H. R.

IN THE HOUSE OF REPRESENTATIVES

Ms. BASS (for herself and Mr. NADLER) introduced the following bill; which was referred to the Committee on

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”.

6. (b) TABLE OF CONTENTS.—The table of contents for

7. this Act is as follows:

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

TITLE I—POLICE ACCOUNTABILITY

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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. 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 LYING 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
under subpart 1 of part E of title I of the Omnibus
Crime Control and Safe Streets Act of 1968 (34
U.S.C. 10151 et seq.), without regard to whether
the funds are characterized as being made available
under the Edward Byrne Memorial State and Local
Law Enforcement Assistance Programs, the Local
Government Law Enforcement Block Grants Pro-
gram, the Edward Byrne Memorial Justice Assist-
ance Grant Program, or otherwise.

(2) COPS GRANT PROGRAM.—The term “COPS
grant program” means the grant program author-
ized under section 1701 of title I of the Omnibus
Crime Control and Safe Streets Act of 1968 (34

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

(4) FEDERAL LAW ENFORCEMENT OFFICER.—
The term “Federal law enforcement officer” has the
meaning given the term in section 115 of title 18,
United States Code.

(6) LOCAL LAW ENFORCEMENT OFFICER.—The term “local law enforcement officer” means any officer, agent, or employee of a State or unit of local government authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law.

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

(8) TRIBAL LAW ENFORCEMENT OFFICER.—The term “tribal law enforcement officer” means any officer, agent, or employee of an Indian tribe, or the Bureau of Indian Affairs, authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation 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,
that his or her conduct was lawful at the time when
the conduct was committed; or

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

SEC. 103. PATTERN AND PRACTICE INVESTIGATIONS.

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

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

(2) by adding at the end the following:

"(c) SUBPOENA AUTHORITY.—In carrying out the
authority in subsection (b), the Attorney General may re-
quire by subpoena the production of all information, docu-
ments, reports, answers, records, accounts, papers, and
other data in any medium (including electronically stored
information), as well as any tangible thing and documen-
tary evidence, and the attendance and testimony of wit-
nesses necessary in the performance of the Attorney Gen-
eral under subsection (b). Such a subpoena, in the case
of contumacy or refusal to obey, shall be enforceable by
order of any appropriate district court of the United
States.”.

(b) GRANT PROGRAM.—

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

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

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

(4) FUNDING.—There are authorized to be ap-
propriated $100,000,000 to the Attorney General for
each of fiscal years 2020 through 2022 to carry out
this subsection.
SEC. 104. INDEPENDENT INVESTIGATIONS.

(a) IN GENERAL.—

(1) DEFINITIONS.—In this subsection:

(A) DEADLY FORCE.—The term “deadly force” means that force which a reasonable person would consider likely to cause death or serious bodily harm.

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

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

(ii) Assigning the attorney general of the State in which the alleged crime was committed to conduct the criminal investigation and prosecution.

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

(iv) Adopting a procedure under which an independent prosecutor is as-
signed to investigate and prosecute the case.

(v) Having law enforcement agencies agree to and implement memoranda of understanding with other law enforcement agencies under which the other law enforcement agencies—

(I) shall conduct the criminal investigation; and

(II) upon conclusion of the criminal investigation, shall file a report with the attorney general of the State containing a determination regarding whether—

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

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

(vi) Using an independent prosecutor.

(C) INDEPENDENT PROSECUTION OF LAW ENFORCEMENT STATUTE.—The term “independent prosecution of law enforcement statute” means a statute requiring an independent prosecution in a criminal matter in which—
(i) one or more of the possible defendants is a law enforcement officer;

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

(iii) the law enforcement officer’s use of deadly force resulted in a death or injury.

(D) INDEPENDENT PROSECUTION.—The term “independent prosecution”, with respect to a criminal investigation or prosecution of a law enforcement officer’s use of deadly force, includes using one or more of the following:

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

(ii) Assigning the attorney general of the State in which the alleged crime was committed to conduct the criminal investigation and prosecution.

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

(iv) Having law enforcement agencies
agree to and implement memoranda of un-
derstanding with other law enforcement
agencies under which the other law en-
forcement agencies—

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

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

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

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

(v) Using an independent prosecutor.

(E) INDEPENDENT PROSECUTOR.—The
term “independent prosecutor” means, with re-
spect to a criminal investigation or prosecution
of a law enforcement officer’s use of deadly
force, a prosecutor who—
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(i) does not oversee or regularly rely
on the law enforcement agency by which
the law enforcement officer under investi-
gation is employed; and

(ii) would not be involved in the pros-
secution in the ordinary course of that pros-
secutor's duties.

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

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

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

(b) COPS GRANT PROGRAM USED FOR CIVILIAN RE-
VIEW BOARDS.—Part Q of title I of the of the Omnibus
10381 et seq.) is amended—

(1) in section 1701(b) (34 U.S.C. 10381(b))—
(A) by redesignating paragraphs (22) and
(23) as paragraphs (23) and (24), respectively;
(B) in paragraph (23), as so redesignated,
by striking “(21)” and inserting “(22)”); and
(C) by inserting after paragraph (21) the
following:
“(22) to develop best practices for and to create
civilian review boards;”; and
(2) in section 1709 (34 U.S.C. 10389), by add-
ing at the end the following:
“(8) ‘civilian review board’ means an adminis-
trative entity that—
“(A) is independent and adequately fund-
ed;
“(B) has investigatory authority and staff
subpoena power;
“(C) has representative community diver-
sity;
“(D) has policy making authority;
“(E) provides advocates for civilian com-
plainants;
“(F) has mandatory police power to con-
duct hearings; and
“(G) conducts statistical studies on pre-
vailing complaint trends.”.
Subtitle B—Law Enforcement

Trust and Integrity Act

SEC. 111. SHORT TITLE.

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

SEC. 112. DEFINITIONS.

In this subtitle:

(1) COMMUNITY-BASED ORGANIZATION.—The
term “community-based organization” means a
growth organization that monitors the issue of
police misconduct and that has a national presence
and membership, such as the National Association
for the Advancement of Colored People (NAACP),
the American Civil Liberties Union (ACLU), the
National Council of La Raza, the National Urban
League, the National Congress of American Indians,
or the National Asian Pacific American Legal Con-
sortium (NAPALC).

(2) LAW ENFORCEMENT ACCREDITATION ORG-
IZATION.—The term “law enforcement accredit-
tion organization” means a professional law enforce-
ment organization involved in the development of
standards of accreditation for law enforcement aven-
cies at the national, State, regional, or tribal level,
such as the Commission on Accreditation for Law
Enforcement Agencies (CALEA).

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

(4) PROFESSIONAL LAW ENFORCEMENT ASSO-
CIATION.—The term “professional law enforcement
association” means a law enforcement membership
association that works for the needs of Federal,
State, local, or Indian tribal law enforcement agen-
cies and with the civilian community on matters of
common interest, such as the Hispanic American
Police Command Officers Association (HAPCOA),
the National Asian Pacific Officers Association
(NAPOA), the National Black Police Association
(NBPA), the National Latino Peace Officers Asso-
ciation (NLPOA), the National Organization of
Black Law Enforcement Executives (NOBLE),
Women in Law Enforcement, the Native American
Law Enforcement Association (NALEA), the Inter-
national Association of Chiefs of Police (IACP), the
National Sheriffs’ Association (NSA), the Fraternal
Order of Police (FOP), and the National Association
of School Resource Officers.

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

SEC. 113. ACCREDITATION OF LAW ENFORCEMENT AGEN-
CIES.

(a) STANDARDS.—

(1) INITIAL ANALYSIS.—The Attorney General
shall perform an initial analysis of existing accredi-
tation standards and methodology developed by law
enforcement accreditation organizations nationwide,
including national, State, regional, and tribal accred-
itation organizations. Such an analysis shall include
a review of the recommendations of the Final Report
of the President’s Taskforce on 21st Century Policing,
issued in May 2015.
(2) DEVELOPMENT OF UNIFORM STANDARDS.—

After completion of the initial review and analysis under paragraph (1), the Attorney General shall—

(A) recommend, in consultation with law enforcement accreditation organizations, the adoption of additional standards that will result in greater community accountability of law enforcement agencies and an increased focus on policing with a guardian mentality, including standards relating to—

(i) early warning systems and related intervention programs;

(ii) use of force procedures;

(iii) civilian review procedures;

(iv) traffic and pedestrian stop and search procedures;

(v) data collection and transparency;

(vi) administrative due process requirements;

(vii) video monitoring technology;

(viii) juvenile justice and school safety; and

(ix) training; and

(B) recommend additional areas for the development of national standards for the ac-
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creditation of law enforcement agencies in con-
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sultation with existing law enforcement accredi-
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tation organizations, professional law enforce-
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ment associations, labor organizations, commu-
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nity-based organizations, and professional civil-
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ian oversight organizations.
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(3) CONTINUING ACCREDITATION PROCESS.—
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The Attorney General shall adopt policies and proce-
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dures to partner with law enforcement accredi-
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tation organizations, professional law enforcement associ-
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tions, labor organizations, community-based organi-
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zations, and professional civilian oversight organiza-
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tions to continue the development of further accredi-
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tation standards consistent with paragraph (2) and
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to encourage the pursuit of accreditation of Federal,
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State, local, and tribal law enforcement agencies by
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certified law enforcement accreditation organiza-
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tions.
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(b) USE OF FUNDS REQUIREMENTS.—Section
20 502(a) of title I of the Omnibus Crime Control and Safe
21 Streets Act of 1968 (34 U.S.C. 10153(a)) is amended by
22 adding at the end the following:
23
“(7) 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
award for the fiscal year to assist law enforcement agencies of the applicant, including campus public safety departments, gain or maintain accreditation from certified law enforcement accreditation organizations in accordance with section 113 of the Law Enforcement Trust and Integrity Act of 2020.”.

SEC. 114. LAW ENFORCEMENT GRANTS.

(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 113, is amended by adding at the end the following:

“(8) 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 study and implement effective management, training, recruiting, hiring, and oversight standards and programs to promote effective community and problem solving strategies for law enforcement agencies in accordance with section 114 of the Law Enforcement Trust and Integrity Act of 2020.”.

(b) GRANT PROGRAM FOR COMMUNITY ORGANIZATIONS.—The Attorney General may make grants to community-based organizations to study and implement effective management, training, recruiting, hiring, and over-
sight standards and programs to promote effective com-
munity and problem solving strategies for law enforcement
agencies.

(c) USE OF FUNDS.—Grant amounts described in
paragraph (8) of section 502(a) of title I of the Omnibus
10153(a)), as added by subsection (a) of this section, and
grant amounts awarded under subsection (b) shall be used
to—

(1) study of management and operations stand-
ards for law enforcement agencies, including stand-
ards relating to administrative due process, resi-
dency requirements, compensation and benefits, use
of force, racial profiling, early warning systems, ju-
venile justice, school safety, civilian review boards or
analogous procedures, or research into the effective-
ness of existing programs, projects, or other activi-
ties designed to address misconduct by law enforce-
ment officers;

(2) to develop pilot programs and implement ef-
fective standards and programs in the areas of train-
ing, hiring and recruitment, and oversight that are
designed to improve management and address mis-
conduct by law enforcement officers.
(d) COMPONENTS OF PILOT PROGRAM.—A pilot programa
gram developed under subsection (c)(2) shall include the
following:

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

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

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

(C) disproportionate minority contact by
law enforcement;

(D) tactical and defensive strategy;

(E) arrests, searches, and restraint;

(F) professional verbal communications
with civilians;

(G) interactions with youth, the mentally
ill, limited English proficiency, and multi-cul-
tural communities;

(H) proper traffic, pedestrian, and other
enforcement stops; and
(I) community relations and bias awareness.

(2) Recruitment, hiring, retention, and promotion of diverse law enforcement officers.—Policies, procedures, and practices for—

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

(B) the development of selection, promotion, educational, background, and psychological standards that comport with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); and

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

(3) Oversight.—Complaint procedures, including the establishment of civilian review boards or analogous procedures for jurisdictions across a range of sizes and agency configurations, complaint procedures by community-based organizations, early warning systems and related intervention programs, video monitoring technology, data collection and transparency, and administrative due process re-
quirements inherent to complaint procedures for members of the public and law enforcement.

(4) JUVENILE JUSTICE AND SCHOOL SAFETY.—The development of uniform standards on juvenile justice and school safety, including standards relating to interaction and communication with juveniles, physical contact, use of lethal and nonlethal force, notification of a parent or guardian, interviews and questioning, custodial interrogation, audio and video recording, conditions of custody, alternatives to arrest, referral to child protection agencies, and removal from school grounds or campus.

(5) VICTIM SERVICES.—Counseling services, including psychological counseling, for individuals and communities impacted by law enforcement misconduct.

(e) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Attorney General may provide technical assistance to States and community-based organizations in furtherance of the purposes of this section.

(2) MODELS FOR REDUCTION OF LAW ENFORCEMENT MISCONDUCT.—The technical assistance provided by the Attorney General may include the development of models for States and community-
based organizations to reduce law enforcement officer misconduct. Any development of such models shall be in consultation with community-based organizations.

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

(g) APPLICATION.—

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

(2) APPROVAL.—A grant may not be made under this section unless an application has been submitted to, and approved by, the Attorney General.

(h) PERFORMANCE EVALUATION.—

(1) MONITORING COMPONENTS.—

(A) IN GENERAL.—Each program, project, or activity funded under this section shall contain a monitoring component, which shall be developed pursuant to guidelines established by the Attorney General.

(B) REQUIREMENT.—Each monitoring component required under subparagraph (A)
shall include systematic identification and collection of data about activities, accomplishments, and programs throughout the life of the program, project, or activity and presentation of such data in a usable form.

(2) EVALUATION COMPONENTS.—

(A) IN GENERAL.—Selected grant recipients shall be evaluated on the local level or as part of a national evaluation, pursuant to guidelines established by the Attorney General.

(B) REQUIREMENTS.—An evaluation conducted under subparagraph (A) may include independent audits of police behavior and other assessments of individual program implementations. In selected jurisdictions that are able to support outcome evaluations, the effectiveness of funded programs, projects, and activities may be required.

(3) PERIODIC REVIEW AND REPORTS.—The Attorney General may require a grant recipient to submit biannually to the Attorney General the results of the monitoring and evaluations required under paragraphs (1) and (2) and such other data and information as the Attorney General determines to be necessary.
(i) Revocation or Suspension of Funding.—If the Attorney General determines, as a result of monitoring under subsection (h) or otherwise, that a grant recipient under the Byrne grant program or under subsection (b) is not in substantial compliance with the requirements of this section, the Attorney General may revoke or suspend funding of that grant, in whole or in part.

(j) Civilian Review Board Defined.—In this section, the term “civilian review board” means an administrative entity that—

(1) is independent and adequately funded;

(2) has investigatory authority and staff subpoena power;

(3) has representative community diversity;

(4) has policy making authority;

(5) provides advocates for civilian complainants;

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

(7) conducts statistical studies on prevailing complaint trends.

(k) Authorization of Appropriations.—There are authorized to be appropriated to the Attorney General $25,000,000 for fiscal year 2020 to carry out the grant program authorized under subsection (b).
SEC. 115. ATTORNEY GENERAL TO CONDUCT STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Attorney General shall conduct a nationwide study of the prevalence and effect of any law, rule, or procedure that allows a law enforcement officer to delay the response to questions posed by a local internal affairs officer, or review board on the investigative integrity and prosecution of law enforcement misconduct, including pre-interview warnings and termination policies.

(2) INITIAL ANALYSIS.—The Attorney General shall perform an initial analysis of existing State statutes to determine whether, at a threshold level, the effect of this type of rule or procedure raises material investigatory issues that could impair or hinder a prompt and thorough investigation of possible misconduct, including criminal conduct, that would justify a wider inquiry.

(3) DATA COLLECTION.—After completion of the initial analysis under paragraph (2), and considering material investigatory issues, the Attorney General shall gather additional data nationwide on similar rules from a representative and statistically significant sample of jurisdictions, to determine whether such rules and procedures raise such material investigatory issues.
(b) REPORTING.—

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

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

(B) make the report submitted under subparagraph (A) available to the public; and

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

(2) DATA COLLECTED.—Not later than 2 years after the date of the enactment of this Act, the Attorney General shall submit to Congress a report containing the results of the data collected under this section and publish the report in the Federal Register.

SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

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

(1) $25,000,000 for additional expenses relating to the enforcement of section 210401 of the Violent Crime Control and Law Enforcement Act of
1994 (34 U.S.C. 12601), criminal enforcement under sections 241 and 242 of title 18, United States Code, and administrative enforcement by the Department of Justice, including compliance with consent decrees or judgments entered into under such section 210401; and

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

SEC. 117. NATIONAL TASK FORCE ON LAW ENFORCEMENT OVERSIGHT.

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

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

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

(2) The Criminal Section of the Civil Rights Division.

(3) The Federal Coordination and Compliance Section of the Civil Rights Division.
(4) The Employment Litigation Section of the Civil Rights Division.

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

(6) The Office of Justice Programs.

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

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

(9) The Community Relations Service.

(10) The Office of Tribal Justice.

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

(c) POWERS AND DUTIES.—The Task Force shall consult with professional law enforcement associations, labor organizations, and community-based organizations to coordinate the process of the detection and referral of complaints regarding incidents of alleged law enforcement misconduct.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each fiscal year to carry out this section.
SEC. 118. FEDERAL DATA COLLECTION ON LAW ENFORCEMENT PRACTICES.

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

(b) BREAKDOWN OF INFORMATION BY RACE, ETHNICITY, AND GENDER.—For each practice enumerated in subsection (e), the reporting law enforcement agency shall provide a breakdown of the numbers of incidents of that practice by race, ethnicity, age, and gender of the officers and employees of the agency and of members of the public involved in the practice.

(c) PRACTICES TO BE REPORTED ON.—The practices to be reported on are the following:

(1) Traffic violation stops.

(2) Pedestrian stops.

(3) Frisk and body searches.

(4) Instances where officers or employees of the law enforcement agency used deadly force, including—

(A) a description of when and where deadly force was used, and whether it resulted in death;

(B) a description of deadly force directed against an officer or employee and whether it resulted in injury or death; and
(C) the law enforcement agency's justification for use of deadly force, if the agency determines it was justified.

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

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

(1) IN GENERAL.—For any fiscal year, a State shall not receive any amount that would otherwise be allocated to that State under section 505(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10156(a)), or any amount from any other law enforcement assistance program of the Department of Justice, unless the State has ensured, to the satisfaction of the Attorney General, that the State and each local law enforcement agency of the State is in substantial compliance with the requirements of this section.

(2) REALLOCATION.—Amounts not allocated by reason of this subsection shall be reallocated to States not disqualified by failure to comply with this section.
34  (f) REGULATIONS.—The Attorney General shall pre-
scribe regulations to carry out this section.

TITLE II—POLICING TRANSPARENCY THROUGH DATA
Subtitle A—National Police
Misconduct Registry

SEC. 201. ESTABLISHMENT OF NATIONAL POLICE MIS-
CONDUCT REGISTRY.

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

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

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

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

(B) complaints that are pending review,
disaggregated by whether the complaint in-
volved a use of force; and
35 (C) complaints for which the law enforce-
ment officer was exonerated or that were deter-
mimed to be unfounded or not sustained, disaggregated by whether the complaint in-
volved a use of force.

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

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

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

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

15 (d) FEDERAL AGENCY REPORTING REQUIRE-
MENTS.—Not later than 360 days after the date of enact-
ment of this Act, and every 180 days thereafter, the head of each Federal law enforcement agency shall submit to the Attorney General the information described in sub-
section (b).

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

(c) PUBLIC AVAILABILITY OF REGISTRY.—

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

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

SEC. 202. CERTIFICATION REQUIREMENTS FOR HIRING OF LAW ENFORCEMENT OFFICERS.

Beginning in the first fiscal year beginning after the date of enactment of this Act, a State or other jurisdiction may not receive funds under the Byrne grant program for a fiscal year if, on the day before the first day of the fiscal year, the State or other jurisdiction has not submitted to the National Police Misconduct Registry established under section 201 records demonstrating that all law enforcement officers of the State or other jurisdiction have completed all State certification requirements during the 1-year period preceding the fiscal year.
Subtitle B—PRIDE Act

SEC. 221. SHORT TITLE.

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

SEC. 222. DEFINITIONS.

In this subtitle:

(1) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

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

(3) SCHOOL.—The term “school” means an elementary school or secondary school (as those terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).

(4) SCHOOL RESOURCE OFFICER.—The term “school resource officer” means a sworn law enforcement officer who is—

(A) assigned by the employing law enforcement agency to a local educational agency or school;
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(B) contracting with a local educational
agency or school; or

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

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

SEC. 223. USE OF FORCE REPORTING.

(a) REPORTING REQUIREMENTS.—

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

(A) report to the Attorney General, on a
quarterly basis and pursuant to guidelines es-
established by the Attorney General, information
regarding—

(i) any incident involving the shooting
of a civilian by a local law enforcement of-
fi cer who is employed by the State or by
a unit of local government in the State;
(ii) any incident involving the shooting
of a local law enforcement officer described
in clause (i) by a civilian;

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

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

(v) deaths in custody; and

(vi) arrests and bookings.

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

(C) submit to the Attorney General a plan
for the collection of data required to be re-
ported under this section, including any modi-
fications to a previously submitted data collec-
tion plan.

(2) REPORT INFORMATION REQUIRED.—

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

(i) the national origin, sex, race, eth-
nicity, age, disability, 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;

(vi) a description of any injuries sustained as a result of the incident;

(vii) the number of officers involved in the incident;

(viii) the number of civilians involved in the incident; and

(ix) a brief description regarding the circumstances surrounding the incident, which shall include information on—
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(I) the type of force used by all involved persons;

(II) the legitimate police objective necessitating the use of force;

(III) the resistance encountered by each local law enforcement officer involved in the incident;

(IV) the efforts by local law enforcement officers to—

(aa) de-escalate the situation in order to avoid the use of force;

or

(bb) minimize the level of force used; and

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

(B) INCIDENTS REPORTED UNDER DEATH IN CUSTODY REPORTING ACT.—A State is not required to include in a report under subsection (a)(1) an incident reported by the State in accordance with section 20104(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12104(a)(2)).
(3) AUDIT OF USE-OF-FORCE REPORTING.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, each State and Indian Tribe described in paragraph (1) shall—

(A) conduct an audit of the use of force incident reporting system required to be established under paragraph (1)(B); and

(B) submit a report to the Attorney General on the audit conducted under subparagraph (A).

(4) COMPLIANCE PROCEDURE.—Prior to submitting a report under paragraph (1)(A), the State submitting such report shall compare the information compiled to be reported pursuant to clause (i) of paragraph (1)(A) to open-source data records, and shall revise such report to include any incident determined to be missing from the report based on such comparison. Failure to comply with the procedures described in the previous sentence shall be considered a failure to comply with the requirements of this section.

(b) INELIGIBILITY FOR FUNDS.—

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

(2) REALLOCATION.—Amounts not allocated under a Byrne grant program in accordance with paragraph (1) to a State for failure to comply with this section shall be reallocated under the Byrne grant program to States that have not failed to comply with this section.

(3) INFORMATION REGARDING SCHOOL RESOURCE OFFICERS.—The State shall ensure that all schools and local educational agencies within the jurisdiction of the State provide the State with the information needed regarding school resource officers to comply with this section.

(c) PUBLIC AVAILABILITY OF DATA.—

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

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

(d) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in coordination with the Director of the Federal Bureau of Investigation, shall issue guidance on best practices relating to establishing standard data collection systems that capture the information required to be reported under subsection (a)(2), which shall include standard and consistent definitions for terms, including the term “use of force” which is consistent with the definition of such term in section 222.

SEC. 224. USE OF FORCE DATA REPORTING.

(a) TECHNICAL ASSISTANCE GRANTS AUTHORIZED.—The Attorney General may make grants to eligible law enforcement agencies to be used for the activities described in subsection (c).

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

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

(2) employ not more that 100 local or tribal law enforcement officers;
(3) demonstrate that the use of force policy for
local law enforcement officers employed by the law
enforcement agency is publicly available; and

(4) establish and maintain a complaint system
that—

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

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

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

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

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

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

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

(4) use of force training for law enforcement agencies and personnel, including training on de-escalation, implicit bias, crisis intervention techniques, and adolescent development.

SEC. 225. COMPLIANCE WITH REPORTING REQUIREMENTS.

(a) In General.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Attorney General shall conduct an audit and review of the information provided under this subtitle to determine whether each State described in section 223(a)(1) is in compliance with the requirements of this subtitle.

(b) Consistency in Data Reporting.—

(1) In General.—Any data reported under this subtitle shall be collected and reported—

(A) in a manner consistent with existing programs of the Department of Justice that collect data on local law enforcement officer encounters with civilians; and

(B) in a manner consistent with civil and human rights laws for distribution of information to the public.
(2) GUIDELINES.—Not later than 1 year after
the date of enactment of this Act, the Attorney Gen-
eral shall—

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

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

SEC. 226. FEDERAL LAW ENFORCEMENT REPORTING.

The head of each Federal law enforcement agency
shall submit to the Attorney General, on a quarterly basis
and pursuant to guidelines established by the Attorney
General, the information required to be reported by a
State or Indian Tribe under section 223.

SEC. 227. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attor-
ey General such sums as are necessary to carry out this
subtitle.

TITLE III—IMPROVING POLICE TRAINING AND POLICIES
Subtitle A—End Racial and Religious Profiling Act

SEC. 301. SHORT TITLE.

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

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SEC. 302. DEFINITIONS.

In this subtitle:

(1) COVERED PROGRAM.—The term "covered program" means any program or activity funded in whole or in part with funds made available under—

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

   and

   (B) the "Cops on the Beat" program under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381 et seq.), except that no program, project, or other activity specified in section 1701(b)(13) of such part shall be a covered program under this paragraph.

(2) GOVERNMENTAL BODY.—The term "governmental body" means any department, agency, special purpose district, or other instrumentality of Federal, State, local, or Indian Tribal government.

(3) HIT RATE.—The term "hit rate" means the percentage of stops and searches in which a law enforcement officer finds drugs, a gun, or something else that leads to an arrest. The hit rate is calculated by dividing the total number of searches by
the number of searches that yield contraband. The hit rate is complementary to the rate of false stops.

(4) LAW ENFORCEMENT AGENCY.—The term “law enforcement agency” means any Federal, State, or local public agency engaged in the prevention, detection, or investigation of violations of criminal, immigration, or customs laws.

(5) LAW ENFORCEMENT AGENT.—The term “law enforcement agent” means any Federal, State, or local official responsible for enforcing criminal, immigration, or customs laws, including police officers and other agents of a law enforcement agency.

(6) RACIAL PROFILING.—

(A) IN GENERAL.—The term “racial profiling” means the practice of a law enforcement agent or agency relying, to any degree, on actual or perceived race, ethnicity, national origin, religion, gender, gender identity, or sexual orientation in selecting which individual to subject to routine or spontaneous investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial investigatory procedure, except when there is trustworthy information, relevant to the locality and timeframe, that links a person with
a particular characteristic described in this paragraph to an identified criminal incident or scheme.

(B) EXCEPTION.—For purposes of subparagraph (A), a Tribal law enforcement officer exercising law enforcement authority within Indian country, as that term is defined in section 1151 of title 18, United States Code, is not considered to be racial profiling with respect to making key jurisdictional determinations that are necessarily tied to reliance on actual or perceived race, ethnicity, or tribal affiliation.

(7) ROUTINE OR SPONTANEOUS INVESTIGATORY ACTIVITIES.—The term “routine or spontaneous investigatory activities” means the following activities by a law enforcement agent:

(A) Interviews.

(B) Traffic stops.

(C) Pedestrian stops.

(D) Frisks and other types of body searches.

(E) Consensual or nonconsensual searches of the persons, property, or possessions (including vehicles) of individuals using any form of
public or private transportation, including motorists and pedestrians.

(F) Data collection and analysis, assessments, and predicated investigations.

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

(H) Immigration-related workplace investigations.

(I) Such other types of law enforcement encounters compiled for or by the Federal Bureau of Investigation or the Department of Justice Bureau of Justice Statistics.

(8) REASONABLE REQUEST.—The term "reasonable request" means all requests for information, except for those that—

(A) are immaterial to the investigation;

(B) would result in the unnecessary disclosure of personal information; or

(C) would place a severe burden on the resources of the law enforcement agency given its size.

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

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

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

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

(i) is established under applicable
State law; and

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

PART I—PROHIBITION OF RACIAL PROFILING

SEC. 311. PROHIBITION.

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

SEC. 312. ENFORCEMENT.

(a) REMEDY.—The United States, or an individual
injured by racial profiling, may enforce this part in a civil
action for declaratory or injunctive relief, filed either in
a State court of general jurisdiction or in a district court
of the United States.
(b) PARTIES.—In any action brought under this part, relief may be obtained against—

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

(2) any agent of such body who engaged in racial profiling; and

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

(e) NATURE OF PROOF.—Proof that the routine or spontaneous investigatory activities of law enforcement agents in a jurisdiction have had a disparate impact on individuals with a particular characteristic described in section 302(6) shall constitute prima facie evidence of a violation of this part.

(d) ATTORNEY’S FEES.—In any action or proceeding to enforce this part against any governmental body, the court may allow a prevailing plaintiff, other than the United States, reasonable attorney’s fees as part of the costs, and may include expert fees as part of the attorney’s fee.
PART II—PROGRAMS TO ELIMINATE RACIAL PROFILING BY FEDERAL LAW ENFORCEMENT AGENCIES

SEC. 321. POLICIES TO ELIMINATE RACIAL PROFILING.

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

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

(2) cease existing practices that permit racial profiling.

(b) POLICIES.—The policies and procedures described in subsection (a)(1) shall include—

(1) a prohibition on racial profiling;

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

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

(4) procedures for receiving, investigating, and responding meaningfully to complaints alleging racial profiling by law enforcement agents; and

(5) any other policies and procedures the Attorney General determines to be necessary to eliminate racial profiling by Federal law enforcement agencies.
PART III—PROGRAMS TO ELIMINATE RACIAL PROFILING BY STATE AND LOCAL LAW ENFORCEMENT AGENCIES

SEC. 331. POLICIES REQUIRED FOR GRANTS.

(a) In General.—An application by a State, a unit of local government, or a State or local law enforcement agency for funding under a covered program shall include a certification that such State, unit of local government, or law enforcement agency, and any law enforcement agency to which it will distribute funds—

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

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

(b) Policies.—The policies and procedures described in subsection (a)(1) shall include—

(1) a prohibition on racial profiling;

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

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

(4) participation in an administrative complaint procedure or independent audit program that meets the requirements of section 332.
(c) **EFFECTIVE DATE.**—This section shall take effect 12 months after the date of enactment of this Act.

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

(a) **REGULATIONS.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act and in consultation with stakeholders, including Federal, State, and local law enforcement agencies and community, professional, research, and civil rights organizations, the Attorney General shall issue regulations for the operation of administrative complaint procedures and independent audit programs to ensure that such programs and procedures provide an appropriate response to allegations of racial profiling by law enforcement agents or agencies.

(2) **GUIDELINES.**—The regulations issued under paragraph (1) shall contain guidelines that ensure the fairness, effectiveness, and independence of the administrative complaint procedures and independent auditor programs.

(b) **NONCOMPLIANCE.**—If the Attorney General determines that the recipient of a grant from any covered program is not in compliance with the requirements of section 331 or the regulations issued under subsection (a), the Attorney General shall withhold, in whole or in part
(at the discretion of the Attorney General), funds for one
or more grants to the recipient under the covered pro-
gram, until the recipient establishes compliance.

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

SEC. 333. DATA COLLECTION DEMONSTRATION PROJECT.

(a) TECHNICAL ASSISTANCE GRANTS FOR DATA
COLLECTION.—

(1) IN GENERAL.—The Attorney General may,
through competitive grants or contracts, carry out a
2-year demonstration project for the purpose of de-
veloping and implementing data collection programs
on the hit rates for stops and searches by law en-
forcement agencies. The data collected shall be
disaggregated by race, ethnicity, national origin,
gender, and religion.

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

(3) ELIGIBLE GRANTEES.—Grants or contracts
under this section shall be awarded to law enforce-
ment agencies that serve communities where there is
a significant concentration of racial or ethnic minorities and that are not already collecting data voluntarily.

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

(1) developing a data collection tool and reporting the compiled data to the Attorney General; and

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

(c) EVALUATION.—Not later than 3 years after the date of enactment of this Act, the Attorney General shall enter into a contract with an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) to analyze the data collected by each of the grantees funded under this section.

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

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

(2) $500,000 to carry out the evaluation under subsection (c).
SEC. 334. DEVELOPMENT OF BEST PRACTICES.

(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 114, is amended by adding at the end the following:

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

(b) Development of Best Practices.—Grant amounts described in paragraph (9) of section 502(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10153(a)), as added by subsection (a) of this section, shall be for programs that include the following purposes:

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

(2) The acquisition and use of technology to facilitate the accurate collection and analysis of data.

(3) The development and acquisition of feedback systems and technologies that identify officers
or units of officers engaged in, or at risk of engaging in, racial profiling or other misconduct.

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

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

There are authorized to be appropriated to the Attorney General such sums as are necessary to carry out this part.

**PART IV—DATA COLLECTION**

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

(a) Regulations.—Not later than 6 months after the date of enactment of this Act, the Attorney General, in consultation with stakeholders, including Federal, State, and local law enforcement agencies and community, professional, research, and civil rights organizations, shall issue regulations for the collection and compilation of data under sections 321 and 331.

(b) Requirements.—The regulations issued under subsection (a) shall—

(1) provide for the collection of data on all routine or spontaneous investigatory activities;

(2) provide that the data collected shall—

(A) be collected by race, ethnicity, national origin, gender, disability, and religion;
(B) include the date, time, and location of such investigatory activities;

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

(D) not include personally identifiable information;

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

(4) provide that law enforcement agencies shall compile data on the standardized form made available under paragraph (3), and submit the form to the Civil Rights Division and the Department of Justice Bureau of Justice Statistics;

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

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

(7) provide that the Department of Justice Bureau of Justice Statistics shall—
(A) analyze the data for any statistically significant disparities, including—

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

(ii) disparities in the hit rate; and

(iii) disparities in the frequency of searches performed on racial or ethnic minority drivers and the frequency of searches performed on nonminority drivers;

and

(B) not later than 3 years after the date of enactment of this Act, and annually thereafter—

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

(ii) provide such report to Congress; and

(iii) make such report available to the public, including on a website of the Department of Justice, and in accordance with accessibility standards under the
Americans with Disabilities Act of 1990
(42 U.S.C. 12101 et seq.); and
(8) protect the privacy of individuals whose
data is collected by—
   (A) limiting the use of the data collected
under this subtitle to the purposes set forth in
this subtitle;
   (B) except as otherwise provided in this
subtitle, limiting access to the data collected
under this subtitle to those Federal, State, or
local employees or agents who require such ac-
cess in order to fulfill the purposes for the data
set forth in this subtitle;
   (C) requiring contractors or other non-
governmental agents who are permitted access
to the data collected under this subtitle to sign
use agreements incorporating the use and dis-
closure restrictions set forth in subparagraph
(A); and
   (D) requiring the maintenance of adequate
security measures to prevent unauthorized ac-
cess to the data collected under this subtitle.

SEC. 342. PUBLICATION OF DATA.
The Department of Justice Bureau of Justice Statis-
tics shall provide to Congress and make available to the
public, together with each annual report described in section 341, the data collected pursuant to this subtitle, excluding any personally identifiable information described in section 343.

SEC. 343. LIMITATIONS ON PUBLICATION OF DATA.

The name or identifying information of a law enforcement officer, complainant, or any other individual involved in any activity for which data is collected and compiled under this subtitle shall not be—

(1) released to the public;
(2) disclosed to any person, except for—
    (A) such disclosures as are necessary to comply with this subtitle;
    (B) disclosures of information regarding a particular person to that person; or
    (C) disclosures pursuant to litigation; or
(3) subject to disclosure under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), except for disclosures of information regarding a particular person to that person.
PART V—DEPARTMENT OF JUSTICE REGULATIONS AND REPORTS ON RACIAL PROFILING IN THE UNITED STATES

SEC. 351. ATTORNEY GENERAL TO ISSUE REGULATIONS AND REPORTS.

(a) REGULATIONS.—In addition to the regulations required under sections 333 and 341, the Attorney General shall issue such other regulations as the Attorney General determines are necessary to implement this subtitle.

(b) REPORTS.—

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

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

(A) a summary of data collected under sections 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 INTERVEN.

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

(b) Mandatory training for Federal law enforcement officers.—The head of each Federal law enforcement agency shall require each Federal law en-
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forcement officer employed by the agency to complete the
training programs established under subsection (a).

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

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

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

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

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

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

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

SEC. 383. INCENTIVIZING BANNING OF CHOKEHOLDS AND
CAROTID HOLDS.

(a) DEFINITION.—In this section, the term
“chokehold or carotid hold” means the application of any
pressure to the throat or windpipe, the use of maneuvers
that restrict blood or oxygen flow to the brain, or carotid
artery restraints that prevent or hinder breathing or re-
duce intake of air of an individual.
(b) LIMITATION ON ELIGIBILITY FOR FUNDS.—Beginning in the first fiscal year beginning after the date of enactment of this Act, a State or local jurisdiction may not receive funds under the Byrne grant program or the COPS grant program for a fiscal year if, on the day before the first day of the fiscal year, the State or other jurisdiction does not have in effect a law that prohibits law enforcement officers in the State or other jurisdiction from using a chokehold or carotid hold.

(e) CHOKEHOLDS AS CIVIL RIGHTS VIOLATIONS.—Section 242 of title 18, United States Code, as amended by section 101, is amended by adding at the end the following: “For the purposes of this section, the application of any pressure to the throat or windpipe, use of maneuvers that restrict blood or oxygen flow to the brain, or carotid artery restraints which prevent or hinder breathing or reduce intake of air is a punishment, pain, or penalty.”

SEC. 364. PEACE ACT.

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

(b) USE OF FORCE BY FEDERAL LAW ENFORCEMENT OFFICERS.—

(1) DEFINITIONS.—In this subsection:
(A) **DEADLY FORCE.**—The term “deadly force” means force that creates a substantial risk of causing death or serious bodily injury, including—

(i) the discharge of a firearm;  

(ii) a maneuver that restricts blood or oxygen flow to the brain, including chokholds, strangleholds, neck restraints, neckholds, and carotid artery restraints; and

(iii) multiple discharges of an electronic control weapon.

(B) **DEECALEATION TACTICS AND TECHNIQUES.**—The term “deescalation tactics and techniques” means proactive actions and approaches used by a Federal law enforcement officer to stabilize the situation so that more time, options, and resources are available to gain a person’s voluntary compliance and reduce or eliminate the need to use force, including verbal persuasion, warnings, tactical techniques, slowing down the pace of an incident, waiting out a subject, creating distance between the officer and the threat, and requesting additional resources to resolve the incident.
(C) FEDERAL LAW ENFORCEMENT OFFICER.—The term “Federal law enforcement officer” means any officer, agent, or employee of the United States authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of Federal criminal law.

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

(E) NECESSARY.—The term “necessary” means that another reasonable Federal law enforcement officer would objectively conclude, under the totality of the circumstances, that there was no reasonable alternative to the use of force.

(F) REASONABLE ALTERNATIVES.—

(i) IN GENERAL.—The term “reasonable alternatives” means tactics and methods used by a Federal law enforcement officer to effectuate an arrest that do not unreasonably increase the risk posed to the law enforcement officer or another person, including verbal communication, distance, warnings, deescalation tactics and tech-
niques, tactical repositioning, and other
tactics and techniques intended to stabilize
the situation and reduce the immediacy of
the risk so that more time, options, and re-
sources can be called upon to resolve the
situation without the use of force.

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

(G) TOTALITY OF THE CIRCUMSTANCES.—
The term “totality of the circumstances” means
all credible facts known to the Federal law en-
forcement officer leading up to and at the time
of the use of force, including the actions of the
person against whom the Federal law enforce-
ment officer uses such force and the actions of
the Federal law enforcement officer.

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

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

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

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

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

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

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

(4) REQUIREMENT TO GIVE VERBAL WARN-
ing.—When feasible, prior to using force against a
person, a Federal law enforcement officer shall iden-
tify himself or herself as a Federal law enforcement
officer, and issue a verbal warning to the person
that the Federal law enforcement officer seeks to ap-
prehend, which shall—
(A) include a request that the person surrender to the law enforcement officer; and

(B) notify the person that the law enforcement officer will use force against the person if the person resists arrest or flees.

(5) GUIDANCE ON USE OF FORCE.—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, victims of police use of force, and representatives of law enforcement associations, shall provide guidance to Federal law enforcement agencies on—

(A) the types of less lethal force and deadly force that are prohibited under paragraphs (2) and (3); and

(B) how a Federal law enforcement officer can—

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

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

(I) pregnant individuals;
(II) children and youth under 21 years of age;

(III) elderly persons;

(IV) persons with mental, behavioral, or physical disabilities or impairments;

(V) persons experiencing perceptual or cognitive impairments due to use of alcohol, narcotics, hallucinogens, or other drugs;

(VI) persons suffering from a serious medical condition; and

(VII) persons with limited English proficiency.

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

(7) LIMITATION ON JUSTIFICATION DEFENSE.—

(A) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:
§1123. Limitation on justification defense for Federal law enforcement officers

(a) In general.—It is not a defense to an offense under section 1111 or 1112 that the use of less lethal force or deadly force was justified in the case of a Federal law enforcement officer—

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

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

(b) Definitions.—In this section—

(1) the terms ‘deadly force’ and ‘less lethal force’ have the meanings given such terms in section 2 of the Police Exercising Absolute Care With Everyone Act of 2020; and

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

(B) Clerical amendment.—The table of sections for chapter 51 of title 18, United States Code, is amended by inserting after the item related to section 1122 the following:

“1123. Limitation on justification defense for Federal law enforcement officers.”
(c) LIMITATION ON THE RECEIPT OF FUNDS UNDER THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM.—

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

(2) SUBSEQUENT ENACTMENT.—

(A) IN GENERAL.—If funds described in paragraph (1) are withheld from a State or other jurisdiction pursuant to paragraph (1) for 1 or more fiscal years, and the State or other jurisdiction enacts or puts in place a law described 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 jurisdictions on the criteria that the Attorney General will use in determining whether the State or jurisdiction has in place a law described in paragraph (1).
(4) APPLICATION.—This subsection shall apply to the first fiscal year that begins after the date that is 1 year after the date of the enactment of this Act, and each fiscal year thereafter.

SEC. 365. STOP MILITARIZING LAW ENFORCEMENT ACT.

(a) FINDINGS.—Congress makes the following findings:

(1) Under section 2576a of title 10, United States Code, the Department of Defense is authorized to provide excess property to local law enforcement agencies. The Defense Logistics Agency, administers such section by operating the Law Enforcement Support Office program.

(2) New and used material, including mine-resistant ambush-protected vehicles and weapons determined by the Department of Defense to be “military grade” are transferred to Federal, Tribal, State, and local law enforcement agencies through the program.

(3) As a result local law enforcement agencies, including police and sheriff’s departments, are acquiring this material for use in their normal operations.

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

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

(6) More than $6,800,000,000 worth of weapons
and equipment have been transferred to police
organizations in all 50 States and four territories
through the program.

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

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

(9) On January 16, 2015, President Barack
Obama issued Executive Order 13688 to better co-
ordinate and regulate the federal transfer of military
weapons and equipment to State, local, and Tribal
law enforcement agencies.

(10) In July, 2017, the Government Account-
bility Office reported that the program’s internal
controls were inadequate to prevent fraudulent applicants’ access to the program.


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

(13) The Department of Defense categorizes equipment eligible for transfer under the 1033 program as “controlled” and “un-controlled” equipment. “Controlled equipment” includes weapons, explosives such as flash-bang grenades, mine-resistant ambush-protected vehicles, long-range acoustic devices, aircraft capable of being modified to carry armament that are combat coded, and silencers, among other military grade items.

(b) LIMITATION ON DEPARTMENT OF DEFENSE TRANSFER OF PERSONAL PROPERTY TO LOCAL LAW ENFORCEMENT AGENCIES.
(1) IN GENERAL.—Section 2576a of title 10,
United States Code, is amended—
(A) in subsection (a)—
   (i) in paragraph (1)(A), by striking
   “counterdrug, counterterrorism, and border security activities” and inserting
   “counterterrorism”; and
   (ii) in paragraph (2), by striking “, the Director of National Drug Control
       Policy,”;
(B) in subsection (b)—
(i) in paragraph (5), by striking
“and” at the end;
(ii) in paragraph (6), by striking the
period and inserting a semicolon; and
(iii) by adding at the end the following new paragraphs:
“(7) the recipient submits to the Department of
Defense a description of how the recipient expects to
use the property;
“(8) the recipient certifies to the Department of
Defense that if the recipient determines that the
property is surplus to the needs of the recipient, the
recipient will return the property to the Department
of Defense;
“(9) with respect to a recipient that is not a Federal agency, the recipient certifies to the Department of Defense that the recipient notified the local community of the request for personal property under this section by—

“(A) publishing a notice of such request on a publicly accessible Internet website;

“(B) posting such notice at several prominent locations in the jurisdiction of the recipient; and

“(C) ensuring that such notices were available to the local community for a period of not less than 30 days; and

“(10) the recipient has received the approval of the city council or other local governing body to acquire the personal property sought under this section.”;

(C) by striking subsection (d);

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

(E) by inserting after subsection (e) the following new subsections:

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

“(A) has provided to the Secretary documentation accounting for all controlled property, including arms and ammunition, that the Secretary has transferred to the agency, including any item described in subsection (f) so transferred before the date of the enactment of the Stop Militarizing Law Enforcement Act; and

“(B) with respect to a non-Federal agency, carried out each of paragraphs (5) through (8) of subsection (b).

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

“(e) ANNUAL REPORT ON EXCESS PROPERTY.—Before making any property available for transfer under this section, the Secretary shall annually submit to Congress a description of the property to be transferred together with a certification that the transfer of the property would not violate this section or any other provision of law.

“(f) LIMITATIONS ON TRANSFERS.—(1) The Secretary may not transfer to Federal, Tribal, State, or local law enforcement agencies the following under this section:
“(A) Controlled firearms, ammunition, bayonets, grenade launchers, grenades (including stun and flash-bang) and explosives.

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

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

“(D) Controlled aircraft that—

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

“(ii) have no established commercial flight application.

“(E) Silencers.

“(F) Long-range acoustic devices.

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

“(2) The Secretary may not require, as a condition of a transfer under this section, that a Federal or State agency demonstrate the use of any small arms or ammunition.

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

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

icle.

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

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

“(ii) require, as a condition of the waiver, that
the recipient of the vehicle for which the waiver is
issued provides public notice of the waiver and the
transfer, including the type of vehicle and the pur-
pose for which it is transferred, in the jurisdiction
where the recipient is located by not later than 30
days after the date on which the waiver is issued.

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

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

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

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

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

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

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

“(B) been suspended from the program
pursuant to paragraph (4);
“(2) with respect to each non-Federal agency that has received controlled property under this section, the State coordinator responsible for each such agency has verified that the coordinator or an agent of the coordinator has conducted an in-person inventory of the property transferred to the agency and that 100 percent of such property was accounted for during the inventory or that the agency has been suspended from the program pursuant to paragraph (4);

“(3) with respect to each Federal agency that has received controlled property under this section, the Secretary of Defense or an agent of the Secretary has conducted an in-person inventory of the property transferred to the agency and that 100 percent of such property was accounted for during the inventory or that the agency has been suspended from the program pursuant to paragraph (4);

“(4) the eligibility of any agency that has received controlled property under this section for which 100 percent of the property was not accounted for during an inventory described in paragraph (1) or (2), as applicable, to receive any property transferred under this section has been suspended; and
“(5) each State coordinator has certified, for each non-Federal agency located in the State for which the State coordinator is responsible that—

“(A) the agency has complied with all requirements under this section; or

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

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

“(A) the agency has complied with all requirements under this section; or

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

“(h) PROHIBITION ON OWNERSHIP OF CONTROLLED PROPERTY.—A Federal or State agency that receives controlled property under this section may never take ownership of the property.

“(i) NOTICE TO CONGRESS OF PROPERTY DOWNGRADES.—Not later than 30 days before downgrading the classification of any item of personal property from controlled or Federal Supply Class, the Secretary shall submit to Congress notice of the proposed downgrade.
“(j) Notice to Congress of Property Cannibalization.—Before the Defense Logistics Agency authorizes the recipient of property transferred under this section to cannibalize the property, the Secretary shall submit to Congress notice of such authorization, including the name of the recipient requesting the authorization, the purpose of the proposed cannibalization, and the type of property proposed to be cannibalized.

“(k) Quarterly Reports on Use of Controlled Equipment.—Not later than 30 days after the last day of a fiscal quarter, the Secretary shall submit to Congress a report on any uses of controlled property transferred under this section during that fiscal quarter.

“(l) Reports to Congress.—Not later than 30 days after the last day of a fiscal year, the Secretary shall submit to Congress a report on the following for the preceding fiscal year:

“(1) The percentage of equipment lost by recipients of property transferred under this section, including specific information about the type of property lost, the monetary value of such property, and the recipient that lost the property.

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

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

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

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

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

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

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

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

“(23) to develop best practices for and to create
local task forces on policing innovation;”; and
(2) in section 1709 (34 U.S.C. 13089), as amended by section 104 of this Act, is amended by adding at the end the following:

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

(b) ATTORNEY GENERAL TO CONDUCT STUDY.—

(1) STUDY.—

(A) IN GENERAL.—The Attorney General shall conduct a nationwide study of the prevalence and effect of any law, rule, or procedure that allows a law enforcement officer to delay the response to questions posed by a local internal affairs officer, or review board on the investigative integrity and prosecution of law enforcement misconduct, including pre-interview warnings and termination policies.

(B) INITIAL ANALYSIS.—The Attorney General shall perform an initial analysis of existing State statutes to determine whether, at a threshold level, the effect of this type of rule or procedure raises material investigatory issues that could impair or hinder a prompt and thorough investigation of possible misconduct, in-
cluding criminal conduct, that would justify a wider inquiry.

(C) DATA COLLECTION.—After completion of the initial analysis under subparagraph (B), and considering material investigatory issues, the Attorney General shall gather additional data nationwide on similar rules from a representative and statistically significant sample of jurisdictions, to determine whether such rules and procedures raise such material investigatory issues.

(2) REPORTING.—

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

(i) submit to Congress a report containing the results of the initial analysis conducted under paragraph (1)(B);

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

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

(B) DATA COLLECTED.—Not later than 2 years after the date of the enactment of this
Act, the Attorney General shall submit to Congress a report containing the results of the data collected under this section and publish the report in the Federal Register.

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

“(3) In the case of crisis intervention teams funded under subsection (a)(1)(H), a program assessment under this subsection shall contain a report on best practices for crisis intervention.”.

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

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

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

(3) by inserting after paragraph (23) the following:
“(24) to recruit, hire, incentivize, retain, develop, and train new, additional career law enforcement officers or current law enforcement officers who are willing to relocate to communities—

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

“(B) that are the communities that the law enforcement officers serve, or that are in close proximity to the communities that the law enforcement officers serve;

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

“(26) to develop and publicly report strategies and timelines to recruit, hire, promote, retain, develop, and train a diverse and inclusive law enforcement workforce, consistent with merit system principles and applicable law;”.
Subtitle C—Law Enforcement Body
Cameras

PART I—FEDERAL POLICE CAMERA AND
ACCOUNTABILITY ACT

SEC. 371. SHORT TITLE.

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

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

(a) DEFINITIONS.—In this section:

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

(2) SUBJECT OF THE VIDEO FOOTAGE.—The
term “subject of the video footage”—
(A) means any identifiable uniformed offi-
cer or any identifiable suspect, victim, detainee,
conversant, injured party, or other similarly sit-
uated person who appears on the body camera
recording; and

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

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

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

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

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

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

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

(b) REQUIREMENT TO WEAR BODY CAMERA.—

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

(2) REQUIREMENT FOR BODY CAMERA.—A
body camera required under paragraph (1) shall—
A) have a field of view at least as broad
as the officer’s vision; and

B) be worn in a manner that maximizes
the camera’s ability to capture video footage of
the officer’s activities.

(c) REQUIREMENT TO ACTIVATE.—

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

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

(d) NOTIFICATION OF SUBJECT OF RECORDING.—A
uniformed officer who is wearing a body camera shall no-
tify any subject of the recording that he or she is being
recorded by a body camera as close to the inception of
the encounter as is reasonably possible.
(e) REQUIREMENTS.—Notwithstanding subsection (e), the following shall apply to the use of a body camera:

(1) Prior to entering a private residence without a warrant or in non-exigent circumstances, a uniformed officer shall ask the occupant if the occupant wants the officer to discontinue use of the officer’s body camera. If the occupant responds affirmatively, the uniformed officer shall immediately discontinue use of the body camera. The officer shall record such communication using the officer’s body camera.

(2) When interacting with an apparent crime victim, a uniformed officer shall, as soon as practicable, ask the apparent crime victim if the apparent crime victim wants the officer to discontinue use of the officer’s body camera. If the apparent crime victim responds affirmatively, the uniformed officer shall immediately discontinue use of the body camera.

(3) When interacting with a person seeking to anonymously report a crime or assist in an ongoing law enforcement investigation, a uniformed officer shall, as soon as practicable, ask the person seeking to remain anonymous, if the person seeking to remain anonymous wants the officer to discontinue use
of the officer’s body camera. If the person seeking to remain anonymous responds affirmatively, the uniformed officer shall immediately discontinue use of the body camera.

(f) RECORDING OF OFFERS TO DISCONTINUE USE OF BODY CAMERA.—Each offer of a uniformed officer to discontinue the use of a body camera made pursuant to subsection (d), and the responses thereto, shall be recorded by the body camera prior to discontinuing use of the body camera.

(g) LIMITATIONS ON USE OF BODY CAMERA.—Body cameras shall not be used to gather intelligence information based on First Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between a law enforcement officer and a member of the public, and shall not be equipped with or subjected to any real time facial recognition technologies.

(h) EXCEPTIONS.—Uniformed officers—

(1) shall not be required to use body cameras during investigative or enforcement encounters with the public in the case that—
(A) recording would risk the safety of a confidential informant, citizen informant, or undercover officer;

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

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

(2) shall not activate a body camera while on the grounds of any public, private or parochial elementary or secondary school, except when responding to an imminent threat to life or health.

(i) RETENTION OF FOOTAGE.—

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

(2) RIGHT TO INSPECT.—During the 6-month retention period described in paragraph (1), the following persons shall have the right to inspect the body camera footage:
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(A) Any person who is a subject of body camera video footage, and their designated legal counsel.

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

(C) The spouse, next of kin, or legally authorized designee of a deceased subject of body camera video footage, and their designated legal counsel.

(D) A uniformed officer whose body camera recorded the video footage, and their designated legal counsel, subject to the limitations and restrictions in this part.

(E) The superior officer of a uniformed officer whose body camera recorded the video footage, subject to the limitations and restrictions in this part.

(F) Any defense counsel who claims, pursuant to a written affidavit, to have a reasonable basis for believing a video may contain evidence that exculpates a client.

(3) LIMITATION.—The right to inspect subject to subsection (j)(1) shall not include the right to possess a copy of the body camera video footage, un-
less the release of the body camera footage is otherwise authorized by this part or by another applicable law. When a body camera fails to capture some or all of the audio or video of an incident due to malfunction, displacement of camera, or any other cause, any audio or video footage that is captured shall be treated the same as any other body camera audio or video footage under the law.

(j) ADDITIONAL RETENTION REQUIREMENTS.—Notwithstanding the retention and deletion requirements in subsection (i):

(1) Video footage shall be automatically retained for not less than 3 years if the video footage captures an interaction or event involving—

(A) any use of force; or

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

(2) Body camera video footage shall also be retained for not less than 3 years if a longer retention period is voluntarily requested by—

(A) the uniformed officer whose body camera recorded the video footage, if that officer 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
footage, or a deceased subject’s next of kin or legally au-
alyzed designee, shall be permitted to review the specific 
video footage in question in order to make a determination 
as to whether they will voluntarily request it be subjected 
to a 3-year retention period.

(1) DISCLOSURE.—

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

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

(A) Video footage not subject to a min-
imum 3-year retention period pursuant to sub-
section (j); and

(B) video footage that is subject to a min-
imum 3-year retention period solely and exclu-
sively pursuant to paragraph (1)(B) or (2) of subsection (j).

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

(4) USE OF REDACTION TECHNOLOGY.—

(A) IN GENERAL.—Whenever doing so is necessary to protect personal privacy, the right to a fair trial, the identity of a confidential source or crime victim, or the life or physical safety of any person appearing in video footage, redaction technology may be used to obscure the face and other personally identifying characteristics of that person, including the tone of the person’s voice, provided the redaction does not interfere with a viewer’s ability to fully,
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completely, and accurately comprehend the events captured on the video footage.

(B) REQUIREMENTS.—The following requirements shall apply to redactions under subparagraph (A):

(i) When redaction is performed on video footage pursuant to this paragraph, an unedited, original version of the video footage shall be retained pursuant to the requirements of subsections (i) and (j) other editing or alteration of video footage, including a reduction of the video footage’s resolution, shall be permitted.

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

(m) PROHIBITED WITHHOLDING OF FOOTAGE.—Body camera video footage may not be withheld from the public on the basis that it is an investigatory record or was compiled for law enforcement purposes where any person under investigation or whose conduct is under review is a police officer or other law enforcement employee and
the video footage relates to that person’s on-the-job conduct.

(n) ADMISSIBILITY.—Any video footage retained beyond 6 months solely and exclusively pursuant to subsection (j)(2)(D) shall not be admissible as evidence in any criminal or civil legal or administrative proceeding.

(o) CONFIDENTIALITY.—No government agency or official, or law enforcement agency, officer, or official may publicly disclose, release, or share body camera video footage unless—

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

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

(p) LIMITATION ON UNIFORMED OFFICER VIEWING OF BODY CAMERA FOOTAGE.—No uniformed officer shall review or receive an accounting of any body camera video footage that is subject to a minimum 3-year retention period pursuant to subsection (j)(1) prior to completing any required initial reports, statements, and interviews regarding the recorded event, unless doing so is necessary, while in the field, to address an immediate threat to life or safety.
(q) ADDITIONAL LIMITATIONS.—Video footage may not be—

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

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

(A) a judicial warrant providing authorization is obtained;

(B) the judicial warrant specifies the precise video recording to which the authorization applies; and

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

(3) divulged or used by any law enforcement agency for any commercial or other non-law enforcement purpose.

(r) THIRD PARTY MAINTENANCE OF FOOTAGE.—Where a law enforcement agency authorizes a third party to act as its agent in maintaining body camera footage,
the agent shall not be permitted to independently access,
view, or alter any video footage, except to delete videos
as required by law or agency retention policies.

(s) ENFORCEMENT.—

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

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

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

(C) a rebuttable evidentiary presumption
shall be adopted on behalf of civil plaintiffs
suing the government, a law enforcement agen-
cy and/or uniformed officers for damages based
on police misconduct who reasonably assert that
evidence supporting their claim was destroyed
or not captured.
(2) PROOF COMPLIANCE WAS IMPOSSIBLE.—

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

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

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

(2) a copy of the data on such body camera
shall be made in accordance with prevailing forensic
standards for data collection and reproduction; and
(3) such copied data shall be made available to
the public in accordance with subsection (l).

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

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

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

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

(a) DEFINITIONS.—In this section:

(1) AUDIO RECORDING.—The term “audio re-
cording” means the recorded conversation between
an officer and a second party.
(2) EMERGENCY LIGHTS.—The term “emergency lights” means oscillating, rotating, or flashing lights on patrol vehicles.

(3) ENFORCEMENT STOP.—The term “enforcement stop” means an action by an officer in relation to enforcement and investigation duties, including traffic stops, pedestrian stops, abandoned vehicle contacts, motorist assists, commercial motor vehicle stops, roadside safety checks, requests for identification, or responses to requests for emergency assistance.

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

(5) IN-CAR VIDEO CAMERA RECORDING EQUIPMENT.—The term “in-car video camera recording equipment” means a video camera recording system located in a patrol vehicle consisting of a camera assembly, recording mechanism, and an in-car video recording medium.

(6) RECORDING.—The term “recording” means the process of capturing data or information stored on a recording medium as required under this section.
(7) RECORDING MEDIUM.—The term “recording medium” means any recording medium for the retention and playback of recorded audio and video including VHS, DVD, hard drive, solid state, digital, or flash memory technology.

(8) WIRELESS MICROPHONE.—The term “wireless microphone” means a device worn by the officer or any other equipment used to record conversations between the officer and a second party and transmitted to the recording equipment.

(b) REQUIREMENTS.—

(1) IN GENERAL.—Each Federal law enforcement agency shall install in-car video camera recording equipment in all patrol vehicles with a recording medium capable of recording for a period of 10 hours or more and capable of making audio recordings with the assistance of a wireless microphone.

(2) RECORDING EQUIPMENT REQUIREMENTS.—

In-car video camera recording equipment with a recording medium capable of recording for a period of 10 hours or more shall record activities—

(A) outside a patrol vehicle whenever—

(i) an officer assigned a patrol vehicle is conducting an enforcement stop;
(ii) patrol vehicle emergency lights are activated or would otherwise be activated if not for the need to conceal the presence of law enforcement; or

(iii) an officer reasonably believes recording may assist with prosecution, enhance safety, or for any other lawful purpose. In-car video camera recording equipment with a recording medium incapable of recording for a period of 10 hours or more shall record activities inside the vehicle when transporting an arrestee or when an officer reasonably believes recording may assist with prosecution, enhance safety, or for any other lawful purpose; and

(B) shall record activities whenever a patrol vehicle is assigned to patrol duty.

(3) REQUIREMENTS FOR RECORDING.—

(A) IN GENERAL.—Recording for an enforcement stop shall begin when the officer determines an enforcement stop is necessary and shall continue until the enforcement action has been completed and the subject of the enforcement stop or the officer has left the scene.
(B) ACTIVATION WITH LIGHTS.—Recording shall begin when patrol vehicle emergency lights are activated or when they would otherwise be activated if not for the need to conceal the presence of law enforcement, and shall continue until the reason for the activation ceases to exist, regardless of whether the emergency lights are no longer activated.

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

(4) ENFORCEMENT STOPS.—Any enforcement stop shall be video and audio recorded. Audio recording shall terminate upon release of the violator and prior to initiating a separate criminal investigation.

(e) RETENTION OF RECORDINGS.—Recordings made on in-ear video camera recording medium shall be retained for a storage period of at least 90 days. Under no circumstances shall any recording made on in-ear video camera recording medium be altered or erased prior to the expiration of the designated storage period. Upon com-
pletion of the storage period, the recording medium may be erased and reissued for operational use unless otherwise ordered or if designated for evidentiary or training purposes.

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

(e) MAINTENANCE REQUIRED.—The agency shall ensure proper care and maintenance of in-ear video camera recording equipment and recording medium. An officer operating a patrol vehicle must immediately document and notify the appropriate person of any technical difficulties, failures, or problems with the in-ear video camera recording equipment or recording medium. Upon receiving notice, every reasonable effort shall be made to correct and repair any of the in-ear video camera recording equipment or recording medium and determine if it is in the public interest to permit the use of the patrol vehicle.

SEC. 374. FACIAL RECOGNITION TECHNOLOGY.

No camera or recording device authorized or required to be used under this part may employ facial recognition technology.
SEC. 375. GAO STUDY.
Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study on Federal law enforcement officer training, vehicle pursuits, use of force, and interaction with citizens, and submit a report on such study to—
(1) the Committees on the Judiciary of the House of Representatives and of the Senate;
(2) the Committee on Oversight and Reform of the House of Representatives; and
(3) the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 376. REGULATIONS.
Not later than 6 months after the date of the enactment of this Act, the Attorney General shall issue such final regulations as are necessary to carry out this part.

SEC. 377. RULE OF CONSTRUCTION.
Nothing in this part shall be construed to impose any requirement on a uniformed officer outside of the course 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”.
1 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) to purchase or lease body-worn cameras for use by State, local, and tribal law enforcement officers (as defined in section 2503);"

"(2) for expenses related to the implementation of a body-worn camera program in order to deter excessive force, improve accountability and trans-"
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parency of use of force by law enforcement officers,
assist in responding to complaints against law en-
forcement officers, and improve evidence collection;
or

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

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

“(1) establish policies and procedures in accord-
ance with the requirements described in subsection
(c) before law enforcement officers use of body-worn

(2) adopt recorded data collection and reten-
ion protocols as described in subsection (d) before
law enforcement officers use of body-worn cameras;

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

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

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

“(1) develop with community input and publish
for public view policies and protocols for—
“(A) the safe and effective use of body-
2
3 worn cameras;
4 “(B) the secure storage, handling, and de-
5 struction of recorded data collected by body-
6 worn cameras;
7 “(C) protecting the privacy rights of any
8 individual who may be recorded by a body-worn
9 camera;
10 “(D) protecting the constitutional rights of
11 any individual on whom facial recognition tech-
12 nology is used;
13 “(E) limitations on the use of body-worn
14 cameras in conjunction with facial recognition
15 technology for instances, including—
16 “(i) the use of facial recognition tech-
17 nology only with judicial authorization;
18 “(ii) the use of facial recognition tech-
19 nology only for imminent threats or serious
20 crimes; and
21 “(iii) the use of facial recognition
22 technology with double verification of iden-
23 tified faces;
24 “(F) the release of any recorded data col-
25 lected by a body-worn camera in accordance
with the open records laws, if any, of the State; and

“(G) making recorded data available to prosecutors, defense attorneys, and other officers of the court in accordance with subparagraph (E); and

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

“(d) RECORDED DATA COLLECTION AND RETENTION PROTOCOL.—The recorded data collection and retention protocol described in this paragraph is a protocol that—

“(1) requires—

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

“(B) a law enforcement officer who is wearing a body-mounted camera to obtain consent to be recorded from a crime victim or witness before interviewing the victim or witness;
"(C) the collection of recorded data unrelated to a legitimate law enforcement purpose be minimized to the greatest extent practicable;

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

"(E) any law enforcement officer be prohibited from accessing the stored data without an authorized purpose; and

"(F) the law enforcement agency to collect and report statistical data on—

"(i) incidences of use of force, disaggregated by race, ethnicity, gender, and age of the victim;

"(ii) the number of complaints filed against law enforcement officers;

"(iii) the disposition of complaints filed against law enforcement officers;

"(iv) the number of times camera footage is used for evidence collection in investigations of crimes; and
“(v) any other additional statistical
data that the Director determines should
be collected and reported;
“(2) allows an individual to file a complaint
with a law enforcement agency relating to the im-
proper use of body-worn cameras; and
“(3) complies with any other requirements es-
tablished by the Director.
“(e) REPORTING.—Statistical data required to be col-
lected under subsection (d)(1)(D) shall be reported to the
Director, who shall—
“(1) establish a standardized reporting system
for statistical data collected under this program; and
“(2) establish a national database of statistical
data recorded under this program.
“(f) USE OR TRANSFER OF RECORDED DATA.—
“(1) IN GENERAL.—Recorded data collected by
an entity receiving a grant under this section from
a body-mounted camera shall be used only in inter-
nal and external investigations of misconduct by a
law enforcement agency or officer, if there is reason-
able suspicion that a recording contains evidence of
a crime, or for limited training purposes. The Direc-
tor shall establish rules to ensure that the recorded
data is used only for the purposes described in this subsection.

“(2) PROHIBITION ON TRANSFER.—Except as provided in paragraph (3), an entity receiving a grant under this section may not transfer any recorded data collected by the entity from a body-mounted camera to another law enforcement or intelligence agency.

“(3) EXCEPTIONS.—

“(A) CRIMINAL INVESTIGATION.—An entity receiving a grant under this section may transfer recorded data collected by the entity from a body-mounted camera to another law enforcement or intelligence agency for use in a criminal investigation if the requesting law enforcement or intelligence agency has reasonable suspicion that the requested data contains evidence relating to the crime being investigated.

“(B) CIVIL RIGHTS CLAIMS.—An entity receiving a grant under this section may transfer recorded data collected by the law enforcement agency from a body-mounted camera to another law enforcement agency for use in an investigation of any right, privilege, or immunity secured
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or protected by the Constitution or laws of the
United States.

“(g) AUDIT AND ASSESSMENT.—

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

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

“(A) describes the progress of the body-
won camera program; and

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

“(3) REVIEW.—The Director of the Office of
Audit, Assessment, and Management shall evaluate
the policies and protocols of the grantees and take
such steps as the Director of the Office of Audit, As-
assessment, and Management determines necessary to
ensure compliance with the program.

"SEC. 3052. BODY-WORN CAMERA TRAINING TOOLKIT."

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

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

"SEC. 3053. STUDY."

"(a) IN GENERAL.—Not later than 2 years after the
date of enactment of the Police CAMERA Act of 2020,
the Director shall conduct a study on—

"(1) the efficacy of body-worn cameras in deter-
ing excessive force by law enforcement officers;

"(2) the impact of body-worn cameras on the
accountability and transparency of the use of force
by law enforcement officers;"
“(3) the impact of body-worn cameras on responses to and adjudications of complaints of excessive force;

“(4) the effect of the use of body-worn cameras on the safety of law enforcement officers on patrol;

“(5) the effect of the use of body-worn cameras on public safety;

“(6) the impact of body-worn cameras on evidence collection for criminal investigations;

“(7) issues relating to the secure storage and handling of recorded data from the body-worn cameras;

“(8) issues relating to the privacy of citizens and officers recorded on body-worn cameras;

“(9) issues relating to the constitutional rights of individuals on whom facial recognition technology is used;

“(10) issues relating to limitations on the use of facial recognition technology;

“(11) issues relating to the public’s access to body-worn camera footage;

“(12) the need for proper training of law enforcement officers that use body-worn cameras;
“(13) best practices in the development of protocols for the safe and effective use of body-worn cameras;

“(14) a review of law enforcement agencies that found body-worn cameras to be unhelpful in the operations of the agencies; and

“(15) any other factors that the Director determines are relevant in evaluating the efficacy of body-worn cameras.

“(b) REPORT.—Not later than 180 days after the date on which the study required under subsection (a) is completed, the Director shall submit to Congress a report on the study, which shall include any policy recommendations that the Director considers appropriate.”

**TITLE IV—JUSTICE FOR VICTIMS OF LYNCHING ACT**

**SEC. 401. SHORT TITLE.**

This title may be cited as the “Emmett Till Antilynching Act”.

**SEC. 402. FINDINGS.**

Congress finds the following:

(1) The crime of lynching succeeded slavery as the ultimate expression of racism in the United States following Reconstruction.
(2) Lynching was a widely acknowledged practice in the United States until the middle of the 20th century.

(3) Lynching was a crime that occurred throughout the United States, with documented incidents in all but 4 States.

(4) At least 4,742 people, predominantly African Americans, were reported lynched in the United States between 1882 and 1968.

(5) Ninety-nine percent of all perpetrators of lynching escaped from punishment by State or local officials.

(6) Lynching prompted African Americans to form the National Association for the Advancement of Colored People (referred to in this section as the “NAACP”) and prompted members of B’nai B’rith to found the Anti-Defamation League.

(7) Mr. Walter White, as a member of the NAACP and later as the executive secretary of the NAACP from 1931 to 1955, meticulously investigated lynchings in the United States and worked tirelessly to end segregation and racialized terror.

(8) Nearly 200 anti-lynching bills were introduced in Congress during the first half of the 20th century.
(9) Between 1890 and 1952, 7 Presidents petitioned Congress to end lynching.

(10) Between 1920 and 1940, the House of Representatives passed 3 strong anti-lynching measures.

(11) Protection against lynching was the minimum and most basic of Federal responsibilities, and the Senate considered but failed to enact anti-lynching legislation despite repeated requests by civil rights groups, Presidents, and the House of Representatives to do so.

(12) The publication of "Without Sanctuary: Lynching Photography in America" helped bring greater awareness and proper recognition of the victims of lynching.

(13) Only by coming to terms with history can the United States effectively champion human rights abroad.

(14) An apology offered in the spirit of true repentance moves the United States toward reconciliation and may become central to a new understanding, on which improved racial relations can be forged.

(15) Having concluded that a reckoning with our own history is the only way the country can ef-
fectively champion human rights abroad, 90 Members of the United States Senate agreed to Senate Resolution 39, 109th Congress, on June 13, 2005, to apologize to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

(16) The National Memorial for Peace and Justice, which opened to the public in Montgomery, Alabama, on April 26, 2018, is the Nation’s first memorial dedicated to the legacy of enslaved Black people, people terrorized by lynching, African Americans humiliated by racial segregation and Jim Crow, and people of color burdened with contemporary presumptions of guilt and police violence.

(17) Notwithstanding the Senate’s apology and the heightened awareness and education about the Nation’s legacy with lynching, it is wholly necessary and appropriate for the Congress to enact legislation, after 100 years of unsuccessful legislative efforts, finally to make lynching a Federal crime.

(18) Further, it is the sense of Congress that criminal action by a group increases the likelihood that the criminal object of that group will be successfully attained and decreases the probability that the individuals involved will depart from their path
of criminality. Therefore, it is appropriate to specify
criminal penalties for the crime of lynching, or any
attempt or conspiracy to commit lynching.

(19) The United States Senate agreed to unani-
mously Senate Resolution 118, 115th Congress, on
April 5, 2017, “[e]ndonmning hate crime and any
other form of racism, religious or ethnic bias, dis-

crimination, incitement to violence, or animus tar-


geting a minority in the United States” and taking

notice specifically of Federal Bureau of Investigation
statistics demonstrating that “among single-bias
hate crime incidents in the United States, 59.2 per-
cent of victims were targeted due to racial, ethnic,
or ancestral bias, and among those victims, 52.2
percent were victims of crimes motivated by the of-
fenders’ anti-Black or anti-African American bias”.

(20) On September 14, 2017, President Donald
J. Trump signed into law Senate Joint Resolution
49 (Public Law 115–58; 131 Stat. 1149), wherein
Congress “condemn[ed] the racist violence and do-
mestic terrorist attack that took place between Au-
gust 11 and August 12, 2017, in Charlottesville,
Virginia” and “urg[ed] the President and his admin-
istration to speak out against hate groups that
espouse racism, extremism, xenophobia, anti-Semi-
tism, and White supremacy; and use all resources
available to the President and the President’s Cabi-
et 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 slo-
gans and violently engaged with counter-demonstra-
tors 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 every-
where 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
Code. Interference with these rights was often effectuated by multiple offenders and groups, rather than isolated individuals. Therefore, prohibiting conspiracies to violate each of these rights recognizes the history of lynching in the United States and serves to prohibit its use in the future.

SEC. 403. LYNCHING.

(a) OFFENSE.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

§ 250. Lynching

"Whoever conspires with another person to violate section 245, 247, or 249 of this title or section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631) shall be punished in the same manner as a completed violation of such section, except that if the maximum term of imprisonment for such completed violation is less than 10 years, the person may be imprisoned for not more than 10 years."

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 13 of title 18, United States Code, is amended by inserting after the item relating to section 249 the following:

"250. Lynching."
TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. SEVERABILITY.
If any provision of this Act, or the application of such a provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the application of the remaining provisions of this Act to any person or circumstance shall not be affected thereby.

SEC. 502. SAVINGS CLAUSE.
Nothing in this Act shall be construed—
(2) to affect any Federal, State, or Tribal law that applies to an Indian Tribe because of the political status of the Tribe; or
(3) to waive the sovereign immunity of an Indian Tribe without the consent of the Tribe.