

Union Calendar No. 348

116TH CONGRESS
2D SESSION

H. R. 7120

[Report No. 116–434, Part I]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2020

Ms. BASS (for herself, Mr. NADLER, Ms. PELOSI, Mr. HOYER, Mr. CLYBURN, Mr. JEFFRIES, Ms. CLARK of Massachusetts, Ms. LEE of California, Mr. LEWIS, Ms. ADAMS, Ms. BARRAGÁN, Mrs. BEATTY, Mr. BERA, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. BONAMICI, Mr. BROWN of Maryland, Ms. BROWNLEY of California, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mr. CARTWRIGHT, Ms. CASTOR of Florida, Mr. CASTRO of Texas, Ms. JUDY CHU of California, Mr. CICILLINE, Ms. CLARKE of New York, Mr. CLAY, Mr. COHEN, Mr. CONNOLLY, Mr. CORREA, Mr. CROW, Mr. DANNY K. DAVIS of Illinois, Mrs. DAVIS of California, Ms. DEAN, Mr. DEFazio, Ms. DEGETTE, Ms. DELAURO, Ms. DELBENE, Mr. DEUTCH, Mrs. DINGELL, Mr. DOGGETT, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. ENGEL, Ms. ESCOBAR, Ms. ESHOO, Mr. ESPAILLAT, Mr. EVANS, Ms. FRANKEL, Ms. FUDGE, Ms. GARCIA of Texas, Mr. GARCÍA of Illinois, Mr. GREEN of Texas, Ms. HAALAND, Mr. HASTINGS, Mrs. HAYES, Mr. HIGGINS of New York, Mr. HORSFORD, Mr. HUFFMAN, Ms. JACKSON LEE, Ms. JAYAPAL, Ms. JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. KELLY of Illinois, Mr. KENNEDY, Mr. KILDEE, Ms. KUSTER of New Hampshire, Mrs. LAWRENCE, Mr. LAWSON of Florida, Mr. TED LIEU of California, Ms. LOFGREN, Mr. LOWENTHAL, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Mrs. MCBATH, Ms. MCCOLLUM, Mr. MCEACHIN, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS, Ms. MENG, Mr. MFUME, Ms. MUCARSEL-POWELL, Mrs. NAPOLITANO, Mr. NEAL, Mr. NEGUSE, Ms. NORTON, Mr. PALLONE, Mr. PAYNE, Ms. PINGREE, Ms. PLASKETT, Mr. POCAN, Mr. PRICE of North Carolina, Mr. RASKIN, Mr. RICHMOND, Ms. BLUNT ROCHESTER, Mr. RYAN, Mr. SARBANES, Ms. SCANLON, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. DAVID SCOTT of Georgia, Ms. SEWELL of Alabama, Ms. SHALALA, Mr. SHERMAN, Mr. SIRES, Ms. SPEIER, Mr. STANTON, Mr. SUOZZI, Mr.

SWALWELL of California, Mr. TAKANO, Mr. THOMPSON of California, Mrs. TORRES of California, Mrs. TRAHAN, Mr. TRONE, Mr. VEASEY, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mrs. WATSON COLEMAN, Mr. WELCH, Mr. YARMUTH, Ms. SÁNCHEZ, Ms. UNDERWOOD, Ms. ROYBAL-ALLARD, Mr. DESAULNIER, Mr. VELA, Ms. TITUS, Mr. HECK, Mr. GONZALEZ of Texas, Mr. NORCROSS, Mr. CARBAJAL, Mr. GOMEZ, Mr. TONKO, Mr. MOULTON, Mrs. LOWEY, Mr. ALLRED, Mr. KILMER, Ms. PRESSLEY, Mr. LANGEVIN, Mr. SERRANO, Mr. CLEAVER, Mr. KHANNA, Mrs. BUSTOS, Mr. PANETTA, Mr. PERLMUTTER, Ms. SCHAKOWSKY, Mr. CÁRDENAS, Mr. BEYER, Mr. PETERS, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. OMAR, Mr. GALLEGO, Mr. RUSH, Ms. MOORE, Ms. WILSON of Florida, Mrs. DEMINGS, Mr. DELGADO, Mr. COURTNEY, Ms. SHERRILL, Mr. AGUILAR, Mr. KRISHNAMOORTHY, Mr. KEATING, Mr. SEAN PATRICK MALONEY of New York, Ms. TLAIB, and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Armed Services, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE 19, 2020

Additional sponsors: Mrs. AXNE, Mr. CASE, Mr. CASTEN of Illinois, Mr. COOPER, Ms. CRAIG, Mr. CRIST, Ms. FINKENAUER, Mrs. FLETCHER, Mr. FOSTER, Mr. GARAMENDI, Mr. GOTTHEIMER, Mr. GRIJALVA, Mr. HIMES, Ms. KENDRA S. HORN of Oklahoma, Mr. KIM, Mr. KIND, Mrs. KIRKPATRICK, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LEVIN of Michigan, Mr. LOEBSACK, Mr. LUJÁN, Mrs. LURIA, Mr. MALINOWSKI, Ms. MATSUI, Mr. MORELLE, Mrs. MURPHY of Florida, Mr. O'HALLERAN, Mr. PASCRELL, Mr. QUIGLEY, Miss RICE of New York, Mr. RUPPERSBERGER, Mr. SCHNEIDER, Mr. SMITH of Washington, Mr. SOTO, Mr. VARGAS, Mr. VISCLOSKY, Ms. WEXTON, Ms. DAVIDS of Kansas, Ms. WILD, Ms. HOULAHAN, Mr. PHILLIPS, Ms. OCASIO-CORTEZ, Ms. SPANBERGER, Ms. SCHRIER, Mr. HARDER of California, Mr. RUIZ, Mr. CUELLAR, Mr. COSTA, Mr. COX of California, Ms. GABBARD, Mr. LEVIN of California, Ms. PORTER, Ms. STEVENS, Ms. SLOTKIN, Mr. LAMB, Mr. PAPPAS, Mr. SABLAN, Mr. ROUDA, Ms. TORRES SMALL of New Mexico, Mr. CISNEROS, Mr. ROSE of New York, Mrs. LEE of Nevada, Mr. CUNNINGHAM, and Mr. SCHRADER

JUNE 19, 2020

Reported from the Committee on the Judiciary with an amendment

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

JUNE 19, 2020

Committees on Armed Services and Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 8, 2020]

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 *“George Floyd 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

Subtitle A—Holding Police Accountable in the Courts

Sec. 101. Deprivation of rights under color of law.

Sec. 102. Qualified immunity reform.

Sec. 103. Pattern and practice investigations.

Sec. 104. Independent investigations.

Subtitle B—Law Enforcement Trust and Integrity Act

Sec. 111. Short title.

Sec. 112. Definitions.

Sec. 113. Accreditation of law enforcement agencies.

Sec. 114. Law enforcement grants.

Sec. 115. Attorney General to conduct study.

Sec. 116. Authorization of appropriations.

Sec. 117. National task force on law enforcement oversight.

Sec. 118. Federal data collection on law enforcement practices.

TITLE II—POLICING TRANSPARENCY THROUGH DATA

Subtitle A—National Police Misconduct Registry

Sec. 201. Establishment of National Police Misconduct Registry.

Sec. 202. Certification requirements for hiring of law enforcement officers.

Subtitle B—PRIDE Act

Sec. 221. Short title.

Sec. 222. Definitions.

Sec. 223. Use of force reporting.

Sec. 224. Use of force data reporting.

Sec. 225. Compliance with reporting requirements.

Sec. 226. Federal law enforcement reporting.

Sec. 227. Authorization of appropriations.

TITLE III—IMPROVING POLICE TRAINING AND POLICIES

Subtitle A—End Racial and Religious Profiling Act

Sec. 301. Short title.

Sec. 302. Definitions.

PART I—PROHIBITION OF RACIAL PROFILING

Sec. 311. Prohibition.

Sec. 312. Enforcement.

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

Sec. 321. Policies to eliminate racial profiling.

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

Sec. 331. Policies required for grants.

Sec. 332. Involvement of Attorney General.

Sec. 333. Data collection demonstration project.

Sec. 334. Development of best practices.

Sec. 335. Authorization of appropriations.

PART IV—DATA COLLECTION

Sec. 341. Attorney General to issue regulations.

Sec. 342. Publication of data.

Sec. 343. Limitations on publication of data.

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

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

Subtitle B—Additional Reforms

Sec. 361. Training on racial bias and duty to intervene.

Sec. 362. Ban on no-knock warrants in drug cases.

Sec. 363. Incentivizing banning of chokeholds and carotid holds.

Sec. 364. PEACE Act.

Sec. 365. Stop Militarizing Law Enforcement Act.

Sec. 366. Public safety innovation grants.

Subtitle C—Law Enforcement Body Cameras

PART 1—FEDERAL POLICE CAMERA AND ACCOUNTABILITY ACT

Sec. 371. Short title.

Sec. 372. Requirements for Federal law enforcement 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 2—POLICE CAMERA ACT

Sec. 381. Short title.

Sec. 382. Law enforcement body-worn camera requirements.

TITLE IV—JUSTICE FOR VICTIMS OF LYNCHING ACT

Sec. 401. Short title.

Sec. 402. Findings.

Sec. 403. Lynching.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Severability.

Sec. 502. Savings clause.

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

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

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

1 (3) *FEDERAL LAW ENFORCEMENT AGENCY.*—*The*
2 *term “Federal law enforcement agency” means any*
3 *agency of the United States authorized to engage in*
4 *or supervise the prevention, detection, investigation,*
5 *or prosecution of any violation of Federal criminal*
6 *law.*

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

11 (5) *INDIAN TRIBE.*—*The term “Indian Tribe”*
12 *has the meaning given the term “Indian tribe” in sec-*
13 *tion 901 of title I of the Omnibus Crime Control and*
14 *Safe Streets Act of 1968 (34 U.S.C. 10251).*

15 (6) *LOCAL LAW ENFORCEMENT OFFICER.*—*The*
16 *term “local law enforcement officer” means any offi-*
17 *cer, agent, or employee of a State or unit of local gov-*
18 *ernment authorized by law or by a government agen-*
19 *cy to engage in or supervise the prevention, detection,*
20 *or investigation of any violation of criminal law.*

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

1 (8) *TRIBAL LAW ENFORCEMENT OFFICER.*—The
2 term “tribal law enforcement officer” means any offi-
3 cer, agent, or employee of an Indian tribe, or the Bu-
4 reau of Indian Affairs, authorized by law or by a gov-
5 ernment agency to engage in or supervise the preven-
6 tion, detection, or investigation of any violation of
7 criminal law.

8 (9) *UNIT OF LOCAL GOVERNMENT.*—The term
9 “unit of local government” has the meaning given the
10 term in section 901 of title I of the Omnibus Crime
11 Control and Safe Streets Act of 1968 (34 U.S.C.
12 10251).

13 (10) *DEADLY FORCE.*—The term “deadly force”
14 means that force which a reasonable person would
15 consider likely to cause death or serious bodily harm,
16 including—

17 (A) the discharge of a firearm;

18 (B) a maneuver that restricts blood or oxy-
19 gen flow to the brain, including chokeholds,
20 strangleholds, neck restraints, neckholds, and ca-
21 rotid artery restraints; and

22 (C) multiple discharges of an electronic con-
23 trol weapon.

24 (11) *USE OF FORCE.*—The term “use of force”
25 includes—

1 (A) *the use of a firearm, Taser, explosive*
2 *device, chemical agent (such as pepper spray),*
3 *baton, impact projectile, blunt instrument, hand,*
4 *fist, foot, canine, or vehicle against an indi-*
5 *vidual;*

6 (B) *the use of a weapon, including a per-*
7 *sonal body weapon, chemical agent, impact*
8 *weapon, extended range impact weapon, sonic*
9 *weapon, sensory weapon, conducted energy de-*
10 *vice, or firearm, against an individual; or*

11 (C) *any intentional pointing of a firearm*
12 *at an individual.*

13 (12) *LESS LETHAL FORCE.—The term “less le-*
14 *thal force” means any degree of force that is not likely*
15 *to cause death or serious bodily injury.*

16 (13) *FACIAL RECOGNITION.—The term “facial*
17 *recognition” means an automated or semiautomated*
18 *process that analyzes biometric data of an individual*
19 *from video footage to identify or assist in identifying*
20 *an individual.*

1 **TITLE I—POLICE**
2 **ACCOUNTABILITY**
3 **Subtitle A—Holding Police**
4 **Accountable in the Courts**

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

6 *Section 242 of title 18, United States Code, is amend-*
7 *ed—*

8 (1) *by striking “willfully” and inserting “know-*
9 *ingly or recklessly”;*

10 (2) *by striking “, or may be sentenced to death”;*
11 *and*

12 (3) *by adding at the end the following: “For pur-*
13 *poses of this section, an act shall be considered to*
14 *have resulted in death if the act was a substantial*
15 *factor contributing to the death of the person.”.*

16 **SEC. 102. QUALIFIED IMMUNITY REFORM.**

17 *Section 1979 of the Revised Statutes of the United*
18 *States (42 U.S.C. 1983) is amended by adding at the end*
19 *the following: “It shall not be a defense or immunity in*
20 *any action brought under this section against a local law*
21 *enforcement officer (as such term is defined in section 2 of*
22 *the George Floyd Justice in Policing Act of 2020), or in*
23 *any action under any source of law against a Federal inves-*
24 *tigative or law enforcement officer (as such term is defined*
25 *in section 2680(h) of title 28, United States Code), that—*

1 “(1) the defendant was acting in good faith, or
2 that the defendant believed, reasonably or otherwise,
3 that his or her conduct was lawful at the time when
4 the conduct was committed; or

5 “(2) the rights, privileges, or immunities secured
6 by the Constitution and laws were not clearly estab-
7 lished at the time of their deprivation by the defend-
8 ant, or that at such time, the state of the law was oth-
9 erwise such that the defendant could not reasonably
10 have been expected to know whether his or her conduct
11 was lawful.”.

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

13 (a) *SUBPOENA AUTHORITY*.—Section 210401 of the
14 *Violent Crime Control and Law Enforcement Act of 1994*
15 *(34 U.S.C. 12601)* is amended—

16 (1) in subsection (a), by inserting “, by prosecu-
17 tors,” after “conduct by law enforcement officers”;

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

20 (3) by adding at the end the following:

21 “(c) *SUBPOENA AUTHORITY*.—In carrying out the au-
22 thority in subsection (b), the Attorney General may require
23 by subpoena the production of all information, documents,
24 reports, answers, records, accounts, papers, and other data
25 in any medium (including electronically stored informa-

1 tion), as well as any tangible thing and documentary evi-
2 dence, and the attendance and testimony of witnesses nec-
3 essary in the performance of the Attorney General under
4 subsection (b). Such a subpoena, in the case of contumacy
5 or refusal to obey, shall be enforceable by order of any ap-
6 propriate district court of the United States.

7 “(d) *CIVIL ACTION BY STATE ATTORNEYS GENERAL.*—
8 Whenever it shall appear to the attorney general of any
9 State, or such other official as a State may designate, that
10 a violation of subsection (a) has occurred within their State,
11 the State attorney general or official, in the name of the
12 State, may bring a civil action in the appropriate district
13 court of the United States to obtain appropriate equitable
14 and declaratory relief to eliminate the pattern or practice.
15 In carrying out the authority in this subsection, the State
16 attorney general or official shall have the same subpoena
17 authority as is available to the Attorney General under sub-
18 section (c).

19 “(e) *RULE OF CONSTRUCTION.*—Nothing in this sec-
20 tion may be construed to limit the authority of the Attorney
21 General under subsection (b) in any case in which a State
22 attorney general has brought a civil action under subsection
23 (d).

24 “(f) *REPORTING REQUIREMENTS.*—On the date that is
25 one year after the enactment of the George Floyd Justice

1 *in Policing Act of 2020, and annually thereafter, the Civil*
2 *Rights Division of the Department of Justice shall make*
3 *publicly available on an internet website a report on, dur-*
4 *ing the previous year—*

5 “(1) *the number of preliminary investigations of*
6 *violations of subsection (a) that were commenced;*

7 “(2) *the number of preliminary investigations of*
8 *violations of subsection (a) that were resolved; and*

9 “(3) *the status of any pending investigations of*
10 *violations of subsection (a).”.*

11 *(b) GRANT PROGRAM.—*

12 (1) *GRANTS AUTHORIZED.—The Attorney Gen-*
13 *eral may award a grant to a State to assist the State*
14 *in conducting pattern and practice investigations*
15 *under section 210401(d) of the Violent Crime Control*
16 *and Law Enforcement Act of 1994 (34 U.S.C. 12601).*

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

21 (3) *FUNDING.—There are authorized to be ap-*
22 *propriated \$100,000,000 to the Attorney General for*
23 *each of fiscal years 2021 through 2023 to carry out*
24 *this subsection.*

1 (c) *DATA ON EXCESSIVE USE OF FORCE.*—Section
2 *210402 of the Violent Crime Control and Law Enforcement*
3 *Act of 1994 (34 U.S.C. 12602) is amended—*

4 (1) *in subsection (a)—*

5 (A) *by striking “The Attorney General” and*
6 *inserting the following:*

7 “(1) *FEDERAL COLLECTION OF DATA.*—*The At-*
8 *torney General”;* and

9 (B) *by adding at the end the following:*

10 “(2) *STATE COLLECTION OF DATA.*—*The attor-*
11 *ney general of a State may, through appropriate*
12 *means, acquire data about the use of excessive force*
13 *by law enforcement officers and such data may be*
14 *used by the attorney general in conducting investiga-*
15 *tions under section 210401. This data may not con-*
16 *tain any information that may reveal the identity of*
17 *the victim or any law enforcement officer.”; and*

18 (2) *by amending subsection (b) to read as fol-*
19 *lows:*

20 “(b) *LIMITATION ON USE OF DATA ACQUIRED BY THE*
21 *ATTORNEY GENERAL.*—*Data acquired under subsection*
22 *(a)(1) shall be used only for research or statistical purposes*
23 *and may not contain any information that may reveal the*
24 *identity of the victim or any law enforcement officer.”.*

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

2 (a) *IN GENERAL.*—

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

4 (A) *INDEPENDENT INVESTIGATION.*—*The*
5 *term “independent investigation” means a*
6 *criminal investigation or prosecution of a law*
7 *enforcement officer’s use of deadly force, includ-*
8 *ing one or more of the following:*

9 (i) *Using an agency or civilian review*
10 *board that investigates and independently*
11 *reviews all allegations of use of deadly force*
12 *made against law enforcement officers in*
13 *the jurisdiction.*

14 (ii) *Assigning of the attorney general*
15 *of the State in which the alleged use of*
16 *deadly force was committed to conduct the*
17 *criminal investigation and prosecution.*

18 (iii) *Adopting a procedure under*
19 *which an independent prosecutor is as-*
20 *signed to investigate and prosecute the case,*
21 *including a procedure under which an auto-*
22 *matic referral is made to an independent*
23 *prosecutor appointed and overseen by the*
24 *attorney general of the State in which the*
25 *alleged use of deadly force was committed.*

1 (iv) Adopting a procedure under which
2 an independent prosecutor is assigned to in-
3 vestigate and prosecute the case.

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

9 (I) shall conduct the criminal in-
10 vestigation into the alleged use of dead-
11 ly force; and

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

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

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

22 (vi) Any substantially similar proce-
23 dure to ensure impartiality in the inves-
24 tigation or prosecution.

1 (B) *INDEPENDENT INVESTIGATION OF LAW*
2 *ENFORCEMENT STATUTE.*—*The term “inde-*
3 *pendent investigation of law enforcement stat-*
4 *ute” means a statute requiring an independent*
5 *investigation in a criminal matter in which—*

6 (i) *one or more of the possible defend-*
7 *ants is a law enforcement officer;*

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

12 (iii) *the non-Federal law enforcement*
13 *officer’s use of deadly force resulted in a*
14 *death or injury.*

15 (C) *INDEPENDENT PROSECUTOR.*—*The term*
16 *“independent prosecutor” means, with respect to*
17 *a criminal investigation or prosecution of a law*
18 *enforcement officer’s use of deadly force, a pros-*
19 *ecutor who—*

20 (i) *does not oversee or regularly rely on*
21 *the law enforcement agency by which the*
22 *law enforcement officer under investigation*
23 *is employed; and*

1 (ii) would not be involved in the pros-
2 ecution in the ordinary course of that pros-
3 ecutor's duties.

4 (2) *GRANT PROGRAM.*—*The Attorney General*
5 *may award grants to eligible States and Indian*
6 *Tribes to assist in implementing an independent in-*
7 *vestigation of law enforcement statute.*

8 (3) *ELIGIBILITY.*—*To be eligible for a grant*
9 *under this subsection, a State or Indian Tribe shall*
10 *have in effect an independent investigation of law en-*
11 *forcement statute.*

12 (4) *AUTHORIZATION OF APPROPRIATIONS.*—
13 *There are authorized to be appropriated to the Attor-*
14 *ney General \$750,000,000 for fiscal years 2021*
15 *through 2023 to carry out this subsection.*

16 (b) *COPS GRANT PROGRAM USED FOR CIVILIAN RE-*
17 *VIEW BOARDS.*—*Part Q of title I of the of the Omnibus*
18 *Crime Control and Safe Streets Act of 1968 (34 U.S.C.*
19 *10381 et seq.) is amended—*

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

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

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

1 (C) by inserting after paragraph (21) the
2 following:

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

5 (2) in section 1709 (34 U.S.C. 10389), by adding
6 at the end the following:

7 “(8) ‘civilian review board’ means an adminis-
8 trative entity that investigates civilian complaints
9 against law enforcement officers and—

10 “(A) is independent and adequately funded;

11 “(B) has investigatory authority and sub-
12 poena power;

13 “(C) has representative community diver-
14 sity;

15 “(D) has policy making authority;

16 “(E) provides advocates for civilian com-
17 plainants;

18 “(F) may conduct hearings; and

19 “(G) conducts statistical studies on pre-
20 vailng complaint trends.”.

21 ***Subtitle B—Law Enforcement Trust***
22 ***and Integrity Act***

23 ***SEC. 111. SHORT TITLE.***

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

1 **SEC. 112. DEFINITIONS.**

2 *In this subtitle:*

3 (1) **COMMUNITY-BASED ORGANIZATION.**—*The*
4 *term “community-based organization” means a grass-*
5 *roots organization that monitors the issue of police*
6 *misconduct and that has a local or national presence*
7 *and membership, such as the National Association for*
8 *the Advancement of Colored People (NAACP), the*
9 *American Civil Liberties Union (ACLU), UnidosUS,*
10 *the National Urban League, the National Congress of*
11 *American Indians, or the National Asian Pacific*
12 *American Legal Consortium (NAPALC).*

13 (2) **LAW ENFORCEMENT ACCREDITATION ORGANI-**
14 **ZATION.**—*The term “law enforcement accreditation*
15 *organization” means a professional law enforcement*
16 *organization involved in the development of standards*
17 *of accreditation for law enforcement agencies at the*
18 *national, State, regional, or Tribal level, such as the*
19 *Commission on Accreditation for Law Enforcement*
20 *Agencies (CALEA).*

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

1 (4) *PROFESSIONAL LAW ENFORCEMENT ASSOCIA-*
2 *TION.—The term “professional law enforcement asso-*
3 *ciation” means a law enforcement membership asso-*
4 *ciation that works for the needs of Federal, State,*
5 *local, or Indian tribal law enforcement agencies and*
6 *with the civilian community on matters of common*
7 *interest, such as the Hispanic American Police Com-*
8 *mand Officers Association (HAPCOA), the National*
9 *Asian Pacific Officers Association (NAPOA), the Na-*
10 *tional Black Police Association (NBPA), the National*
11 *Latino Peace Officers Association (NLPOA), the Na-*
12 *tional Organization of Black Law Enforcement Ex-*
13 *ecutives (NOBLE), Women in Law Enforcement, the*
14 *Native American Law Enforcement Association*
15 *(NALEA), the International Association of Chiefs of*
16 *Police (IACP), the National Sheriffs’ Association*
17 *(NSA), the Fraternal Order of Police (FOP), or the*
18 *National Association of School Resource Officers.*

19 (5) *PROFESSIONAL CIVILIAN OVERSIGHT ORGANI-*
20 *ZATION.—The term “professional civilian oversight*
21 *organization” means a membership organization*
22 *formed to address and advance civilian oversight of*
23 *law enforcement and whose members are from Fed-*
24 *eral, State, regional, local, or Tribal organizations*
25 *that review issues or complaints against law enforce-*

1 *ment agencies or officers, such as the National Asso-*
2 *ciation for Civilian Oversight of Law Enforcement*
3 *(NACOLE).*

4 **SEC. 113. ACCREDITATION OF LAW ENFORCEMENT AGEN-**
5 **CIES.**

6 *(a) STANDARDS.—*

7 *(1) INITIAL ANALYSIS.—The Attorney General*
8 *shall perform an initial analysis of existing accredi-*
9 *tation standards and methodology developed by law*
10 *enforcement accreditation organizations nationwide,*
11 *including national, State, regional, and Tribal ac-*
12 *creditation organizations. Such an analysis shall in-*
13 *clude a review of the recommendations of the Final*
14 *Report of the President’s Taskforce on 21st Century*
15 *Policing, issued by the Department of Justice, in May*
16 *2015.*

17 *(2) DEVELOPMENT OF UNIFORM STANDARDS.—*
18 *After completion of the initial review and analysis*
19 *under paragraph (1), the Attorney General shall—*

20 *(A) recommend, in consultation with law*
21 *enforcement accreditation organizations and*
22 *community-based organizations, the adoption of*
23 *additional standards that will result in greater*
24 *community accountability of law enforcement*
25 *agencies and an increased focus on policing with*

1 *a guardian mentality, including standards relat-*
2 *ing to—*

3 *(i) early warning systems and related*
4 *intervention programs;*

5 *(ii) use of force procedures;*

6 *(iii) civilian review procedures;*

7 *(iv) traffic and pedestrian stop and*
8 *search procedures;*

9 *(v) data collection and transparency;*

10 *(vi) administrative due process re-*
11 *quirements;*

12 *(vii) video monitoring technology;*

13 *(viii) youth justice and school safety;*

14 *and*

15 *(ix) recruitment, hiring, and training;*

16 *and*

17 *(B) recommend additional areas for the de-*
18 *velopment of national standards for the accredi-*
19 *tation of law enforcement agencies in consulta-*
20 *tion with existing law enforcement accreditation*
21 *organizations, professional law enforcement asso-*
22 *ciations, labor organizations, community-based*
23 *organizations, and professional civilian oversight*
24 *organizations.*

1 (3) *CONTINUING ACCREDITATION PROCESS.*—*The*
2 *Attorney General shall adopt policies and procedures*
3 *to partner with law enforcement accreditation organi-*
4 *zations, professional law enforcement associations,*
5 *labor organizations, community-based organizations,*
6 *and professional civilian oversight organizations to—*

7 (A) *continue the development of further ac-*
8 *creditation standards consistent with paragraph*
9 (2);

10 (B) *encourage the pursuit of accreditation*
11 *of Federal, State, local, and Tribal law enforce-*
12 *ment agencies by certified law enforcement ac-*
13 *creditation organizations; and*

14 (C) *develop recommendations for implemen-*
15 *tation of a national accreditation requirement*
16 *tied to Federal grant eligibility.*

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

21 “(7) *An assurance that, for each fiscal year cov-*
22 *ered by an application, the applicant will use not less*
23 *than 5 percent of the total amount of the grant award*
24 *for the fiscal year to assist law enforcement agencies*
25 *of the applicant, including campus public safety de-*

1 *partments, gain or maintain accreditation from cer-*
2 *tified law enforcement accreditation organizations in*
3 *accordance with section 113 of the Law Enforcement*
4 *Trust and Integrity Act of 2020.”.*

5 **SEC. 114. LAW ENFORCEMENT GRANTS.**

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

10 *“(8) An assurance that, for each fiscal year cov-*
11 *ered by an application, the applicant will use not less*
12 *than 5 percent of the total amount of the grant award*
13 *for the fiscal year to study and implement effective*
14 *management, training, recruiting, hiring, and over-*
15 *sight standards and programs to promote effective*
16 *community and problem solving strategies for law en-*
17 *forcement agencies in accordance with section 114 of*
18 *the Law Enforcement Trust and Integrity Act of*
19 *2020.”.*

20 *(b) GRANT PROGRAM FOR COMMUNITY ORGANIZA-*
21 *TIONS.—The Attorney General may make grants to commu-*
22 *nity-based organizations to study and implement—*

23 *(1) effective management, training, recruiting,*
24 *hiring, and oversight standards and programs to pro-*

1 *mote effective community and problem solving strate-*
2 *gies for law enforcement agencies; or*

3 *(2) effective strategies and solutions to public*
4 *safety, including strategies that do not rely on Fed-*
5 *eral and local law enforcement agency responses.*

6 *(c) USE OF FUNDS.—Grant amounts described in*
7 *paragraph (8) of section 502(a) of title I of the Omnibus*
8 *Crime Control and Safe Streets Act of 1968 (34 U.S.C.*
9 *10153(a)), as added by subsection (a) of this section, and*
10 *grant amounts awarded under subsection (b) shall be used*
11 *to—*

12 *(1) study management and operations standards*
13 *for law enforcement agencies, including standards re-*
14 *lating to administrative due process, residency re-*
15 *quirements, compensation and benefits, use of force,*
16 *racial profiling, early warning and intervention sys-*
17 *tems, youth justice, school safety, civilian review*
18 *boards or analogous procedures, or research into the*
19 *effectiveness of existing programs, projects, or other*
20 *activities designed to address misconduct; and*

21 *(2) develop pilot programs and implement effec-*
22 *tive standards and programs in the areas of training,*
23 *hiring and recruitment, and oversight that are de-*
24 *signed to improve management and address mis-*
25 *conduct by law enforcement officers.*

1 (d) *COMPONENTS OF PILOT PROGRAM.*—A pilot pro-
2 gram developed under subsection (c)(2) shall include imple-
3 mentation of the following:

4 (1) *TRAINING.*—The implementation of policies,
5 practices, and procedures addressing training and in-
6 struction to comply with accreditation standards in
7 the areas of—

8 (A) *the use of deadly force, less lethal force,*
9 *and de-escalation tactics and techniques;*

10 (B) *investigation of officer misconduct and*
11 *practices and procedures for referring to pros-*
12 *ecuting authorities allegations of officer use of*
13 *excessive force or racial profiling;*

14 (C) *disproportionate contact by law enforce-*
15 *ment with minority communities;*

16 (D) *tactical and defensive strategy;*

17 (E) *arrests, searches, and restraint;*

18 (F) *professional verbal communications*
19 *with civilians;*

20 (G) *interactions with—*

21 (i) *youth;*

22 (ii) *individuals with disabilities;*

23 (iii) *individuals with limited English*
24 *proficiency; and*

25 (iv) *multi-cultural communities;*

1 (H) proper traffic, pedestrian, and other en-
2 forcement stops; and

3 (I) community relations and bias aware-
4 ness.

5 (2) *RECRUITMENT, HIRING, RETENTION, AND*
6 *PROMOTION OF DIVERSE LAW ENFORCEMENT OFFI-*
7 *CERS.—Policies, procedures, and practices for—*

8 (A) the hiring and recruitment of diverse
9 law enforcement officers who are representative
10 of the communities they serve;

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

16 (C) initiatives to encourage residency in the
17 jurisdiction served by the law enforcement agen-
18 cy and continuing education.

19 (3) *OVERSIGHT.—Complaint procedures, includ-*
20 *ing the establishment of civilian review boards or*
21 *analogous procedures for jurisdictions across a range*
22 *of sizes and agency configurations, complaint proce-*
23 *dures by community-based organizations, early warn-*
24 *ing systems and related intervention programs, video*
25 *monitoring technology, data collection and trans-*

1 *parency, and administrative due process requirements*
2 *inherent to complaint procedures for members of the*
3 *public and law enforcement.*

4 (4) *YOUTH JUSTICE AND SCHOOL SAFETY.—Uni-*
5 *form standards on youth justice and school safety that*
6 *include best practices for law enforcement interaction*
7 *and communication with children and youth, taking*
8 *into consideration adolescent development and any*
9 *disability, including—*

10 (A) *the right to effective and timely notifi-*
11 *cation of a parent or legal guardian of any law*
12 *enforcement interaction, regardless of the immi-*
13 *gration status of the individuals involved; and*

14 (B) *the creation of positive school climates*
15 *by improving school conditions for learning by—*

16 (i) *eliminating school-based arrests*
17 *and referrals to law enforcement;*

18 (ii) *using evidence-based preventative*
19 *measures and alternatives to school-based*
20 *arrests and referrals to law enforcement,*
21 *such as restorative justice and healing prac-*
22 *tices; and*

23 (iii) *using school-wide positive behav-*
24 *ioral interventions and supports.*

1 (5) *VICTIM SERVICES.*—*Counseling services, in-*
2 *cluding psychological counseling, for individuals and*
3 *communities impacted by law enforcement mis-*
4 *conduct.*

5 (e) *TECHNICAL ASSISTANCE.*—

6 (1) *IN GENERAL.*—*The Attorney General may*
7 *provide technical assistance to States and commu-*
8 *nity-based organizations in furtherance of the pur-*
9 *poses of this section.*

10 (2) *MODELS FOR REDUCTION OF LAW ENFORCE-*
11 *MENT MISCONDUCT.*—*The technical assistance pro-*
12 *vided by the Attorney General may include the devel-*
13 *opment of models for States and community-based or-*
14 *ganizations to reduce law enforcement officer mis-*
15 *conduct. Any development of such models shall be in*
16 *consultation with community-based organizations.*

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

20 (g) *APPLICATIONS.*—*An application for a grant under*
21 *subsection (b) shall be submitted in such form, and contain*
22 *such information, as the Attorney General may prescribe*
23 *by rule.*

24 (h) *PERFORMANCE EVALUATION.*—

25 (1) *MONITORING COMPONENTS.*—

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

6 (B) *REQUIREMENT.*—Each monitoring com-
7 ponent required under subparagraph (A) shall
8 include systematic identification and collection
9 of data about activities, accomplishments, and
10 programs throughout the duration of the pro-
11 gram, project, or activity and presentation of
12 such data in a usable form.

13 (2) *EVALUATION COMPONENTS.*—

14 (A) *IN GENERAL.*—Selected grant recipients
15 shall be evaluated on the local level or as part of
16 a national evaluation, pursuant to rules made
17 by the Attorney General.

18 (B) *REQUIREMENTS.*—An evaluation con-
19 ducted under subparagraph (A) may include
20 independent audits of police behavior and other
21 assessments of individual program implementa-
22 tions. For community-based organizations in se-
23 lected jurisdictions that are able to support out-
24 come evaluations, the effectiveness of funded pro-
25 grams, projects, and activities may be required.

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

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

15 (j) *CIVILIAN REVIEW BOARD DEFINED.*—*In this sec-*
16 *tion, the term “civilian review board” means an adminis-*
17 *trative entity that investigates civilian complaints against*
18 *law enforcement officers and—*

- 19 (1) *is independent and adequately funded;*
20 (2) *has investigatory authority and subpoena*
21 *power;*
22 (3) *has representative community diversity;*
23 (4) *has policy making authority;*
24 (5) *provides advocates for civilian complainants;*
25 (6) *may conduct hearings; and*

1 (7) *conducts statistical studies on prevailing*
2 *complaint trends.*

3 (k) *AUTHORIZATION OF APPROPRIATIONS.—There are*
4 *authorized to be appropriated to the Attorney General*
5 *\$25,000,000 for fiscal year 2021 to carry out the grant pro-*
6 *gram authorized under subsection (b).*

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

8 (a) *STUDY.—*

9 (1) *IN GENERAL.—The Attorney General shall*
10 *conduct a nationwide study of the prevalence and ef-*
11 *fect of any law, rule, or procedure that allows a law*
12 *enforcement officer to delay the response to questions*
13 *posed by a local internal affairs officer, or review*
14 *board on the investigative integrity and prosecution*
15 *of law enforcement misconduct, including pre-inter-*
16 *view warnings and termination policies.*

17 (2) *INITIAL ANALYSIS.—The Attorney General*
18 *shall perform an initial analysis of existing State*
19 *laws, rules, and procedures to determine whether, at*
20 *a threshold level, the effect of the type of law, rule, or*
21 *procedure that raises material investigatory issues*
22 *that could impair or hinder a prompt and thorough*
23 *investigation of possible misconduct, including crimi-*
24 *nal conduct.*

1 (3) *DATA COLLECTION.*—After completion of the
2 initial analysis under paragraph (2), and considering
3 material investigatory issues, the Attorney General
4 shall gather additional data nationwide on similar
5 laws, rules, and procedures from a representative and
6 statistically significant sample of jurisdictions, to de-
7 termine whether such laws, rules, and procedures
8 raise such material investigatory issues.

9 (b) *REPORTING.*—

10 (1) *INITIAL ANALYSIS.*—Not later than 120 days
11 after the date of the enactment of this Act, the Attor-
12 ney General shall—

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

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

18 (C) identify the jurisdictions for which the
19 study described in subsection (a)(3) is to be con-
20 ducted.

21 (2) *DATA COLLECTED.*—Not later than 2 years
22 after the date of the enactment of this Act, the Attor-
23 ney General shall submit to Congress a report con-
24 taining the results of the data collected under this sec-
25 tion and publish the report in the Federal Register.

1 **SEC. 116. AUTHORIZATION OF APPROPRIATIONS.**

2 *There are authorized to be appropriated for fiscal year*
3 *2021, in addition to any other sums authorized to be appro-*
4 *riated—*

5 (1) *\$25,000,000 for additional expenses relating*
6 *to the enforcement of section 210401 of the Violent*
7 *Crime Control and Law Enforcement Act of 1994 (34*
8 *U.S.C. 12601), criminal enforcement under sections*
9 *241 and 242 of title 18, United States Code, and ad-*
10 *ministrative enforcement by the Department of Jus-*
11 *tice of such sections, including compliance with con-*
12 *sent decrees or judgments entered into under such sec-*
13 *tion 210401; and*

14 (2) *\$3,300,000 for additional expenses related to*
15 *conflict resolution by the Department of Justice’s*
16 *Community Relations Service.*

17 **SEC. 117. NATIONAL TASK FORCE ON LAW ENFORCEMENT**
18 **OVERSIGHT.**

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

23 (b) *COMPOSITION.—The Task Force shall be composed*
24 *of individuals appointed by the Attorney General, who shall*
25 *appoint not less than 1 individual from each of the fol-*
26 *lowing:*

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

3 (2) *The Criminal Section of the Civil Rights Di-*
4 *vision.*

5 (3) *The Federal Coordination and Compliance*
6 *Section of the Civil Rights Division.*

7 (4) *The Employment Litigation Section of the*
8 *Civil Rights Division.*

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

11 (6) *The Office of Justice Programs.*

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

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

16 (9) *The Community Relations Service.*

17 (10) *The Office of Tribal Justice.*

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

20 (c) *POWERS AND DUTIES.*—*The Task Force shall con-*
21 *sult with professional law enforcement associations, labor*
22 *organizations, and community-based organizations to co-*
23 *ordinate the process of the detection and referral of com-*
24 *plaints regarding incidents of alleged law enforcement mis-*
25 *conduct.*

1 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
2 *authorized to be appropriated \$5,000,000 for each fiscal*
3 *year to carry out this section.*

4 **SEC. 118. FEDERAL DATA COLLECTION ON LAW ENFORCE-**
5 **MENT PRACTICES.**

6 (a) *AGENCIES TO REPORT.*—*Each Federal, State,*
7 *Tribal, and local law enforcement agency shall report data*
8 *of the practices enumerated in subsection (c) of that agency*
9 *to the Attorney General.*

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

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

19 (1) *Traffic violation stops.*

20 (2) *Pedestrian stops.*

21 (3) *Frisk and body searches.*

22 (4) *Instances where law enforcement officers used*
23 *deadly force, including—*

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

1 (B) a description of deadly force directed
2 against an officer and whether it resulted in in-
3 jury or death; and

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

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

11 (e) *PENALTY FOR STATES FAILING TO REPORT AS RE-*
12 *QUIRED.*—

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

24 (2) *REALLOCATION.*—Amounts not allocated by
25 reason of this subsection shall be reallocated to States

1 *not disqualified by failure to comply with this sec-*
2 *tion.*

3 (f) *REGULATIONS.*—*The Attorney General shall pre-*
4 *scribe regulations to carry out this section.*

5 **TITLE II—POLICING**
6 **TRANSPARENCY THROUGH DATA**
7 **Subtitle A—National Police**
8 **Misconduct Registry**

9 **SEC. 201. ESTABLISHMENT OF NATIONAL POLICE MIS-**
10 **CONDUCT REGISTRY.**

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

15 (b) *CONTENTS OF REGISTRY.*—*The Registry required*
16 *to be established under subsection (a) shall contain the fol-*
17 *lowing data with respect to all Federal and local law en-*
18 *forcement officers:*

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

21 (A) *complaints that were found to be cred-*
22 *ible or that resulted in disciplinary action*
23 *against the law enforcement officer,*
24 *disaggregated by whether the complaint involved*

1 *a use of force or racial profiling (as such term*
2 *is defined in section 302);*

3 *(B) complaints that are pending review,*
4 *disaggregated by whether the complaint involved*
5 *a use of force or racial profiling; and*

6 *(C) complaints for which the law enforce-*
7 *ment officer was exonerated or that were deter-*
8 *mined to be unfounded or not sustained,*
9 *disaggregated by whether the complaint involved*
10 *a use of force or racial profiling.*

11 *(2) Discipline records, disaggregated by whether*
12 *the complaint involved a use of force or racial*
13 *profiling.*

14 *(3) Termination records, the reason for each ter-*
15 *mination, disaggregated by whether the complaint in-*
16 *volved a use of force or racial profiling.*

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

19 *(5) Records of lawsuits against law enforcement*
20 *officers and settlements of such lawsuits.*

21 *(c) FEDERAL AGENCY REPORTING REQUIREMENTS.—*
22 *Not later than 1 year after the date of enactment of this*
23 *Act, and every 6 months thereafter, the head of each Federal*
24 *law enforcement agency shall submit to the Attorney Gen-*
25 *eral the information described in subsection (b).*

1 (d) *STATE AND LOCAL LAW ENFORCEMENT AGENCY*
2 *REPORTING REQUIREMENTS.*—*Beginning in the first fiscal*
3 *year that begins after the date that is one year after the*
4 *date of enactment of this Act and each fiscal year thereafter*
5 *in which a State receives funds under the Byrne grant pro-*
6 *gram, the State shall, once every 180 days, submit to the*
7 *Attorney General the information described in subsection*
8 *(b) for the State and each local law enforcement agency*
9 *within the State.*

10 (e) *PUBLIC AVAILABILITY OF REGISTRY.*—

11 (1) *IN GENERAL.*—*In establishing the Registry*
12 *required under subsection (a), the Attorney General*
13 *shall make the Registry available to the public on an*
14 *internet website of the Attorney General in a manner*
15 *that allows members of the public to search for an in-*
16 *dividual law enforcement officer’s records of mis-*
17 *conduct, as described in subsection (b), involving a*
18 *use of force or racial profiling.*

19 (2) *PRIVACY PROTECTIONS.*—*Nothing in this*
20 *subsection shall be construed to supersede the require-*
21 *ments or limitations under section 552a of title 5,*
22 *United States Code (commonly known as the “Pri-*
23 *vacancy Act of 1974”).*

1 **SEC. 202. CERTIFICATION REQUIREMENTS FOR HIRING OF**
2 **LAW ENFORCEMENT OFFICERS.**

3 (a) *IN GENERAL.*— *Beginning in the first fiscal year*
4 *that begins after the date that is one year after the date*
5 *of the enactment of this Act, a State or unit of local govern-*
6 *ment, other than an Indian Tribe, may not receive funds*
7 *under the Byrne grant program for that fiscal year if, on*
8 *the day before the first day of the fiscal year, the State or*
9 *unit of local government has not—*

10 (1) *submitted to the Attorney General evidence*
11 *that the State or unit of local government has a cer-*
12 *tification and decertification program for purposes of*
13 *employment as a law enforcement officer in that*
14 *State or unit of local government that is consistent*
15 *with the rules made under subsection (c); and*

16 (2) *submitted to the National Police Misconduct*
17 *Registry established under section 201 records dem-*
18 *onstrating that all law enforcement officers of the*
19 *State or unit of local government have completed all*
20 *State certification requirements during the 1-year pe-*
21 *riod preceding the fiscal year.*

22 (b) *AVAILABILITY OF INFORMATION.*—*The Attorney*
23 *General shall make available to law enforcement agencies*
24 *all information in the registry under section 201 for pur-*
25 *poses of compliance with the certification and decertifica-*

1 *tion programs described in subsection (a)(1) and consid-*
 2 *ering applications for employment.*

3 *(c) RULES.—The Attorney General shall make rules to*
 4 *carry out this section and section 201, including uniform*
 5 *reporting standards.*

6 ***Subtitle B—PRIDE Act***

7 ***SEC. 221. SHORT TITLE.***

8 *This subtitle may be cited as the “Police Reporting In-*
 9 *formation, Data, and Evidence Act of 2020” or the*
 10 *“PRIDE Act of 2020”.*

11 ***SEC. 222. DEFINITIONS.***

12 *In this subtitle:*

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

17 *(2) LOCAL LAW ENFORCEMENT OFFICER.—The*
 18 *term “local law enforcement officer” has the meaning*
 19 *given the term in section 2, and includes a school re-*
 20 *source officer.*

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

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

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

7 (B) *contracting with a local educational*
8 *agency or school; or*

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

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

12 (a) *REPORTING REQUIREMENTS.*—

13 (1) *IN GENERAL.*—*Beginning in the first fiscal*
14 *year that begins after the date that is one year after*
15 *the date of enactment of this Act and each fiscal year*
16 *thereafter in which a State or Indian Tribe receives*
17 *funds under a Byrne grant program, the State or In-*
18 *dian Tribe shall—*

19 (A) *report to the Attorney General, on a*
20 *quarterly basis and pursuant to guidelines estab-*
21 *lished by the Attorney General, information re-*
22 *garding—*

23 (i) *any incident involving the use of*
24 *deadly force against a civilian by—*

1 (I) a local law enforcement officer
2 who is employed by the State or by a
3 unit of local government in the State;
4 or

5 (II) a tribal law enforcement offi-
6 cer who is employed by the Indian
7 Tribe;

8 (ii) any incident involving the shoot-
9 ing of a local law enforcement officer or
10 tribal law enforcement officer described in
11 clause (i) by a civilian;

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

15 (iv) any incident during which use of
16 force by or against a local law enforcement
17 officer or tribal law enforcement officer de-
18 scribed in clause (i) occurs, which is not re-
19 ported under clause (i), (ii), or (iii);

20 (v) deaths in custody; and

21 (vi) uses of force in arrests and book-
22 ing;

23 (B) establish a system and a set of policies
24 to ensure that all use of force incidents are re-

1 *ported by local law enforcement officers or tribal*
2 *law enforcement officers; and*

3 *(C) submit to the Attorney General a plan*
4 *for the collection of data required to be reported*
5 *under this section, including any modifications*
6 *to a previously submitted data collection plan.*

7 (2) *REPORT INFORMATION REQUIRED.—*

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

11 (i) *the national origin, sex, race, eth-*
12 *nicity, age, disability, English language*
13 *proficiency, and housing status of each ci-*
14 *vilian against whom a local law enforce-*
15 *ment officer or tribal law enforcement offi-*
16 *cer used force;*

17 (ii) *the date, time, and location, in-*
18 *cluding whether it was on school grounds,*
19 *and the zip code, of the incident and wheth-*
20 *er the jurisdiction in which the incident oc-*
21 *curring allows for the open-carry or con-*
22 *cealed-carry of a firearm;*

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

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

4 (v) the reason force was used;

5 (vi) a description of any injuries sus-
6 tained as a result of the incident;

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

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

11 (ix) a brief description regarding the
12 circumstances surrounding the incident,
13 which shall include information on—

14 (I) the type of force used by all
15 involved persons;

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

18 (III) the resistance encountered by
19 each local law enforcement officer or
20 tribal law enforcement officer involved
21 in the incident;

22 (IV) the efforts by local law en-
23 forcement officers or tribal law enforce-
24 ment officers to—

1 (aa) *de-escalate the situation*
2 *in order to avoid the use of force;*
3 or

4 (bb) *minimize the level of*
5 *force used; and*

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

9 (B) *INCIDENTS REPORTED UNDER DEATH*
10 *IN CUSTODY REPORTING ACT.—A State or In-*
11 *Indian Tribe is not required to include in a report*
12 *under subsection (a)(1) an incident reported by*
13 *the State or Indian Tribe in accordance with*
14 *section 20104(a)(2) of the Violent Crime Control*
15 *and Law Enforcement Act of 1994 (34 U.S.C.*
16 *12104(a)(2)).*

17 (C) *RETENTION OF DATA.—Each law en-*
18 *forcement agency required to report data under*
19 *this section shall maintain records relating to*
20 *any matter so reportable for not less than 4*
21 *years after those records are created.*

22 (3) *AUDIT OF USE-OF-FORCE REPORTING.—Not*
23 *later than 1 year after the date of enactment of this*
24 *Act, and each year thereafter, each State or Indian*
25 *Tribe described in paragraph (1) shall—*

1 (A) conduct an audit of the use of force in-
2 cident reporting system required to be established
3 under paragraph (1)(B); and

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

6 (4) COMPLIANCE PROCEDURE.—Prior to submit-
7 ting a report under paragraph (1)(A), the State or
8 Indian Tribe submitting such report shall compare
9 the information compiled to be reported pursuant to
10 clause (i) of paragraph (1)(A) to publicly available
11 sources, and shall revise such report to include any
12 incident determined to be missing from the report
13 based on such comparison. Failure to comply with the
14 procedures described in the previous sentence shall be
15 considered a failure to comply with the requirements
16 of this section.

17 (b) INELIGIBILITY FOR FUNDS.—

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

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

7 (3) *INFORMATION REGARDING SCHOOL RE-*
8 *SOURCE OFFICERS.*—The State or Indian Tribe shall
9 ensure that all schools and local educational agencies
10 within the jurisdiction of the State or Indian Tribe
11 provide the State or Indian Tribe with the informa-
12 tion needed regarding school resource officers to com-
13 ply with this section.

14 (c) *PUBLIC AVAILABILITY OF DATA.*—

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

20 (2) *PRIVACY PROTECTIONS.*—Nothing in this
21 subsection shall be construed to supersede the require-
22 ments or limitations under section 552a of title 5,
23 United States Code (commonly known as the “Pri-
24 vacy Act of 1974”).

1 (d) *GUIDANCE.*—Not later than 180 days after the date
2 of enactment of this Act, the Attorney General, in coordina-
3 tion with the Director of the Federal Bureau of Investiga-
4 tion, shall issue guidance on best practices relating to estab-
5 lishing standard data collection systems that capture the
6 information required to be reported under subsection (a)(2),
7 which shall include standard and consistent definitions for
8 terms.

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

10 (a) *TECHNICAL ASSISTANCE GRANTS AUTHORIZED.*—
11 The Attorney General may make grants to eligible law en-
12 forcement agencies to be used for the activities described in
13 subsection (c).

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

16 (1) be a tribal law enforcement agency or be lo-
17 cated in a State that receives funds under a Byrne
18 grant program;

19 (2) employ not more than 100 local or tribal law
20 enforcement officers;

21 (3) demonstrate that the use of force policy for
22 local law enforcement officers or tribal law enforce-
23 ment officers employed by the law enforcement agency
24 is publicly available; and

1 (4) *establish and maintain a complaint system*
2 *that—*

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

6 (B) *makes all information collected publicly*
7 *searchable and available; and*

8 (C) *provides information on the status of an*
9 *investigation related to a use of force complaint.*

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

12 (1) *the cost of assisting the State or Indian Tribe*
13 *in which the law enforcement agency is located in*
14 *complying with the reporting requirements described*
15 *in section 223;*

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

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

24 (4) *use of force training for law enforcement*
25 *agencies and personnel, including training on de-es-*

1 *calation, implicit bias, crisis intervention techniques,*
2 *and adolescent development.*

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

4 *(a) IN GENERAL.—Not later than 1 year after the date*
5 *of enactment of this Act, and each year thereafter, the Attor-*
6 *ney General shall conduct an audit and review of the infor-*
7 *mation provided under this subtitle to determine whether*
8 *each State or Indian Tribe described in section 223(a)(1)*
9 *is in compliance with the requirements of this subtitle.*

10 *(b) CONSISTENCY IN DATA REPORTING.—*

11 *(1) IN GENERAL.—Any data reported under this*
12 *subtitle shall be collected and reported—*

13 *(A) in a manner consistent with existing*
14 *programs of the Department of Justice that col-*
15 *lect data on local law enforcement officer encoun-*
16 *ters with civilians; and*

17 *(B) in a manner consistent with civil rights*
18 *laws for distribution of information to the pub-*
19 *lic.*

20 *(2) GUIDELINES.—Not later than 1 year after*
21 *the date of enactment of this Act, the Attorney Gen-*
22 *eral shall—*

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

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

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

4 The head of each Federal law enforcement agency shall
5 submit to the Attorney General, on a quarterly basis and
6 pursuant to guidelines established by the Attorney General,
7 the information required to be reported by a State or In-
8 dian Tribe under section 223.

9 **SEC. 227. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated to the Attor-
11 ney General such sums as are necessary to carry out this
12 subtitle.

13 **TITLE III—IMPROVING POLICE**
14 **TRAINING AND POLICIES**
15 **Subtitle A—End Racial and**
16 **Religious Profiling Act**

17 **SEC. 301. SHORT TITLE.**

18 This subtitle may be cited as the “End Racial and Re-
19 ligious Profiling Act of 2020” or “ERRPA”.

20 **SEC. 302. DEFINITIONS.**

21 In this subtitle:

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

25 (A) a Byrne grant program; and

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

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

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

18 (4) LAW ENFORCEMENT AGENCY.—The term
19 “law enforcement agency” means any Federal, State,
20 or local public agency engaged in the prevention, de-
21 tection, or investigation of violations of criminal, im-
22 migration, or customs laws.

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

1 *tion, or customs laws, including police officers and*
2 *other agents of a law enforcement agency.*

3 (6) *RACIAL PROFILING.—*

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

19 (B) *EXCEPTION.—For purposes of subpara-*
20 *graph (A), a tribal law enforcement officer exer-*
21 *cising law enforcement authority within Indian*
22 *country, as that term is defined in section 1151*
23 *of title 18, United States Code, is not considered*
24 *to be racial profiling with respect to making key*
25 *jurisdictional determinations that are necessarily*

1 *tied to reliance on actual or perceived race, eth-*
2 *nicity, or tribal affiliation.*

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

7 (A) *Interviews.*

8 (B) *Traffic stops.*

9 (C) *Pedestrian stops.*

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

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

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

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

21 (H) *Immigration-related workplace inves-*
22 *tigations.*

23 (I) *Such other types of law enforcement en-*
24 *counters compiled for or by the Federal Bureau*

1 *of Investigation or the Department of Justice*
2 *Bureau of Justice Statistics.*

3 (8) *REASONABLE REQUEST.*—*The term “reason-*
4 *able request” means all requests for information, ex-*
5 *cept for those that—*

6 (A) *are immaterial to the investigation;*

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

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

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

13 ***SEC. 311. PROHIBITION.***

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

16 ***SEC. 312. ENFORCEMENT.***

17 (a) *REMEDY.*—*The United States, or an individual in-*
18 *jured by racial profiling, may enforce this part in a civil*
19 *action for declaratory or injunctive relief, filed either in*
20 *a State court of general jurisdiction or in a district court*
21 *of the United States.*

22 (b) *PARTIES.*—*In any action brought under this part,*
23 *relief may be obtained against—*

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

4 (2) *any agent of such body who engaged in ra-*
5 *cial profiling; and*

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

8 (c) *NATURE OF PROOF.*—*Proof that the routine or*
9 *spontaneous investigatory activities of law enforcement*
10 *agents in a jurisdiction have had a disparate impact on*
11 *individuals with a particular characteristic described in*
12 *section 302(6) shall constitute prima facie evidence of a vio-*
13 *lation of this part.*

14 (d) *ATTORNEY'S FEES.*—*In any action or proceeding*
15 *to enforce this part against any governmental body, the*
16 *court may allow a prevailing plaintiff, other than the*
17 *United States, reasonable attorney's fees as part of the costs,*
18 *and may include expert fees as part of the attorney's fee.*
19 *The term "prevailing plaintiff" means a plaintiff that sub-*
20 *stantially prevails pursuant to a judicial or administrative*
21 *judgment or order, or an enforceable written agreement.*

1 **PART II—PROGRAMS TO ELIMINATE RACIAL**
2 **PROFILING BY FEDERAL LAW ENFORCEMENT**
3 **AGENCIES**

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

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

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

9 (2) *cease existing practices that permit racial*
10 *profiling.*

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

13 (1) *a prohibition on racial profiling;*

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

16 (3) *the collection of data in accordance with the*
17 *regulations issued by the Attorney General under sec-*
18 *tion 341;*

19 (4) *procedures for receiving, investigating, and*
20 *responding meaningfully to complaints alleging ra-*
21 *cial profiling by law enforcement agents; and*

22 (5) *any other policies and procedures the Attor-*
23 *ney General determines to be necessary to eliminate*
24 *racial profiling by Federal law enforcement agencies.*

1 **PART III—PROGRAMS TO ELIMINATE RACIAL**
2 **PROFILING BY STATE AND LOCAL LAW EN-**
3 **FORCEMENT AGENCIES**

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

5 (a) *IN GENERAL.*—An application by a State or a unit
6 of local government for funding under a covered program
7 shall include a certification that such State, unit of local
8 government, and any law enforcement agency to which it
9 will distribute funds—

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

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

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

16 (1) *a prohibition on racial profiling;*

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

19 (3) *the collection of data in accordance with the*
20 *regulations issued by the Attorney General under sec-*
21 *tion 341; and*

22 (4) *participation in an administrative com-*
23 *plaint procedure or independent audit program that*
24 *meets the requirements of section 332.*

25 (c) *EFFECTIVE DATE.*—This section shall take effect
26 12 months after the date of enactment of this Act.

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

2 (a) *REGULATIONS.*—

3 (1) *IN GENERAL.*—Not later than 6 months after
4 the date of enactment of this Act and in consultation
5 with stakeholders, including Federal, State, and local
6 law enforcement agencies and community, profes-
7 sional, research, and civil rights organizations, the
8 Attorney General shall issue regulations for the oper-
9 ation of administrative complaint procedures and
10 independent audit programs to ensure that such pro-
11 cedures and programs provide an appropriate re-
12 sponse to allegations of racial profiling by law en-
13 forcement agents or agencies.

14 (2) *GUIDELINES.*—The regulations issued under
15 paragraph (1) shall contain guidelines that ensure the
16 fairness, effectiveness, and independence of the admin-
17 istrative complaint procedures and independent audi-
18 tor programs.

19 (b) *NONCOMPLIANCE.*—If the Attorney General deter-
20 mines that the recipient of a grant from any covered pro-
21 gram is not in compliance with the requirements of section
22 331 or the regulations issued under subsection (a), the At-
23 torney General shall withhold, in whole or in part (at the
24 discretion of the Attorney General), funds for one or more
25 grants to the recipient under the covered program, until the
26 recipient establishes compliance.

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

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

7 (a) *TECHNICAL ASSISTANCE GRANTS FOR DATA COL-*
8 *LECTION.*—

9 (1) *IN GENERAL.*—*The Attorney General may,*
10 *through competitive grants or contracts, carry out a*
11 *2-year demonstration project for the purpose of devel-*
12 *oping and implementing data collection programs on*
13 *the hit rates for stops and searches by law enforce-*
14 *ment agencies. The data collected shall be*
15 *disaggregated by race, ethnicity, national origin, gen-*
16 *der, and religion.*

17 (2) *NUMBER OF GRANTS.*—*The Attorney General*
18 *shall provide not more than 5 grants or contracts*
19 *under this section.*

20 (3) *ELIGIBLE GRANTEEES.*—*Grants or contracts*
21 *under this section shall be awarded to law enforce-*
22 *ment agencies that serve communities where there is*
23 *a significant concentration of racial or ethnic minori-*
24 *ties and that are not already collecting data volun-*
25 *tarily.*

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

3 (1) *developing a data collection tool and report-*
4 *ing the compiled data to the Attorney General; and*

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

8 (c) *EVALUATION.*—Not later than 3 years after the date
9 of enactment of this Act, the Attorney General shall enter
10 into a contract with an institution of higher education (as
11 defined in section 101 of the Higher Education Act of 1965
12 (20 U.S.C. 1001)) to analyze the data collected by each of
13 the grantees funded under this section.

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

17 (1) *\$5,000,000, over a 2-year period, to carry*
18 *out the demonstration program under subsection (a);*
19 *and*

20 (2) *\$500,000 to carry out the evaluation under*
21 *subsection (c).*

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

23 (a) *USE OF FUNDS REQUIREMENT.*—Section 502(a) of
24 title I of the Omnibus Crime Control and Safe Streets Act

1 of 1968 (34 U.S.C. 10153(a)), as amended by sections 113
2 and 114, is amended by adding at the end the following:

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

10 (b) *DEVELOPMENT OF BEST PRACTICES.*—Grant
11 amounts described in paragraph (9) of section 502(a) of
12 title I of the Omnibus Crime Control and Safe Streets Act
13 of 1968 (34 U.S.C. 10153(a)), as added by subsection (a)
14 of this section, shall be for programs that include the fol-
15 lowing:

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

19 (2) *The acquisition and use of technology to fa-*
20 *cilitate the accurate collection and analysis of data.*

21 (3) *The development and acquisition of feedback*
22 *systems and technologies that identify law enforce-*
23 *ment agents or units of agents engaged in, or at risk*
24 *of engaging in, racial profiling or other misconduct.*

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

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

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

8 **PART IV—DATA COLLECTION**

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

10 (a) *REGULATIONS.*—*Not later than 6 months after the*
11 *date of enactment of this Act, the Attorney General, in con-*
12 *sultation with stakeholders, including Federal, State, and*
13 *local law enforcement agencies and community, profes-*
14 *sional, research, and civil rights organizations, shall issue*
15 *regulations for the collection and compilation of data under*
16 *sections 321 and 331.*

17 (b) *REQUIREMENTS.*—*The regulations issued under*
18 *subsection (a) shall—*

19 (1) *provide for the collection of data on all rou-*
20 *tine and spontaneous investigatory activities;*

21 (2) *provide that the data collected shall—*

22 (A) *be disaggregated by race, ethnicity, na-*
23 *tional origin, gender, disability, and religion;*

24 (B) *include the date, time, and location of*
25 *such investigatory activities;*

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

4 (D) not include personally identifiable in-
5 formation;

6 (3) provide that a standardized form shall be
7 made available to law enforcement agencies for the
8 submission of collected data to the Department of Jus-
9 tice;

10 (4) provide that law enforcement agencies shall
11 compile data on the standardized form made avail-
12 able under paragraph (3), and submit the form to the
13 Civil Rights Division and the Department of Justice
14 Bureau of Justice Statistics;

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

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

21 (7) provide that the Department of Justice Bu-
22 reau of Justice Statistics shall—

23 (A) analyze the data for any statistically
24 significant disparities, including—

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

5 (ii) *disparities in the hit rate; and*

6 (iii) *disparities in the frequency of*
7 *searches performed on racial or ethnic mi-*
8 *nority drivers and the frequency of searches*
9 *performed on nonminority drivers; and*

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

12 (i) *prepare a report regarding the find-*
13 *ings of the analysis conducted under sub-*
14 *paragraph (A);*

15 (ii) *provide such report to Congress;*
16 *and*

17 (iii) *make such report available to the*
18 *public, including on a website of the De-*
19 *partment of Justice, and in accordance with*
20 *accessibility standards under the Americans*
21 *with Disabilities Act of 1990 (42 U.S.C.*
22 *12101 et seq.); and*

23 (8) *protect the privacy of individuals whose data*
24 *is collected by—*

1 (A) limiting the use of the data collected
2 under this subtitle to the purposes set forth in
3 this subtitle;

4 (B) except as otherwise provided in this
5 subtitle, limiting access to the data collected
6 under this subtitle to those Federal, State, or
7 local employees or agents who require such access
8 in order to fulfill the purposes for the data set
9 forth in this subtitle;

10 (C) requiring contractors or other non-
11 governmental agents who are permitted access to
12 the data collected under this subtitle to sign use
13 agreements incorporating the use and disclosure
14 restrictions set forth in subparagraph (A); and

15 (D) requiring the maintenance of adequate
16 security measures to prevent unauthorized access
17 to the data collected under this subtitle.

18 **SEC. 342. PUBLICATION OF DATA.**

19 The Director of the Bureau of Justice Statistics of the
20 Department of Justice shall provide to Congress and make
21 available to the public, together with each annual report
22 described in section 341, the data collected pursuant to this
23 subtitle, excluding any personally identifiable information
24 described in section 343.

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

2 *The name or identifying information of a law enforce-*
3 *ment agent, complainant, or any other individual involved*
4 *in any activity for which data is collected and compiled*
5 *under this subtitle shall not be—*

6 *(1) released to the public;*

7 *(2) disclosed to any person, except for—*

8 *(A) such disclosures as are necessary to*
9 *comply with this subtitle;*

10 *(B) disclosures of information regarding a*
11 *particular person to that person; or*

12 *(C) disclosures pursuant to litigation; or*

13 *(3) subject to disclosure under section 552 of title*
14 *5, United States Code (commonly known as the Free-*
15 *dom of Information Act), except for disclosures of in-*
16 *formation regarding a particular person to that per-*
17 *son.*

18 **PART V—DEPARTMENT OF JUSTICE REGULA-**
19 **TIONS AND REPORTS ON RACIAL PROFILING**
20 **IN THE UNITED STATES**

21 **SEC. 351. ATTORNEY GENERAL TO ISSUE REGULATIONS**
22 **AND REPORTS.**

23 *(a) REGULATIONS.—In addition to the regulations re-*
24 *quired under sections 333 and 341, the Attorney General*
25 *shall issue such other regulations as the Attorney General*
26 *determines are necessary to implement this subtitle.*

1 **(b) REPORTS.**—

2 **(1) IN GENERAL.**—*Not later than 2 years after*
3 *the date of enactment of this Act, and annually there-*
4 *after, the Attorney General shall submit to Congress*
5 *a report on racial profiling by law enforcement agen-*
6 *cies.*

7 **(2) SCOPE.**—*Each report submitted under para-*
8 *graph (1) shall include—*

9 **(A)** *a summary of data collected under sec-*
10 *tions 321(b)(3) and 331(b)(3) and from any*
11 *other reliable source of information regarding ra-*
12 *cial profiling in the United States;*

13 **(B)** *a discussion of the findings in the most*
14 *recent report prepared by the Department of*
15 *Justice Bureau of Justice Statistics under sec-*
16 *tion 341(b)(7);*

17 **(C)** *the status of the adoption and imple-*
18 *mentation of policies and procedures by Federal*
19 *law enforcement agencies under section 321 and*
20 *by the State and local law enforcement agencies*
21 *under sections 331 and 332; and*

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

1 ***Subtitle B—Additional Reforms***

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

3 ***VENE.***

4 (a) *IN GENERAL.*—*The Attorney General shall estab-*
5 *lish—*

6 (1) *a training program for law enforcement offi-*
7 *cers to cover racial profiling, implicit bias, and pro-*
8 *cedural justice; and*

9 (2) *a clear duty for Federal law enforcement offi-*
10 *cers to intervene in cases where another law enforce-*
11 *ment officer is using excessive force against a civilian,*
12 *and establish a training program that covers the duty*
13 *to intervene.*

14 (b) *MANDATORY TRAINING FOR FEDERAL LAW EN-*
15 *FORCEMENT OFFICERS.*—*The head of each Federal law en-*
16 *forcement agency shall require each Federal law enforce-*
17 *ment officer employed by the agency to complete the train-*
18 *ing programs established under subsection (a).*

19 (c) *LIMITATION ON ELIGIBILITY FOR FUNDS.*—*Begin-*
20 *ning in the first fiscal year that begins after the date that*
21 *is one year after the date of enactment of this Act, a State*
22 *or unit of local government may not receive funds under*
23 *the Byrne grant program for a fiscal year if, on the day*
24 *before the first day of the fiscal year, the State or unit of*
25 *local government does not require each law enforcement offi-*

1 *cer in the State or unit of local government to complete*
2 *the training programs established under subsection (a).*

3 *(d) GRANTS TO TRAIN LAW ENFORCEMENT OFFICERS*
4 *ON USE OF FORCE.—Section 501(a)(1) of title I of the Om-*
5 *nibus Crime Control and Safe Streets Act of 1968 (34*
6 *U.S.C. 10152(a)(1)) is amended by adding at the end the*
7 *following:*

8 *“(I) Training programs for law enforcement*
9 *officers, including training programs on use of*
10 *force and a duty to intervene.”.*

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

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

19 *(b) LIMITATION ON ELIGIBILITY FOR FUNDS.—Begin-*
20 *ning in the first fiscal year that begins after the date that*
21 *is one year after the date of enactment of this Act, a State*
22 *or unit of local government may not receive funds under*
23 *the COPS grant program for a fiscal year if, on the day*
24 *before the first day of the fiscal year, the State or unit of*

1 *local government does not have in effect a law that prohibits*
2 *the issuance of a no-knock warrant in a drug case.*

3 (c) *DEFINITION.—In this section, the term “no-knock*
4 *warrant” means a warrant that allows a law enforcement*
5 *officer to enter a property without requiring the law en-*
6 *forcement officer to announce the presence of the law en-*
7 *forcement officer or the intention of the law enforcement of-*
8 *ficer to enter the property.*

9 **SEC. 363. INCENTIVIZING BANNING OF CHOKEHOLDS AND**
10 **CAROTID HOLDS.**

11 (a) *DEFINITION.—In this section, the term “chokehold*
12 *or carotid hold” means the application of any pressure to*
13 *the throat or windpipe, the use of maneuvers that restrict*
14 *blood or oxygen flow to the brain, or carotid artery re-*
15 *straints that prevent or hinder breathing or reduce intake*
16 *of air of an individual.*

17 (b) *LIMITATION ON ELIGIBILITY FOR FUNDS.—Begin-*
18 *ning in the first fiscal year that begins after the date that*
19 *is one year after the date of enactment of this Act, a State*
20 *or unit of local government may not receive funds under*
21 *the Byrne grant program or the COPS grant program for*
22 *a fiscal year if, on the day before the first day of the fiscal*
23 *year, the State or unit of local government does not have*
24 *in effect a law that prohibits law enforcement officers in*

1 *the State or unit of local government from using a chokehold*
2 *or carotid hold.*

3 (c) *CHOKEHOLDS AS CIVIL RIGHTS VIOLATIONS.*—

4 (1) *SHORT TITLE.*—*This subsection may be cited*
5 *as the “Eric Garner Excessive Use of Force Preven-*
6 *tion Act”.*

7 (2) *CHOKEHOLDS AS CIVIL RIGHTS VIOLA-*
8 *TIONS.*—*Section 242 of title 18, United States Code,*
9 *as amended by section 101, is amended by adding at*
10 *the end the following: “For the purposes of this sec-*
11 *tion, the application of any pressure to the throat or*
12 *windpipe, use of maneuvers that restrict blood or oxy-*
13 *gen flow to the brain, or carotid artery restraints*
14 *which prevent or hinder breathing or reduce intake of*
15 *air is a punishment, pain, or penalty.”.*

16 **SEC. 364. PEACE ACT.**

17 (a) *SHORT TITLE.*—*This section may be cited as the*
18 *“Police Exercising Absolute Care With Everyone Act of*
19 *2020” or the “PEACE Act of 2020”.*

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

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

23 (A) *DEESCALATION TACTICS AND TECH-*
24 *NIQUES.*—*The term “deescalation tactics and*
25 *techniques” means proactive actions and ap-*

1 *proaches used by a Federal law enforcement offi-*
2 *cer to stabilize the situation so that more time,*
3 *options, and resources are available to gain a*
4 *person’s voluntary compliance and reduce or*
5 *eliminate the need to use force, including verbal*
6 *persuasion, warnings, tactical techniques, slow-*
7 *ing down the pace of an incident, waiting out a*
8 *subject, creating distance between the officer and*
9 *the threat, and requesting additional resources to*
10 *resolve the incident.*

11 *(B) NECESSARY.—The term “necessary”*
12 *means that another reasonable Federal law en-*
13 *forcement officer would objectively conclude,*
14 *under the totality of the circumstances, that there*
15 *was no reasonable alternative to the use of force.*

16 *(C) REASONABLE ALTERNATIVES.—*

17 *(i) IN GENERAL.—The term “reason-*
18 *able alternatives” means tactics and meth-*
19 *ods used by a Federal law enforcement offi-*
20 *cer to effectuate an arrest that do not un-*
21 *reasonably increase the risk posed to the law*
22 *enforcement officer or another person, in-*
23 *cluding verbal communication, distance,*
24 *warnings, deescalation tactics and tech-*
25 *niques, tactical repositioning, and other tac-*

1 *tics and techniques intended to stabilize the*
2 *situation and reduce the immediacy of the*
3 *risk so that more time, options, and re-*
4 *sources can be called upon to resolve the sit-*
5 *uation without the use of force.*

6 *(ii) DEADLY FORCE.—With respect to*
7 *the use of deadly force, the term “reasonable*
8 *alternatives” includes the use of less lethal*
9 *force.*

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

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

21 *(A) the form of less lethal force used is nec-*
22 *essary and proportional in order to effectuate an*
23 *arrest of a person who the officer has probable*
24 *cause to believe has committed a criminal of-*
25 *fense; and*

1 (B) reasonable alternatives to the use of the
2 form of less lethal force have been exhausted.

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

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

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

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

15 (4) *REQUIREMENT TO GIVE VERBAL WARNING.*—
16 When feasible, prior to using force against a person,
17 a Federal law enforcement officer shall identify him-
18 self or herself as a Federal law enforcement officer,
19 and issue a verbal warning to the person that the
20 Federal law enforcement officer seeks to apprehend,
21 which shall—

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

1 (B) notify the person that the law enforce-
2 ment officer will use force against the person if
3 the person resists arrest or flees.

4 (5) *GUIDANCE ON USE OF FORCE.*—Not later
5 than 120 days after the date of enactment of this Act,
6 the Attorney General, in consultation with impacted
7 persons, communities, and organizations, including
8 representatives of civil and human rights organiza-
9 tions, victims of police use of force, and representa-
10 tives of law enforcement associations, shall provide
11 guidance to Federal law enforcement agencies on—

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

15 (B) how a Federal law enforcement officer
16 can—

17 (i) assess whether the use of force is ap-
18 propriate and necessary; and

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

21 (I) pregnant individuals;

22 (II) children and youth under 21
23 years of age;

24 (III) elderly persons;

1 (IV) persons with mental, behav-
2 ioral, or physical disabilities or im-
3 pairments;

4 (V) persons experiencing percep-
5 tual or cognitive impairments due to
6 use of alcohol, narcotics, hallucinogens,
7 or other drugs;

8 (VI) persons suffering from a seri-
9 ous medical condition; and

10 (VII) persons with limited
11 English proficiency.

12 (6) TRAINING.—The Attorney General shall pro-
13 vide training to Federal law enforcement officers on
14 interacting people described in subclauses (I) through
15 (VII) of paragraph (5)(B)(ii).

16 (7) LIMITATION ON JUSTIFICATION DEFENSE.—

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

20 **“§ 1123. Limitation on justification defense for Fed-
21 eral law enforcement officers**

22 “(a) IN GENERAL.—It is not a defense to an offense
23 under section 1111 or 1112 that the use of less lethal force
24 or deadly force by a Federal law enforcement officer was
25 justified if—

1 “(1) that officer’s use of use of such force was in-
2 consistent with section 364(b) of the George Floyd
3 Justice in Policing Act of 2020; or

4 “(2) that officer’s gross negligence, leading up to
5 and at the time of the use of force, contributed to the
6 necessity of the use of such force.

7 “(b) *DEFINITIONS.*—*In this section—*

8 “(1) the terms ‘deadly force’ and ‘less lethal
9 force’ have the meanings given such terms in section
10 2 and section 364 of the George Floyd Justice in Po-
11 licing Act of 2020; and

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

14 (B) *CLERICAL AMENDMENT.*—*The table of*
15 *sections for chapter 51 of title 18, United States*
16 *Code, is amended by inserting after the item re-*
17 *lating to section 1122 the following:*

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

18 (c) *LIMITATION ON THE RECEIPT OF FUNDS UNDER*
19 *THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE*
20 *GRANT PROGRAM.*—

21 (1) *LIMITATION.*—*A State or unit of local gov-*
22 *ernment, other than an Indian Tribe, may not receive*
23 *funds that the State or unit of local government*
24 *would otherwise receive under a Byrne grant program*
25 *for a fiscal year if, on the day before the first day of*

1 *the fiscal year, the State or unit of local government*
2 *does not have in effect a law that is consistent with*
3 *subsection (b) of this section and section 1123 of title*
4 *18, United States Code, as determined by the Attor-*
5 *ney General.*

6 (2) *SUBSEQUENT ENACTMENT.—*

7 (A) *IN GENERAL.—If funds described in*
8 *paragraph (1) are withheld from a State or unit*
9 *of local government pursuant to paragraph (1)*
10 *for 1 or more fiscal years, and the State or unit*
11 *of local government enacts or puts in place a law*
12 *described in paragraph (1), and demonstrates*
13 *substantial efforts to enforce such law, subject to*
14 *subparagraph (B), the State or unit of local gov-*
15 *ernment shall be eligible, in the fiscal year after*
16 *the fiscal year during which the State or unit of*
17 *local government demonstrates such substantial*
18 *efforts, to receive the total amount that the State*
19 *or unit of local government would have received*
20 *during each fiscal year for which funds were*
21 *withheld.*

22 (B) *LIMIT ON AMOUNT OF PRIOR YEAR*
23 *FUNDS.—A State or unit of local government*
24 *may not receive funds under subparagraph (A)*
25 *in an amount that is more than the amount*

1 *withheld from the State or unit of local govern-*
2 *ment during the 5-fiscal-year period before the*
3 *fiscal year during which funds are received*
4 *under subparagraph (A).*

5 (3) *GUIDANCE.*—*Not later than 120 days after*
6 *the date of enactment of this Act, the Attorney Gen-*
7 *eral, in consultation with impacted persons, commu-*
8 *nities, and organizations, including representatives of*
9 *civil and human rights organizations, individuals*
10 *against whom a law enforcement officer used force,*
11 *and representatives of law enforcement associations,*
12 *shall make guidance available to States and units of*
13 *local government on the criteria that the Attorney*
14 *General will use in determining whether the State or*
15 *unit of local government has in place a law described*
16 *in paragraph (1).*

17 (4) *APPLICATION.*—*This subsection shall apply*
18 *to the first fiscal year that begins after the date that*
19 *is 1 year after the date of the enactment of this Act,*
20 *and each fiscal year thereafter.*

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

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

23 (1) *Under section 2576a of title 10, United*
24 *States Code, the Department of Defense is authorized*
25 *to provide excess property to local law enforcement*

1 *agencies. The Defense Logistics Agency, administers*
2 *such section by operating the Law Enforcement Sup-*
3 *port Office program.*

4 (2) *New and used material, including mine-re-*
5 *sistant ambush-protected vehicles and weapons deter-*
6 *mined by the Department of Defense to be “military*
7 *grade” are transferred to Federal, Tribal, State, and*
8 *local law enforcement agencies through the program.*

9 (3) *As a result local law enforcement agencies,*
10 *including police and sheriff’s departments, are ac-*
11 *quiring this material for use in their normal oper-*
12 *ations.*

13 (4) *As a result of the wars in Iraq and Afghani-*
14 *stan, military equipment purchased for, and used in,*
15 *those wars has become excess property and has been*
16 *made available for transfer to local and Federal law*
17 *enforcement agencies.*

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

20 (6) *More than \$6,800,000,000 worth of weapons*
21 *and equipment have been transferred to police organi-*
22 *zations in all 50 States and four territories through*
23 *the program.*

24 (7) *In May 2012, the Defense Logistics Agency*
25 *instituted a moratorium on weapons transfers*

1 *through the program after reports of missing equip-*
2 *ment and inappropriate weapons transfers.*

3 (8) *Though the moratorium was widely pub-*
4 *licized, it was lifted in October 2013 without adequate*
5 *safeguards.*

6 (9) *On January 16, 2015, President Barack*
7 *Obama issued Executive Order 13688 to better coordi-*
8 *nate and regulate the federal transfer of military*
9 *weapons and equipment to State, local, and Tribal*
10 *law enforcement agencies.*

11 (10) *In July, 2017, the Government Account-*
12 *ability Office reported that the program’s internal*
13 *controls were inadequate to prevent fraudulent appli-*
14 *cants’ access to the program.*

15 (11) *On August, 28, 2017, President Donald*
16 *Trump rescinded Executive Order 13688 despite a*
17 *July 2017 Government Accountability Office report*
18 *finding deficiencies with the administration of the*
19 *1033 program.*

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

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

10 ***(b) LIMITATION ON DEPARTMENT OF DEFENSE TRANS-***
11 ***FER OF PERSONAL PROPERTY TO LOCAL LAW ENFORCE-***
12 ***MENT AGENCIES.—***

13 ***(1) IN GENERAL.—Section 2576a of title 10,***
14 ***United States Code, is amended—***

15 ***(A) in subsection (a)—***

16 ***(i) in paragraph (1)(A), by striking***
17 ***“counterdrug, counterterrorism, and border***
18 ***security activities” and inserting “counter-***
19 ***terrorism”;*** ***and***

20 ***(ii) in paragraph (2), by striking “,***
21 ***the Director of National Drug Control Pol-***
22 ***icy,”;***

23 ***(B) in subsection (b)—***

24 ***(i) in paragraph (5), by striking***
25 ***“and” at the end;***

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

3 (iii) by adding at the end the following
4 new paragraphs:

5 “(7) the recipient submits to the Department of
6 Defense a description of how the recipient expects to
7 use the property;

8 “(8) the recipient certifies to the Department of
9 Defense that if the recipient determines that the prop-
10 erty is surplus to the needs of the recipient, the recipi-
11 ent will return the property to the Department of De-
12 fense;

13 “(9) with respect to a recipient that is not a
14 Federal agency, the recipient certifies to the Depart-
15 ment of Defense that the recipient notified the local
16 community of the request for personal property under
17 this section by—

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

20 “(B) posting such notice at several promi-
21 nent locations in the jurisdiction of the recipient;
22 and

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

1 “(10) the recipient has received the approval of
2 the city council or other local governing body to ac-
3 quire the personal property sought under this sec-
4 tion.”;

5 (C) by striking subsection (d);

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

8 (E) by inserting after subsection (c) the fol-
9 lowing new subsections:

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

15 “(A) has provided to the Secretary documenta-
16 tion accounting for all controlled property, including
17 arms and ammunition, that the Secretary has trans-
18 ferred to the agency, including any item described in
19 subsection (f) so transferred before the date of the en-
20 actment of the George Floyd Justice in Policing Act
21 of 2020; and

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

1 “(2) *If the Secretary does not provide a certification*
2 *under paragraph (1) for a Federal or State agency, the Sec-*
3 *retary may not transfer additional property to that agency*
4 *under this section.*

5 “(e) *ANNUAL REPORT ON EXCESS PROPERTY.—Before*
6 *making any property available for transfer under this sec-*
7 *tion, the Secretary shall annually submit to Congress a de-*
8 *scription of the property to be transferred together with a*
9 *certification that the transfer of the property would not vio-*
10 *late this section or any other provision of law.*

11 “(f) *LIMITATIONS ON TRANSFERS.—(1) The Secretary*
12 *may not transfer to Federal, Tribal, State, or local law en-*
13 *forcement agencies the following under this section:*

14 “(A) *Controlled firearms, ammunition, bayonets,*
15 *grenade launchers, grenades (including stun and*
16 *flash-bang),and explosives.*

17 “(B) *Controlled vehicles, highly mobile multi-*
18 *wheeled vehicles, mine-resistant ambush-protected ve-*
19 *hicles, trucks, truck dump, truck utility, and truck*
20 *carryall.*

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

23 “(D) *Controlled aircraft that—*

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

25 *or*

1 “(i) have no established commercial flight
2 application.

3 “(E) Silencers.

4 “(F) Long-range acoustic devices.

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

7 “(2) The Secretary may not require, as a condition
8 of a transfer under this section, that a Federal or State
9 agency demonstrate the use of any small arms or ammuni-
10 tion.

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

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

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

24 “(i) submit to Congress notice of the waiver, and
25 post such notice on a public Internet website of the

1 *Department, by not later than 30 days after the date*
2 *on which the waiver is issued; and*

3 “(i) require, as a condition of the waiver, that
4 *the recipient of the vehicle for which the waiver is*
5 *issued provides public notice of the waiver and the*
6 *transfer, including the type of vehicle and the purpose*
7 *for which it is transferred, in the jurisdiction where*
8 *the recipient is located by not later than 30 days after*
9 *the date on which the waiver is issued.*

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

15 “(6) *The Secretary shall require, as a condition of any*
16 *transfer of property under this section, that the Federal or*
17 *State agency that receives the property shall return the*
18 *property to the Secretary if the agency—*

19 “(A) *is investigated by the Department of Justice*
20 *for any violation of civil liberties; or*

21 “(B) *is otherwise found to have engaged in wide-*
22 *spread abuses of civil liberties.*

23 “(g) *CONDITIONS FOR EXTENSION OF PROGRAM.—*
24 *Notwithstanding any other provision of law, amounts au-*
25 *thorized to be appropriated or otherwise made available for*

1 *any fiscal year may not be obligated or expended to carry*
2 *out this section unless the Secretary submits to Congress*
3 *certification that for the preceding fiscal year that—*

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

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

10 “(B) *been suspended from the program pur-*
11 *suant to paragraph (4);*

12 “(2) *with respect to each non-Federal agency*
13 *that has received controlled property under this sec-*
14 *tion, the State coordinator responsible for each such*
15 *agency has verified that the coordinator or an agent*
16 *of the coordinator has conducted an in-person inven-*
17 *tory of the property transferred to the agency and*
18 *that 100 percent of such property was accounted for*
19 *during the inventory or that the agency has been sus-*
20 *pended from the program pursuant to paragraph (4);*

21 “(3) *with respect to each Federal agency that has*
22 *received controlled property under this section, the*
23 *Secretary of Defense or an agent of the Secretary has*
24 *conducted an in-person inventory of the property*
25 *transferred to the agency and that 100 percent of such*

1 *property was accounted for during the inventory or*
2 *that the agency has been suspended from the program*
3 *pursuant to paragraph (4);*

4 *“(4) the eligibility of any agency that has re-*
5 *ceived controlled property under this section for which*
6 *100 percent of the property was not accounted for*
7 *during an inventory described in paragraph (1) or*
8 *(2), as applicable, to receive any property transferred*
9 *under this section has been suspended; and*

10 *“(5) each State coordinator has certified, for*
11 *each non-Federal agency located in the State for*
12 *which the State coordinator is responsible that—*

13 *“(A) the agency has complied with all re-*
14 *quirements under this section; or*

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

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

21 *“(A) the agency has complied with all re-*
22 *quirements under this section; or*

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

1 “(h) *PROHIBITION ON OWNERSHIP OF CONTROLLED*
2 *PROPERTY.*—A Federal or State agency that receives con-
3 trolled property under this section may not take ownership
4 of the property.

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

10 “(j) *NOTICE TO CONGRESS OF PROPERTY CANNIBAL-*
11 *IZATION.*—Before the Defense Logistics Agency authorizes
12 the recipient of property transferred under this section to
13 cannibalize the property, the Secretary shall submit to Con-
14 gress notice of such authorization, including the name of
15 the recipient requesting the authorization, the purpose of
16 the proposed cannibalization, and the type of property pro-
17 posed to be cannibalized.

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

23 “(l) *REPORTS TO CONGRESS.*—Not later than 30 days
24 after the last day of a fiscal year, the Secretary shall submit

1 to Congress a report on the following for the preceding fiscal
2 year:

3 “(1) The percentage of equipment lost by recipi-
4 ents of property transferred under this section, in-
5 cluding specific information about the type of prop-
6 erty lost, the monetary value of such property, and
7 the recipient that lost the property.

8 “(2) The transfer of any new (condition code A)
9 property transferred under this section, including spe-
10 cific information about the type of property, the re-
11 cipient of the property, the monetary value of each
12 item of the property, and the total monetary value of
13 all such property transferred during the fiscal year.”.

14 (2) *EFFECTIVE DATE.*—The amendments made
15 by paragraph (1) shall apply with respect to any
16 transfer of property made after the date of the enact-
17 ment of this Act.

18 **SEC. 366. PUBLIC SAFETY INNOVATION GRANTS.**

19 (a) *BYRNE GRANTS USED FOR LOCAL TASK FORCES*
20 *ON PUBLIC SAFETY INNOVATION.*—Section 501(a) of the
21 *Omnibus Crime Control and Safe Streets Act of 1968 (34*
22 *U.S.C. 10151(a)), as amended by this Act, is further*
23 *amended by adding at the end the following:*

24 “(3) *LOCAL TASK FORCES ON PUBLIC SAFETY IN-*
25 *NOVATION.*—

1 “(A) *IN GENERAL.*—A law enforcement pro-
2 gram under paragraph (1)(A) may include the
3 development of best practices for and the creation
4 of local task forces on public safety innovation,
5 charged with exploring and developing new
6 strategies for public safety, including non-law
7 enforcement strategies.

8 “(B) *DEFINITION.*—The term ‘local task
9 force on public safety innovation’ means an ad-
10 ministrative entity, created from partnerships
11 between community-based organizations and
12 other local stakeholders, that may develop inno-
13 vative law enforcement and non-law enforcement
14 strategies to enhance just and equitable public
15 safety, repair breaches of trust between law en-
16 forcement agencies and the community they
17 pledge to serve, and enhance accountability of
18 law enforcement officers.”.

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

23 “(3) *In the case of crisis intervention teams*
24 *funded under subsection (a)(1)(H), a program assess-*

1 *ment under this subsection shall contain a report on*
2 *best practices for crisis intervention.”.*

3 *(c) USE OF COPS GRANT PROGRAM TO HIRE LAW*
4 *ENFORCEMENT OFFICERS WHO ARE RESIDENTS OF THE*
5 *COMMUNITIES THEY SERVE.—Section 1701(b) of title I of*
6 *the Omnibus Crime Control and Safe Streets Act of 1968*
7 *(34 U.S.C. 10381(b)), as amended by this Act, is further*
8 *amended—*

9 *(1) by redesignating paragraphs (23) and (24)*
10 *as paragraphs (26) and (27), respectively;*

11 *(2) in paragraph (26), as so redesignated, by*
12 *striking “(22)” and inserting “(25)”;* and

13 *(3) by inserting after paragraph (22) the fol-*
14 *lowing:*

15 *“(23) to recruit, hire, incentivize, retain, develop,*
16 *and train new, additional career law enforcement of-*
17 *ficers or current law enforcement officers who are*
18 *willing to relocate to communities—*

19 *“(A) where there are poor or fragmented re-*
20 *lationships between police and residents of the*
21 *community, or where there are high incidents of*
22 *crime; and*

23 *“(B) that are the communities that the law*
24 *enforcement officers serve, or that are in close*

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

3 *(A) means any identifiable Federal law en-*
4 *forcement officer or any identifiable suspect, vic-*
5 *tim, detainee, conversant, injured party, or other*
6 *similarly situated person who appears on the*
7 *body camera recording; and*

8 *(B) does not include people who only inci-*
9 *dentally appear on the recording.*

10 (3) *VIDEO FOOTAGE.*—*The term “video footage”*
11 *means any images or audio recorded by a body cam-*
12 *era.*

13 (b) *REQUIREMENT TO WEAR BODY CAMERA.*—

14 (1) *IN GENERAL.*—*Federal law enforcement offi-*
15 *cers shall wear a body camera.*

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

18 *(A) have a field of view at least as broad as*
19 *the officer’s vision; and*

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

23 (c) *REQUIREMENT TO ACTIVATE.*—

24 (1) *IN GENERAL.*—*Both the video and audio re-*
25 *coding functions of the body camera shall be acti-*

1 vated whenever a Federal law enforcement officer is
2 responding to a call for service or at the initiation of
3 any other law enforcement or investigative stop (as
4 such term is defined in section 373) between a Fed-
5 eral law enforcement officer and a member of the pub-
6 lic, except that when an immediate threat to the offi-
7 cer's life or safety makes activating the camera im-
8 possible or dangerous, the officer shall activate the
9 camera at the first reasonable opportunity to do so.

10 (2) *ALLOWABLE DEACTIVATION.*—The body cam-
11 era shall not be deactivated until the stop has fully
12 concluded and the Federal law enforcement officer
13 leaves the scene.

14 (d) *NOTIFICATION OF SUBJECT OF RECORDING.*—A
15 Federal law enforcement officer who is wearing a body cam-
16 era shall notify any subject of the recording that he or she
17 is being recorded by a body camera as close to the inception
18 of the stop as is reasonably possible.

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

21 (1) *Prior to entering a private residence without*
22 *a warrant or in non-exigent circumstances, a Federal*
23 *law enforcement officer shall ask the occupant if the*
24 *occupant wants the officer to discontinue use of the of-*
25 *ficer's body camera. If the occupant responds affirma-*

1 *tively, the Federal law enforcement officer shall imme-*
2 *diately discontinue use of the body camera.*

3 *(2) When interacting with an apparent crime*
4 *victim, a Federal law enforcement officer shall, as*
5 *soon as practicable, ask the apparent crime victim if*
6 *the apparent crime victim wants the officer to dis-*
7 *continue use of the officer's body camera. If the ap-*
8 *parent crime victim responds affirmatively, the Fed-*
9 *eral law enforcement officer shall immediately dis-*
10 *continue use of the body camera.*

11 *(3) When interacting with a person seeking to*
12 *anonymously report a crime or assist in an ongoing*
13 *law enforcement investigation, a Federal law enforce-*
14 *ment officer shall, as soon as practicable, ask the per-*
15 *son seeking to remain anonymous, if the person seek-*
16 *ing to remain anonymous wants the officer to dis-*
17 *continue use of the officer's body camera. If the person*
18 *seeking to remain anonymous responds affirmatively,*
19 *the Federal law enforcement officer shall immediately*
20 *discontinue use of the body camera.*

21 *(f) RECORDING OF OFFERS TO DISCONTINUE USE OF*
22 *BODY CAMERA.—Each offer of a Federal law enforcement*
23 *officer to discontinue the use of a body camera made pursu-*
24 *ant to subsection (e), and the responses thereto, shall be re-*

1 corded by the body camera prior to discontinuing use of
2 the body camera.

3 (g) *LIMITATIONS ON USE OF BODY CAMERA.*—Body
4 cameras shall not be used to gather intelligence information
5 based on First Amendment protected speech, associations,
6 or religion, or to record activity that is unrelated to a re-
7 sponse to a call for service or a law enforcement or inves-
8 tigative stop between a law enforcement officer and a mem-
9 ber of the public, and shall not be equipped with or employ
10 any real time facial recognition technologies.

11 (h) *EXCEPTIONS.*—Federal law enforcement officers—

12 (1) shall not be required to use body cameras
13 during investigative or enforcement stops with the
14 public in the case that—

15 (A) recording would risk the safety of a con-
16 fidential informant, citizen informant, or under-
17 cover officer;

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

20 (C) the officer is a military police officer, a
21 member of the United States Army Criminal In-
22 vestigation Command, or a protective detail as-
23 signed to a Federal or foreign official while per-
24 forming his or her duties; and

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

5 (i) *RETENTION OF FOOTAGE.—*

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

12 (2) *RIGHT TO INSPECT.—During the 6-month re-*
13 *tention period described in paragraph (1), the fol-*
14 *lowing persons shall have the right to inspect the body*
15 *camera footage:*

16 (A) *Any person who is a subject of body*
17 *camera video footage, and their designated legal*
18 *counsel.*

19 (B) *A parent or legal guardian of a minor*
20 *subject of body camera video footage, and their*
21 *designated legal counsel.*

22 (C) *The spouse, next of kin, or legally au-*
23 *thorized designee of a deceased subject of body*
24 *camera video footage, and their designated legal*
25 *counsel.*

1 (D) A Federal law enforcement officer whose
2 body camera recorded the video footage, and
3 their designated legal counsel, subject to the limi-
4 tations and restrictions in this part.

5 (E) The superior officer of a Federal law
6 enforcement officer whose body camera recorded
7 the video footage, subject to the limitations and
8 restrictions in this part.

9 (F) Any defense counsel who claims, pursu-
10 ant to a written affidavit, to have a reasonable
11 basis for believing a video may contain evidence
12 that exculpates a client.

13 (3) *LIMITATION.*—The right to inspect subject to
14 subsection (j)(1) shall not include the right to possess
15 a copy of the body camera video footage, unless the
16 release of the body camera footage is otherwise author-
17 ized by this part or by another applicable law. When
18 a body camera fails to capture some or all of the
19 audio or video of an incident due to malfunction, dis-
20 placement of camera, or any other cause, any audio
21 or video footage that is captured shall be treated the
22 same as any other body camera audio or video footage
23 under this part.

24 (j) *ADDITIONAL RETENTION REQUIREMENTS.*—Not-
25 withstanding the retention and deletion requirements in

1 subsection (i), the following shall apply to body camera
2 video footage under this part:

3 (1) Body camera video footage shall be automati-
4 cally retained for not less than 3 years if the video
5 footage captures an interaction or event involving—

6 (A) any use of force; or

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

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

12 (A) the Federal law enforcement officer
13 whose body camera recorded the video footage, if
14 that officer reasonably asserts the video footage
15 has evidentiary or exculpatory value in an ongo-
16 ing investigation;

17 (B) any Federal law enforcement officer
18 who is a subject of the video footage, if that offi-
19 cer reasonably asserts the video footage has evi-
20 dentiary or exculpatory value;

21 (C) any superior officer of a Federal law
22 enforcement officer whose body camera recorded
23 the video footage or who is a subject of the video
24 footage, if that superior officer reasonably asserts

1 *the video footage has evidentiary or exculpatory*
2 *value;*

3 *(D) any Federal law enforcement officer, if*
4 *the video footage is being retained solely and ex-*
5 *clusively for police training purposes;*

6 *(E) any member of the public who is a sub-*
7 *ject of the video footage;*

8 *(F) any parent or legal guardian of a*
9 *minor who is a subject of the video footage; or*

10 *(G) a deceased subject's spouse, next of kin,*
11 *or legally authorized designee.*

12 *(k) PUBLIC REVIEW.—For purposes of subparagraphs*
13 *(E), (F), and (G) of subsection (j)(2), any member of the*
14 *public who is a subject of video footage, the parent or legal*
15 *guardian of a minor who is a subject of the video footage,*
16 *or a deceased subject's next of kin or legally authorized des-*
17 *ignee, shall be permitted to review the specific video footage*
18 *in question in order to make a determination as to whether*
19 *they will voluntarily request it be subjected to a minimum*
20 *3-year retention period.*

21 *(l) DISCLOSURE.—*

22 *(1) IN GENERAL.—Except as provided in para-*
23 *graph (2), all video footage of an interaction or event*
24 *captured by a body camera, if that interaction or*
25 *event is identified with reasonable specificity and re-*

1 *requested by a member of the public, shall be provided*
2 *to the person or entity making the request in accord-*
3 *ance with the procedures for requesting and providing*
4 *government records set forth in the section 552a of*
5 *title 5, United States Code.*

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

10 (A) *Video footage not subject to a minimum*
11 *3-year retention period pursuant to subsection*
12 *(j).*

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

17 (3) *PRIORITY OF REQUESTS.—Notwithstanding*
18 *any time periods established for acknowledging and*
19 *responding to records requests in section 552a of title*
20 *5, United States Code, responses to requests for video*
21 *footage that is subject to a minimum 3-year retention*
22 *period pursuant to subsection (j)(1)(A), where a sub-*
23 *ject of the video footage is recorded being killed, shot*
24 *by a firearm, or grievously injured, shall be*
25 *prioritized and, if approved, the requested video foot-*

1 *age shall be provided as expeditiously as possible, but*
2 *in no circumstances later than 5 days following re-*
3 *ceipt of the request.*

4 (4) *USE OF REDACTION TECHNOLOGY.—*

5 (A) *IN GENERAL.—Whenever doing so is*
6 *necessary to protect personal privacy, the right*
7 *to a fair trial, the identity of a confidential*
8 *source or crime victim, or the life or physical*
9 *safety of any person appearing in video footage,*
10 *redaction technology may be used to obscure the*
11 *face and other personally identifying characteris-*
12 *tics of that person, including the tone of the per-*
13 *son’s voice, provided the redaction does not inter-*
14 *fere with a viewer’s ability to fully, completely,*
15 *and accurately comprehend the events captured*
16 *on the video footage.*

17 (B) *REQUIREMENTS.—The following re-*
18 *quirements shall apply to redactions under sub-*
19 *paragraph (A):*

20 (i) *When redaction is performed on*
21 *video footage pursuant to this paragraph,*
22 *an unedited, original version of the video*
23 *footage shall be retained pursuant to the re-*
24 *quirements of subsections (i) and (j).*

1 (ii) *Except pursuant to the rules for*
2 *the redaction of video footage set forth in*
3 *this subsection or where it is otherwise ex-*
4 *pressly authorized by this Act, no other ed-*
5 *iting or alteration of video footage, includ-*
6 *ing a reduction of the video footage's resolu-*
7 *tion, shall be permitted.*

8 (m) *PROHIBITED WITHHOLDING OF FOOTAGE.—Body*
9 *camera video footage may not be withheld from the public*
10 *on the basis that it is an investigatory record or was com-*
11 *piled for law enforcement purposes where any person under*
12 *investigation or whose conduct is under review is a police*
13 *officer or other law enforcement employee and the video foot-*
14 *age relates to that person's conduct in their official capac-*
15 *ity.*

16 (n) *ADMISSIBILITY.—Any video footage retained be-*
17 *yond 6 months solely and exclusively pursuant to subsection*
18 *(j)(2)(D) shall not be admissible as evidence in any crimi-*
19 *nal or civil legal or administrative proceeding.*

20 (o) *CONFIDENTIALITY.—No government agency or offi-*
21 *cial, or law enforcement agency, officer, or official may pub-*
22 *licly disclose, release, or share body camera video footage*
23 *unless—*

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

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

4 (p) *LIMITATION ON FEDERAL LAW ENFORCEMENT OF-*
5 *FICER VIEWING OF BODY CAMERA FOOTAGE.—No Federal*
6 *law enforcement officer shall review or receive an account-*
7 *ing of any body camera video footage that is subject to a*
8 *minimum 3-year retention period pursuant to subsection*
9 *(j)(1) prior to completing any required initial reports,*
10 *statements, and interviews regarding the recorded event,*
11 *unless doing so is necessary, while in the field, to address*
12 *an immediate threat to life or safety.*

13 (q) *ADDITIONAL LIMITATIONS.—Video footage may not*
14 *be—*

15 (1) *in the case of footage that is not subject to*
16 *a minimum 3-year retention period, viewed by any*
17 *superior officer of a Federal law enforcement officer*
18 *whose body camera recorded the footage absent a spe-*
19 *cific allegation of misconduct; or*

20 (2) *divulged or used by any law enforcement*
21 *agency for any commercial or other non-law enforce-*
22 *ment purpose.*

23 (r) *THIRD PARTY MAINTENANCE OF FOOTAGE.—*
24 *Where a law enforcement agency authorizes a third party*
25 *to act as its agent in maintaining body camera footage,*

1 *the agent shall not be permitted to independently access,*
2 *view, or alter any video footage, except to delete videos as*
3 *required by law or agency retention policies.*

4 *(s) ENFORCEMENT.—*

5 *(1) IN GENERAL.—If any Federal law enforce-*
6 *ment officer, or any employee or agent of a Federal*
7 *law enforcement agency fails to adhere to the record-*
8 *ing or retention requirements contained in this part,*
9 *intentionally interferes with a body camera’s ability*
10 *to accurately capture video footage, or otherwise ma-*
11 *nipulates the video footage captured by a body cam-*
12 *era during or after its operation—*

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

16 *(B) a rebuttable evidentiary presumption*
17 *shall be adopted in favor of a criminal defendant*
18 *who reasonably asserts that exculpatory evidence*
19 *was destroyed or not captured; and*

20 *(C) a rebuttable evidentiary presumption*
21 *shall be adopted on behalf of a civil plaintiff*
22 *suing the Government, a Federal law enforce-*
23 *ment agency, or a Federal law enforcement offi-*
24 *cer for damages based on misconduct who rea-*

1 sonably asserts that evidence supporting their
2 claim was destroyed or not captured.

3 (2) *PROOF COMPLIANCE WAS IMPOSSIBLE.*—The
4 disciplinary action requirement and rebuttable pre-
5 sumptions described in paragraph (1) may be over-
6 come by contrary evidence or proof of exigent cir-
7 cumstances that made compliance impossible.

8 (t) *USE OF FORCE INVESTIGATIONS.*—In the case that
9 a Federal law enforcement officer equipped with a body
10 camera is involved in, a witness to, or within viewable sight
11 range of either the use of force by another law enforcement
12 officer that results in a death, the use of force by another
13 law enforcement officer, during which the discharge of a
14 firearm results in an injury, or the conduct of another law
15 enforcement officer that becomes the subject of a criminal
16 investigation—

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

1 (1) *AUDIO RECORDING.*—The term “audio re-
2 *recording*” means the recorded conversation between a
3 *Federal law enforcement officer and a second party.*

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

7 (3) *ENFORCEMENT OR INVESTIGATIVE STOP.*—
8 The term “*enforcement or investigative stop*” means
9 *an action by a Federal law enforcement officer in re-*
10 *lation to enforcement and investigation duties, in-*
11 *cluding traffic stops, pedestrian stops, abandoned ve-*
12 *hicle contacts, motorist assists, commercial motor ve-*
13 *hicle stops, roadside safety checks, requests for identi-*
14 *fication, or responses to requests for emergency assist-*
15 *ance.*

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

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

1 (6) *RECORDING.*—*The term “recording” means*
2 *the process of capturing data or information stored*
3 *on a recording medium as required under this sec-*
4 *tion.*

5 (7) *RECORDING MEDIUM.*—*The term “recording*
6 *medium” means any recording medium for the reten-*
7 *tion and playback of recorded audio and video in-*
8 *cluding VHS, DVD, hard drive, solid state, digital, or*
9 *flash memory technology.*

10 (8) *WIRELESS MICROPHONE.*—*The term “wire-*
11 *less microphone” means a device worn by a Federal*
12 *law enforcement officer or any other equipment used*
13 *to record conversations between the officer and a sec-*
14 *ond party and transmitted to the recording equip-*
15 *ment.*

16 (b) *REQUIREMENTS.*—

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

23 (2) *RECORDING EQUIPMENT REQUIREMENTS.*—
24 *In-car video camera recording equipment with a re-*

1 *recording medium capable of recording for a period of*
2 *10 hours or more shall record activities—*

3 *(A) whenever a patrol vehicle is assigned to*
4 *patrol duty;*

5 *(B) outside a patrol vehicle whenever—*

6 *(i) a Federal law enforcement officer*
7 *assigned that patrol vehicle is conducting*
8 *an enforcement or investigative stop;*

9 *(ii) patrol vehicle emergency lights are*
10 *activated or would otherwise be activated if*
11 *not for the need to conceal the presence of*
12 *law enforcement; or*

13 *(iii) an officer reasonably believes re-*
14 *recording may assist with prosecution, en-*
15 *hance safety, or for any other lawful pur-*
16 *pose; and*

17 *(C) inside the vehicle when transporting an*
18 *arrestee or when an officer reasonably believes*
19 *recording may assist with prosecution, enhance*
20 *safety, or for any other lawful purpose.*

21 *(3) REQUIREMENTS FOR RECORDING.—*

22 *(A) IN GENERAL.—A Federal law enforce-*
23 *ment officer shall begin recording for an enforce-*
24 *ment or investigative stop when the officer deter-*
25 *mines an enforcement stop is necessary and shall*

1 *continue until the enforcement action has been*
2 *completed and the subject of the enforcement or*
3 *investigative stop or the officer has left the scene.*

4 (B) *ACTIVATION WITH LIGHTS.*—A Federal
5 *law enforcement officer shall begin recording*
6 *when patrol vehicle emergency lights are acti-*
7 *vated or when they would otherwise be activated*
8 *if not for the need to conceal the presence of law*
9 *enforcement, and shall continue until the reason*
10 *for the activation ceases to exist, regardless of*
11 *whether the emergency lights are no longer acti-*
12 *vated.*

13 (C) *PERMISSIBLE RECORDING.*—A Federal
14 *law enforcement officer may begin recording if*
15 *the officer reasonably believes recording may as-*
16 *sist with prosecution, enhance safety, or for any*
17 *other lawful purpose; and shall continue until*
18 *the reason for recording ceases to exist.*

19 (4) *ENFORCEMENT OR INVESTIGATIVE STOPS.*—A
20 *Federal law enforcement officer shall record any en-*
21 *forcement or investigative stop. Audio recording shall*
22 *terminate upon release of the violator and prior to*
23 *initiating a separate criminal investigation.*

24 (c) *RETENTION OF RECORDINGS.*—Recordings made
25 *on in-car video camera recording medium shall be retained*

1 *for a storage period of at least 90 days. Under no cir-*
2 *cumstances shall any recording made on in-car video cam-*
3 *era recording medium be altered or erased prior to the expi-*
4 *ration of the designated storage period. Upon completion*
5 *of the storage period, the recording medium may be erased*
6 *and reissued for operational use unless otherwise ordered*
7 *or if designated for evidentiary or training purposes.*

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

14 *(e) MAINTENANCE REQUIRED.—The agency shall en-*
15 *sure proper care and maintenance of in-car video camera*
16 *recording equipment and recording medium. An officer op-*
17 *erating a patrol vehicle must immediately document and*
18 *notify the appropriate person of any technical difficulties,*
19 *failures, or problems with the in-car video camera recording*
20 *equipment or recording medium. Upon receiving notice,*
21 *every reasonable effort shall be made to correct and repair*
22 *any of the in-car video camera recording equipment or re-*
23 *coding medium and determine if it is in the public interest*
24 *to permit the use of the patrol vehicle.*

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

2 *No camera or recording device authorized or required*
3 *to be used under this part may be equipped with or employ*
4 *real time facial recognition technology, and footage from*
5 *such a camera or recording device may not be subjected to*
6 *facial recognition technology.*

7 **SEC. 375. GAO STUDY.**

8 *Not later than 1 year after the date of enactment of*
9 *this Act, the Comptroller General of the United States shall*
10 *conduct a study on Federal law enforcement officer train-*
11 *ing, vehicle pursuits, use of force, and interaction with citi-*
12 *zens, and submit a report on such study to—*

13 *(1) the Committees on the Judiciary of the*
14 *House of Representatives and of the Senate;*

15 *(2) the Committee on Oversight and Reform of*
16 *the House of Representatives; and*

17 *(3) the Committee on Homeland Security and*
18 *Governmental Affairs of the Senate.*

19 **SEC. 376. REGULATIONS.**

20 *Not later than 6 months after the date of the enactment*
21 *of this Act, the Attorney General shall issue such final regu-*
22 *lations as are necessary to carry out this part.*

23 **SEC. 377. RULE OF CONSTRUCTION.**

24 *Nothing in this part shall be construed to impose any*
25 *requirement on a Federal law enforcement officer outside*
26 *of the course of carrying out that officer's duty.*

1 **PART 2—POLICE CAMERA ACT**

2 **SEC. 381. SHORT TITLE.**

3 *This part may be cited as the “Police Creating Ac-*
 4 *countability by Making Effective Recording Available Act*
 5 *of 2020” or the “Police CAMERA Act of 2020”.*

6 **SEC. 382. LAW ENFORCEMENT BODY-WORN CAMERA RE-**
 7 **QUIREMENTS.**

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

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

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

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

22 **“SEC. 3051. USE OF GRANT FUNDS.**

23 *“(a) IN GENERAL.—Grant amounts described in para-*
 24 *graph (10) of section 502(a) of this title—*

25 *“(1) shall be used—*

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

4 “(B) for expenses related to the implementa-
5 tion of a body-worn camera program in order to
6 deter excessive force, improve accountability and
7 transparency of use of force by law enforcement
8 officers, assist in responding to complaints
9 against law enforcement officers, and improve
10 evidence collection; and

11 “(C) to implement policies or procedures to
12 comply with the requirements described in sub-
13 section (b); and

14 “(2) may not be used for expenses related to fa-
15 cial recognition technology.

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

18 “(1) establish policies and procedures in accord-
19 ance with the requirements described in subsection (c)
20 before law enforcement officers use of body-worn cam-
21 eras;

22 “(2) adopt recorded data collection and retention
23 protocols as described in subsection (d) before law en-
24 forcement officers use of body-worn cameras;

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

3 “(4) comply with the requirements for use of re-
4 corded data under subsection (f).

5 “(c) *REQUIRED POLICIES AND PROCEDURES.*—A re-
6 cipient of a grant under subpart 1 of part E of this title
7 shall—

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

10 “(A) the safe and effective use of body-worn
11 cameras;

12 “(B) the secure storage, handling, and de-
13 struction of recorded data collected by body-worn
14 cameras;

15 “(C) protecting the privacy rights of any
16 individual who may be recorded by a body-worn
17 camera;

18 “(D) the release of any recorded data col-
19 lected by a body-worn camera in accordance
20 with the open records laws, if any, of the State;
21 and

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

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

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

7 “(1) *requires—*

8 “(A) *a law enforcement officer who is wear-*
9 *ing a body-worn camera to provide an expla-*
10 *nation if an activity that is required to be re-*
11 *corded by the body-worn camera is not recorded;*

12 “(B) *a law enforcement officer who is wear-*
13 *ing a body-worn camera to obtain consent to be*
14 *recorded from a crime victim or witness before*
15 *interviewing the victim or witness;*

16 “(C) *the collection of recorded data unre-*
17 *lated to a legitimate law enforcement purpose be*
18 *minimized to the greatest extent practicable;*

19 “(D) *the system used to store recorded data*
20 *collected by body-worn cameras to log all view-*
21 *ing, modification, or deletion of stored recorded*
22 *data and to prevent, to the greatest extent prac-*
23 *ticable, the unauthorized access or disclosure of*
24 *stored recorded data;*

1 “(E) any law enforcement officer be prohib-
2 ited from accessing the stored data without an
3 authorized purpose; and

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

6 “(i) incidences of use of force,
7 disaggregated by race, ethnicity, gender,
8 and age of the victim;

9 “(ii) the number of complaints filed
10 against law enforcement officers;

11 “(iii) the disposition of complaints
12 filed against law enforcement officers;

13 “(iv) the number of times camera foot-
14 age is used for evidence collection in inves-
15 tigations of crimes; and

16 “(v) any other additional statistical
17 data that the Director determines should be
18 collected and reported;

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

22 “(3) complies with any other requirements estab-
23 lished by the Director.

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

4 “(1) *establish a standardized reporting system*
5 *for statistical data collected under this program; and*

6 “(2) *establish a national database of statistical*
7 *data recorded under this program.*

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

9 “(1) *IN GENERAL.*—*Recorded data collected by*
10 *an entity receiving a grant under a grant under sub-*
11 *part 1 of part E of this title from a body-worn cam-*
12 *era shall be used only in internal and external inves-*
13 *tigations of misconduct by a law enforcement agency*
14 *or officer, if there is reasonable suspicion that a re-*
15 *coding contains evidence of a crime, or for limited*
16 *training purposes. The Director shall establish rules*
17 *to ensure that the recorded data is used only for the*
18 *purposes described in this paragraph.*

19 “(2) *PROHIBITION ON TRANSFER.*—*Except as*
20 *provided in paragraph (3), an entity receiving a*
21 *grant under subpart 1 of part E of this title may not*
22 *transfer any recorded data collected by the entity*
23 *from a body-worn camera to another law enforcement*
24 *or intelligence agency.*

25 “(3) *EXCEPTIONS.*—

1 “(A) *CRIMINAL INVESTIGATION.*—*An entity*
2 *receiving a grant under subpart 1 of part E of*
3 *this title may transfer recorded data collected by*
4 *the entity from a body-worn camera to another*
5 *law enforcement agency or intelligence agency*
6 *for use in a criminal investigation if the request-*
7 *ing law enforcement or intelligence agency has*
8 *reasonable suspicion that the requested data con-*
9 *tains evidence relating to the crime being inves-*
10 *tigated.*

11 “(B) *CIVIL RIGHTS CLAIMS.*—*An entity re-*
12 *ceiving a grant under subpart 1 of part E of this*
13 *title may transfer recorded data collected by the*
14 *law enforcement agency from a body-worn cam-*
15 *era to another law enforcement agency for use in*
16 *an investigation of the violation of any right,*
17 *privilege, or immunity secured or protected by*
18 *the Constitution or laws of the United States.*

19 “(g) *AUDIT AND ASSESSMENT.*—

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

1 “(2) *REPORTS.*—Not later than September 1 of
2 each year, beginning 2 years after the date of enact-
3 ment of this part, each recipient of a grant under
4 subpart 1 of part E of this title shall submit to the
5 Director of the Office of Audit, Assessment, and Man-
6 agement a report that—

7 “(A) describes the progress of the body-worn
8 camera program; and

9 “(B) contains recommendations on ways in
10 which the Federal Government, States, and units
11 of local government can further support the im-
12 plementation of the program.

13 “(3) *REVIEW.*—The Director of the Office of
14 Audit, Assessment, and Management shall evaluate
15 the policies and protocols of the grantees and take
16 such steps as the Director of the Office of Audit, As-
17 sessment, and Management determines necessary to
18 ensure compliance with the program.

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

20 “(a) *IN GENERAL.*—The Director shall establish and
21 maintain a body-worn camera training toolkit for law en-
22 forcement agencies, academia, and other relevant entities to
23 provide training and technical assistance, including best
24 practices for implementation, model policies and proce-
25 dures, and research materials.

1 “(b) *MECHANISM.*—*In establishing the toolkit required*
2 *to under subsection (a), the Director may consolidate re-*
3 *search, practices, templates, and tools that been developed*
4 *by expert and law enforcement agencies across the country.*

5 **“SEC. 3053. STUDY.**

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

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

11 “(2) *the impact of body-worn cameras on the ac-*
12 *countability and transparency of the use of force by*
13 *law enforcement officers;*

14 “(3) *the impact of body-worn cameras on re-*
15 *sponses to and adjudications of complaints of exces-*
16 *sive force;*

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

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

21 “(6) *the impact of body-worn cameras on evi-*
22 *dence collection for criminal investigations;*

23 “(7) *issues relating to the secure storage and*
24 *handling of recorded data from the body-worn cam-*
25 *eras;*

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

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

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

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

10 “(12) the need for proper training of law en-
11 forcement officers that use body-worn cameras;

12 “(13) best practices in the development of proto-
13 cols for the safe and effective use of body-worn cam-
14 eras;

15 “(14) a review of law enforcement agencies that
16 found body-worn cameras to be unhelpful in the oper-
17 ations of the agencies; and

18 “(15) any other factors that the Director deter-
19 mines are relevant in evaluating the efficacy of body-
20 worn cameras.

21 “(b) *REPORT*.—Not later than 180 days after the date
22 on which the study required under subsection (a) is com-
23 pleted, the Director shall submit to Congress a report on
24 the study, which shall include any policy recommendations
25 that the Director considers appropriate.”.

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

3 **SEC. 401. SHORT TITLE.**

4 *This title may be cited as the “Emmett Till Anti-*
5 *Lynching Act”.*

6 **SEC. 402. FINDINGS.**

7 *Congress finds the following:*

8 *(1) The crime of lynching succeeded slavery as*
9 *the ultimate expression of racism in the United States*
10 *following Reconstruction.*

11 *(2) Lynching was a widely acknowledged prac-*
12 *tice in the United States until the middle of the 20th*
13 *century.*

14 *(3) Lynching was a crime that occurred through-*
15 *out the United States, with documented incidents in*
16 *all but 4 States.*

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

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

23 *(6) Lynching prompted African Americans to*
24 *form the National Association for the Advancement of*
25 *Colored People (referred to in this section as the*

1 “NAACP”) and prompted members of B’nai B’rith to
2 found the Anti-Defamation League.

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

8 (8) Nearly 200 anti-lynching bills were intro-
9 duced in Congress during the first half of the 20th
10 century.

11 (9) Between 1890 and 1952, 7 Presidents peti-
12 tioned Congress to end lynching.

13 (10) Between 1920 and 1940, the House of Rep-
14 resentatives passed 3 strong anti-lynching measures.

15 (11) Protection against lynching was the min-
16 imum and most basic of Federal responsibilities, and
17 the Senate considered but failed to enact anti-lynch-
18 ing legislation despite repeated requests by civil rights
19 groups, Presidents, and the House of Representatives
20 to do so.

21 (12) The publication of “Without Sanctuary:
22 Lynching Photography in America” helped bring
23 greater awareness and proper recognition of the vic-
24 tims of lynching.

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

4 (14) *An apology offered in the spirit of true re-*
5 *pentance moves the United States toward reconcili-*
6 *ation and may become central to a new under-*
7 *standing, on which improved racial relations can be*
8 *forged.*

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

17 (16) *The National Memorial for Peace and Jus-*
18 *tice, which opened to the public in Montgomery, Ala-*
19 *bama, on April 26, 2018, is the Nation's first memo-*
20 *rial dedicated to the legacy of enslaved Black people,*
21 *people terrorized by lynching, African Americans hu-*
22 *miliated by racial segregation and Jim Crow, and*
23 *people of color burdened with contemporary presump-*
24 *tions of guilt and police violence.*

1 (17) *Notwithstanding the Senate’s apology and*
2 *the heightened awareness and education about the Na-*
3 *tion’s legacy with lynching, it is wholly necessary and*
4 *appropriate for the Congress to enact legislation, after*
5 *100 years of unsuccessful legislative efforts, finally to*
6 *make lynching a Federal crime.*

7 (18) *Further, it is the sense of Congress that*
8 *criminal action by a group increases the likelihood*
9 *that the criminal object of that group will be success-*
10 *fully attained and decreases the probability that the*
11 *individuals involved will depart from their path of*
12 *criminality. Therefore, it is appropriate to specify*
13 *criminal penalties for the crime of lynching, or any*
14 *attempt or conspiracy to commit lynching.*

15 (19) *The United States Senate agreed to unani-*
16 *mously Senate Resolution 118, 115th Congress, on*
17 *April 5, 2017, “[c]ondemning hate crime and any*
18 *other form of racism, religious or ethnic bias, dis-*
19 *crimination, incitement to violence, or animus tar-*
20 *geting a minority in the United States” and taking*
21 *notice specifically of Federal Bureau of Investigation*
22 *statistics demonstrating that “among single-bias hate*
23 *crime incidents in the United States, 59.2 percent of*
24 *victims were targeted due to racial, ethnic, or ances-*
25 *tral bias, and among those victims, 52.2 percent were*

1 *victims of crimes motivated by the offenders’ anti-*
2 *Black or anti-African American bias”.*

3 (20) *On September 14, 2017, President Donald*
4 *J. Trump signed into law Senate Joint Resolution 49*
5 *(Public Law 115–58; 131 Stat. 1149), wherein Con-*
6 *gress “condemn[ed] the racist violence and domestic*
7 *terrorist attack that took place between August 11 and*
8 *August 12, 2017, in Charlottesville, Virginia” and*
9 *“urg[ed] the President and his administration to*
10 *speak out against hate groups that espouse racism, ex-*
11 *tremism, xenophobia, anti-Semitism, and White su-*
12 *premacym; and use all resources available to the Presi-*
13 *dent and the President’s Cabinet to address the grow-*
14 *ing prevalence of those hate groups in the United*
15 *States”.*

16 (21) *Senate Joint Resolution 49 (Public Law*
17 *115–58; 131 Stat. 1149) specifically took notice of*
18 *“hundreds of torch-bearing White nationalists, White*
19 *supremacists, Klansmen, and neo-Nazis [who]*
20 *chanted racist, anti-Semitic, and anti-immigrant slo-*
21 *gans and violently engaged with counter-demonstra-*
22 *tors on and around the grounds of the University of*
23 *Virginia in Charlottesville” and that these groups*
24 *“reportedly are organizing similar events in other cit-*
25 *ies in the United States and communities everywhere*

1 are concerned about the growing and open display of
2 hate and violence being perpetrated by those groups”.

3 (22) *Lynching was a pernicious and pervasive*
4 *tool that was used to interfere with multiple aspects*
5 *of life—including the exercise of federally protected*
6 *rights, as enumerated in section 245 of title 18,*
7 *United States Code, housing rights, as enumerated in*
8 *section 901 of the Civil Rights Act of 1968 (42 U.S.C.*
9 *3631), and the free exercise of religion, as enumerated*
10 *in section 247 of title 18, United States Code. Inter-*
11 *ference with these rights was often effectuated by mul-*
12 *tiple offenders and groups, rather than isolated indi-*
13 *viduals. Therefore, prohibiting conspiracies to violate*
14 *each of these rights recognizes the history of lynching*
15 *in the United States and serves to prohibit its use in*
16 *the future.*

17 **SEC. 403. LYNCHING.**

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

20 **“§ 250. Lynching**

21 “Whoever conspires with another person to violate sec-
22 tion 245, 247, or 249 of this title or section 901 of the Civil
23 Rights Act of 1968 (42 U.S.C. 3631) shall be punished in
24 the same manner as a completed violation of such section,
25 except that if the maximum term of imprisonment for such

1 *completed violation is less than 10 years, the person may*
2 *be imprisoned for not more than 10 years.”.*

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

“250. Lynching.”.

7 **TITLE V—MISCELLANEOUS**
8 **PROVISIONS**

9 **SEC. 501. SEVERABILITY.**

10 *If any provision of this Act, or the application of such*
11 *a provision to any person or circumstance, is held to be*
12 *unconstitutional, the remainder of this Act and the applica-*
13 *tion of the remaining provisions of this Act to any person*
14 *or circumstance shall not be affected thereby.*

15 **SEC. 502. SAVINGS CLAUSE.**

16 *Nothing in this Act shall be construed—*

17 (1) *to limit legal or administrative remedies*
18 *under section 1979 of the Revised Statutes of the*
19 *United States (42 U.S.C. 1983), section 210401 of the*
20 *Violent Crime Control and Law Enforcement Act of*
21 *1994 (34 U.S.C. 12601), title I of the Omnibus Crime*
22 *Control and Safe Streets Act of 1968 (34 U.S.C.*
23 *10101 et seq.), or title VI of the Civil Rights Act of*
24 *1964 (42 U.S.C. 2000d et seq.);*

1 (2) to affect any Federal, State, or Tribal law
2 that applies to an Indian Tribe because of the polit-
3 ical status of the Tribe; or

4 (3) to waive the sovereign immunity of an In-
5 dian Tribe without the consent of the Tribe.

Union Calendar No. 348

116TH CONGRESS
2^D SESSION

H. R. 7120

[Report No. 116-434, Part I]

A BILL

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

JUNE 19, 2020

Reported from the Committee on the Judiciary with an amendment

JUNE 19, 2020

Committees on Armed Services and Energy and Commerce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed