates for civilian com-
 11 plainants;

12 “(F) has mandatory police power to con-
 13 duct hearings; and

14 “(G) conducts statistical studies on pre-
 15 vailing complaint trends.”.

16 **Subtitle B—Law Enforcement** 17 **Trust and Integrity Act**

18 **SEC. 111. SHORT TITLE.**

19 This subtitle may be cited as the “Law Enforcement
 20 Trust and Integrity Act of 2020”.

21 **SEC. 112. DEFINITIONS.**

22 In this subtitle:

23 (1) **COMMUNITY-BASED ORGANIZATION.**—The
 24 term “community-based organization” means a
 25 grassroots organization that monitors the issue of

1 police misconduct and that has a national presence
2 and membership, such as the National Association
3 for the Advancement of Colored People (NAACP),
4 the American Civil Liberties Union (ACLU), the
5 National Council of La Raza, the National Urban
6 League, the National Congress of American Indians,
7 or the National Asian Pacific American Legal Con-
8 sortium (NAPALC).

9 (2) LAW ENFORCEMENT ACCREDITATION ORGA-
10 NIZATION.—The term “law enforcement accredita-
11 tion organization” means a professional law enforce-
12 ment organization involved in the development of
13 standards of accreditation for law enforcement agen-
14 cies at the national, State, regional, or tribal level,
15 such as the Commission on Accreditation for Law
16 Enforcement Agencies (CALEA).

17 (3) LAW ENFORCEMENT AGENCY.—The term
18 “law enforcement agency” means a State, local, In-
19 dian tribal, or campus public agency engaged in the
20 prevention, detection, or investigation, prosecution,
21 or adjudication of violations of criminal laws.

22 (4) PROFESSIONAL LAW ENFORCEMENT ASSO-
23 CIATION.—The term “professional law enforcement
24 association” means a law enforcement membership
25 association that works for the needs of Federal,

1 State, local, or Indian tribal law enforcement agen-
2 cies and with the civilian community on matters of
3 common interest, such as the Hispanic American
4 Police Command Officers Association (HAPCOA),
5 the National Asian Pacific Officers Association
6 (NAPOA), the National Black Police Association
7 (NBPA), the National Latino Peace Officers Asso-
8 ciation (NLPOA), the National Organization of
9 Black Law Enforcement Executives (NOBLE),
10 Women in Law Enforcement, the Native American
11 Law Enforcement Association (NALEA), the Inter-
12 national Association of Chiefs of Police (IACP), the
13 National Sheriffs' Association (NSA), the Fraternal
14 Order of Police (FOP), and the National Association
15 of School Resource Officers.

16 (5) PROFESSIONAL CIVILIAN OVERSIGHT ORGA-
17 NIZATION.—The term “professional civilian oversight
18 organization” means a membership organization
19 formed to address and advance the cause of civilian
20 oversight of law enforcement and whose members
21 are from Federal, State, regional, local, or tribal or-
22 ganizations that review issues or complaints against
23 law enforcement agencies or individuals, such as the
24 National Association for Civilian Oversight of Law
25 Enforcement (NACOLE).

1 **SEC. 113. ACCREDITATION OF LAW ENFORCEMENT AGEN-**
2 **CIES.**

3 (a) STANDARDS.—

4 (1) INITIAL ANALYSIS.—The Attorney General
5 shall perform an initial analysis of existing accredi-
6 tation standards and methodology developed by law
7 enforcement accreditation organizations nationwide,
8 including national, State, regional, and tribal accred-
9 itation organizations. Such an analysis shall include
10 a review of the recommendations of the Final Report
11 of the President’s Taskforce on 21st Century Polic-
12 ing, issued in May 2015.

13 (2) DEVELOPMENT OF UNIFORM STANDARDS.—
14 After completion of the initial review and analysis
15 under paragraph (1), the Attorney General shall—

16 (A) recommend, in consultation with law
17 enforcement accreditation organizations, the
18 adoption of additional standards that will result
19 in greater community accountability of law en-
20 forcement agencies and an increased focus on
21 policing with a guardian mentality, including
22 standards relating to—

23 (i) early warning systems and related
24 intervention programs;

25 (ii) use of force procedures;

26 (iii) civilian review procedures;

- 1 (iv) traffic and pedestrian stop and
- 2 search procedures;
- 3 (v) data collection and transparency;
- 4 (vi) administrative due process re-
- 5 quirements;
- 6 (vii) video monitoring technology;
- 7 (viii) juvenile justice and school safe-
- 8 ty; and
- 9 (ix) training; and

10 (B) recommend additional areas for the
11 development of national standards for the ac-
12 creditation of law enforcement agencies in con-
13 sultation with existing law enforcement accredi-
14 tation organizations, professional law enforce-
15 ment associations, labor organizations, commu-
16 nity-based organizations, and professional civil-
17 ian oversight organizations.

18 (3) CONTINUING ACCREDITATION PROCESS.—

19 The Attorney General shall adopt policies and proce-
20 dures to partner with law enforcement accreditation
21 organizations, professional law enforcement associa-
22 tions, labor organizations, community-based organi-
23 zations, and professional civilian oversight organiza-
24 tions to continue the development of further accredi-
25 tation standards consistent with paragraph (2) and

1 to encourage the pursuit of accreditation of Federal,
 2 State, local, and tribal law enforcement agencies by
 3 certified law enforcement accreditation organiza-
 4 tions.

5 (b) USE OF FUNDS REQUIREMENTS.—Section
 6 502(a) of title I of the Omnibus Crime Control and Safe
 7 Streets Act of 1968 (34 U.S.C. 10153(a)) is amended by
 8 adding at the end the following:

9 “(7) An assurance that, for each fiscal year
 10 covered by an application, the applicant will use not
 11 less than 5 percent of the total amount of the grant
 12 award for the fiscal year to assist law enforcement
 13 agencies of the applicant, including campus public
 14 safety departments, gain or maintain accreditation
 15 from certified law enforcement accreditation organi-
 16 zations in accordance with section 113 of the Law
 17 Enforcement Trust and Integrity Act of 2020.”.

18 **SEC. 114. LAW ENFORCEMENT GRANTS.**

19 (a) USE OF FUNDS REQUIREMENT.—Section 502(a)
 20 of title I of the Omnibus Crime Control and Safe Streets
 21 Act of 1968 (34 U.S.C. 10153(a)), as amended by section
 22 113, is amended by adding at the end the following:

23 “(8) An assurance that, for each fiscal year
 24 covered by an application, the applicant will use not
 25 less than 5 percent of the total amount of the grant

1 award for the fiscal year to study and implement ef-
2 fective management, training, recruiting, hiring, and
3 oversight standards and programs to promote effec-
4 tive community and problem solving strategies for
5 law enforcement agencies in accordance with section
6 114 of the Law Enforcement Trust and Integrity
7 Act of 2020.”.

8 (b) GRANT PROGRAM FOR COMMUNITY ORGANIZA-
9 TIONS.—The Attorney General may make grants to com-
10 munity-based organizations to study and implement effec-
11 tive management, training, recruiting, hiring, and over-
12 sight standards and programs to promote effective com-
13 munity and problem solving strategies for law enforcement
14 agencies.

15 (c) USE OF FUNDS.—Grant amounts described in
16 paragraph (8) of section 502(a) of title I of the Omnibus
17 Crime Control and Safe Streets Act of 1968 (34 U.S.C.
18 10153(a)), as added by subsection (a) of this section, and
19 grant amounts awarded under subsection (b) shall be used
20 to—

21 (1) study of management and operations stand-
22 ards for law enforcement agencies, including stand-
23 ards relating to administrative due process, resi-
24 dency requirements, compensation and benefits, use
25 of force, racial profiling, early warning systems, ju-

1 venile justice, school safety, civilian review boards or
2 analogous procedures, or research into the effective-
3 ness of existing programs, projects, or other activi-
4 ties designed to address misconduct by law enforce-
5 ment officers;

6 (2) to develop pilot programs and implement ef-
7 fective standards and programs in the areas of train-
8 ing, hiring and recruitment, and oversight that are
9 designed to improve management and address mis-
10 conduct by law enforcement officers.

11 (d) COMPONENTS OF PILOT PROGRAM.—A pilot pro-
12 gram developed under subsection (c)(2) shall include the
13 following:

14 (1) TRAINING.—Law enforcement policies,
15 practices, and procedures addressing training and
16 instruction to comply with accreditation standards in
17 the areas of—

18 (A) the use of lethal, nonlethal force, and
19 de-escalation;

20 (B) investigation of misconduct and prac-
21 tices and procedures for referral to prosecuting
22 authorities use of deadly force or racial
23 profiling;

24 (C) disproportionate minority contact by
25 law enforcement;

1 (D) tactical and defensive strategy;

2 (E) arrests, searches, and restraint;

3 (F) professional verbal communications
4 with civilians;

5 (G) interactions with youth, the mentally
6 ill, limited English proficiency, and multi-cultural
7 communities;

8 (H) proper traffic, pedestrian, and other
9 enforcement stops; and

10 (I) community relations and bias aware-
11 ness.

12 (2) RECRUITMENT, HIRING, RETENTION, AND
13 PROMOTION OF DIVERSE LAW ENFORCEMENT OFFI-
14 CERS.—Policies, procedures, and practices for—

15 (A) the hiring and recruitment of diverse
16 law enforcement officers representative of the
17 communities they serve;

18 (B) the development of selection, pro-
19 motion, educational, background, and psycho-
20 logical standards that comport with title VII of
21 the Civil Rights Act of 1964 (42 U.S.C. 2000e
22 et seq.); and

23 (C) initiatives to encourage residency in
24 the jurisdiction served by the law enforcement
25 agency and continuing education.

1 (3) OVERSIGHT.—Complaint procedures, in-
 2 cluding the establishment of civilian review boards or
 3 analogous procedures for jurisdictions across a range
 4 of sizes and agency configurations, complaint proce-
 5 dures by community-based organizations, early
 6 warning systems and related intervention programs,
 7 video monitoring technology, data collection and
 8 transparency, and administrative due process re-
 9 quirements inherent to complaint procedures for
 10 members of the public and law enforcement.

11 (4) JUVENILE JUSTICE AND SCHOOL SAFETY.—
 12 The development of uniform standards on juvenile
 13 justice and school safety, including standards relat-
 14 ing to interaction and communication with juveniles,
 15 physical contact, use of lethal and nonlethal force,
 16 notification of a parent or guardian, interviews and
 17 questioning, custodial interrogation, audio and video
 18 recording, conditions of custody, alternatives to ar-
 19 rest, referral to child protection agencies, and re-
 20 moval from school grounds or campus.

21 (5) VICTIM SERVICES.—Counseling services, in-
 22 cluding psychological counseling, for individuals and
 23 communities impacted by law enforcement mis-
 24 conduct.

25 (e) TECHNICAL ASSISTANCE.—

1 (1) IN GENERAL.—The Attorney General may
2 provide technical assistance to States and commu-
3 nity-based organizations in furtherance of the pur-
4 poses of this section.

5 (2) MODELS FOR REDUCTION OF LAW EN-
6 FORCEMENT MISCONDUCT.—The technical assistance
7 provided by the Attorney General may include the
8 development of models for States and community-
9 based organizations to reduce law enforcement offi-
10 cer misconduct. Any development of such models
11 shall be in consultation with community-based orga-
12 nizations.

13 (f) USE OF COMPONENTS.—The Attorney General
14 may use any component or components of the Department
15 of Justice in carrying out this section.

16 (g) APPLICATIONS.—

17 (1) APPLICATION.—An application for a grant
18 under subsection (b) shall be submitted in such
19 form, and contain such information, as the Attorney
20 General may prescribe by guidelines.

21 (2) APPROVAL.—A grant may not be made
22 under this section unless an application has been
23 submitted to, and approved by, the Attorney Gen-
24 eral.

25 (h) PERFORMANCE EVALUATION.—

1 (1) MONITORING COMPONENTS.—

2 (A) IN GENERAL.—Each program, project,
3 or activity funded under this section shall con-
4 tain a monitoring component, which shall be de-
5 veloped pursuant to guidelines established by
6 the Attorney General.

7 (B) REQUIREMENT.—Each monitoring
8 component required under subparagraph (A)
9 shall include systematic identification and col-
10 lection of data about activities, accomplish-
11 ments, and programs throughout the life of the
12 program, project, or activity and presentation
13 of such data in a usable form.

14 (2) EVALUATION COMPONENTS.—

15 (A) IN GENERAL.—Selected grant recipi-
16 ents shall be evaluated on the local level or as
17 part of a national evaluation, pursuant to
18 guidelines established by the Attorney General.

19 (B) REQUIREMENTS.—An evaluation con-
20 ducted under subparagraph (A) may include
21 independent audits of police behavior and other
22 assessments of individual program implementa-
23 tions. In selected jurisdictions that are able to
24 support outcome evaluations, the effectiveness

1 of funded programs, projects, and activities
2 may be required.

3 (3) PERIODIC REVIEW AND REPORTS.—The At-
4 torney General may require a grant recipient to sub-
5 mit biannually to the Attorney General the results of
6 the monitoring and evaluations required under para-
7 graphs (1) and (2) and such other data and infor-
8 mation as the Attorney General determines to be
9 necessary.

10 (i) REVOCATION OR SUSPENSION OF FUNDING.—If
11 the Attorney General determines, as a result of monitoring
12 under subsection (h) or otherwise, that a grant recipient
13 under the Byrne grant program or under subsection (b)
14 is not in substantial compliance with the requirements of
15 this section, the Attorney General may revoke or suspend
16 funding of that grant, in whole or in part.

17 (j) CIVILIAN REVIEW BOARD DEFINED.—In this sec-
18 tion, the term “civilian review board” means an adminis-
19 trative entity that—

- 20 (1) is independent and adequately funded;
- 21 (2) has investigatory authority and staff sub-
22 poena power;
- 23 (3) has representative community diversity;
- 24 (4) has policy making authority;
- 25 (5) provides advocates for civilian complainants;

1 (6) has mandatory police power to conduct
2 hearings; and

3 (7) conducts statistical studies on prevailing
4 complaint trends.

5 (k) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Attorney General
7 \$25,000,000 for fiscal year 2020 to carry out the grant
8 program authorized under subsection (b).

9 **SEC. 115. ATTORNEY GENERAL TO CONDUCT STUDY.**

10 (a) STUDY.—

11 (1) IN GENERAL.—The Attorney General shall
12 conduct a nationwide study of the prevalence and ef-
13 fect of any law, rule, or procedure that allows a law
14 enforcement officer to delay the response to ques-
15 tions posed by a local internal affairs officer, or re-
16 view board on the investigative integrity and pros-
17 ecution of law enforcement misconduct, including
18 pre-interview warnings and termination policies.

19 (2) INITIAL ANALYSIS.—The Attorney General
20 shall perform an initial analysis of existing State
21 statutes to determine whether, at a threshold level,
22 the effect of this type of rule or procedure raises
23 material investigatory issues that could impair or
24 hinder a prompt and thorough investigation of pos-

1 sible misconduct, including criminal conduct, that
2 would justify a wider inquiry.

3 (3) DATA COLLECTION.—After completion of
4 the initial analysis under paragraph (2), and consid-
5 ering material investigatory issues, the Attorney
6 General shall gather additional data nationwide on
7 similar rules from a representative and statistically
8 significant sample of jurisdictions, to determine
9 whether such rules and procedures raise such mate-
10 rial investigatory issues.

11 (b) REPORTING.—

12 (1) INITIAL ANALYSIS.—Not later than 120
13 days after the date of the enactment of this Act, the
14 Attorney General shall—

15 (A) submit to Congress a report containing
16 the results of the initial analysis conducted
17 under subsection (a)(2);

18 (B) make the report submitted under sub-
19 paragraph (A) available to the public; and

20 (C) identify the jurisdictions for which the
21 study described in subsection (a)(1) is to be
22 conducted.

23 (2) DATA COLLECTED.—Not later than 2 years
24 after the date of the enactment of this Act, the At-
25 torney General shall submit to Congress a report

1 containing the results of the data collected under
2 this section and publish the report in the Federal
3 Register.

4 **SEC. 116. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated for fiscal
6 year 2020, in addition to any other sums authorized to
7 be appropriated for this purpose—

8 (1) \$25,000,000 for additional expenses relat-
9 ing to the enforcement of section 210401 of the Vio-
10 lent Crime Control and Law Enforcement Act of
11 1994 (34 U.S.C. 12601), criminal enforcement
12 under sections 241 and 242 of title 18, United
13 States Code, and administrative enforcement by the
14 Department of Justice, including compliance with
15 consent decrees or judgments entered into under
16 such section 210401; and

17 (2) \$3,300,000 for additional expenses related
18 to conflict resolution by the Department of Justice's
19 Community Relations Service.

20 **SEC. 117. NATIONAL TASK FORCE ON LAW ENFORCEMENT**
21 **OVERSIGHT.**

22 (a) ESTABLISHMENT.—There is established within
23 the Department of Justice a task force to be known as
24 the Task Force on Law Enforcement Oversight (herein-
25 after in this section referred to as the “Task Force”).

1 (b) COMPOSITION.—The Task Force shall be com-
2 posed of individuals appointed by the Attorney General,
3 who shall appoint not less than 1 individual from each of
4 the following:

5 (1) The Special Litigation Section of the Civil
6 Rights Division.

7 (2) The Criminal Section of the Civil Rights Di-
8 vision.

9 (3) The Federal Coordination and Compliance
10 Section of the Civil Rights Division.

11 (4) The Employment Litigation Section of the
12 Civil Rights Division.

13 (5) The Disability Rights Section of the Civil
14 Rights Division.

15 (6) The Office of Justice Programs.

16 (7) The Office of Community Oriented Policing
17 Services (COPS).

18 (8) The Corruption/Civil Rights Section of the
19 Federal Bureau of Investigation.

20 (9) The Community Relations Service.

21 (10) The Office of Tribal Justice.

22 (11) The unit within the Department of Justice
23 assigned as a liaison for civilian review boards.

24 (c) POWERS AND DUTIES.—The Task Force shall
25 consult with professional law enforcement associations,

1 labor organizations, and community-based organizations
 2 to coordinate the process of the detection and referral of
 3 complaints regarding incidents of alleged law enforcement
 4 misconduct.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 6 are authorized to be appropriated \$5,000,000 for each fis-
 7 cal year to carry out this section.

8 **SEC. 118. FEDERAL DATA COLLECTION ON LAW ENFORCE-**
 9 **MENT PRACTICES.**

10 (a) AGENCIES TO REPORT.—Each Federal, State,
 11 and local law enforcement agency shall report data of the
 12 practices of that agency to the Attorney General.

13 (b) BREAKDOWN OF INFORMATION BY RACE, ETH-
 14 NICITY, AND GENDER.—For each practice enumerated in
 15 subsection (c), the reporting law enforcement agency shall
 16 provide a breakdown of the numbers of incidents of that
 17 practice by race, ethnicity, age, and gender of the officers
 18 and employees of the agency and of members of the public
 19 involved in the practice.

20 (c) PRACTICES TO BE REPORTED ON.—The prac-
 21 tices to be reported on are the following:

- 22 (1) Traffic violation stops.
- 23 (2) Pedestrian stops.
- 24 (3) Frisk and body searches.

1 (4) Instances where officers or employees of the
2 law enforcement agency used deadly force, includ-
3 ing—

4 (A) a description of when and where dead-
5 ly force was used, and whether it resulted in
6 death;

7 (B) a description of deadly force directed
8 against an officer or employee and whether it
9 resulted in injury or death; and

10 (C) the law enforcement agency's justifica-
11 tion for use of deadly force, if the agency deter-
12 mines it was justified.

13 (d) RETENTION OF DATA.—Each law enforcement
14 agency required to report data under this section shall
15 maintain records relating to any matter so reportable for
16 not less than 4 years after those records are created.

17 (e) PENALTY FOR STATES FAILING TO REPORT AS
18 REQUIRED.—

19 (1) IN GENERAL.—For any fiscal year, a State
20 shall not receive any amount that would otherwise
21 be allocated to that State under section 505(a) of
22 title I of the Omnibus Crime Control and Safe
23 Streets Act of 1968 (34 U.S.C. 10156(a)), or any
24 amount from any other law enforcement assistance
25 program of the Department of Justice, unless the

1 State has ensured, to the satisfaction of the Attor-
 2 ney General, that the State and each local law en-
 3 forcement agency of the State is in substantial com-
 4 pliance with the requirements of this section.

5 (2) REALLOCATION.—Amounts not allocated by
 6 reason of this subsection shall be reallocated to
 7 States not disqualified by failure to comply with this
 8 section.

9 (f) REGULATIONS.—The Attorney General shall pre-
 10 scribe regulations to carry out this section.

11 **TITLE II—POLICING TRANSPAR-**
 12 **ENCY THROUGH DATA**
 13 **Subtitle A—National Police**
 14 **Misconduct Registry**

15 **SEC. 201. ESTABLISHMENT OF NATIONAL POLICE MIS-**
 16 **CONDUCT REGISTRY.**

17 (a) IN GENERAL.—Not later than 180 days after the
 18 date of enactment of this Act, the Attorney General shall
 19 establish a National Police Misconduct Registry to be com-
 20 piled and maintained by the Department of Justice.

21 (b) CONTENTS OF REGISTRY.—The Registry re-
 22 quired to be established under subsection (a) shall contain
 23 the following data with respect to all Federal and local
 24 law enforcement officers:

1 (1) Each complaint filed against a law enforce-
2 ment officer, aggregated by—

3 (A) complaints that were found to be cred-
4 ible or that resulted in disciplinary action of the
5 law enforcement officer, disaggregated by
6 whether the complaint involved a use of force;

7 (B) complaints that are pending review,
8 disaggregated by whether the complaint in-
9 volved a use of force; and

10 (C) complaints for which the law enforce-
11 ment officer was exonerated or that were deter-
12 mined to be unfounded or not sustained,
13 disaggregated by whether the complaint in-
14 volved a use of force.

15 (2) Discipline records, disaggregated by wheth-
16 er the complaint involved a use of force.

17 (3) Termination records, including the reason
18 for each termination, disaggregated by whether the
19 complaint involved a use of force.

20 (4) Records of certification in accordance with
21 section 202.

22 (5) Records of lawsuits and settlements made
23 against law enforcement officers.

24 (c) FEDERAL AGENCY REPORTING REQUIRE-
25 MENTS.—Not later than 360 days after the date of enact-

1 ment of this Act, and every 180 days thereafter, the head
 2 of each Federal law enforcement agency shall submit to
 3 the Attorney General the information described in sub-
 4 section (b).

5 (d) STATE AND LOCAL LAW ENFORCEMENT AGENCY
 6 REPORTING REQUIREMENTS.—Beginning in the first fis-
 7 cal year beginning after the date of enactment of this Act
 8 and each fiscal year thereafter in which a State receives
 9 funds under the Byrne grant program, the State shall,
 10 once every 180 days, submit to the Attorney General the
 11 information described in subsection (b) for each local law
 12 enforcement agency within the State.

13 (e) PUBLIC AVAILABILITY OF REGISTRY.—

14 (1) IN GENERAL.—In establishing the Registry
 15 required under subsection (a), the Attorney General
 16 shall make the Registry available to the public.

17 (2) PRIVACY PROTECTIONS.—Nothing in this
 18 subsection shall be construed to supersede the re-
 19 quirements or limitations under section 552a of title
 20 5, United States Code (commonly known as the
 21 “Privacy Act of 1974”).

22 **SEC. 202. CERTIFICATION REQUIREMENTS FOR HIRING OF**
 23 **LAW ENFORCEMENT OFFICERS.**

24 Beginning in the first fiscal year beginning after the
 25 date of enactment of this Act, a State or other jurisdiction

1 may not receive funds under the Byrne grant program for
 2 a fiscal year if, on the day before the first day of the fiscal
 3 year, the State or other jurisdiction has not submitted to
 4 the National Police Misconduct Registry established under
 5 section 201 records demonstrating that all law enforce-
 6 ment officers of the State or other jurisdiction have com-
 7 pleted all State certification requirements during the 1-
 8 year period preceding the fiscal year.

9 **Subtitle B—PRIDE Act**

10 **SEC. 221. SHORT TITLE.**

11 This subtitle may be cited as the “Police Reporting
 12 Information, Data, and Evidence Act of 2020” or the
 13 “PRIDE Act”.

14 **SEC. 222. DEFINITIONS.**

15 In this subtitle:

16 (1) **LOCAL EDUCATIONAL AGENCY.**—The term
 17 “local educational agency” has the meaning given
 18 the term in section 8101 of the Elementary and Sec-
 19 ondary Education Act of 1965 (20 U.S.C. 7801).

20 (2) **LOCAL LAW ENFORCEMENT OFFICER.**—The
 21 term “local law enforcement officer” includes a
 22 school resource officer.

23 (3) **SCHOOL.**—The term “school” means an ele-
 24 mentary school or secondary school (as those terms
 25 are defined in section 8101 of the Elementary and

1 Secondary Education Act of 1965 (20 U.S.C.
2 7801)).

3 (4) SCHOOL RESOURCE OFFICER.—The term
4 “school resource officer” means a sworn law enforce-
5 ment officer who is—

6 (A) assigned by the employing law enforce-
7 ment agency to a local educational agency or
8 school;

9 (B) contracting with a local educational
10 agency or school; or

11 (C) employed by a local educational agency
12 or school.

13 (5) USE OF FORCE.—The term “use of force”
14 includes the use of a firearm, Taser, explosive de-
15 vice, chemical agent (such as pepper spray), baton,
16 impact projectile, blunt instrument, hand, fist, foot,
17 canine, or vehicle against an individual.

18 **SEC. 223. USE OF FORCE REPORTING.**

19 (a) REPORTING REQUIREMENTS.—

20 (1) IN GENERAL.—Beginning in the first fiscal
21 year beginning after the date of enactment of this
22 Act and each fiscal year thereafter in which a State
23 receives funds under a Byrne grant program, the
24 State shall—

1 (A) report to the Attorney General, on a
2 quarterly basis and pursuant to guidelines es-
3 tablished by the Attorney General, information
4 regarding—

5 (i) any incident involving the shooting
6 of a civilian by a local law enforcement of-
7 ficer who is employed by the State or by
8 a unit of local government in the State;

9 (ii) any incident involving the shooting
10 of a local law enforcement officer described
11 in clause (i) by a civilian;

12 (iii) any incident involving the death
13 or arrest of a law enforcement officer;

14 (iv) any incident in which use of force
15 by or against a local law enforcement offi-
16 cer described in clause (i) occurs, which is
17 not reported under clause (i), (ii), or (iii);

18 (v) deaths in custody; and

19 (vi) arrests and bookings;

20 (B) establish a system and a set of policies
21 to ensure that all use of force incidents are re-
22 ported by local law enforcement officers; and

23 (C) submit to the Attorney General a plan
24 for the collection of data required to be re-
25 ported under this section, including any modi-

fications to a previously submitted data collection plan.

(2) REPORT INFORMATION REQUIRED.—

(A) IN GENERAL.—The report required under paragraph (1)(A) shall contain information that includes, at a minimum—

(i) the national origin, sex, race, ethnicity, age, disability, English language proficiency, and housing status of each civilian against whom a local law enforcement officer used force;

(ii) the date, time, and location, including whether it was on school grounds, zip code, of the incident and whether the jurisdiction in which the incident occurred allows for the open-carry or concealed-carry of a firearm;

(iii) whether the civilian was armed, and, if so, the type of weapon the civilian had;

(iv) the type of force used against the officer, the civilian, or both, including the types of weapons used;

(v) the reason force was used;

- 1 (vi) a description of any injuries sus-
2 tained as a result of the incident;
- 3 (vii) the number of officers involved in
4 the incident;
- 5 (viii) the number of civilians involved
6 in the incident; and
- 7 (ix) a brief description regarding the
8 circumstances surrounding the incident,
9 which shall include information on—
 - 10 (I) the type of force used by all
11 involved persons;
 - 12 (II) the legitimate police objective
13 necessitating the use of force;
 - 14 (III) the resistance encountered
15 by each local law enforcement officer
16 involved in the incident;
 - 17 (IV) the efforts by local law en-
18 forcement officers to—
 - 19 (aa) de-escalate the situation
20 in order to avoid the use of force;
 - 21 or
 - 22 (bb) minimize the level of
23 force used; and

1 (V) if applicable, the reason why
 2 efforts described in subclause (IV)
 3 were not attempted.

4 (B) INCIDENTS REPORTED UNDER DEATH
 5 IN CUSTODY REPORTING ACT.—A State is not
 6 required to include in a report under subsection
 7 (a)(1) an incident reported by the State in ac-
 8 cordance with section 20104(a)(2) of the Vio-
 9 lent Crime Control and Law Enforcement Act
 10 of 1994 (34 U.S.C. 12104(a)(2)).

11 (3) AUDIT OF USE-OF-FORCE REPORTING.—Not
 12 later than 1 year after the date of enactment of this
 13 Act, and each year thereafter, each State and Indian
 14 Tribe described in paragraph (1) shall—

15 (A) conduct an audit of the use of force in-
 16 cident reporting system required to be estab-
 17 lished under paragraph (1)(B); and

18 (B) submit a report to the Attorney Gen-
 19 eral on the audit conducted under subpara-
 20 graph (A).

21 (4) COMPLIANCE PROCEDURE.—Prior to sub-
 22 mitting a report under paragraph (1)(A), the State
 23 submitting such report shall compare the informa-
 24 tion compiled to be reported pursuant to clause (i)
 25 of paragraph (1)(A) to open-source data records,

1 and shall revise such report to include any incident
2 determined to be missing from the report based on
3 such comparison. Failure to comply with the proce-
4 dures described in the previous sentence shall be
5 considered a failure to comply with the requirements
6 of this section.

7 (b) INELIGIBILITY FOR FUNDS.—

8 (1) IN GENERAL.—For any fiscal year in which
9 a State or Indian Tribe fails to comply with this sec-
10 tion, the State or Indian Tribe, at the discretion of
11 the Attorney General, shall be subject to not more
12 than a 10-percent reduction of the funds that would
13 otherwise be allocated for that fiscal year to the
14 State under a Byrne grant program.

15 (2) REALLOCATION.—Amounts not allocated
16 under a Byrne grant program in accordance with
17 paragraph (1) to a State for failure to comply with
18 this section shall be reallocated under the Byrne
19 grant program to States that have not failed to com-
20 ply with this section.

21 (3) INFORMATION REGARDING SCHOOL RE-
22 SOURCE OFFICERS.—The State shall ensure that all
23 schools and local educational agencies within the ju-
24 risdiction of the State provide the State with the in-

1 formation needed regarding school resource officers
2 to comply with this section.

3 (c) PUBLIC AVAILABILITY OF DATA.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, and each year
6 thereafter, the Attorney General shall publish, and
7 make available to the public, a report containing the
8 data reported to the Attorney General under this
9 section.

10 (2) PRIVACY PROTECTIONS.—Nothing in this
11 subsection shall be construed to supersede the re-
12 quirements or limitations under section 552a of title
13 5, United States Code (commonly known as the
14 “Privacy Act of 1974”).

15 (d) GUIDANCE.—Not later than 180 days after the
16 date of enactment of this Act, the Attorney General, in
17 coordination with the Director of the Federal Bureau of
18 Investigation, shall issue guidance on best practices relat-
19 ing to establishing standard data collection systems that
20 capture the information required to be reported under sub-
21 section (a)(2), which shall include standard and consistent
22 definitions for terms, including the term “use of force”
23 which is consistent with the definition of such term in sec-
24 tion 222.

1 **SEC. 224. USE OF FORCE DATA REPORTING.**

2 (a) TECHNICAL ASSISTANCE GRANTS AUTHOR-
3 IZED.—The Attorney General may make grants to eligible
4 law enforcement agencies to be used for the activities de-
5 scribed in subsection (c).

6 (b) ELIGIBILITY.—In order to be eligible to receive
7 a grant under this section a law enforcement agency
8 shall—

9 (1) be an Indian Tribe or located in a State
10 that receives funds under a Byrne grant program;

11 (2) employ not more than 100 local or tribal law
12 enforcement officers;

13 (3) demonstrate that the use of force policy for
14 local law enforcement officers employed by the law
15 enforcement agency is publicly available; and

16 (4) establish and maintain a complaint system
17 that—

18 (A) may be used by members of the public
19 to report incidents of use of force to the law en-
20 forcement agency;

21 (B) makes all information collected pub-
22 licly searchable and available; and

23 (C) provide information on the status of an
24 investigation.

1 (c) ACTIVITIES DESCRIBED.—A grant made under
2 this section may be used by a law enforcement agency
3 for—

4 (1) the cost of assisting the State or Indian
5 Tribe in which the law enforcement agency is located
6 in complying with the reporting requirements de-
7 scribed in section 223;

8 (2) the cost of establishing necessary systems
9 required to investigate and report incidents as re-
10 quired under subsection (b)(4);

11 (3) public awareness campaigns designed to
12 gain information from the public on use of force by
13 or against local and tribal law enforcement officers,
14 including shootings, which may include tip lines, hot-
15 lines, and public service announcements; and

16 (4) use of force training for law enforcement
17 agencies and personnel, including training on de-es-
18 calation, implicit bias, crisis intervention techniques,
19 and adolescent development.

20 **SEC. 225. COMPLIANCE WITH REPORTING REQUIREMENTS.**

21 (a) IN GENERAL.—Not later than 1 year after the
22 date of enactment of this Act, and each year thereafter,
23 the Attorney General shall conduct an audit and review
24 of the information provided under this subtitle to deter-

1 mine whether each State described in section 223(a)(1)
2 is in compliance with the requirements of this subtitle.

3 (b) CONSISTENCY IN DATA REPORTING.—

4 (1) IN GENERAL.—Any data reported under
5 this subtitle shall be collected and reported—

6 (A) in a manner consistent with existing
7 programs of the Department of Justice that
8 collect data on local law enforcement officer en-
9 counters with civilians; and

10 (B) in a manner consistent with civil and
11 human rights laws for distribution of informa-
12 tion to the public.

13 (2) GUIDELINES.—Not later than 1 year after
14 the date of enactment of this Act, the Attorney Gen-
15 eral shall—

16 (A) issue guidelines on the reporting re-
17 quirement under section 223; and

18 (B) seek public comment before finalizing
19 the guidelines required under subparagraph
20 (A).

21 **SEC. 226. FEDERAL LAW ENFORCEMENT REPORTING.**

22 The head of each Federal law enforcement agency
23 shall submit to the Attorney General, on a quarterly basis
24 and pursuant to guidelines established by the Attorney

1 General, the information required to be reported by a
 2 State or Indian Tribe under section 223.

3 **SEC. 227. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to the Attor-
 5 ney General such sums as are necessary to carry out this
 6 subtitle.

7 **TITLE III—IMPROVING POLICE**
 8 **TRAINING AND POLICIES**
 9 **Subtitle A—End Racial and**
 10 **Religious Profiling Act**

11 **SEC. 301. SHORT TITLE.**

12 This subtitle may be cited as the “End Racial and
 13 Religious Profiling Act of 2020” or “ERRPA”.

14 **SEC. 302. DEFINITIONS.**

15 In this subtitle:

16 (1) **COVERED PROGRAM.**—The term “covered
 17 program” means any program or activity funded in
 18 whole or in part with funds made available under—

19 (A) the Edward Byrne Memorial Justice
 20 Assistance Grant Program under part E of title
 21 I of the Omnibus Crime Control and Safe
 22 Streets Act of 1968 (34 U.S.C. 10151 et seq.);
 23 and

24 (B) the “Cops on the Beat” program
 25 under part Q of title I of the Omnibus Crime

1 Control and Safe Streets Act of 1968 (34
2 U.S.C. 10381 et seq.), except that no program,
3 project, or other activity specified in section
4 1701(b)(13) of such part shall be a covered
5 program under this paragraph.

6 (2) GOVERNMENTAL BODY.—The term “govern-
7 mental body” means any department, agency, special
8 purpose district, or other instrumentality of Federal,
9 State, local, or Indian Tribal government.

10 (3) HIT RATE.—The term “hit rate” means the
11 percentage of stops and searches in which a law en-
12 forcement officer finds drugs, a gun, or something
13 else that leads to an arrest. The hit rate is cal-
14 culated by dividing the total number of searches by
15 the number of searches that yield contraband. The
16 hit rate is complementary to the rate of false stops.

17 (4) LAW ENFORCEMENT AGENCY.—The term
18 “law enforcement agency” means any Federal,
19 State, or local public agency engaged in the preven-
20 tion, detection, or investigation of violations of crimi-
21 nal, immigration, or customs laws.

22 (5) LAW ENFORCEMENT AGENT.—The term
23 “law enforcement agent” means any Federal, State,
24 or local official responsible for enforcing criminal,

1 immigration, or customs laws, including police offi-
2 cers and other agents of a law enforcement agency.

3 (6) RACIAL PROFILING.—

4 (A) IN GENERAL.—The term “racial
5 profiling” means the practice of a law enforce-
6 ment agent or agency relying, to any degree, on
7 actual or perceived race, ethnicity, national ori-
8 gin, religion, gender, gender identity, or sexual
9 orientation in selecting which individual to sub-
10 ject to routine or spontaneous investigatory ac-
11 tivities or in deciding upon the scope and sub-
12 stance of law enforcement activity following the
13 initial investigatory procedure, except when
14 there is trustworthy information, relevant to the
15 locality and timeframe, that links a person with
16 a particular characteristic described in this
17 paragraph to an identified criminal incident or
18 scheme.

19 (B) EXCEPTION.—For purposes of sub-
20 paragraph (A), a Tribal law enforcement officer
21 exercising law enforcement authority within In-
22 dian country, as that term is defined in section
23 1151 of title 18, United States Code, is not
24 considered to be racial profiling with respect to
25 making key jurisdictional determinations that

1 are necessarily tied to reliance on actual or per-
2 ceived race, ethnicity, or tribal affiliation.

3 (7) ROUTINE OR SPONTANEOUS INVESTIGATORY
4 ACTIVITIES.—The term “routine or spontaneous in-
5 vestigatory activities” means the following activities
6 by a law enforcement agent:

7 (A) Interviews.

8 (B) Traffic stops.

9 (C) Pedestrian stops.

10 (D) Frisks and other types of body
11 searches.

12 (E) Consensual or nonconsensual searches
13 of the persons, property, or possessions (includ-
14 ing vehicles) of individuals using any form of
15 public or private transportation, including mo-
16 torists and pedestrians.

17 (F) Data collection and analysis, assess-
18 ments, and predicated investigations.

19 (G) Inspections and interviews of entrants
20 into the United States that are more extensive
21 than those customarily carried out.

22 (H) Immigration-related workplace inves-
23 tigations.

24 (I) Such other types of law enforcement
25 encounters compiled for or by the Federal Bu-

1 reau of Investigation or the Department of Jus-
2 tice Bureau of Justice Statistics.

3 (8) REASONABLE REQUEST.—The term “rea-
4 sonable request” means all requests for information,
5 except for those that—

6 (A) are immaterial to the investigation;

7 (B) would result in the unnecessary disclo-
8 sure of personal information; or

9 (C) would place a severe burden on the re-
10 sources of the law enforcement agency given its
11 size.

12 (9) STATE.—The term “State” means each of
13 the 50 States, the District of Columbia, the Com-
14 monwealth of Puerto Rico, and any other territory
15 or possession of the United States.

16 (10) UNIT OF LOCAL GOVERNMENT.—The term
17 “unit of local government” means—

18 (A) any city, county, township, town, bor-
19 ough, parish, village, or other general purpose
20 political subdivision of a State; or

21 (B) any law enforcement district or judicial
22 enforcement district that—

23 (i) is established under applicable
24 State law; and

1 (ii) has the authority to, in a manner
 2 independent of other State entities, estab-
 3 lish a budget and impose taxes.

4 **PART I—PROHIBITION OF RACIAL PROFILING**

5 **SEC. 311. PROHIBITION.**

6 No law enforcement agent or law enforcement agency
 7 shall engage in racial profiling.

8 **SEC. 312. ENFORCEMENT.**

9 (a) REMEDY.—The United States, or an individual
 10 injured by racial profiling, may enforce this part in a civil
 11 action for declaratory or injunctive relief, filed either in
 12 a State court of general jurisdiction or in a district court
 13 of the United States.

14 (b) PARTIES.—In any action brought under this part,
 15 relief may be obtained against—

16 (1) any governmental body that employed any
 17 law enforcement agent who engaged in racial
 18 profiling;

19 (2) any agent of such body who engaged in ra-
 20 cial profiling; and

21 (3) any person with supervisory authority over
 22 such agent.

23 (c) NATURE OF PROOF.—Proof that the routine or
 24 spontaneous investigatory activities of law enforcement
 25 agents in a jurisdiction have had a disparate impact on

1 individuals with a particular characteristic described in
 2 section 302(6) shall constitute prima facie evidence of a
 3 violation of this part.

4 (d) ATTORNEY'S FEES.—In any action or proceeding
 5 to enforce this part against any governmental body, the
 6 court may allow a prevailing plaintiff, other than the
 7 United States, reasonable attorney's fees as part of the
 8 costs, and may include expert fees as part of the attorney's
 9 fee.

10 **PART II—PROGRAMS TO ELIMINATE RACIAL**
 11 **PROFILING BY FEDERAL LAW ENFORCE-**
 12 **MENT AGENCIES**

13 **SEC. 321. POLICIES TO ELIMINATE RACIAL PROFILING.**

14 (a) IN GENERAL.—Federal law enforcement agencies
 15 shall—

16 (1) maintain adequate policies and procedures
 17 designed to eliminate racial profiling; and

18 (2) cease existing practices that permit racial
 19 profiling.

20 (b) POLICIES.—The policies and procedures de-
 21 scribed in subsection (a)(1) shall include—

22 (1) a prohibition on racial profiling;

23 (2) training on racial profiling issues as part of
 24 Federal law enforcement training;

1 (3) the collection of data in accordance with the
2 regulations issued by the Attorney General under
3 section 341;

4 (4) procedures for receiving, investigating, and
5 responding meaningfully to complaints alleging ra-
6 cial profiling by law enforcement agents; and

7 (5) any other policies and procedures the Attor-
8 ney General determines to be necessary to eliminate
9 racial profiling by Federal law enforcement agencies.

10 **PART III—PROGRAMS TO ELIMINATE RACIAL**
11 **PROFILING BY STATE AND LOCAL LAW EN-**
12 **FORCEMENT AGENCIES**

13 **SEC. 331. POLICIES REQUIRED FOR GRANTS.**

14 (a) IN GENERAL.—An application by a State, a unit
15 of local government, or a State or local law enforcement
16 agency for funding under a covered program shall include
17 a certification that such State, unit of local government,
18 or law enforcement agency, and any law enforcement
19 agency to which it will distribute funds—

20 (1) maintains adequate policies and procedures
21 designed to eliminate racial profiling; and

22 (2) has eliminated any existing practices that
23 permit or encourage racial profiling.

24 (b) POLICIES.—The policies and procedures de-
25 scribed in subsection (a)(1) shall include—

- 1 (1) a prohibition on racial profiling;
- 2 (2) training on racial profiling issues as part of
- 3 law enforcement training;
- 4 (3) the collection of data in accordance with the
- 5 regulations issued by the Attorney General under
- 6 section 341; and
- 7 (4) participation in an administrative complaint
- 8 procedure or independent audit program that meets
- 9 the requirements of section 332.

10 (c) EFFECTIVE DATE.—This section shall take effect
11 12 months after the date of enactment of this Act.

12 **SEC. 332. INVOLVEMENT OF ATTORNEY GENERAL.**

13 (a) REGULATIONS.—

14 (1) IN GENERAL.—Not later than 6 months
15 after the date of enactment of this Act and in con-
16 sultation with stakeholders, including Federal, State,
17 and local law enforcement agencies and community,
18 professional, research, and civil rights organizations,
19 the Attorney General shall issue regulations for the
20 operation of administrative complaint procedures
21 and independent audit programs to ensure that such
22 programs and procedures provide an appropriate re-
23 sponse to allegations of racial profiling by law en-
24 forcement agents or agencies.

1 (2) GUIDELINES.—The regulations issued
 2 under paragraph (1) shall contain guidelines that
 3 ensure the fairness, effectiveness, and independence
 4 of the administrative complaint procedures and inde-
 5 pendent auditor programs.

6 (b) NONCOMPLIANCE.—If the Attorney General de-
 7 termines that the recipient of a grant from any covered
 8 program is not in compliance with the requirements of sec-
 9 tion 331 or the regulations issued under subsection (a),
 10 the Attorney General shall withhold, in whole or in part
 11 (at the discretion of the Attorney General), funds for one
 12 or more grants to the recipient under the covered pro-
 13 gram, until the recipient establishes compliance.

14 (c) PRIVATE PARTIES.—The Attorney General shall
 15 provide notice and an opportunity for private parties to
 16 present evidence to the Attorney General that a recipient
 17 of a grant from any covered program is not in compliance
 18 with the requirements of this part.

19 **SEC. 333. DATA COLLECTION DEMONSTRATION PROJECT.**

20 (a) TECHNICAL ASSISTANCE GRANTS FOR DATA
 21 COLLECTION.—

22 (1) IN GENERAL.—The Attorney General may,
 23 through competitive grants or contracts, carry out a
 24 2-year demonstration project for the purpose of de-
 25 veloping and implementing data collection programs

1 on the hit rates for stops and searches by law en-
2 forcement agencies. The data collected shall be
3 disaggregated by race, ethnicity, national origin,
4 gender, and religion.

5 (2) NUMBER OF GRANTS.—The Attorney Gen-
6 eral shall provide not more than 5 grants or con-
7 tracts under this section.

8 (3) ELIGIBLE GRANTEES.—Grants or contracts
9 under this section shall be awarded to law enforce-
10 ment agencies that serve communities where there is
11 a significant concentration of racial or ethnic minori-
12 ties and that are not already collecting data volun-
13 tarily.

14 (b) REQUIRED ACTIVITIES.—Activities carried out
15 with a grant under this section shall include—

16 (1) developing a data collection tool and report-
17 ing the compiled data to the Attorney General; and

18 (2) training of law enforcement personnel on
19 data collection, particularly for data collection on hit
20 rates for stops and searches.

21 (c) EVALUATION.—Not later than 3 years after the
22 date of enactment of this Act, the Attorney General shall
23 enter into a contract with an institution of higher edu-
24 cation (as defined in section 101 of the Higher Education

1 Act of 1965 (20 U.S.C. 1001)) to analyze the data col-
 2 lected by each of the grantees funded under this section.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 4 are authorized to be appropriated to carry out activities
 5 under this section—

6 (1) \$5,000,000, over a 2-year period, to carry
 7 out the demonstration program under subsection
 8 (a); and

9 (2) \$500,000 to carry out the evaluation under
 10 subsection (c).

11 **SEC. 334. DEVELOPMENT OF BEST PRACTICES.**

12 (a) USE OF FUNDS REQUIREMENT.—Section 502(a)
 13 of title I of the Omnibus Crime Control and Safe Streets
 14 Act of 1968 (34 U.S.C. 10153(a)), as amended by section
 15 114, is amended by adding at the end the following:

16 “(9) An assurance that, for each fiscal year
 17 covered by an application, the applicant will use not
 18 less than 10 percent of the total amount of the
 19 grant award for the fiscal year to develop and imple-
 20 ment best practice devices and systems to eliminate
 21 racial profiling in accordance with section 334 of the
 22 End Racial and Religious Profiling Act of 2020.”.

23 (b) DEVELOPMENT OF BEST PRACTICES.—Grant
 24 amounts described in paragraph (9) of section 502(a) of
 25 title I of the Omnibus Crime Control and Safe Streets Act

1 of 1968 (34 U.S.C. 10153(a)), as added by subsection (a)
 2 of this section, shall be for programs that include the fol-
 3 lowing purposes:

4 (1) The development and implementation of
 5 training to prevent racial profiling and to encourage
 6 more respectful interaction with the public.

7 (2) The acquisition and use of technology to fa-
 8 cilitate the accurate collection and analysis of data.

9 (3) The development and acquisition of feed-
 10 back systems and technologies that identify officers
 11 or units of officers engaged in, or at risk of engag-
 12 ing in, racial profiling or other misconduct.

13 (4) The establishment and maintenance of an
 14 administrative complaint procedure or independent
 15 auditor program.

16 **SEC. 335. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to the Attor-
 18 ney General such sums as are necessary to carry out this
 19 part.

20 **PART IV—DATA COLLECTION**

21 **SEC. 341. ATTORNEY GENERAL TO ISSUE REGULATIONS.**

22 (a) REGULATIONS.—Not later than 6 months after
 23 the date of enactment of this Act, the Attorney General,
 24 in consultation with stakeholders, including Federal,
 25 State, and local law enforcement agencies and community,

1 professional, research, and civil rights organizations, shall
2 issue regulations for the collection and compilation of data
3 under sections 321 and 331.

4 (b) REQUIREMENTS.—The regulations issued under
5 subsection (a) shall—

6 (1) provide for the collection of data on all rou-
7 tine or spontaneous investigatory activities;

8 (2) provide that the data collected shall—

9 (A) be collected by race, ethnicity, national
10 origin, gender, disability, and religion;

11 (B) include the date, time, and location of
12 such investigatory activities;

13 (C) include detail sufficient to permit an
14 analysis of whether a law enforcement agency is
15 engaging in racial profiling; and

16 (D) not include personally identifiable in-
17 formation;

18 (3) provide that a standardized form shall be
19 made available to law enforcement agencies for the
20 submission of collected data to the Department of
21 Justice;

22 (4) provide that law enforcement agencies shall
23 compile data on the standardized form made avail-
24 able under paragraph (3), and submit the form to

1 the Civil Rights Division and the Department of
2 Justice Bureau of Justice Statistics;

3 (5) provide that law enforcement agencies shall
4 maintain all data collected under this subtitle for not
5 less than 4 years;

6 (6) include guidelines for setting comparative
7 benchmarks, consistent with best practices, against
8 which collected data shall be measured;

9 (7) provide that the Department of Justice Bu-
10 reau of Justice Statistics shall—

11 (A) analyze the data for any statistically
12 significant disparities, including—

13 (i) disparities in the percentage of
14 drivers or pedestrians stopped relative to
15 the proportion of the population passing
16 through the neighborhood;

17 (ii) disparities in the hit rate; and

18 (iii) disparities in the frequency of
19 searches performed on racial or ethnic mi-
20 nority drivers and the frequency of
21 searches performed on nonminority drivers;
22 and

23 (B) not later than 3 years after the date
24 of enactment of this Act, and annually there-
25 after—

1 (i) prepare a report regarding the
2 findings of the analysis conducted under
3 subparagraph (A);

4 (ii) provide such report to Congress;
5 and

6 (iii) make such report available to the
7 public, including on a website of the De-
8 partment of Justice, and in accordance
9 with accessibility standards under the
10 Americans with Disabilities Act of 1990
11 (42 U.S.C. 12101 et seq.); and

12 (8) protect the privacy of individuals whose
13 data is collected by—

14 (A) limiting the use of the data collected
15 under this subtitle to the purposes set forth in
16 this subtitle;

17 (B) except as otherwise provided in this
18 subtitle, limiting access to the data collected
19 under this subtitle to those Federal, State, or
20 local employees or agents who require such ac-
21 cess in order to fulfill the purposes for the data
22 set forth in this subtitle;

23 (C) requiring contractors or other non-
24 governmental agents who are permitted access
25 to the data collected under this subtitle to sign

1 use agreements incorporating the use and dis-
 2 closure restrictions set forth in subparagraph
 3 (A); and
 4 (D) requiring the maintenance of adequate
 5 security measures to prevent unauthorized ac-
 6 cess to the data collected under this subtitle.

7 **SEC. 342. PUBLICATION OF DATA.**

8 The Department of Justice Bureau of Justice Statis-
 9 tics shall provide to Congress and make available to the
 10 public, together with each annual report described in sec-
 11 tion 341, the data collected pursuant to this subtitle, ex-
 12 cluding any personally identifiable information described
 13 in section 343.

14 **SEC. 343. LIMITATIONS ON PUBLICATION OF DATA.**

15 The name or identifying information of a law enforce-
 16 ment officer, complainant, or any other individual involved
 17 in any activity for which data is collected and compiled
 18 under this subtitle shall not be—

- 19 (1) released to the public;
- 20 (2) disclosed to any person, except for—
 - 21 (A) such disclosures as are necessary to
 - 22 comply with this subtitle;
 - 23 (B) disclosures of information regarding a
 - 24 particular person to that person; or
 - 25 (C) disclosures pursuant to litigation; or

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

6 **PART V—DEPARTMENT OF JUSTICE REGULA-**
7 **TIONS AND REPORTS ON RACIAL PROFILING**
8 **IN THE UNITED STATES**

9 **SEC. 351. ATTORNEY GENERAL TO ISSUE REGULATIONS**
10 **AND REPORTS.**

11 (a) REGULATIONS.—In addition to the regulations re-
12 quired under sections 333 and 341, the Attorney General
13 shall issue such other regulations as the Attorney General
14 determines are necessary to implement this subtitle.

15 (b) REPORTS.—

16 (1) IN GENERAL.—Not later than 2 years after
17 the date of enactment of this Act, and annually
18 thereafter, the Attorney General shall submit to
19 Congress a report on racial profiling by law enforce-
20 ment agencies.

21 (2) SCOPE.—Each report submitted under
22 paragraph (1) shall include—

23 (A) a summary of data collected under sec-
24 tions 321(b)(3) and 331(b)(3) and from any

other reliable source of information regarding racial profiling in the United States;

(B) a discussion of the findings in the most recent report prepared by the Department of Justice Bureau of Justice Statistics under section 341(b)(7);

(C) the status of the adoption and implementation of policies and procedures by Federal law enforcement agencies under section 321 and by the State and local law enforcement agencies under sections 331 and 332; and

(D) a description of any other policies and procedures that the Attorney General believes would facilitate the elimination of racial profiling.

Subtitle B—Additional Reforms

SEC. 361. TRAINING ON RACIAL BIAS AND DUTY TO INTER- VENE.

(a) IN GENERAL.—The Attorney General shall establish—

(1) a training program to cover racial profiling, implicit bias, and procedural justice; and

(2) a clear duty for Federal law enforcement officers to intervene in cases where another law enforcement officer is using excessive force against a

1 civilian, and establish a training program that covers
2 the duty to intervene.

3 (b) MANDATORY TRAINING FOR FEDERAL LAW EN-
4 FORCEMENT OFFICERS.—The head of each Federal law
5 enforcement agency shall require each Federal law en-
6 forcement officer employed by the agency to complete the
7 training programs established under subsection (a).

8 (c) LIMITATION ON ELIGIBILITY FOR FUNDS.—Be-
9 ginning in the first fiscal year beginning after the date
10 of enactment of this Act, a State or local jurisdiction may
11 not receive funds under the Byrne grant program for a
12 fiscal year if, on the day before the first day of the fiscal
13 year, the State or local jurisdiction does not require each
14 law enforcement officer in the State or local jurisdiction
15 to complete the training programs established under sub-
16 section (a).

17 (d) GRANTS TO TRAIN LAW ENFORCEMENT OFFI-
18 CERS ON USE OF FORCE.— Section 501(a)(1) of title I
19 of the Omnibus Crime Control and Safe Streets Act of
20 1968 (34 U.S.C. 10152(a)(1)) is amended by adding at
21 the end the following:

22 “(I) Training programs for law enforce-
23 ment officers, including training programs on
24 use of force and a duty to intervene.”.

1 **SEC. 362. BAN ON NO-KNOCK WARRANTS IN DRUG CASES.**

2 (a) BAN ON FEDERAL WARRANTS IN DRUG CASES.—
3 Section 509 of the Controlled Substances Act (21 U.S.C.
4 879) is amended by adding at the end the following: “A
5 search warrant authorized under this section shall require
6 that a law enforcement officer execute the search warrant
7 only after providing notice of his or her authority and pur-
8 pose.”.

9 (b) DEFINITION.—In this section, the term “no-
10 knock warrant” means a warrant that allows a law en-
11 forcement officer to enter a property without requiring the
12 law enforcement officer to announce the presence of the
13 law enforcement officer or the intention of the law enforce-
14 ment officer to enter the property.

15 (c) LIMITATION ON ELIGIBILITY FOR FUNDS.—Be-
16 ginning in the first fiscal year beginning after the date
17 of enactment of this Act, a State or local jurisdiction may
18 not receive funds under the COPS grant program for a
19 fiscal year if, on the day before the first day of the fiscal
20 year, the State or other jurisdiction does not have in effect
21 a law that prohibits the issuance of a no-knock warrant
22 in a drug case.

23 **SEC. 363. INCENTIVIZING BANNING OF CHOKEHOLDS AND**
24 **CAROTID HOLDS.**

25 (a) DEFINITION.—In this section, the term
26 “chokehold or carotid hold” means the application of any

1 pressure to the throat or windpipe, the use of maneuvers
2 that restrict blood or oxygen flow to the brain, or carotid
3 artery restraints that prevent or hinder breathing or re-
4 duce intake of air of an individual.

5 (b) LIMITATION ON ELIGIBILITY FOR FUNDS.—Be-
6 ginning in the first fiscal year beginning after the date
7 of enactment of this Act, a State or local jurisdiction may
8 not receive funds under the Byrne grant program or the
9 COPS grant program for a fiscal year if, on the day before
10 the first day of the fiscal year, the State or other jurisdic-
11 tion does not have in effect a law that prohibits law en-
12 forcement officers in the State or other jurisdiction from
13 using a chokehold or carotid hold.

14 (c) CHOKEHOLDS AS CIVIL RIGHTS VIOLATIONS.—

15 (1) SHORT TITLE.—This subsection may be
16 cited as the “Eric Garner Excessive Use of Force
17 Prevention Act”.

18 (2) CHOKEHOLDS AS CIVIL RIGHTS VIOLA-
19 TIONS.—Section 242 of title 18, United States Code,
20 as amended by section 101, is amended by adding
21 at the end the following: “For the purposes of this
22 section, the application of any pressure to the throat
23 or windpipe, use of maneuvers that restrict blood or
24 oxygen flow to the brain, or carotid artery restraints

1 which prevent or hinder breathing or reduce intake
2 of air is a punishment, pain, or penalty.”.

3 **SEC. 364. PEACE ACT.**

4 (a) **SHORT TITLE.**—This section may be cited as the
5 “Police Exercising Absolute Care With Everyone Act of
6 2020” or the “PEACE Act of 2020”.

7 (b) **USE OF FORCE BY FEDERAL LAW ENFORCE-**
8 **MENT OFFICERS.**—

9 (1) **DEFINITIONS.**—In this subsection:

10 (A) **DEADLY FORCE.**—The term “deadly
11 force” means force that creates a substantial
12 risk of causing death or serious bodily injury,
13 including—

14 (i) the discharge of a firearm;

15 (ii) a maneuver that restricts blood or
16 oxygen flow to the brain, including
17 chokeholds, strangleholds, neck restraints,
18 neckholds, and carotid artery restraints;
19 and

20 (iii) multiple discharges of an elec-
21 tronic control weapon.

22 (B) **DEESCALATION TACTICS AND TECH-**
23 **NIQUES.**—The term “deescalation tactics and
24 techniques” means proactive actions and ap-
25 proaches used by a Federal law enforcement of-

1 ficer to stabilize the situation so that more
2 time, options, and resources are available to
3 gain a person’s voluntary compliance and re-
4 duce or eliminate the need to use force, includ-
5 ing verbal persuasion, warnings, tactical tech-
6 niques, slowing down the pace of an incident,
7 waiting out a subject, creating distance between
8 the officer and the threat, and requesting addi-
9 tional resources to resolve the incident.

10 (C) FEDERAL LAW ENFORCEMENT OFFI-
11 CER.—The term “Federal law enforcement offi-
12 cer” means any officer, agent, or employee of
13 the United States authorized by law or by a
14 Government agency to engage in or supervise
15 the prevention, detection, investigation, or pros-
16 ecution of any violation of Federal criminal law.

17 (D) LESS LETHAL FORCE.—The term
18 “less lethal force” means any degree of force
19 that is not likely to have lethal effect.

20 (E) NECESSARY.—The term “necessary”
21 means that another reasonable Federal law en-
22 forcement officer would objectively conclude,
23 under the totality of the circumstances, that
24 there was no reasonable alternative to the use
25 of force.

1 (F) REASONABLE ALTERNATIVES.—

2 (i) IN GENERAL.—The term “reason-
3 able alternatives” means tactics and meth-
4 ods used by a Federal law enforcement of-
5 ficer to effectuate an arrest that do not
6 unreasonably increase the risk posed to the
7 law enforcement officer or another person,
8 including verbal communication, distance,
9 warnings, deescalation tactics and tech-
10 niques, tactical repositioning, and other
11 tactics and techniques intended to stabilize
12 the situation and reduce the immediacy of
13 the risk so that more time, options, and re-
14 sources can be called upon to resolve the
15 situation without the use of force.

16 (ii) DEADLY FORCE.—With respect to
17 the use of deadly force, the term “reason-
18 able alternatives” includes the use of less
19 lethal force.

20 (G) TOTALITY OF THE CIRCUMSTANCES.—

21 The term “totality of the circumstances” means
22 all credible facts known to the Federal law en-
23 forcement officer leading up to and at the time
24 of the use of force, including the actions of the
25 person against whom the Federal law enforce-

1 ment officer uses such force and the actions of
2 the Federal law enforcement officer.

3 (2) PROHIBITION ON LESS LETHAL FORCE.—A
4 Federal law enforcement officer may not use any
5 less lethal force unless—

6 (A) the form of less lethal force used is
7 necessary and proportional in order to effec-
8 tuate an arrest of a person who the officer has
9 probable cause to believe has committed a
10 criminal offense; and

11 (B) reasonable alternatives to the use of
12 the form of less lethal force have been ex-
13 hausted.

14 (3) PROHIBITION ON DEADLY USE OF FORCE.—
15 A Federal law enforcement officer may not use
16 deadly force against a person unless—

17 (A) the form of deadly force used is nec-
18 essary, as a last resort, to prevent imminent
19 and serious bodily injury or death to the officer
20 or another person;

21 (B) the use of the form of deadly force cre-
22 ates no substantial risk of injury to a third per-
23 son; and

24 (C) reasonable alternatives to the use of
25 the form of deadly force have been exhausted.

1 (4) REQUIREMENT TO GIVE VERBAL WARN-
2 ING.—When feasible, prior to using force against a
3 person, a Federal law enforcement officer shall iden-
4 tify himself or herself as a Federal law enforcement
5 officer, and issue a verbal warning to the person
6 that the Federal law enforcement officer seeks to ap-
7 prehend, which shall—

8 (A) include a request that the person sur-
9 render to the law enforcement officer; and

10 (B) notify the person that the law enforce-
11 ment officer will use force against the person if
12 the person resists arrest or flees.

13 (5) GUIDANCE ON USE OF FORCE.—Not later
14 than 120 days after the date of enactment of this
15 Act, the Attorney General, in consultation with im-
16 pacted persons, communities, and organizations, in-
17 cluding representatives of civil and human rights or-
18 ganizations, victims of police use of force, and rep-
19 resentatives of law enforcement associations, shall
20 provide guidance to Federal law enforcement agen-
21 cies on—

22 (A) the types of less lethal force and dead-
23 ly force that are prohibited under paragraphs
24 (2) and (3); and

1 (B) how a Federal law enforcement officer
2 can—

3 (i) assess whether the use of force is
4 appropriate and necessary; and

5 (ii) use the least amount of force
6 when interacting with—

7 (I) pregnant individuals;

8 (II) children and youth under 21
9 years of age;

10 (III) elderly persons;

11 (IV) persons with mental, behav-
12 ioral, or physical disabilities or im-
13 pairments;

14 (V) persons experiencing percep-
15 tual or cognitive impairments due to
16 use of alcohol, narcotics, hallucino-
17 gens, or other drugs;

18 (VI) persons suffering from a se-
19 rious medical condition; and

20 (VII) persons with limited
21 English proficiency.

22 (6) TRAINING.—The Attorney General shall
23 provide training to Federal law enforcement officers
24 on interacting people described in subclauses (I)
25 through (VII) of paragraph (5)(B)(ii).

1 (7) LIMITATION ON JUSTIFICATION DE-
2 FENSE.—

3 (A) IN GENERAL.—Chapter 51 of title 18,
4 United States Code, is amended by adding at
5 the end the following:

6 **“§ 1123. Limitation on justification defense for Fed-**
7 **eral law enforcement officers**

8 “(a) IN GENERAL.—It is not a defense to an offense
9 under section 1111 or 1112 that the use of less lethal
10 force or deadly force was justified in the case of a Federal
11 law enforcement officer—

12 “(1) whose use of such force was inconsistent
13 with section 2 of the ‘Police Exercising Absolute
14 Care With Everyone Act of 2020’; or

15 “(2) whose gross negligence, leading up to and
16 at the time of the use of force, contributed to the
17 necessity of the use of such force.

18 “(b) DEFINITIONS.—In this section—

19 “(1) the terms ‘deadly force’ and ‘less lethal
20 force’ have the meanings given such terms in section
21 2 of the ‘Police Exercising Absolute Care With Ev-
22 eryone Act of 2020’; and

23 “(2) the term ‘Federal law enforcement officer’
24 has the meaning given such term in section 115.”.

1 (B) CLERICAL AMENDMENT.—The table of
 2 sections for chapter 51 of title 18, United
 3 States Code, is amended by inserting after the
 4 item related to section 1122 the following:

“1123. Limitation on justification defense for Federal law enforcement officers.”.

5 (c) LIMITATION ON THE RECEIPT OF FUNDS UNDER
 6 THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
 7 GRANT PROGRAM.—

8 (1) LIMITATION.—A State or other jurisdiction,
 9 other than an Indian Tribe, may not receive funds
 10 that the State or other jurisdiction would otherwise
 11 receive under subpart 1 of part E of title I of the
 12 Omnibus Crime Control and Safe Streets Act of
 13 1968 (34 U.S.C. 10151 et seq.) for a fiscal year if,
 14 on the day before the first day of the fiscal year, the
 15 State or other jurisdiction does not have in effect a
 16 law that is consistent with subsection (b) of this Act
 17 and section 1123 of title 18, United States Code, as
 18 determined by the Attorney General.

19 (2) SUBSEQUENT ENACTMENT.—

20 (A) IN GENERAL.—If funds described in
 21 paragraph (1) are withheld from a State or
 22 other jurisdiction pursuant to paragraph (1) for
 23 one or more fiscal years, and the State or other
 24 jurisdiction enacts or puts in place a law de-

scribed in paragraph (1), and demonstrates substantial efforts to enforce such law, subject to subparagraph (B), the State or other jurisdiction shall be eligible, in the fiscal year after the fiscal year during which the State or other jurisdiction demonstrates such substantial efforts, to receive the total amount that the State or other jurisdiction would have received during each fiscal year for which funds were withheld.

(B) LIMIT ON AMOUNT OF PRIOR YEAR FUNDS.—A State or other jurisdiction may not receive funds under subparagraph (A) in an amount that is more than the amount withheld from the State or other jurisdiction during the 5-fiscal-year period before the fiscal year during which funds are received under subparagraph (A).

(3) GUIDANCE.—Not later than 120 days after the date of enactment of this Act, the Attorney General, in consultation with impacted persons, communities, and organizations, including representatives of civil and human rights organizations, individuals against whom a law enforcement officer used force, and representatives of law enforcement associations, shall make guidance available to States and other

1 jurisdictions on the criteria that the Attorney Gen-
2 eral will use in determining whether the State or ju-
3 risdiction has in place a law described in paragraph
4 (1).

5 (4) APPLICATION.—This subsection shall apply
6 to the first fiscal year that begins after the date that
7 is 1 year after the date of the enactment of this Act,
8 and each fiscal year thereafter.

9 **SEC. 365. STOP MILITARIZING LAW ENFORCEMENT ACT.**

10 (a) FINDINGS.—Congress makes the following find-
11 ings:

12 (1) Under section 2576a of title 10, United
13 States Code, the Department of Defense is author-
14 ized to provide excess property to local law enforce-
15 ment agencies. The Defense Logistics Agency, ad-
16 ministers such section by operating the Law En-
17 forcement Support Office program.

18 (2) New and used material, including mine-re-
19 sistant ambush-protected vehicles and weapons de-
20 termined by the Department of Defense to be “mili-
21 tary grade” are transferred to Federal, Tribal,
22 State, and local law enforcement agencies through
23 the program.

24 (3) As a result local law enforcement agencies,
25 including police and sheriff’s departments, are ac-

1 quiring this material for use in their normal oper-
2 ations.

3 (4) As a result of the wars in Iraq and Afghani-
4 stan, military equipment purchased for, and used in,
5 those wars has become excess property and has been
6 made available for transfer to local and Federal law
7 enforcement agencies.

8 (5) In Fiscal Year 2017, \$504,000,000 worth
9 of property was transferred to law enforcement
10 agencies.

11 (6) More than \$6,800,000,000 worth of weap-
12 ons and equipment have been transferred to police
13 organizations in all 50 States and four territories
14 through the program.

15 (7) In May 2012, the Defense Logistics Agency
16 instituted a moratorium on weapons transfers
17 through the program after reports of missing equip-
18 ment and inappropriate weapons transfers.

19 (8) Though the moratorium was widely pub-
20 licized, it was lifted in October 2013 without ade-
21 quate safeguards.

22 (9) On January 16, 2015, President Barack
23 Obama issued Executive Order 13688 to better co-
24 ordinate and regulate the federal transfer of military

1 weapons and equipment to State, local, and Tribal
2 law enforcement agencies.

3 (10) In July, 2017, the Government Account-
4 ability Office reported that the program’s internal
5 controls were inadequate to prevent fraudulent appli-
6 cants’ access to the program.

7 (11) On August, 28, 2017, President Donald
8 Trump rescinded Executive Order 13688 despite a
9 July 2017 Government Accountability Office report
10 finding deficiencies with the administration of the
11 1033 program.

12 (12) As a result, Federal, State, and local law
13 enforcement departments across the country are eli-
14 gible again to acquire free “military-grade” weapons
15 and equipment that could be used inappropriately
16 during policing efforts in which people and taxpayers
17 could be harmed.

18 (13) The Department of Defense categorizes
19 equipment eligible for transfer under the 1033 pro-
20 gram as “controlled” and “un-controlled” equip-
21 ment. “Controlled equipment” includes weapons, ex-
22 plosives such as flash-bang grenades, mine-resistant
23 ambush-protected vehicles, long-range acoustic de-
24 vices, aircraft capable of being modified to carry ar-

1 mament that are combat coded, and silencers,
 2 among other military grade items.

3 (b) LIMITATION ON DEPARTMENT OF DEFENSE
 4 TRANSFER OF PERSONAL PROPERTY TO LOCAL LAW EN-
 5 FORCEMENT AGENCIES.—

6 (1) IN GENERAL.—Section 2576a of title 10,
 7 United States Code, is amended—

8 (A) in subsection (a)—

9 (i) in paragraph (1)(A), by striking
 10 “counterdrug, counterterrorism, and bor-
 11 der security activities” and inserting
 12 “counterterrorism”; and

13 (ii) in paragraph (2), by striking “,
 14 the Director of National Drug Control Pol-
 15 icy,”;

16 (B) in subsection (b)—

17 (i) in paragraph (5), by striking
 18 “and” at the end;

19 (ii) in paragraph (6), by striking the
 20 period and inserting a semicolon; and

21 (iii) by adding at the end the fol-
 22 lowing new paragraphs:

23 “(7) the recipient submits to the Department of
 24 Defense a description of how the recipient expects to
 25 use the property;

1 “(8) the recipient certifies to the Department of
2 Defense that if the recipient determines that the
3 property is surplus to the needs of the recipient, the
4 recipient will return the property to the Department
5 of Defense;

6 “(9) with respect to a recipient that is not a
7 Federal agency, the recipient certifies to the Depart-
8 ment of Defense that the recipient notified the local
9 community of the request for personal property
10 under this section by—

11 “(A) publishing a notice of such request on
12 a publicly accessible internet website;

13 “(B) posting such notice at several promi-
14 nent locations in the jurisdiction of the recipi-
15 ent; and

16 “(C) ensuring that such notices were avail-
17 able to the local community for a period of not
18 less than 30 days; and

19 “(10) the recipient has received the approval of
20 the city council or other local governing body to ac-
21 quire the personal property sought under this sec-
22 tion.”;

23 (C) by striking subsection (d);

24 (D) by redesignating subsections (e) and
25 (f) as subsections (o) and (p), respectively; and

1 (E) by inserting after subsection (c) the
2 following new subsections:

3 “(d) ANNUAL CERTIFICATION ACCOUNTING FOR
4 TRANSFERRED PROPERTY.—(1) For each fiscal year, the
5 Secretary shall submit to Congress certification in writing
6 that each Federal or State agency to which the Secretary
7 has transferred property under this section—

8 “(A) has provided to the Secretary documenta-
9 tion accounting for all controlled property, including
10 arms and ammunition, that the Secretary has trans-
11 ferred to the agency, including any item described in
12 subsection (f) so transferred before the date of the
13 enactment of the Stop Militarizing Law Enforce-
14 ment Act; and

15 “(B) with respect to a non-Federal agency, car-
16 ried out each of paragraphs (5) through (8) of sub-
17 section (b).

18 “(2) If the Secretary cannot provide a certification
19 under paragraph (1) for a Federal or State agency, the
20 Secretary may not transfer additional property to that
21 agency under this section.

22 “(e) ANNUAL REPORT ON EXCESS PROPERTY.—Be-
23 fore making any property available for transfer under this
24 section, the Secretary shall annually submit to Congress
25 a description of the property to be transferred together

1 with a certification that the transfer of the property would
2 not violate this section or any other provision of law.

3 “(f) LIMITATIONS ON TRANSFERS.—(1) The Sec-
4 retary may not transfer to Federal, Tribal, State, or local
5 law enforcement agencies the following under this section:

6 “(A) Controlled firearms, ammunition, bayo-
7 nets, grenade launchers, grenades (including stun
8 and flash-bang) and explosives.

9 “(B) Controlled vehicles, highly mobile multi-
10 wheeled vehicles, mine-resistant ambush-protected
11 vehicles, trucks, truck dump, truck utility, and truck
12 carryall.

13 “(C) Drones that are armored, weaponized, or
14 both.

15 “(D) Controlled aircraft that—

16 “(i) are combat configured or combat
17 coded; or

18 “(ii) have no established commercial flight
19 application.

20 “(E) Silencers.

21 “(F) Long-range acoustic devices.

22 “(G) Items in the Federal Supply Class of
23 banned items.

24 “(2) The Secretary may not require, as a condition
25 of a transfer under this section, that a Federal or State

1 agency demonstrate the use of any small arms or ammuni-
2 tion.

3 “(3) The limitations under this subsection shall also
4 apply with respect to the transfer of previously transferred
5 property of the Department of Defense from one Federal
6 or State agency to another such agency.

7 “(4)(A) The Secretary may waive the applicability of
8 paragraph (1) to a vehicle described in subparagraph (B)
9 of such paragraph (other than a mine-resistant ambush-
10 protected vehicle), if the Secretary determines that such
11 a waiver is necessary for disaster or rescue purposes or
12 for another purpose where life and public safety are at
13 risk, as demonstrated by the proposed recipient of the ve-
14 hicle.

15 “(B) If the Secretary issues a waiver under subpara-
16 graph (A), the Secretary shall—

17 “(i) submit to Congress notice of the waiver,
18 and post such notice on a public internet website of
19 the Department, by not later than 30 days after the
20 date on which the waiver is issued; and

21 “(ii) require, as a condition of the waiver, that
22 the recipient of the vehicle for which the waiver is
23 issued provides public notice of the waiver and the
24 transfer, including the type of vehicle and the pur-
25 pose for which it is transferred, in the jurisdiction

1 where the recipient is located by not later than 30
2 days after the date on which the waiver is issued.

3 “(5) The Secretary may provide for an exemption to
4 the limitation under subparagraph (D) of paragraph (1)
5 in the case of parts for aircraft described in such subpara-
6 graph that are transferred as part of regular maintenance
7 of aircraft in an existing fleet.

8 “(6) The Secretary shall require, as a condition of
9 any transfer of property under this section, that the Fed-
10 eral or State agency that receives the property shall return
11 the property to the Secretary if the agency—

12 “(A) is investigated by the Department of Jus-
13 tice for any violation of civil liberties; or

14 “(B) is otherwise found to have engaged in
15 widespread abuses of civil liberties.

16 “(g) CONDITIONS FOR EXTENSION OF PROGRAM.—
17 Notwithstanding any other provision of law, amounts au-
18 thorized to be appropriated or otherwise made available
19 for any fiscal year may not be obligated or expended to
20 carry out this section unless the Secretary submits to Con-
21 gress certification that for the preceding fiscal year that—

22 “(1) each Federal or State agency that has re-
23 ceived controlled property transferred under this sec-
24 tion has—

1 “(A) demonstrated 100 percent account-
2 ability for all such property, in accordance with
3 paragraph (2) or (3), as applicable; or

4 “(B) been suspended from the program
5 pursuant to paragraph (4);

6 “(2) with respect to each non-Federal agency
7 that has received controlled property under this sec-
8 tion, the State coordinator responsible for each such
9 agency has verified that the coordinator or an agent
10 of the coordinator has conducted an in-person inven-
11 tory of the property transferred to the agency and
12 that 100 percent of such property was accounted for
13 during the inventory or that the agency has been
14 suspended from the program pursuant to paragraph
15 (4);

16 “(3) with respect to each Federal agency that
17 has received controlled property under this section,
18 the Secretary of Defense or an agent of the Sec-
19 retary has conducted an in-person inventory of the
20 property transferred to the agency and that 100 per-
21 cent of such property was accounted for during the
22 inventory or that the agency has been suspended
23 from the program pursuant to paragraph (4);

24 “(4) the eligibility of any agency that has re-
25 ceived controlled property under this section for

1 which 100 percent of the property was not ac-
 2 counted for during an inventory described in para-
 3 graph (1) or (2), as applicable, to receive any prop-
 4 erty transferred under this section has been sus-
 5 pended; and

6 “(5) each State coordinator has certified, for
 7 each non-Federal agency located in the State for
 8 which the State coordinator is responsible that—

9 “(A) the agency has complied with all re-
 10 quirements under this section; or

11 “(B) the eligibility of the agency to receive
 12 property transferred under this section has been
 13 suspended; and

14 “(6) the Secretary of Defense has certified, for
 15 each Federal agency that has received property
 16 under this section that—

17 “(A) the agency has complied with all re-
 18 quirements under this section; or

19 “(B) the eligibility of the agency to receive
 20 property transferred under this section has been
 21 suspended.

22 “(h) PROHIBITION ON OWNERSHIP OF CONTROLLED
 23 PROPERTY.—A Federal or State agency that receives con-
 24 trolled property under this section may never take owner-
 25 ship of the property.

1 “(i) NOTICE TO CONGRESS OF PROPERTY DOWN-
2 GRADES.—Not later than 30 days before downgrading the
3 classification of any item of personal property from con-
4 trolled or Federal Supply Class, the Secretary shall submit
5 to Congress notice of the proposed downgrade.

6 “(j) NOTICE TO CONGRESS OF PROPERTY CANNIBAL-
7 IZATION.—Before the Defense Logistics Agency author-
8 izes the recipient of property transferred under this sec-
9 tion to cannibalize the property, the Secretary shall submit
10 to Congress notice of such authorization, including the
11 name of the recipient requesting the authorization, the
12 purpose of the proposed cannibalization, and the type of
13 property proposed to be cannibalized.

14 “(k) QUARTERLY REPORTS ON USE OF CONTROLLED
15 EQUIPMENT.—Not later than 30 days after the last day
16 of a fiscal quarter, the Secretary shall submit to Congress
17 a report on any uses of controlled property transferred
18 under this section during that fiscal quarter.

19 “(l) REPORTS TO CONGRESS.—Not later than 30
20 days after the last day of a fiscal year, the Secretary shall
21 submit to Congress a report on the following for the pre-
22 ceding fiscal year:

23 “(1) The percentage of equipment lost by re-
24 cipients of property transferred under this section,
25 including specific information about the type of

1 property lost, the monetary value of such property,
 2 and the recipient that lost the property.

3 “(2) The transfer of any new (condition code
 4 A) property transferred under this section, including
 5 specific information about the type of property, the
 6 recipient of the property, the monetary value of each
 7 item of the property, and the total monetary value
 8 of all such property transferred during the fiscal
 9 year.”.

10 (2) EFFECTIVE DATE.—The amendments made
 11 by paragraph (1) shall apply with respect to any
 12 transfer of property made after the date of the en-
 13 actment of this Act.

14 **SEC. 366. BEST PRACTICES FOR LOCAL LAW ENFORCE-**
 15 **MENT AGENCIES.**

16 (a) COPS GRANTS USED FOR LOCAL TASK FORCES
 17 ON POLICING INNOVATION.—Part Q of title I of the Om-
 18 nibus Crime Control and Safe Streets Act of 1968 (34
 19 U.S.C. 10381 et seq.) is amended—

20 (1) in section 1701(b) (34 U.S.C. 13081(b)), as
 21 amended by section 104 of this Act, is amended—

22 (A) by redesignating paragraphs (23) and
 23 (24) as paragraphs (24) and (25), respectively;

24 (B) in paragraph (23), as so redesignated,
 25 by striking “(22)” and inserting “(23)”; and

1 (C) by inserting after paragraph (22) the
 2 following:

3 “(23) to develop best practices for and to create
 4 local task forces on policing innovation;”; and

5 (2) in section 1709 (34 U.S.C. 13089), as
 6 amended by section 104 of this Act, is amended by
 7 adding at the end the following:

8 “(9) ‘local task force on policing innovation’
 9 means an administrative entity that develops best
 10 practices and programs to enhance community serv-
 11 ice and accountability of law enforcement officers.”.

12 (b) ATTORNEY GENERAL TO CONDUCT STUDY.—

13 (1) STUDY.—

14 (A) IN GENERAL.—The Attorney General
 15 shall conduct a nationwide study of the preva-
 16 lence and effect of any law, rule, or procedure
 17 that allows a law enforcement officer to delay
 18 the response to questions posed by a local inter-
 19 nal affairs officer, or review board on the inves-
 20 tigative integrity and prosecution of law en-
 21 forcement misconduct, including pre-interview
 22 warnings and termination policies.

23 (B) INITIAL ANALYSIS.—The Attorney
 24 General shall perform an initial analysis of ex-
 25 isting State statutes to determine whether, at a

1 threshold level, the effect of this type of rule or
2 procedure raises material investigatory issues
3 that could impair or hinder a prompt and thor-
4 ough investigation of possible misconduct, in-
5 cluding criminal conduct, that would justify a
6 wider inquiry.

7 (C) DATA COLLECTION.—After completion
8 of the initial analysis under subparagraph (B),
9 and considering material investigatory issues,
10 the Attorney General shall gather additional
11 data nationwide on similar rules from a rep-
12 resentative and statistically significant sample
13 of jurisdictions, to determine whether such rules
14 and procedures raise such material investiga-
15 tory issues.

16 (2) REPORTING.—

17 (A) INITIAL ANALYSIS.—Not later than
18 120 days after the date of the enactment of this
19 Act, the Attorney General shall—

20 (i) submit to Congress a report con-
21 taining the results of the initial analysis
22 conducted under paragraph (1)(B);

23 (ii) make the report submitted under
24 clause (i) available to the public; and

1 (iii) identify the jurisdictions for
2 which the study described in paragraph
3 (1)(A) is to be conducted.

4 (B) DATA COLLECTED.—Not later than 2
5 years after the date of the enactment of this
6 Act, the Attorney General shall submit to Con-
7 gress a report containing the results of the data
8 collected under this section and publish the re-
9 port in the Federal Register.

10 (c) CRISIS INTERVENTION TEAMS.—Section 501(c)
11 of title I of the Omnibus Crime Control and Safe Streets
12 Act of 1968 (34 U.S.C. 10152(c)) is amended by adding
13 at the end the following:

14 “(3) In the case of crisis intervention teams
15 funded under subsection (a)(1)(H), a program as-
16 sessment under this subsection shall contain a report
17 on best practices for crisis intervention.”.

18 (d) USE OF COPS GRANT PROGRAM TO HIRE LAW
19 ENFORCEMENT OFFICERS WHO ARE RESIDENTS OF THE
20 COMMUNITIES THEY SERVE.—Section 1701(b) of title I
21 of the Omnibus Crime Control and Safe Streets Act of
22 1968 (34 U.S.C. 10381(b)), as amended by subsection (a)
23 of this section, is amended—

24 (1) by redesignating paragraphs (24) and (25)
25 as paragraphs (27) and (28), respectively;

1 (2) in paragraph (27), as so redesignated, by
2 striking “(23)” and inserting “(26)”; and

3 (3) by inserting after paragraph (23) the fol-
4 lowing:

5 “(24) to recruit, hire, incentivize, retain, de-
6 velop, and train new, additional career law enforce-
7 ment officers or current law enforcement officers
8 who are willing to relocate to communities—

9 “(A) where there are poor or fragmented
10 relationships between police and residents of the
11 community, or where there are high incidents of
12 crime; and

13 “(B) that are the communities that the law
14 enforcement officers serve, or that are in close
15 proximity to the communities that the law en-
16 forcement officers serve;

17 “(25) to collect data on the number of law en-
18 forcement officers who are willing to relocate to the
19 communities where they serve, and whether such law
20 enforcement officer relocations have impacted crime
21 in such communities;

22 “(26) to develop and publicly report strategies
23 and timelines to recruit, hire, promote, retain, de-
24 velop, and train a diverse and inclusive law enforce-

1 ment workforce, consistent with merit system prin-
 2 ciples and applicable law;”.

3 **Subtitle C—Law Enforcement Body** 4 **Cameras**

5 **PART I—FEDERAL POLICE CAMERA AND** 6 **ACCOUNTABILITY ACT**

7 **SEC. 371. SHORT TITLE.**

8 This part may be cited as the “Federal Police Cam-
 9 era and Accountability Act”.

10 **SEC. 372. REQUIREMENTS FOR FEDERAL UNIFORMED OFFI-** 11 **CERS REGARDING THE USE OF BODY CAM-** 12 **ERAS.**

13 (a) DEFINITIONS.—In this section:

14 (1) MINOR.—The term “minor” means any in-
 15 dividual under 18 years of age.

16 (2) SUBJECT OF THE VIDEO FOOTAGE.—The
 17 term “subject of the video footage”—

18 (A) means any identifiable uniformed offi-
 19 cer or any identifiable suspect, victim, detainee,
 20 conversant, injured party, or other similarly sit-
 21 uated person who appears on the body camera
 22 recording; and

23 (B) does not include people who only inci-
 24 dentally appear on the recording.

1 (3) UNIFORMED OFFICER.—The term “uni-
2 formed officer” means any person authorized by law
3 to conduct searches and effectuate arrests, either
4 with or without a warrant, and who is employed by
5 the Federal Government.

6 (4) USE OF FORCE.—The term “use of force”
7 means any action by a uniformed officer that—

8 (A) results in death, injury, complaint of
9 injury, or complaint of pain that persists be-
10 yond the use of a physical control hold;

11 (B) involves the use of a weapon, including
12 a personal body weapon, chemical agent, impact
13 weapon, extended range impact weapon, sonic
14 weapon, sensory weapon, conducted energy de-
15 vice, or firearm, against a member of the pub-
16 lic; or

17 (C) involves any intentional pointing of a
18 firearm at a member of the public.

19 (5) VIDEO FOOTAGE.—The term “video foot-
20 age” means any images or audio recorded by a body
21 camera.

22 (b) REQUIREMENT TO WEAR BODY CAMERA.—

23 (1) IN GENERAL.—Uniformed officers with the
24 authority to conduct searches and make arrests shall
25 wear a body camera.

1 (2) REQUIREMENT FOR BODY CAMERA.—A
2 body camera required under paragraph (1) shall—

3 (A) have a field of view at least as broad
4 as the officer's vision; and

5 (B) be worn in a manner that maximizes
6 the camera's ability to capture video footage of
7 the officer's activities.

8 (c) REQUIREMENT TO ACTIVATE.—

9 (1) IN GENERAL.—Both the video and audio re-
10 cording functions of the body camera shall be acti-
11 vated whenever a uniformed officer is responding to
12 a call for service or at the initiation of any other law
13 enforcement or investigative encounter between a
14 uniformed officer and a member of the public, except
15 that when an immediate threat to the officer's life
16 or safety makes activating the camera impossible or
17 dangerous, the officer shall activate the camera at
18 the first reasonable opportunity to do so.

19 (2) ALLOWABLE DEACTIVATION.—The body
20 camera shall not be deactivated until the encounter
21 has fully concluded and the uniformed officer leaves
22 the scene.

23 (d) NOTIFICATION OF SUBJECT OF RECORDING.—A
24 uniformed officer who is wearing a body camera shall no-
25 tify any subject of the recording that he or she is being

1 recorded by a body camera as close to the inception of
2 the encounter as is reasonably possible.

3 (e) REQUIREMENTS.—Notwithstanding subsection
4 (c), the following shall apply to the use of a body camera:

5 (1) Prior to entering a private residence with-
6 out a warrant or in non-exigent circumstances, a
7 uniformed officer shall ask the occupant if the occu-
8 pant wants the officer to discontinue use of the offi-
9 cer's body camera. If the occupant responds affirma-
10 tively, the uniformed officer shall immediately dis-
11 continue use of the body camera. The officer shall
12 record such communication using the officer's body
13 camera.

14 (2) When interacting with an apparent crime
15 victim, a uniformed officer shall, as soon as prac-
16 ticable, ask the apparent crime victim if the appar-
17 ent crime victim wants the officer to discontinue use
18 of the officer's body camera. If the apparent crime
19 victim responds affirmatively, the uniformed officer
20 shall immediately discontinue use of the body cam-
21 era.

22 (3) When interacting with a person seeking to
23 anonymously report a crime or assist in an ongoing
24 law enforcement investigation, a uniformed officer
25 shall, as soon as practicable, ask the person seeking

1 to remain anonymous if the person seeking to re-
2 main anonymous wants the officer to discontinue use
3 of the officer's body camera. If the person seeking
4 to remain anonymous responds affirmatively, the
5 uniformed officer shall immediately discontinue use
6 of the body camera.

7 (f) RECORDING OF OFFERS TO DISCONTINUE USE
8 OF BODY CAMERA.—Each offer of a uniformed officer to
9 discontinue the use of a body camera made pursuant to
10 subsection (d), and the responses thereto, shall be re-
11 corded by the body camera prior to discontinuing use of
12 the body camera.

13 (g) LIMITATIONS ON USE OF BODY CAMERA.—Body
14 cameras shall not be used to gather intelligence informa-
15 tion based on First Amendment protected speech, associa-
16 tions, or religion, or to record activity that is unrelated
17 to a response to a call for service or a law enforcement
18 or investigative encounter between a law enforcement offi-
19 cer and a member of the public, and shall not be equipped
20 with or subjected to any real time facial recognition tech-
21 nologies.

22 (h) EXCEPTIONS.—Uniformed officers—

23 (1) shall not be required to use body cameras
24 during investigative or enforcement encounters with
25 the public in the case that—

1 (A) recording would risk the safety of a
2 confidential informant, citizen informant, or un-
3 dercover officer;

4 (B) recording would pose a serious risk to
5 national security; or

6 (C) the officer is a military police officer,
7 a member of the United States Army Criminal
8 Investigation Command, or a protective detail
9 assigned to a Federal or foreign official while
10 performing his or her duties; and

11 (2) shall not activate a body camera while on
12 the grounds of any public, private or parochial ele-
13 mentary or secondary school, except when respond-
14 ing to an imminent threat to life or health.

15 (i) RETENTION OF FOOTAGE.—

16 (1) IN GENERAL.—Body camera video footage
17 shall be retained by the law enforcement agency that
18 employs the officer whose camera captured the foot-
19 age, or an authorized agent thereof, for 6 months
20 after the date it was recorded, after which time such
21 footage shall be permanently deleted.

22 (2) RIGHT TO INSPECT.—During the 6-month
23 retention period described in paragraph (1), the fol-
24 lowing persons shall have the right to inspect the
25 body camera footage:

1 (A) Any person who is a subject of body
2 camera video footage, and their designated legal
3 counsel.

4 (B) A parent of a minor subject of body
5 camera video footage, and their designated legal
6 counsel.

7 (C) The spouse, next of kin, or legally au-
8 thorized designee of a deceased subject of body
9 camera video footage, and their designated legal
10 counsel.

11 (D) A uniformed officer whose body cam-
12 era recorded the video footage, and their des-
13 ignated legal counsel, subject to the limitations
14 and restrictions in this part.

15 (E) The superior officer of a uniformed of-
16 ficer whose body camera recorded the video
17 footage, subject to the limitations and restric-
18 tions in this part.

19 (F) Any defense counsel who claims, pur-
20 suant to a written affidavit, to have a reason-
21 able basis for believing a video may contain evi-
22 dence that exculpates a client.

23 (3) LIMITATION.—The right to inspect subject
24 to subsection (j)(1) shall not include the right to
25 possess a copy of the body camera video footage, un-

1 less the release of the body camera footage is other-
2 wise authorized by this part or by another applicable
3 law. When a body camera fails to capture some or
4 all of the audio or video of an incident due to mal-
5 function, displacement of camera, or any other
6 cause, any audio or video footage that is captured
7 shall be treated the same as any other body camera
8 audio or video footage under the law.

9 (j) ADDITIONAL RETENTION REQUIREMENTS.—Not-
10 withstanding the retention and deletion requirements in
11 subsection (i):

12 (1) Video footage shall be automatically re-
13 tained for not less than 3 years if the video footage
14 captures an interaction or event involving—

15 (A) any use of force; or

16 (B) an encounter about which a complaint
17 has been registered by a subject of the video
18 footage.

19 (2) Body camera video footage shall also be re-
20 tained for not less than 3 years if a longer retention
21 period is voluntarily requested by—

22 (A) the uniformed officer whose body cam-
23 era recorded the video footage, if that officer
24 reasonably asserts the video footage has evi-

1 dentiary or exculpatory value in an ongoing in-
2 vestigation;

3 (B) any uniformed officer who is a subject
4 of the video footage, if that officer reasonably
5 asserts the video footage has evidentiary or ex-
6 culpatory value;

7 (C) any superior officer of a uniformed of-
8 ficer whose body camera recorded the video
9 footage or who is a subject of the video footage,
10 if that superior officer reasonably asserts the
11 video footage has evidentiary or exculpatory
12 value;

13 (D) any uniformed officer, if the video
14 footage is being retained solely and exclusively
15 for police training purposes;

16 (E) any member of the public who is a
17 subject of the video footage;

18 (F) any parent or legal guardian of a
19 minor who is a subject of the video footage; or

20 (G) a deceased subject's spouse, next of
21 kin, or legally authorized designee.

22 (k) PUBLIC REVIEW.—For purposes of subpara-
23 graphs (E), (F), and (G) of subsection (j)(2), any member
24 of the public who is a subject of video footage, the parent
25 or legal guardian of a minor who is a subject of the video

1 footage, or a deceased subject's next of kin or legally au-
2 thorized designee, shall be permitted to review the specific
3 video footage in question in order to make a determination
4 as to whether they will voluntarily request it be subjected
5 to a 3-year retention period.

6 (l) DISCLOSURE.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), all video footage of an interaction or
9 event captured by a body camera, if that interaction
10 or event is identified with reasonable specificity and
11 requested by a member of the public, shall be pro-
12 vided to the person or entity making the request in
13 accordance with the procedures for requesting and
14 providing government records set forth in the section
15 552a of title 5, United States Code.

16 (2) EXCEPTIONS.—The following categories of
17 video footage shall not be released to the public in
18 the absence of express written permission from the
19 non-law enforcement subjects of the video footage:

20 (A) Video footage not subject to a min-
21 imum 3-year retention period pursuant to sub-
22 section (j).

23 (B) Video footage that is subject to a min-
24 imum 3-year retention period solely and exclu-

1 sively pursuant to paragraph (1)(B) or (2) of
2 subsection (j).

3 (3) PRIORITY OF REQUESTS.—Notwithstanding
4 any time periods established for acknowledging and
5 responding to records requests in section 552a of
6 title 5, United States Code, responses to requests for
7 video footage that is subject to a minimum 3-year
8 retention period pursuant to subsection (j)(1)(A),
9 where a subject of the video footage is recorded
10 being killed, shot by a firearm, or grievously injured,
11 shall be prioritized and the requested video footage
12 shall be provided as expeditiously as possible, but in
13 no circumstances later than 5 days following receipt
14 of the request.

15 (4) USE OF REDACTION TECHNOLOGY.—

16 (A) IN GENERAL.—Whenever doing so is
17 necessary to protect personal privacy, the right
18 to a fair trial, the identity of a confidential
19 source or crime victim, or the life or physical
20 safety of any person appearing in video footage,
21 redaction technology may be used to obscure
22 the face and other personally identifying char-
23 acteristics of that person, including the tone of
24 the person's voice, provided the redaction does
25 not interfere with a viewer's ability to fully,

1 completely, and accurately comprehend the
2 events captured on the video footage.

3 (B) REQUIREMENTS.—The following re-
4 quirements shall apply to redactions under sub-
5 paragraph (A):

6 (i) When redaction is performed on
7 video footage pursuant to this paragraph,
8 an unedited, original version of the video
9 footage shall be retained pursuant to the
10 requirements of subsections (i) and (j).

11 (ii) Except pursuant to the rules for
12 the redaction of video footage set forth in
13 this subsection or where it is otherwise ex-
14 pressly authorized by this Act, no other ed-
15 iting or alteration of video footage, includ-
16 ing a reduction of the video footage's reso-
17 lution, shall be permitted.

18 (5) APPLICABILITY.—The provisions governing
19 the production of body camera video footage to the
20 public in this part shall take precedence over all
21 other State and local laws, rules, and regulations to
22 the contrary.

23 (m) PROHIBITED WITHHOLDING OF FOOTAGE.—
24 Body camera video footage may not be withheld from the
25 public on the basis that it is an investigatory record or

1 was compiled for law enforcement purposes where any per-
2 son under investigation or whose conduct is under review
3 is a police officer or other law enforcement employee and
4 the video footage relates to that person's on-the-job con-
5 duct.

6 (n) ADMISSIBILITY.—Any video footage retained be-
7 yond 6 months solely and exclusively pursuant to sub-
8 section (j)(2)(D) shall not be admissible as evidence in any
9 criminal or civil legal or administrative proceeding.

10 (o) CONFIDENTIALITY.—No government agency or
11 official, or law enforcement agency, officer, or official may
12 publicly disclose, release, or share body camera video foot-
13 age unless—

14 (1) doing so is expressly authorized pursuant to
15 this part or another applicable law; or

16 (2) the video footage is subject to public release
17 pursuant to subsection (l), and not exempted from
18 public release pursuant to subsection (l)(1).

19 (p) LIMITATION ON UNIFORMED OFFICER VIEWING
20 OF BODY CAMERA FOOTAGE.—No uniformed officer shall
21 review or receive an accounting of any body camera video
22 footage that is subject to a minimum 3-year retention pe-
23 riod pursuant to subsection (j)(1) prior to completing any
24 required initial reports, statements, and interviews regard-
25 ing the recorded event, unless doing so is necessary, while

1 in the field, to address an immediate threat to life or safe-
2 ty.

3 (q) ADDITIONAL LIMITATIONS.—Video footage may
4 not be—

5 (1) in the case of footage that is not subject to
6 a minimum 3-year retention period, viewed by any
7 superior officer of a uniformed officer whose body
8 camera recorded the footage absent a specific allega-
9 tion of misconduct;

10 (2) subjected to facial recognition or any other
11 form of automated analysis or analytics of any kind,
12 unless—

13 (A) a judicial warrant providing authoriza-
14 tion is obtained;

15 (B) the judicial warrant specifies the pre-
16 cise video recording to which the authorization
17 applies; and

18 (C) the authorizing court finds there is
19 probable cause to believe that the requested use
20 of facial recognition is relevant to an ongoing
21 criminal investigation; or

22 (3) divulged or used by any law enforcement
23 agency for any commercial or other non-law enforce-
24 ment purpose.

1 (r) THIRD-PARTY MAINTENANCE OF FOOTAGE.—

2 Where a law enforcement agency authorizes a third party
3 to act as its agent in maintaining body camera footage,
4 the agent shall not be permitted to independently access,
5 view, or alter any video footage, except to delete videos
6 as required by law or agency retention policies.

7 (s) ENFORCEMENT.—

8 (1) IN GENERAL.—If any uniformed officer,
9 employee, or agent fails to adhere to the recording
10 or retention requirements contained in this part, in-
11 tentionally interfere with a body camera’s ability to
12 accurately capture video footage, or otherwise ma-
13 nipulate the video footage captured by a body cam-
14 era during or after its operation—

15 (A) appropriate disciplinary action shall be
16 taken against the individual officer, employee,
17 or agent;

18 (B) a rebuttable evidentiary presumption
19 shall be adopted in favor of criminal defendants
20 who reasonably assert that exculpatory evidence
21 was destroyed or not captured; and

22 (C) a rebuttable evidentiary presumption
23 shall be adopted on behalf of civil plaintiffs
24 suing the government, a law enforcement agen-
25 cy and/or uniformed officers for damages based

1 on police misconduct who reasonably assert that
2 evidence supporting their claim was destroyed
3 or not captured.

4 (2) PROOF COMPLIANCE WAS IMPOSSIBLE.—

5 The disciplinary action requirement and rebuttable
6 presumptions described in paragraph (1) may be
7 overcome by contrary evidence or proof of exigent
8 circumstances that made compliance impossible.

9 (t) USE OF FORCE INVESTIGATIONS.—In the case
10 that a law enforcement officer equipped with a body cam-
11 era is involved in, a witness to, or within viewable sight
12 range of either the use of force by another law enforce-
13 ment officer that results in a death, the use of force by
14 another law enforcement officer, during which the dis-
15 charge of a firearm results in an injury, or the conduct
16 of another law enforcement officer that becomes the sub-
17 ject of a criminal investigation—

18 (1) the law enforcement agency that employs
19 the law enforcement officer, or the agency or depart-
20 ment conducting the related criminal investigation,
21 as appropriate, shall promptly take possession of the
22 body camera, and shall maintain such camera, and
23 any data on such camera, in accordance with the ap-
24 plicable rules governing the preservation of evidence;

1 (2) a copy of the data on such body camera
2 shall be made in accordance with prevailing forensic
3 standards for data collection and reproduction; and

4 (3) such copied data shall be made available to
5 the public in accordance with subsection (l).

6 (u) LIMITATION ON USE OF FOOTAGE AS EVI-
7 DENCE.—Any body camera video footage recorded in con-
8 travention of this part or any other applicable law may
9 not be offered as evidence by any government entity, agen-
10 cy, department, prosecutorial office, or any other subdivi-
11 sion thereof in any criminal or civil action or proceeding
12 against any member of the public.

13 (v) PUBLICATION OF AGENCY POLICIES.—Any law
14 enforcement policy or other guidance regarding body cam-
15 eras, their use, or the video footage therefrom that is
16 adopted by a Federal agency or department, shall be made
17 publicly available on that agency's website.

18 (w) RULE OF CONSTRUCTION.—Nothing in this part
19 shall be construed to contravene any laws governing the
20 maintenance, production, and destruction of evidence in
21 criminal investigations and prosecutions.

22 **SEC. 373. PATROL VEHICLES WITH IN-CAR VIDEO RECORD-**
23 **ING CAMERAS.**

24 (a) DEFINITIONS.—In this section:

1 (1) AUDIO RECORDING.—The term “audio re-
2 cording” means the recorded conversation between
3 an officer and a second party.

4 (2) EMERGENCY LIGHTS.—The term “emer-
5 gency lights” means oscillating, rotating, or flashing
6 lights on patrol vehicles.

7 (3) ENFORCEMENT STOP.—The term “enforce-
8 ment stop” means an action by an officer in relation
9 to enforcement and investigation duties, including
10 traffic stops, pedestrian stops, abandoned vehicle
11 contacts, motorist assists, commercial motor vehicle
12 stops, roadside safety checks, requests for identifica-
13 tion, or responses to requests for emergency assist-
14 ance.

15 (4) IN-CAR VIDEO CAMERA.—The term “in-car
16 video camera” means a video camera located in a
17 patrol vehicle.

18 (5) IN-CAR VIDEO CAMERA RECORDING EQUIP-
19 MENT.—The term “in-car video camera recording
20 equipment” means a video camera recording system
21 located in a patrol vehicle consisting of a camera as-
22 sembly, recording mechanism, and an in-car video
23 recording medium.

24 (6) RECORDING.—The term “recording” means
25 the process of capturing data or information stored

1 on a recording medium as required under this sec-
2 tion.

3 (7) RECORDING MEDIUM.—The term “record-
4 ing medium” means any recording medium for the
5 retention and playback of recorded audio and video
6 including VHS, DVD, hard drive, solid state, digital,
7 or flash memory technology.

8 (8) WIRELESS MICROPHONE.—The term “wire-
9 less microphone” means a device worn by the officer
10 or any other equipment used to record conversations
11 between the officer and a second party and trans-
12 mitted to the recording equipment.

13 (b) REQUIREMENTS.—

14 (1) IN GENERAL.—Each Federal law enforce-
15 ment agency shall install in-car video camera record-
16 ing equipment in all patrol vehicles with a recording
17 medium capable of recording for a period of 10
18 hours or more and capable of making audio record-
19 ings with the assistance of a wireless microphone.

20 (2) RECORDING EQUIPMENT REQUIREMENTS.—
21 In-car video camera recording equipment with a re-
22 cording medium capable of recording for a period of
23 10 hours or more shall record activities—

24 (A) outside a patrol vehicle whenever—

1 (i) an officer assigned a patrol vehicle
2 is conducting an enforcement stop;

3 (ii) patrol vehicle emergency lights are
4 activated or would otherwise be activated if
5 not for the need to conceal the presence of
6 law enforcement; or

7 (iii) an officer reasonably believes re-
8 cording may assist with prosecution, en-
9 hance safety, or for any other lawful pur-
10 pose. In-car video camera recording equip-
11 ment with a recording medium incapable of
12 recording for a period of 10 hours or more
13 shall record activities inside the vehicle
14 when transporting an arrestee or when an
15 officer reasonably believes recording may
16 assist with prosecution, enhance safety, or
17 for any other lawful purpose; and

18 (B) shall record activities whenever a pa-
19 trol vehicle is assigned to patrol duty.

20 (3) REQUIREMENTS FOR RECORDING.—

21 (A) IN GENERAL.—Recording for an en-
22 forcement stop shall begin when the officer de-
23 termines an enforcement stop is necessary and
24 shall continue until the enforcement action has

1 been completed and the subject of the enforce-
2 ment stop or the officer has left the scene.

3 (B) ACTIVATION WITH LIGHTS.—Record-
4 ing shall begin when patrol vehicle emergency
5 lights are activated or when they would other-
6 wise be activated if not for the need to conceal
7 the presence of law enforcement, and shall con-
8 tinue until the reason for the activation ceases
9 to exist, regardless of whether the emergency
10 lights are no longer activated.

11 (C) PERMISSIBLE RECORDING.—An officer
12 may begin recording if the officer reasonably
13 believes recording may assist with prosecution,
14 enhance safety, or for any other lawful purpose;
15 and shall continue until the reason for record-
16 ing ceases to exist.

17 (4) ENFORCEMENT STOPS.—Any enforcement
18 stop shall be video and audio recorded. Audio re-
19 cording shall terminate upon release of the violator
20 and prior to initiating a separate criminal investiga-
21 tion.

22 (c) RETENTION OF RECORDINGS.—Recordings made
23 on in-car video camera recording medium shall be retained
24 for a storage period of at least 90 days. Under no cir-
25 cumstances shall any recording made on in-car video cam-

1 era recording medium be altered or erased prior to the
2 expiration of the designated storage period. Upon comple-
3 tion of the storage period, the recording medium may be
4 erased and reissued for operational use unless otherwise
5 ordered or if designated for evidentiary or training pur-
6 poses.

7 (d) ACCESSIBILITY OF RECORDINGS.—Audio or video
8 recordings made pursuant to this section shall be available
9 under the applicable provisions of section 552a of title 5,
10 United States Code. Only recorded portions of the audio
11 recording or video recording medium applicable to the re-
12 quest will be available for inspection or copying.

13 (e) MAINTENANCE REQUIRED.—The agency shall en-
14 sure proper care and maintenance of in-car video camera
15 recording equipment and recording medium. An officer op-
16 erating a patrol vehicle must immediately document and
17 notify the appropriate person of any technical difficulties,
18 failures, or problems with the in-car video camera record-
19 ing equipment or recording medium. Upon receiving no-
20 tice, every reasonable effort shall be made to correct and
21 repair any of the in-car video camera recording equipment
22 or recording medium and determine if it is in the public
23 interest to permit the use of the patrol vehicle.

1 **SEC. 374. FACIAL RECOGNITION TECHNOLOGY.**

2 No camera or recording device authorized or required
3 to be used under this part may employ facial recognition
4 technology.

5 **SEC. 375. GAO STUDY.**

6 Not later than 1 year after the date of enactment
7 of this Act, the Comptroller General of the United States
8 shall conduct a study on Federal law enforcement officer
9 training, vehicle pursuits, use of force, and interaction
10 with citizens, and submit a report on such study to—

11 (1) the Committees on the Judiciary of the
12 House of Representatives and of the Senate;

13 (2) the Committee on Oversight and Reform of
14 the House of Representatives; and

15 (3) the Committee on Homeland Security and
16 Governmental Affairs of the Senate.

17 **SEC. 376. REGULATIONS.**

18 Not later than 6 months after the date of the enact-
19 ment of this Act, the Attorney General shall issue such
20 final regulations as are necessary to carry out this part.

21 **SEC. 377. RULE OF CONSTRUCTION.**

22 Nothing in this part shall be construed to impose any
23 requirement on a uniformed officer outside of the course
24 of carrying out that officer's duty.

PART II—POLICE CAMERA ACT

SEC. 381. SHORT TITLE.

This part may be cited as the “Police Creating Accountability by Making Effective Recording Available Act of 2020” or the “Police CAMERA Act of 2020”.

SEC. 382. LAW ENFORCEMENT BODY-WORN CAMERA REQUIREMENTS.

(a) **USE OF FUNDS REQUIREMENT.**—Section 502(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10153(a)), as amended by section 334, is amended by adding at the end the following:

“(10) An assurance that, for each fiscal year covered by an application, the applicant will use not less than 5 percent of the total amount of the grant award for the fiscal year to develop policies and protocols in compliance with part OO.”.

(b) **REQUIREMENTS.**—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amended by adding at the end the following:

“PART OO—LAW ENFORCEMENT BODY-WORN CAMERAS AND RECORDED DATA

“SEC. 3051. USE OF GRANT FUNDS.

“(a) **IN GENERAL.**—Grant amounts described in paragraph (10) of section 502(a) of this title shall be used—

1 “(1) to purchase or lease body-worn cameras
2 for use by State, local, and tribal law enforcement
3 officers (as defined in section 2503);

4 “(2) for expenses related to the implementation
5 of a body-worn camera program in order to deter ex-
6 cessive force, improve accountability and trans-
7 parency of use of force by law enforcement officers,
8 assist in responding to complaints against law en-
9 forcement officers, and improve evidence collection;
10 or

11 “(3) implementing policies or procedures to
12 comply with the requirements described in sub-
13 section (b).

14 “(b) REQUIREMENTS.—A recipient of a grant under
15 subpart 1 of part E of title I shall—

16 “(1) establish policies and procedures in accord-
17 ance with the requirements described in subsection
18 (c) before law enforcement officers’ use of body-worn
19 cameras;

20 “(2) adopt recorded data collection and reten-
21 tion protocols as described in subsection (d) before
22 law enforcement officers’ use of body-worn cameras;

23 “(3) making the policies and protocols described
24 in paragraphs (1) and (2) available to the public;
25 and

1 “(4) complying with the requirements for use of
2 recorded data under subsection (f).

3 “(c) REQUIRED POLICIES AND PROCEDURES.—An
4 entity receiving a grant under this section shall—

5 “(1) develop with community input and publish
6 for public view policies and protocols for—

7 “(A) the safe and effective use of body-
8 worn cameras;

9 “(B) the secure storage, handling, and de-
10 struction of recorded data collected by body-
11 worn cameras;

12 “(C) protecting the privacy rights of any
13 individual who may be recorded by a body-worn
14 camera;

15 “(D) protecting the constitutional rights of
16 any individual on whom facial recognition tech-
17 nology is used;

18 “(E) limitations on the use of body-worn
19 cameras in conjunction with facial recognition
20 technology for instances, including—

21 “(i) the use of facial recognition tech-
22 nology only with judicial authorization;

23 “(ii) the use of facial recognition tech-
24 nology only for imminent threats or serious
25 crimes; and

1 “(iii) the use of facial recognition
2 technology with double verification of iden-
3 tified faces;

4 “(F) the release of any recorded data col-
5 lected by a body-worn camera in accordance
6 with the open records laws, if any, of the State;
7 and

8 “(G) making recorded data available to
9 prosecutors, defense attorneys, and other offi-
10 cers of the court in accordance with subpara-
11 graph (E); and

12 “(2) conduct periodic evaluations of the security
13 of the storage and handling of the body-worn camera
14 data.

15 “(d) RECORDED DATA COLLECTION AND RETEN-
16 TION PROTOCOL.—The recorded data collection and reten-
17 tion protocol described in this paragraph is a protocol
18 that—

19 “(1) requires—

20 “(A) a law enforcement officer who is
21 wearing a body-mounted camera to provide an
22 explanation if an activity that is required to be
23 recorded by the body-mounted camera is not re-
24 corded;

1 “(B) a law enforcement officer who is
2 wearing a body-mounted camera to obtain con-
3 sent to be recorded from a crime victim or wit-
4 ness before interviewing the victim or witness;

5 “(C) the collection of recorded data unre-
6 lated to a legitimate law enforcement purpose
7 be minimized to the greatest extent practicable;

8 “(D) the system used to store recorded
9 data collected by body-worn cameras shall log
10 all viewing, modification, or deletion of stored
11 recorded data and shall prevent, to the greatest
12 extent practicable, the unauthorized access or
13 disclosure of stored recorded data;

14 “(E) any law enforcement officer be pro-
15 hibited from accessing the stored data without
16 an authorized purpose; and

17 “(F) the law enforcement agency to collect
18 and report statistical data on—

19 “(i) incidences of use of force, disag-
20 gregated by race, ethnicity, gender, and
21 age of the victim;

22 “(ii) the number of complaints filed
23 against law enforcement officers;

24 “(iii) the disposition of complaints
25 filed against law enforcement officers;

1 “(iv) the number of times camera
2 footage is used for evidence collection in
3 investigations of crimes; and

4 “(v) any other additional statistical
5 data that the Director determines should
6 be collected and reported;

7 “(2) allows an individual to file a complaint
8 with a law enforcement agency relating to the im-
9 proper use of body-worn cameras; and

10 “(3) complies with any other requirements es-
11 tablished by the Director.

12 “(e) REPORTING.—Statistical data required to be col-
13 lected under subsection (d)(1)(D) shall be reported to the
14 Director, who shall—

15 “(1) establish a standardized reporting system
16 for statistical data collected under this program; and

17 “(2) establish a national database of statistical
18 data recorded under this program.

19 “(f) USE OR TRANSFER OF RECORDED DATA.—

20 “(1) IN GENERAL.—Recorded data collected by
21 an entity receiving a grant under this section from
22 a body-mounted camera shall be used only in inter-
23 nal and external investigations of misconduct by a
24 law enforcement agency or officer, if there is reason-
25 able suspicion that a recording contains evidence of

1 a crime, or for limited training purposes. The Direc-
2 tor shall establish rules to ensure that the recorded
3 data is used only for the purposes described in this
4 subparagraph.

5 “(2) PROHIBITION ON TRANSFER.—Except as
6 provided in paragraph (3), an entity receiving a
7 grant under this section may not transfer any re-
8 corded data collected by the entity from a body-
9 mounted camera to another law enforcement or in-
10 telligence agency.

11 “(3) EXCEPTIONS.—

12 “(A) CRIMINAL INVESTIGATION.—An enti-
13 ty receiving a grant under this section may
14 transfer recorded data collected by the entity
15 from a body-mounted camera to another law
16 enforcement agency or intelligence agency for
17 use in a criminal investigation if the requesting
18 law enforcement or intelligence agency has rea-
19 sonable suspicion that the requested data con-
20 tains evidence relating to the crime being inves-
21 tigated.

22 “(B) CIVIL RIGHTS CLAIMS.—An entity re-
23 ceiving a grant under this section may transfer
24 recorded data collected by the law enforcement
25 agency from a body-mounted camera to another

1 law enforcement agency for use in an investiga-
 2 tion of any right, privilege, or immunity secured
 3 or protected by the Constitution or laws of the
 4 United States.

5 “(g) AUDIT AND ASSESSMENT.—

6 “(1) IN GENERAL.—Not later than 2 years
 7 after the date of enactment of this part, the Director
 8 of the Office of Audit, Assessment, and Management
 9 shall perform an assessment of the use of funds
 10 under this section and the policies and protocols of
 11 the grantees.

12 “(2) REPORTS.—Not later than September 1 of
 13 each year, beginning 2 years after the date of enact-
 14 ment of this part, each recipient of a grant under
 15 this part shall submit to the Director of the Office
 16 of Audit, Assessment, and Management a report
 17 that—

18 “(A) describes the progress of the body-
 19 worn camera program; and

20 “(B) contains recommendations on ways in
 21 which the Federal Government, States, and
 22 units of local government can further support
 23 the implementation of the program.

24 “(3) REVIEW.—The Director of the Office of
 25 Audit, Assessment, and Management shall evaluate

1 the policies and protocols of the grantees and take
2 such steps as the Director of the Office of Audit, As-
3 sessment, and Management determines necessary to
4 ensure compliance with the program.

5 **“SEC. 3052. BODY-WORN CAMERA TRAINING TOOLKIT.**

6 “(a) IN GENERAL.—The Director shall establish and
7 maintain a toolkit for law enforcement agencies, academia,
8 and other relevant entities to provide training and tech-
9 nical assistance, including best practices for implementa-
10 tion, model policies and procedures, and research mate-
11 rials.

12 “(b) MECHANISM.—In establishing the toolkit re-
13 quired to under subsection (a), the Director may consoli-
14 date research, practices, templates, and tools that been de-
15 veloped by expert and law enforcement agencies across the
16 country.

17 **“SEC. 3053. STUDY.**

18 “(a) IN GENERAL.—Not later than 2 years after the
19 date of enactment of the ‘Police CAMERA Act of 2020’,
20 the Director shall conduct a study on—

21 “(1) the efficacy of body-worn cameras in deter-
22 ring excessive force by law enforcement officers;

23 “(2) the impact of body-worn cameras on the
24 accountability and transparency of the use of force
25 by law enforcement officers;

1 “(3) the impact of body-worn cameras on re-
2 sponses to and adjudications of complaints of exces-
3 sive force;

4 “(4) the effect of the use of body-worn cameras
5 on the safety of law enforcement officers on patrol;

6 “(5) the effect of the use of body-worn cameras
7 on public safety;

8 “(6) the impact of body-worn cameras on evi-
9 dence collection for criminal investigations;

10 “(7) issues relating to the secure storage and
11 handling of recorded data from the body-worn cam-
12 eras;

13 “(8) issues relating to the privacy of citizens
14 and officers recorded on body-worn cameras;

15 “(9) issues relating to the constitutional rights
16 of individuals on whom facial recognition technology
17 is used;

18 “(10) issues relating to limitations on the use
19 of facial recognition technology;

20 “(11) issues relating to the public’s access to
21 body-worn camera footage;

22 “(12) the need for proper training of law en-
23 forcement officers that use body-worn cameras;

1 “(13) best practices in the development of pro-
 2 tocols for the safe and effective use of body-worn
 3 cameras;

4 “(14) a review of law enforcement agencies that
 5 found body-worn cameras to be unhelpful in the op-
 6 erations of the agencies; and

7 “(15) any other factors that the Director deter-
 8 mines are relevant in evaluating the efficacy of body-
 9 worn cameras.

10 “(b) REPORT.—Not later than 180 days after the
 11 date on which the study required under subsection (a) is
 12 completed, the Director shall submit to Congress a report
 13 on the study, which shall include any policy recommenda-
 14 tions that the Director considers appropriate.”.

15 **TITLE IV—JUSTICE FOR VICTIMS** 16 **OF LYNCHING ACT**

17 **SEC. 401. SHORT TITLE.**

18 This title may be cited as the “Emmett Till Anti-
 19 Lynching Act”.

20 **SEC. 402. FINDINGS.**

21 Congress finds the following:

22 (1) The crime of lynching succeeded slavery as
 23 the ultimate expression of racism in the United
 24 States following Reconstruction.

1 (2) Lynching was a widely acknowledged prac-
2 tice in the United States until the middle of the
3 20th century.

4 (3) Lynching was a crime that occurred
5 throughout the United States, with documented inci-
6 dents in all but 4 States.

7 (4) At least 4,742 people, predominantly Afri-
8 can Americans, were reported lynched in the United
9 States between 1882 and 1968.

10 (5) Ninety-nine percent of all perpetrators of
11 lynching escaped from punishment by State or local
12 officials.

13 (6) Lynching prompted African Americans to
14 form the National Association for the Advancement
15 of Colored People (referred to in this section as the
16 “NAACP”) and prompted members of B’nai B’rith
17 to found the Anti-Defamation League.

18 (7) Mr. Walter White, as a member of the
19 NAACP and later as the executive secretary of the
20 NAACP from 1931 to 1955, meticulously inves-
21 tigated lynchings in the United States and worked
22 tirelessly to end segregation and racialized terror.

23 (8) Nearly 200 anti-lynching bills were intro-
24 duced in Congress during the first half of the 20th
25 century.

1 (9) Between 1890 and 1952, 7 Presidents peti-
2 tioned Congress to end lynching.

3 (10) Between 1920 and 1940, the House of
4 Representatives passed 3 strong anti-lynching meas-
5 ures.

6 (11) Protection against lynching was the min-
7 imum and most basic of Federal responsibilities, and
8 the Senate considered but failed to enact anti-lynch-
9 ing legislation despite repeated requests by civil
10 rights groups, Presidents, and the House of Rep-
11 resentatives to do so.

12 (12) The publication of “Without Sanctuary:
13 Lynching Photography in America” helped bring
14 greater awareness and proper recognition of the vic-
15 tims of lynching.

16 (13) Only by coming to terms with history can
17 the United States effectively champion human rights
18 abroad.

19 (14) An apology offered in the spirit of true re-
20 pentance moves the United States toward reconcili-
21 ation and may become central to a new under-
22 standing, on which improved racial relations can be
23 forged.

24 (15) Having concluded that a reckoning with
25 our own history is the only way the country can ef-

1 fectively champion human rights abroad, 90 Mem-
2 bers of the United States Senate agreed to Senate
3 Resolution 39, 109th Congress, on June 13, 2005,
4 to apologize to the victims of lynching and the de-
5 scendants of those victims for the failure of the Sen-
6 ate to enact anti-lynching legislation.

7 (16) The National Memorial for Peace and Jus-
8 tice, which opened to the public in Montgomery, Ala-
9 bama, on April 26, 2018, is the Nation's first memo-
10 rial dedicated to the legacy of enslaved Black people,
11 people terrorized by lynching, African Americans hu-
12 miliated by racial segregation and Jim Crow, and
13 people of color burdened with contemporary pre-
14 sumptions of guilt and police violence.

15 (17) Notwithstanding the Senate's apology and
16 the heightened awareness and education about the
17 Nation's legacy with lynching, it is wholly necessary
18 and appropriate for the Congress to enact legisla-
19 tion, after 100 years of unsuccessful legislative ef-
20 forts, finally to make lynching a Federal crime.

21 (18) Further, it is the sense of Congress that
22 criminal action by a group increases the likelihood
23 that the criminal object of that group will be suc-
24 cessfully attained and decreases the probability that
25 the individuals involved will depart from their path

1 of criminality. Therefore, it is appropriate to specify
2 criminal penalties for the crime of lynching, or any
3 attempt or conspiracy to commit lynching.

4 (19) The United States Senate agreed to unani-
5 mously Senate Resolution 118, 115th Congress, on
6 April 5, 2017, “[c]ondemning hate crime and any
7 other form of racism, religious or ethnic bias, dis-
8 crimination, incitement to violence, or animus tar-
9 geting a minority in the United States” and taking
10 notice specifically of Federal Bureau of Investigation
11 statistics demonstrating that “among single-bias
12 hate crime incidents in the United States, 59.2 per-
13 cent of victims were targeted due to racial, ethnic,
14 or ancestral bias, and among those victims, 52.2
15 percent were victims of crimes motivated by the of-
16 fenders’ anti-Black or anti-African American bias”.

17 (20) On September 14, 2017, President Donald
18 J. Trump signed into law Senate Joint Resolution
19 49 (Public Law 115–58; 131 Stat. 1149), wherein
20 Congress “condemn[ed] the racist violence and do-
21 mestic terrorist attack that took place between Au-
22 gust 11 and August 12, 2017, in Charlottesville,
23 Virginia” and “urg[ed] the President and his admin-
24 istration to speak out against hate groups that
25 espouse racism, extremism, xenophobia, anti-Semi-

tism, and White supremacy; and use all resources available to the President and the President’s Cabinet to address the growing prevalence of those hate groups in the United States”.

(21) Senate Joint Resolution 49 (Public Law 115–58; 131 Stat. 1149) specifically took notice of “hundreds of torch-bearing White nationalists, White supremacists, Klansmen, and neo-Nazis [who] chanted racist, anti-Semitic, and anti-immigrant slogans and violently engaged with counter-demonstrators on and around the grounds of the University of Virginia in Charlottesville” and that these groups “reportedly are organizing similar events in other cities in the United States and communities everywhere are concerned about the growing and open display of hate and violence being perpetrated by those groups”.

(22) Lynching was a pernicious and pervasive tool that was used to interfere with multiple aspects of life—including the exercise of federally protected rights, as enumerated in section 245 of title 18, United States Code, housing rights, as enumerated in section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631), and the free exercise of religion, as enumerated in section 247 of title 18, United States

1 Code. Interference with these rights was often effec-
 2 tuated by multiple offenders and groups, rather than
 3 isolated individuals. Therefore, prohibiting conspir-
 4 acies to violate each of these rights recognizes the
 5 history of lynching in the United States and serves
 6 to prohibit its use in the future.

7 **SEC. 403. LYNCHING.**

8 (a) OFFENSE.—Chapter 13 of title 18, United States
 9 Code, is amended by adding at the end the following:

10 **“§ 250. Lynching**

11 “Whoever conspires with another person to violate
 12 section 245, 247, or 249 of this title or section 901 of
 13 the Civil Rights Act of 1968 (42 U.S.C. 3631) shall be
 14 punished in the same manner as a completed violation of
 15 such section, except that if the maximum term of impris-
 16 onment for such completed violation is less than 10 years,
 17 the person may be imprisoned for not more than 10
 18 years.”.

19 (b) TABLE OF SECTIONS AMENDMENT.—The table of
 20 sections for chapter 13 of title 18, United States Code,
 21 is amended by inserting after the item relating to section
 22 249 the following:

“250. Lynching.”.

1 **TITLE V—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 501. SEVERABILITY.**

4 If any provision of this Act, or the application of such
5 a provision to any person or circumstance, is held to be
6 unconstitutional, the remainder of this Act and the appli-
7 cation of the remaining provisions of this Act to any per-
8 son or circumstance shall not be affected thereby.

9 **SEC. 502. SAVINGS CLAUSE.**

10 Nothing in this Act shall be construed—

11 (1) to limit legal or administrative remedies
12 under section 1979 of the Revised Statutes of the
13 United States (42 U.S.C. 1983), section 210401 of
14 the Violent Crime Control and Law Enforcement
15 Act of 1994 (34 U.S.C. 12601), title I of the Omni-
16 bus Crime Control and Safe Streets Act of 1968 (34
17 U.S.C. 10101 et seq.), or title VI of the Civil Rights
18 Act of 1964 (42 U.S.C. 2000d et seq.);

19 (2) to affect any Federal, State, or Tribal law
20 that applies to an Indian Tribe because of the polit-
21 ical status of the Tribe; or

22 (3) to waive the sovereign immunity of an In-
23 dian Tribe without the consent of the Tribe.

○