S. 1730

To strengthen the collection of data regarding interactions between law enforcement officers and individuals with disabilities.

IN THE SENATE OF THE UNITED STATES

MAY 18, 2023

Mr. CASEY (for himself, Mr. SANDERS, Ms. WARREN, Mr. VAN HOLLEN, Mr. DURBIN, Ms. DUCKWORTH, Mr. MENENDEZ, Ms. HIRONO, Mr. FETTERMAN, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To strengthen the collection of data regarding interactions between law enforcement officers and individuals with disabilities.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Data on Interactions and Accountability for Law Enforcement with Individuals with Disabilities Act”.

4 SEC. 2. DEFINITIONS.

5 In this Act:
(1) DISABILITY.—The term “disability” has the meaning given the term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(2) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

SEC. 3. ADVISORY COUNCIL ON DISABILITY STATUS AND LAW ENFORCEMENT INTERACTION DATA COLLECTION.

(a) DEFINITION.—In this section, the term “Secretary” means the Secretary of Health and Human Services.

(b) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish the Advisory Council on Disability Status and Law Enforcement Interaction Data Collection (in this section referred to as the “Advisory Council”).

(c) MEMBERSHIP.—

(1) CONSIDERATIONS.—The Secretary shall appoint the members of the Advisory Council in a manner that—

(A) provides diverse representation of populations underrepresented on advisory commit-
tees, such as underrepresented racial and ethnic populations; and

(B) ensures that more than 50 percent of the members are individuals with disabilities.

(2) COMPOSITION.—The members of the Advisory Council shall include representatives of—

(A) individuals with disabilities;

(B) individuals aged 65 and older;

(C) law enforcement organizations, including representatives of rank and file law enforcement officers;

(D) faculty or researchers, at institutions of higher education or other research institutions, with expertise in disability research;

(E) faculty or researchers, at institutions of higher education or other research institutions, with expertise in criminal justice research and statistics;

(F) States, including State surveying agencies;

(G) State and local public safety agencies;

(H) nonprofit organizations led by and serving the disability population;

(I) the National Quality Forum or other quality measurement entity; and
(J) the Bureau of Justice Statistics of the Department of Justice.

(d) CHAIRPERSON; VICE-CHAIRPERSON.—The Secretary shall select—

(1) a member of the Advisory Council who is an individual with a disability to be the chairperson of the Advisory Council; and

(2) a member of the Advisory Council who is a representative of a law enforcement agency to be the vice-chairperson of the Advisory Council.

(e) DUTIES.—

(1) DATA COLLECTION AND REPORTING DEVELOPMENT.—The Advisory Council shall—

(A) develop a valid and reliable data collection and reporting methodology on interactions between law enforcement officers and individuals with disabilities; and

(B) provide recommendations to the Attorney General on best practices to collect disability status data in instances where a death, a shooting, or an injury has occurred as a result of an interaction with a law enforcement officer.

(2) RECOMMENDATIONS.—Not later than 2 years after the date of enactment of this Act, the
Advisory Council shall submit to the Secretary, the Attorney General, the Committee on Finance and the Special Committee on Aging of the Senate, and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives, the recommended data collection and reporting methodology and other recommendations developed under paragraph (1).

(f) **Independent Study.**—

(1) **Grant Authorized.**—After receiving the recommendations under subsection (e)(2), the Secretary shall award a grant, to an independent research organization or institution of higher education, to conduct an independent study to test the validity and reliability of the data collection and reporting methodology developed under such subsection.

(2) **Review by Advisory Council.**—The Secretary shall share the results of the study conducted under paragraph (1) with the Advisory Council as soon as practicable.

(g) **Report.**—

(1) **In General.**—Not later than 180 days after receiving the results of the study conducted under subsection (f), the Advisory Council shall re-
convene and prepare and submit a report to the Secretary, the Attorney General, the Committee on Finance and the Special Committee on Aging of the Senate, and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives, with final recommendations on best practices to collect data on the interactions between law enforcement officers and individuals with disabilities.

(2) PUBLIC AVAILABILITY.—Upon receiving the report described in paragraph (1), the Secretary shall make the report available to the public.

(h) ADOPTION OF BEST PRACTICES BY ATTORNEY GENERAL.—The Attorney General shall review the best practices recommended in the report under subsection (g)(1) and, to the extent that the Attorney General determines appropriate, implement the best practices within the Department of Justice.

(i) TERMINATION.—The Advisory Council shall terminate by not later than 30 days after the submission of the report to the Secretary under subsection (g)(1).

SEC. 4. BUREAU OF JUSTICE STATISTICS SURVEY.

(a) DEFINITION.—In this section, the term “Director” means the Director of the Bureau of Justice Statistics.
(b) Inclusion of Disability Status in Police-Public Contact Survey.—The Director, in conducting the Police-Public Contact Survey, shall collect data on the disability status of individuals who have had contact with law enforcement officers.

(c) Statistic Analysis by Third-Party Organization.—

(1) Grant.—The Director shall award a grant to a single, independent third-party organization, which may be an institution of higher education or other research institution, to conduct a statistical analysis of data collected in the Police-Public Contact Survey to identify trends in reports of violence committed by law enforcement officers against individuals with disabilities.

(2) Deadline.—The Director shall require the third-party organization that receives the grant under paragraph (1) to complete the statistical analysis not later than 1 year after the date on which the Director begins collecting data on disability status under subsection (b).

SEC. 5. DEATH IN CUSTODY REPORTING ACT.

(a) Disability Status.—Section 2 of the Death in Custody Reporting Act of 2013 (34 U.S.C. 60105) is amended—
(1) in subsection (b)(1), by inserting “disability
status,” after “ethnicity,”;

(2) in subsection (f), in the heading, by striking
“STUDY AND REPORT” and inserting “INITIAL
STUDY AND REPORT”; and

(3) by adding at the end the following:

“(g) ANNUAL REPORT.—

“(1) In general.—Each year, the Attorney
General shall publish a report on the information re-
ported under subsection (b) and section 3(a).

“(2) Local disaggregation.—The Attorney
General shall disaggregate the information published
under paragraph (1) by the locality in which the
death occurred.”.

(b) FBI USE-OF-FORCE DATA COLLECTION PRO-
GRAM.—The Death in Custody Reporting Act of 2013
(Public Law 113–242; 128 Stat. 2860) is amended—

(1) in section 2(c) (34 U.S.C. 60105(c)), by
adding at the end the following:

“(3) Compliance through participation in
national use-of-force data collection.—A
State may satisfy the requirement under subsection
(a) by—
“(A) participating in the National Use-of-Force Data Collection of the Federal Bureau of Investigation; and

“(B) including with the information reported for the National Use-of-Force Data Collection the disability status of each subject of the use of force.”; and

(2) in section 3 (18 U.S.C. 4001 note)—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following:

“(e) Compliance Through Participation in National Use-of-Force Data Collection.—A Federal law enforcement agency may satisfy the requirement under subsection (a) by—

“(1) participating in the National Use-of-Force Data Collection of the Federal Bureau of Investigation; and

“(2) including with the information reported for the National Use-of-Force Data Collection the disability status of each subject of the use of force.”.