

Union Calendar No. 345

117TH CONGRESS
2^D SESSION

H. R. 5768

[Report No. 117-441]

To direct the Attorney General to establish a grant program to establish, create, and administer the violent incident clearance and technology investigative method, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2021

Mrs. DEMINGS (for herself, Mrs. AXNE, Mr. EVANS, Ms. KELLY of Illinois, Mrs. MCBATH, and Mr. O'HALLERAN) introduced the following bill; which was referred to the Committee on the Judiciary

JULY 26, 2022

Additional sponsors: Mrs. MURPHY of Florida, Mr. HIMES, Mr. CARSON, Mr. STANTON, Mr. CÁRDENAS, Mr. CASE, Mr. HIGGINS of New York, Ms. CRAIG, Mr. BACON, Mr. KIND, Ms. SCHRIER, Ms. SCANLON, Mrs. HAYES, Mr. CUELLAR, Mr. PAPPAS, Mr. FITZPATRICK, Mr. McEACHIN, Mr. BRENDAN F. BOYLE of Pennsylvania, Miss GONZÁLEZ-COLÓN, Mr. DAVID SCOTT of Georgia, Mr. GARBARINO, Mr. DELGADO, Mr. THOMPSON of Mississippi, Mr. PAYNE, Mr. NEGUSE, Mr. KILDEE, Mr. KIM of New Jersey, Mr. RYAN, Ms. SHERRILL, Mr. TRONE, Ms. CASTOR of Florida, and Mr. CRIST

JULY 26, 2022

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on October 28, 2021]

A BILL

To direct the Attorney General to establish a grant program
to establish, create, and administer the violent incident
clearance and technology investigative method, and for
other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Violent Incident Clear-*
5 *ance and Technological Investigative Methods Act of 2022”*
6 *or “VICTIM Act of 2022”.*

7 **SEC. 2. FINDINGS.**

8 *Congress finds the following:*

9 (1) *Research indicates that law enforcement*
10 *agencies can increase clearance rates by improving—*

11 (A) *investigative processes;*

12 (B) *detective capacities; and*

13 (C) *organizational oversight and super-*
14 *vision of investigations.*

15 (2) *When a law enforcement agency expends ad-*
16 *ditional investigative effort, the law enforcement*
17 *agency improves its success in gaining cooperation of*
18 *key witnesses and increases the amount of forensic*
19 *evidence collected.*

20 (3) *Effective investigation of shootings can pre-*
21 *vent subsequent related violence by—*

22 (A) *deterring retaliation; and*

23 (B) *providing interventions to individuals*
24 *who may continue to commit crimes or become*
25 *victims of retaliatory violence.*

1 (4) *Law enforcement agencies that demonstrate*
2 *higher rates of clearance for homicides and non-fatal*
3 *shootings—*

4 (A) *have more structured oversight and for-*
5 *mal interactions between investigative units and*
6 *agency leadership;*

7 (B) *are more likely to have investigative*
8 *units that have collaborative relationships and*
9 *robust information sharing with other units of*
10 *the law enforcement agency;*

11 (C) *have investigative units that have spe-*
12 *cific goals and performance metrics for both the*
13 *unit and for investigators within the unit;*

14 (D) *have investigators who more frequently*
15 *respond to the initial crime scene shortly after*
16 *crimes have been reported to collect evidence and*
17 *interview witnesses;*

18 (E) *have investigators who either have spe-*
19 *cialized experience before joining investigative*
20 *units or are trained in investigations once they*
21 *join those units;*

22 (F) *often have standard operating proce-*
23 *dures for investigations that establish policies*
24 *and evidence-based best practices for conducting*
25 *and completing homicide investigations; and*

1 (G) have better relationships with the com-
 2 munities they serve, even if no specific commu-
 3 nity-oriented campaign or initiative exists be-
 4 tween investigative units and community groups.

5 (5) Criminal justice agencies should collaborate
 6 with each other and share best practices for solving
 7 homicides and non-fatal shootings.

8 (6) A comprehensive community engagement
 9 strategy concerning gun violence is essential to im-
 10 proving clearance rates for homicides and non-fatal
 11 shootings.

12 **SEC. 3. GRANT PROGRAM WITH RESPECT TO VIOLENT INCI-**
 13 **DENT CLEARANCE AND TECHNOLOGICAL IN-**
 14 **VESTIGATIVE METHODS.**

15 (a) *DEFINITIONS.*—In this section:

16 (1) *CLEARANCE BY ARREST.*—The term “clear-
 17 ance by arrest”, with respect to an offense reported to
 18 a law enforcement agency, means the law enforcement
 19 agency—

20 (A) has—

21 (i) arrested not less than 1 person for
 22 the offense;

23 (ii) charged the person described in
 24 subparagraph (A) with the commission of
 25 the offense; and

1 (iii) referred the person described in
2 subparagraph (A) for prosecution for the of-
3 fense; or

4 (B) has cited an individual under the age
5 of 18 to appear in juvenile court or before an-
6 other juvenile authority with respect to the of-
7 fense, regardless of whether a physical arrest oc-
8 curred.

9 (2) *CLEARANCE BY EXCEPTION.*—The term
10 “clearance by exception”, with respect to an offense
11 reported to a law enforcement agency, means the law
12 enforcement agency—

13 (A) has identified not less than 1 person
14 suspected of the offense; and

15 (B) with respect to the suspect described in
16 subparagraph (A), has—

17 (i) gathered enough evidence to—

18 (I) support an arrest of the sus-
19 pect;

20 (II) make a charge against the
21 suspect; and

22 (III) refer the suspect for prosecu-
23 tion;

1 (ii) identified the exact location of the
2 suspect so that the suspect could be taken
3 into custody immediately; and

4 (iii) encountered a circumstance out-
5 side the control of the law enforcement agen-
6 cy that prohibits the agency from arresting
7 the suspect, charging the suspect, or refer-
8 ring the suspect for prosecution, includ-
9 ing—

10 (I) the death of the suspect;

11 (II) the refusal of the victim to co-
12 operate with the prosecution after the
13 suspect has been identified; or

14 (III) the denial of extradition be-
15 cause the suspect committed an offense
16 in another jurisdiction and is being
17 prosecuted for that offense.

18 (3) *CLEARANCE RATE*.—The term “clearance
19 rate”, with respect to a law enforcement agency,
20 means—

21 (A) the number of offenses cleared by the
22 law enforcement agency, including through clear-
23 ance by arrest and clearance by exception, di-
24 vided by

1 (B) the total number of offenses reported to
2 the law enforcement agency.

3 (4) *ELIGIBLE ENTITY*.—The term “eligible enti-
4 ty” means a State, Tribal, or local law enforcement
5 agency or prosecuting office, or a group of Tribal law
6 enforcement agencies or Tribal prosecuting offices.

7 (5) *GRANT RECIPIENT*.—The term “grant recipi-
8 ent” means a recipient of a grant under the Program.

9 (6) *LAW ENFORCEMENT AGENCY*.—The term
10 “law enforcement agency” means a public agency
11 charged with policing functions, including any com-
12 ponent bureau of the agency (such as a governmental
13 victim services program or village public safety officer
14 program), including an agency composed of officers or
15 persons referred to in subparagraph (B) or (C) of sec-
16 tion 2(10) of the Indian Law Enforcement Reform
17 Act (25 U.S.C. 2801(10)).

18 (7) *PROGRAM*.—The term “Program” means the
19 grant program established under subsection (b)(1).

20 (b) *GRANT PROGRAM*.—

21 (1) *IN GENERAL*.—Not later than 180 days after
22 the date of enactment of this Act, the Attorney Gen-
23 eral shall establish a grant program within the Office
24 of Justice Programs under which the Attorney Gen-
25 eral awards grants to eligible entities to establish, im-

1 *plement, and administer violent incident clearance*
2 *and technological investigative methods.*

3 (2) *APPLICATIONS.—An eligible entity seeking a*
4 *grant under the Program shall submit to the Attorney*
5 *General an application at such time, in such manner,*
6 *and containing or accompanied by—*

7 (A) *such information as the Attorney Gen-*
8 *eral may reasonably require; and*

9 (B) *a description of each eligible project*
10 *under paragraph (4) that the grant will fund.*

11 (3) *SELECTION OF GRANT RECIPIENTS.—The At-*
12 *torney General, in selecting a recipient of a grant*
13 *under the Program, shall consider the specific plan*
14 *and activities proposed by the applicant to improve*
15 *clearance rates for homicides, rapes, other aggravated*
16 *felonies, and non-fatal shootings.*

17 (4) *ELIGIBLE PROJECTS.—A grant recipient*
18 *shall use the grant for activities with the specific ob-*
19 *jective of improving clearance rates for homicides,*
20 *rapes, other aggravated felonies, and non-fatal shoot-*
21 *ings, including—*

22 (A) *ensuring the retention of detectives who*
23 *are assigned to investigate homicides, rapes,*
24 *other aggravated felonies, and non-fatal shoot-*
25 *ings as of the date of receipt of the grant;*

1 (B) hiring and training additional detec-
2 tives who will be dedicated to investigating
3 homicides, rapes, other aggravated felonies, and
4 non-fatal shootings;

5 (C) developing policies, procedures, and
6 training to improve the ability of detectives to ef-
7 fectively investigate and solve homicides, rapes,
8 other aggravated felonies, and non-fatal shoot-
9 ings, including implementing best practices re-
10 lating to—

11 (i) improving internal agency coopera-
12 tion, organizational oversight and account-
13 ability, and supervision of investigations;

14 (ii) developing specific goals and per-
15 formance metrics for both investigators and
16 investigative units;

17 (iii) establishing or improving rela-
18 tionships with the communities the agency
19 serves; and

20 (iv) collaboration with and among
21 other law enforcement agencies and crimi-
22 nal justice organizations;

23 (D) training personnel to address the needs
24 of victims and family members of victims of
25 homicides, rapes, other aggravated felonies, and

1 *non-fatal shootings or collaborating with trained*
2 *victim advocates and specialists to better meet*
3 *victims' needs;*

4 *(E) acquiring, upgrading, or replacing in-*
5 *vestigative, evidence processing, or forensic test-*
6 *ing technology or equipment;*

7 *(F) development and implementation of*
8 *policies that safeguard civil rights and civil lib-*
9 *erties during the collection, processing, and fo-*
10 *rensic testing of evidence;*

11 *(G) hiring or training personnel for collec-*
12 *tion, processing, and forensic testing of evidence;*

13 *(H) hiring and training of personnel to*
14 *analyze violent crime and the temporal and geo-*
15 *graphic trends among homicides, rapes, other ag-*
16 *gravated felonies, and shootings;*

17 *(I) retaining experts to conduct a detailed*
18 *analysis of homicides, rapes, other aggravated*
19 *felonies, and shootings using Gun Violence Prob-*
20 *lem Analysis (commonly known as "GVPA") or*
21 *a similar research methodology;*

22 *(J) ensuring victims have appropriate ac-*
23 *cess to emergency food, housing, clothing, travel,*
24 *and transportation;*

1 (K) developing competitive and evidence-
2 based programs to improve homicide and non-
3 fatal shooting clearance rates;

4 (L) developing best practices for improving
5 access to and acceptance of victim services, in-
6 cluding victim services that promote medical and
7 psychological wellness, ongoing counseling, legal
8 advice, and financial compensation;

9 (M) training investigators and detectives in
10 trauma-informed interview techniques;

11 (N) establishing programs to support offi-
12 cers who experience stress or trauma as a result
13 of responding to or investigating shootings or
14 other violent crime incidents; or

15 (O) ensuring language and disability access
16 supports are provided to victims, survivors, and
17 their families so that victims can exercise their
18 rights and participate in the criminal justice
19 process.

20 (c) *FEDERAL SHARE*.—

21 (1) *IN GENERAL*.—The Federal share of the cost
22 of a project assisted with a grant under the Program
23 shall not exceed—

24 (A) 100 percent if the grant is awarded on
25 or before December 31, 2032; or

1 (B) subject to paragraph (2), 50 percent if
2 the grant is awarded after December 31, 2032.

3 (2) *WAIVER.*—With respect to a grant awarded
4 under the Program after December 31, 2032, the At-
5 torney General may determine that the Federal share
6 of the cost of a project assisted with the grant shall
7 not exceed 100 percent.

8 (d) *REPORT BY GRANT RECIPIENT.*—Not later than 1
9 year after receiving a grant under the Program, and each
10 year thereafter, a grant recipient shall submit to the Attor-
11 ney General a report on the activities carried out using the
12 grant, including, if applicable—

13 (1) the number of homicide and non-fatal shoot-
14 ing detectives hired by the grant recipient;

15 (2) the number of evidence processing personnel
16 hired by the grant recipient;

17 (3) a description of any training that is—

18 (A) provided to existing (as of the date on
19 which the grant was awarded) or newly hired
20 homicide and non-fatal shooting detectives; and

21 (B) designed to assist in the solving of
22 crimes and improve clearance rates;

23 (4) any new evidence processing technology or
24 equipment purchased or any upgrades made to exist-
25 ing (as of the date on which the grant was awarded)

1 *evidence technology or equipment, and the associated*
2 *cost;*

3 *(5) any assessments of evidence processing tech-*
4 *nology or equipment purchased with grant funds to*
5 *determine whether such technology or equipment sat-*
6 *isfies the objectives of the use of the technology or*
7 *equipment in increasing clearance rates, and any*
8 *policies in place to govern the use of the technology*
9 *or equipment;*

10 *(6) the internal policies and oversight used to en-*
11 *sure that any technology purchased through the grant*
12 *for the purposes of improving clearance rates does not*
13 *violate the civil rights and civil liberties of individ-*
14 *uals;*

15 *(7) data regarding clearance rates for homicides,*
16 *rapes, other aggravated felonies, and non-fatal shoot-*
17 *ings, including the rate of clearances by arrest and*
18 *clearances by exception, and crime trends from within*
19 *each jurisdiction in which the grant recipient carried*
20 *out activities supported by the grant;*

21 *(8) whether the grant recipient has provided*
22 *grant funds to any victim services organizations, and*
23 *if so, which organizations;*

24 *(9) the demographic information for victims of*
25 *homicides, rapes, other aggravated felonies, and non-*

1 *fatal shootings, and the length and outcomes of each*
2 *investigation, including whether the investigation was*
3 *cleared by arrest or exception;*

4 *(10) the demographic information for each vic-*
5 *tim or family member of a victim who received vic-*
6 *tim-related services provided by the grant recipient;*
7 *and*

8 *(11) identification of the services most used by*
9 *victims and their families and identification of addi-*
10 *tional services needed.*

11 *(e) NATIONAL INSTITUTE OF JUSTICE EVALUATION*
12 *AND REPORT TO CONGRESS.—*

13 *(1) EVALUATION.—Not later than 2 years after*
14 *the date of enactment of this Act, and every 2 years*
15 *thereafter, the Director of the National Institute of*
16 *Justice shall conduct an evaluation of—*

17 *(A) the practices deployed by grant recipi-*
18 *ents to identify policies and procedures that have*
19 *successfully improved clearance rates for homi-*
20 *cides, rapes, other aggravated felonies, and non-*
21 *fatal shootings; and*

22 *(B) the efficacy of any services provided to*
23 *victims and family members of victims of homi-*
24 *cides, rapes, other aggravated felonies, and non-*
25 *fatal shootings.*

1 (2) *REPORT TO CONGRESS.*—*Not later than 30*
 2 *days after completion of an evaluation by the Na-*
 3 *tional Institute of Justice under paragraph (1), the*
 4 *Attorney General shall submit to Congress a report*
 5 *including—*

6 *(A) the results of the evaluation; and*

7 *(B) information reported by each grant re-*
 8 *cipient under subsection (d).*

9 (f) *AUTHORIZATION OF APPROPRIATIONS.*—

10 (1) *IN GENERAL.*—*There are authorized to be ap-*
 11 *propriated to carry out this section \$100,000,000 for*
 12 *each of fiscal years 2023 through 2032.*

13 (2) *PERCENT FOR CERTAIN ELIGIBLE ENTI-*
 14 *TIES.*—*The Attorney General shall use 10 percent of*
 15 *the amount made available under paragraph (1) for*
 16 *a fiscal year to award grants under the Program to*
 17 *Tribal law enforcement agencies or prosecuting of-*
 18 *fices, or groups of such agencies or offices.*

Amend the title so as to read: “A bill to direct the Attorney General to establish a grant program to establish, implement, and administer the violent incident clearance and technology investigative method, and for other purposes.”.

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[Report No. 117-441]

A BILL

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Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed