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

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

A BILL

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

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

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

4 (a) Short Title.—This Act may be cited as the
5 "Justice in Policing Act of 2020".

6 (b) Table of Contents.—The table of contents for

7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
TITLE I—POLICE ACCOUNTABILITY

Subtitle A—Holding Police Accountable in the Courts

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

Subtitle B—Law Enforcement Trust and Integrity Act

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

TITLE II—POLICING TRANSPARENCY THROUGH DATA

Subtitle A—National Police Misconduct Registry

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

Subtitle B—PRIDE Act

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

TITLE III—IMPROVING POLICE TRAINING AND POLICIES

Subtitle A—End Racial and Religious Profiling Act

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

PART I—PROHIBITION OF RACIAL PROFILING

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

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

Sec. 321. Policies to eliminate racial profiling.

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

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

PART IV—DATA COLLECTION

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

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

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

Subtitle B—Additional Reforms

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

Subtitle C—Law Enforcement Body Cameras

PART I—FEDERAL POLICE CAMERA AND ACCOUNTABILITY ACT

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

PART II—POLICE CAMERA ACT

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

TITLE IV—JUSTICE FOR VICTIMS OF 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:
(1) Byrne grant program.—The term “Byrne grant program” means any grant program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.), without regard to whether the funds are characterized as being made available under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Local Government Law Enforcement Block Grants Program, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

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

(3) Federal law enforcement agency.—The term “Federal law enforcement agency” means any agency of the United States authorized to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of Federal criminal law.

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

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

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

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

(8) **TRIBAL LAW ENFORCEMENT OFFICER.**—The term “tribal law enforcement officer” means any officer, agent, or employee of an Indian tribe, or the Bureau of Indian Affairs, authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law.
TITLE I—POLICE
ACCOUNTABILITY
Subtitle A—Holding Police Accountable in the Courts

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

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

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

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

SEC. 102. QUALIFIED IMMUNITY REFORM.

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

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

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

SEC. 103. PATTERN AND PRACTICE INVESTIGATIONS.

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

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

(2) by adding at the end the following:

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

(b) GRANT PROGRAM.—

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

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

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

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

(1) DEFINITIONS.—In this subsection:

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

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

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

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

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

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

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

(I) shall conduct the criminal investigation; and

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

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

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

(vi) Using an independent prosecutor.

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

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

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

(D) INDEPENDENT PROSECUTOR.—The term “independent prosecutor” means, with respect to a criminal investigation or prosecution of a law enforcement officer’s use of deadly force, a prosecutor who—

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

(ii) would not be involved in the prosecution in the ordinary course of that prosecutor’s duties.

(2) GRANT PROGRAM.—The Attorney General may award grants to eligible States and Indian Tribes to assist in implementing an independent prosecution of law enforcement statute.
(3) ELIGIBILITY.—To be eligible for a grant under this subsection, a State shall, as of the last day of the prior fiscal year, have enacted and have in effect an independent prosecution of law enforce-
ment statute.

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

(b) COPS GRANT PROGRAM USED FOR CIVILIAN RE-

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

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

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

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

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

(2) in section 1709 (34 U.S.C. 10389), by add-
ing at the end the following:
“(8) ‘civilian review board’ means an administrative entity that—

“(A) is independent and adequately funded;

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

“(C) has representative community diversity;

“(D) has policy making authority;

“(E) provides advocates for civilian complainants;

“(F) has mandatory police power to conduct hearings; and

“(G) conducts statistical studies on prevailing complaint trends.”.

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

**SEC. 111. SHORT TITLE.**

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

**SEC. 112. DEFINITIONS.**

In this subtitle:

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

(2) LAW ENFORCEMENT ACCREDITATION ORGANIZATION.—The term “law enforcement accreditation organization” means a professional law enforcement organization involved in the development of standards of accreditation for law enforcement agencies at the national, State, regional, or tribal level, such as the Commission on Accreditation for Law Enforcement Agencies (CALEA).

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

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

(5) PROFESSIONAL CIVILIAN OVERSIGHT ORGANIZATION.—The term “professional civilian oversight organization” means a membership organization formed to address and advance the cause of civilian oversight of law enforcement and whose members are from Federal, State, regional, local, or tribal organizations that review issues or complaints against law enforcement agencies or individuals, such as the National Association for Civilian Oversight of Law Enforcement (NACOLE).
SEC. 113. ACCREDITATION OF LAW ENFORCEMENT AGENCIES.

(a) Standards.—

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

(2) Development of uniform standards.—After completion of the initial review and analysis under paragraph (1), the Attorney General shall—

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

(i) early warning systems and related intervention programs;

(ii) use of force procedures;

(iii) civilian review procedures;
(iv) traffic and pedestrian stop and search procedures;

(v) data collection and transparency;

(vi) administrative due process requirements;

(vii) video monitoring technology;

(viii) juvenile justice and school safety; and

(ix) training; and

(B) recommend additional areas for the development of national standards for the accreditation of law enforcement agencies in consultation with existing law enforcement accreditation organizations, professional law enforcement associations, labor organizations, community-based organizations, and professional civilian oversight organizations.

(3) CONTINUING ACCREDITATION PROCESS.—The Attorney General shall adopt policies and procedures to partner with law enforcement accreditation organizations, professional law enforcement associations, labor organizations, community-based organizations, and professional civilian oversight organizations to continue the development of further accreditation standards consistent with paragraph (2) and
to encourage the pursuit of accreditation of Federal, State, local, and tribal law enforcement agencies by certified law enforcement accreditation organizations.

(b) Use of Funds Requirements.—Section 502(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10153(a)) is amended by adding at the end the following:

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

SEC. 114. LAW ENFORCEMENT GRANTS.

(a) Use of Funds Requirement.—Section 502(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10153(a)), as amended by section 113, is amended by adding at the end the following:

“(8) An assurance that, for each fiscal year covered by an application, the applicant will use not less than 5 percent of the total amount of the grant
award for the fiscal year to study and implement effective management, training, recruiting, hiring, and oversight standards and programs to promote effective community and problem solving strategies for law enforcement agencies in accordance with section 114 of the Law Enforcement Trust and Integrity Act of 2020.”.

(b) Grant Program for Community Organizations.—The Attorney General may make grants to community-based organizations to study and implement effective management, training, recruiting, hiring, and oversight standards and programs to promote effective community and problem solving strategies for law enforcement agencies.

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

(1) study of management and operations standards for law enforcement agencies, including standards relating to administrative due process, residency requirements, compensation and benefits, use of force, racial profiling, early warning systems, ju-
 juvenile justice, school safety, civilian review boards or analogous procedures, or research into the effectiveness of existing programs, projects, or other activities designed to address misconduct by law enforcement officers;

(2) to develop pilot programs and implement effective standards and programs in the areas of training, hiring and recruitment, and oversight that are designed to improve management and address misconduct by law enforcement officers.

(d) COMPONENTS OF PILOT PROGRAM.—A pilot program developed under subsection (c)(2) shall include the following:

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

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

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

(C) disproportionate minority contact by law enforcement;
(D) tactical and defensive strategy;

(E) arrests, searches, and restraint;

(F) professional verbal communications with civilians;

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

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

(I) community relations and bias awareness.

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

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

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

(C) initiatives to encourage residency in the jurisdiction served by the law enforcement agency and continuing education.
(3) **OVERSIGHT.**—Complaint procedures, including the establishment of civilian review boards or analogous procedures for jurisdictions across a range of sizes and agency configurations, complaint procedures by community-based organizations, early warning systems and related intervention programs, video monitoring technology, data collection and transparency, and administrative due process requirements inherent to complaint procedures for members of the public and law enforcement.

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

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

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

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

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

(g) APPLICATIONS.—

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

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

(h) PERFORMANCE EVALUATION.—
(1) Monitoring Components.—

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

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

(2) Evaluation Components.—

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

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

(3) Periodic review and reports.—The Attorney General may require a grant recipient to submit biannually to the Attorney General the results of the monitoring and evaluations required under paragraphs (1) and (2) and such other data and information as the Attorney General determines to be necessary.

(i) Revocation or Suspension of Funding.—If the Attorney General determines, as a result of monitoring under subsection (h) or otherwise, that a grant recipient under the Byrne grant program or under subsection (b) is not in substantial compliance with the requirements of this section, the Attorney General may revoke or suspend funding of that grant, in whole or in part.

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

(1) is independent and adequately funded;
(2) has investigatory authority and staff subpoena power;
(3) has representative community diversity;
(4) has policy making authority;
(5) provides advocates for civilian complainants;
(6) has mandatory police power to conduct hearings; and
(7) conducts statistical studies on prevailing complaint trends.

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

SEC. 115. ATTORNEY GENERAL TO CONDUCT STUDY.

(a) STUDY.—

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

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

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

(b) REPORTING.—

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

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

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

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

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

SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

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

(a) ESTABLISHMENT.—There is established within the Department of Justice a task force to be known as the Task Force on Law Enforcement Oversight (hereinafter in this section referred to as the “Task Force”).
(b) COMPOSITION.—The Task Force shall be composed of individuals appointed by the Attorney General, who shall appoint not less than 1 individual from each of the following:

1. The Special Litigation Section of the Civil Rights Division.
2. The Criminal Section of the Civil Rights Division.
3. The Federal Coordination and Compliance Section of the Civil Rights Division.
4. The Employment Litigation Section of the Civil Rights Division.
5. The Disability Rights Section of the Civil Rights Division.
6. The Office of Justice Programs.
7. The Office of Community Oriented Policing Services (COPS).
8. The Corruption/Civil Rights Section of the Federal Bureau of Investigation.
10. The Office of Tribal Justice.
11. The unit within the Department of Justice assigned as a liaison for civilian review boards.

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

(d) Authorization of Appropriations.—There are authorized to be appropriated $5,000,000 for each fiscal year to carry out this section.

SEC. 118. FEDERAL DATA COLLECTION ON LAW ENFORCEMENT PRACTICES.

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

(b) Breakdown of Information by Race, Ethnicity, and Gender.—For each practice enumerated in subsection (c), the reporting law enforcement agency shall provide a breakdown of the numbers of incidents of that practice by race, ethnicity, age, and gender of the officers and employees of the agency and of members of the public involved in the practice.

(c) Practices to Be Reported on.—The practices to be reported on are the following:

(1) Traffic violation stops.

(2) Pedestrian stops.

(3) Frisk and body searches.
(4) Instances where officers or employees of the law enforcement agency used deadly force, including—

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

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

(C) the law enforcement agency’s justification for use of deadly force, if the agency determines it was justified.

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

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

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

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

(f) REGULATIONS.—The Attorney General shall prescribe regulations to carry out this section.

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

SEC. 201. ESTABLISHMENT OF NATIONAL POLICE MISCONDUCT REGISTRY.

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

(b) CONTENTS OF REGISTRY.—The Registry required to be established under subsection (a) shall contain the following data with respect to all Federal and local law enforcement officers:
(1) Each complaint filed against a law enforcement officer, aggregated by—

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

(B) complaints that are pending review, disaggregated by whether the complaint involved a use of force; and

(C) complaints for which the law enforcement officer was exonerated or that were determined to be unfounded or not sustained, disaggregated by whether the complaint involved a use of force.

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

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

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

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

(c) Federal Agency Reporting Requirements.—Not later than 360 days after the date of enact-
ment of this Act, and every 180 days thereafter, the head
of each Federal law enforcement agency shall submit to
the Attorney General the information described in sub-
section (b).

(d) State and Local Law Enforcement Agency
Reporting Requirements.—Beginning in the first fis-
cal year beginning after the date of enactment of this Act
and each fiscal year thereafter in which a State receives
funds under the Byrne grant program, the State shall,
onece every 180 days, submit to the Attorney General the
information described in subsection (b) for each local law
enforcement agency within the State.

(e) Public Availability of Registry.—

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

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

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

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

Subtitle B—PRIDE Act

SEC. 221. SHORT TITLE. This subtitle may be cited as the “Police Reporting Information, Data, and Evidence Act of 2020” or the “PRIDE Act”.

SEC. 222. DEFINITIONS.

In this subtitle:

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

(2) Local law enforcement officer.—The term “local law enforcement officer” includes a school resource officer.

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

(4) **School resource officer.**—The term “school resource officer” means a sworn law enforcement officer who is—

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

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

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

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

SEC. 223. USE OF FORCE REPORTING.

(a) **Reporting Requirements.**—

(1) **In general.**—Beginning in the first fiscal year beginning after the date of enactment of this Act and each fiscal year thereafter in which a State receives funds under a Byrne grant program, the State shall—
(A) report to the Attorney General, on a quarterly basis and pursuant to guidelines established by the Attorney General, information regarding—

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

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

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

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

(v) deaths in custody; and

(vi) arrests and bookings.

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

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

(2) REPORT INFORMATION REQUIRED.—

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

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

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

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

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

(v) the reason force was used;
(vi) a description of any injuries sustained as a result of the incident;

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

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

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

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

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

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

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

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

or

(bb) minimize the level of force used; and
(V) if applicable, the reason why efforts described in subclause (IV) were not attempted.

(B) INCIDENTS REPORTED UNDER DEATH IN CUSTODY REPORTING ACT.—A State is not required to include in a report under subsection (a)(1) an incident reported by the State in accordance with section 20104(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12104(a)(2)).

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

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

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

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

(b) INELIGIBILITY FOR FUNDS.—

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

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

(3) INFORMATION REGARDING SCHOOL RE-
SOURCE OFFICERS.—The State shall ensure that all
schools and local educational agencies within the ju-
risdiction of the State provide the State with the in-
formation needed regarding school resource officers
to comply with this section.

(c) **Public Availability of Data.**—

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

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

(d) **Guidance.**—Not later than 180 days after the
date of enactment of this Act, the Attorney General, in
coordination with the Director of the Federal Bureau of
Investigation, shall issue guidance on best practices relat-
ing to establishing standard data collection systems that
capture the information required to be reported under sub-
section (a)(2), which shall include standard and consistent
definitions for terms, including the term “use of force”
which is consistent with the definition of such term in sec-
tion 222.
SEC. 224. USE OF FORCE DATA REPORTING.

(a) Technical Assistance Grants Authorized.—The Attorney General may make grants to eligible law enforcement agencies to be used for the activities described in subsection (c).

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

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

(2) employ not more that 100 local or tribal law enforcement officers;

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

(4) establish and maintain a complaint system that—

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

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

(C) provide information on the status of an investigation.
(c) Activities Described.—A grant made under this section may be used by a law enforcement agency for—

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

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

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

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

SEC. 225. COMPLIANCE WITH REPORTING REQUIREMENTS.

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

(b) CONSISTENCY IN DATA REPORTING.—

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

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

(B) in a manner consistent with civil and human rights laws for distribution of information to the public.

(2) GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall—

(A) issue guidelines on the reporting requirement under section 223; and

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

SEC. 226. FEDERAL LAW ENFORCEMENT REPORTING.

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

SEC. 227. AUTHORIZATION OF APPROPRIATIONS.

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

TITLE III—IMPROVING POLICE TRAINING AND POLICIES

Subtitle A—End Racial and Religious Profiling Act

SEC. 301. SHORT TITLE.

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

SEC. 302. DEFINITIONS.

In this subtitle:

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

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

and

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

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

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

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

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

(6) RACIAL PROFILING.—

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

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

(7) **Routine or spontaneous investigatory activities.**—The term “routine or spontaneous in-
vestigatory activities” means the following activities by a law enforcement agent:

(A) Interviews.

(B) Traffic stops.

(C) Pedestrian stops.

(D) Frisks and other types of body searches.

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

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

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

(H) Immigration-related workplace investiga-
tions.

(I) Such other types of law enforcement encounters compiled for or by the Federal Bu-
(8) **Reasonable Request.**—The term “reasonable request” means all requests for information, except for those that—

(A) are immaterial to the investigation;

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

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

(9) **State.**—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(10) **Unit of Local Government.**—The term “unit of local government” means—

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

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

(i) is established under applicable State law; and
(ii) has the authority to, in a manner independent of other State entities, establish a budget and impose taxes.

PART I—PROHIBITION OF RACIAL PROFILING

SEC. 311. PROHIBITION.

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

SEC. 312. ENFORCEMENT.

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

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

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

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

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

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

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

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

SEC. 321. POLICIES TO ELIMINATE RACIAL PROFILING.

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

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

(2) cease existing practices that permit racial profiling.

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

(1) a prohibition on racial profiling;

(2) training on racial profiling issues as part of Federal law enforcement training;
(3) the collection of data in accordance with the regulations issued by the Attorney General under section 341;

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

(5) any other policies and procedures the Attorney General determines to be necessary to eliminate racial profiling by Federal law enforcement agencies.

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

SEC. 331. POLICIES REQUIRED FOR GRANTS.

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

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

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

(b) Policies.—The policies and procedures described in subsection (a)(1) shall include—
(1) a prohibition on racial profiling;

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

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

(4) participation in an administrative complaint procedure or independent audit program that meets the requirements of section 332.

(c) Effective Date.—This section shall take effect 12 months after the date of enactment of this Act.

SEC. 332. INVOLVEMENT OF ATTORNEY GENERAL.

(a) Regulations.—

(1) in general.—Not later than 6 months after the date of enactment of this Act and in consultation with stakeholders, including Federal, State, and local law enforcement agencies and community, professional, research, and civil rights organizations, the Attorney General shall issue regulations for the operation of administrative complaint procedures and independent audit programs to ensure that such programs and procedures provide an appropriate response to allegations of racial profiling by law enforcement agents or agencies.
(2) GUIDELINES.—The regulations issued under paragraph (1) shall contain guidelines that ensure the fairness, effectiveness, and independence of the administrative complaint procedures and independent auditor programs.

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

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

SEC. 333. DATA COLLECTION DEMONSTRATION PROJECT.

(a) TECHNICAL ASSISTANCE GRANTS FOR DATA COLLECTION.—

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

(2) Number of Grants.—The Attorney General shall provide not more than 5 grants or contracts under this section.

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

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

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

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

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

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

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

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

SEC. 334. DEVELOPMENT OF BEST PRACTICES.

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

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

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

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

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

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

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

SEC. 335. AUTHORIZATION OF APPROPRIATIONS.

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

PART IV—DATA COLLECTION

SEC. 341. ATTORNEY GENERAL TO ISSUE REGULATIONS.

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

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

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

(2) provide that the data collected shall—

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

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

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

(D) not include personally identifiable in-
formation;

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

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

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

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

(7) provide that the Department of Justice Bureau of Justice Statistics shall—

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

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

(ii) disparities in the hit rate; and

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

and

(B) not later than 3 years after the date of enactment of this Act, and annually thereafter—
(i) prepare a report regarding the findings of the analysis conducted under subparagraph (A);

(ii) provide such report to Congress; and

(iii) make such report available to the public, including on a website of the Department of Justice, and in accordance with accessibility standards under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

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

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

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

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

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

SEC. 342. PUBLICATION OF DATA.

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

SEC. 343. LIMITATIONS ON PUBLICATION OF DATA.

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

(1) released to the public;

(2) disclosed to any person, except for—

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

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

(C) disclosures pursuant to litigation; or
subject to disclosure under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), except for disclosures of information regarding a particular person to that person.

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

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

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

(b) Reports.—

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

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

(A) a summary of data collected under sections 321(b)(3) and 331(b)(3) and from any
other reliable source of information regarding racial profiling in the United States;

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

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

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

Subtitle B—Additional Reforms

SEC. 361. TRAINING ON RACIAL BIAS AND DUTY TO INTERVENE.

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

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

(2) a clear duty for Federal law enforcement officers to intervene in cases where another law enforcement officer is using excessive force against a
civilian, and establish a training program that covers the duty to intervene.

(b) MANDATORY TRAINING FOR FEDERAL LAW ENFORCEMENT OFFICERS.—The head of each Federal law enforcement agency shall require each Federal law enforcement officer employed by the agency to complete the training programs established under subsection (a).

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

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

“(I) Training programs for law enforcement officers, including training programs on use of force and a duty to intervene.”.
SEC. 362. BAN ON NO-KNOCK WARRANTS IN DRUG CASES.

(a) Ban on Federal Warrants in Drug Cases.—

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

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

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

SEC. 363. INCENTIVIZING BANNING OF CHOKEHOLDS AND CAROTID HOLDS.

(a) Definition.—In this section, the term “chokehold or carotid hold” means the application of any
pressure to the throat or windpipe, the use of maneuvers that restrict blood or oxygen flow to the brain, or carotid artery restraints that prevent or hinder breathing or reduce intake of air of an individual.

(b) LIMITATION ON ELIGIBILITY FOR FUNDS.—Beginning in the first fiscal year beginning after the date of enactment of this Act, a State or local jurisdiction may not receive funds under the Byrne grant program or the COPS grant program for a fiscal year if, on the day before the first day of the fiscal year, the State or other jurisdiction does not have in effect a law that prohibits law enforcement officers in the State or other jurisdiction from using a chokehold or carotid hold.

(c) CHOKEHOLDS AS CIVIL RIGHTS VIOLATIONS.—

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

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

SEC. 364. PEACE ACT.

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

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

(1) DEFINITIONS.—In this subsection:

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

(i) the discharge of a firearm;

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

(iii) multiple discharges of an electronic control weapon.

(B) DEESCALATION TACTICS AND TECHNIQUES.—The term “deescalation tactics and techniques” means proactive actions and approaches used by a Federal law enforcement of-
Officer to stabilize the situation so that more
time, options, and resources are available to
gain a person’s voluntary compliance and re-
duce or eliminate the need to use force, includ-
ing verbal persuasion, warnings, tactical tech-
niques, slowing down the pace of an incident,
waiting out a subject, creating distance between
the officer and the threat, and requesting addi-
tional resources to resolve the incident.

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

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

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

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

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

(G) TOTALITY OF THE CIRCUMSTANCES.—

The term “totality of the circumstances” means all credible facts known to the Federal law enforcement officer leading up to and at the time of the use of force, including the actions of the person against whom the Federal law enforce-
ment officer uses such force and the actions of the Federal law enforcement officer.

(2) **Prohibition on Less Lethal Force.**—A Federal law enforcement officer may not use any less lethal force unless—

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

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

(3) **Prohibition on Deadly Use of Force.**—A Federal law enforcement officer may not use deadly force against a person unless—

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

(B) the use of the form of deadly force creates no substantial risk of injury to a third person; and

(C) reasonable alternatives to the use of the form of deadly force have been exhausted.
(4) Requirement to Give Verbal Warning.—When feasible, prior to using force against a person, a Federal law enforcement officer shall identify himself or herself as a Federal law enforcement officer, and issue a verbal warning to the person that the Federal law enforcement officer seeks to apprehend, which shall—

(A) include a request that the person surrender to the law enforcement officer; and

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

(5) Guidance on Use of Force.—Not later than 120 days after the date of enactment of this Act, the Attorney General, in consultation with impacted persons, communities, and organizations, including representatives of civil and human rights organizations, victims of police use of force, and representatives of law enforcement associations, shall provide guidance to Federal law enforcement agencies on—

(A) the types of less lethal force and deadly force that are prohibited under paragraphs (2) and (3); and
(B) how a Federal law enforcement officer can—

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

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

(I) pregnant individuals;

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

(III) elderly persons;

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

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

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

(VII) persons with limited English proficiency.

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

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

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

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

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

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

“(b) DEFINITIONS.—In this section—

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

“(2) the term ‘Federal law enforcement officer’ has the meaning given such term in section 115.”.
(B) CLERICAL AMENDMENT.—The table of sections for chapter 51 of title 18, United States Code, is amended by inserting after the item related to section 1122 the following:

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

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

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

(2) SUBSEQUENT ENACTMENT.—

(A) IN GENERAL.—If funds described in paragraph (1) are withheld from a State or other jurisdiction pursuant to paragraph (1) for 1 or more fiscal years, and the State or other jurisdiction enacts or puts in place a law de-
scribed in paragraph (1), and demonstrates substantial efforts to enforce such law, subject to subparagraph (B), the State or other jurisdiction shall be eligible, in the fiscal year after the fiscal year during which the State or other jurisdiction demonstrates such substantial efforts, to receive the total amount that the State or other jurisdiction would have received during each fiscal year for which funds were withheld.

(B) Limit on amount of prior year funds.—A State or other jurisdiction may not receive funds under subparagraph (A) in an amount that is more than the amount withheld from the State or other jurisdiction during the 5-fiscal-year period before the fiscal year during which funds are received under subparagraph (A).

(3) Guidance.—Not later than 120 days after the date of enactment of this Act, the Attorney General, in consultation with impacted persons, communities, and organizations, including representatives of civil and human rights organizations, individuals against whom a law enforcement officer used force, and representatives of law enforcement associations, shall make guidance available to States and other
jurisdictions on the criteria that the Attorney General will use in determining whether the State or jurisdiction has in place a law described in paragraph (1).

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

SEC. 365. STOP MILITARIZING LAW ENFORCEMENT ACT.

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

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

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

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

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

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

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

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

(8) Though the moratorium was widely publicized, it was lifted in October 2013 without adequate safeguards.

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

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


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

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

(b) LIMITATION ON DEPARTMENT OF DEFENSE TRANSFER OF PERSONAL PROPERTY TO LOCAL LAW ENFORCEMENT AGENCIES.—

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

(A) in subsection (a)—

(i) in paragraph (1)(A), by striking “counterdrug, counterterrorism, and border security activities” and inserting “counterterrorism”; and

(ii) in paragraph (2), by striking “, the Director of National Drug Control Policy,”;

(B) in subsection (b)—

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

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

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

“(7) the recipient submits to the Department of Defense a description of how the recipient expects to use the property;
“(8) the recipient certifies to the Department of Defense that if the recipient determines that the property is surplus to the needs of the recipient, the recipient will return the property to the Department of Defense;

“(9) with respect to a recipient that is not a Federal agency, the recipient certifies to the Department of Defense that the recipient notified the local community of the request for personal property under this section by—

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

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

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

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

(C) by striking subsection (d);

(D) by redesignating subsections (e) and (f) as subsections (o) and (p), respectively; and
(E) by inserting after subsection (e) the following new subsections:

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

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

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

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

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

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

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

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

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

“(D) Controlled aircraft that—

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

“(ii) have no established commercial flight application.

“(E) Silencers.

“(F) Long-range acoustic devices.

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

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

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

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

“(B) If the Secretary issues a waiver under subparagraph (A), the Secretary shall—

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

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

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

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

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

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

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

“(1) each Federal or State agency that has re-
ceived controlled property transferred under this sec-
tion has—
“(A) demonstrated 100 percent accountability for all such property, in accordance with paragraph (2) or (3), as applicable; or

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

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

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

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

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

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

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

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

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

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

“(h) **Prohibition on Ownership of Controlled Property.**—A Federal or State agency that receives controlled property under this section may never take ownership of the property.
“(i) Notice to Congress of Property Downgrades.—Not later than 30 days before downgrading the classification of any item of personal property from controlled or Federal Supply Class, the Secretary shall submit to Congress notice of the proposed downgrade.

“(j) Notice to Congress of Property Cannibalization.—Before the Defense Logistics Agency authorizes the recipient of property transferred under this section to cannibalize the property, the Secretary shall submit to Congress notice of such authorization, including the name of the recipient requesting the authorization, the purpose of the proposed cannibalization, and the type of property proposed to be cannibalized.

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

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

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

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

(2) Effective Date.—The amendments made by paragraph (1) shall apply with respect to any transfer of property made after the date of the enactment of this Act.

SEC. 366. BEST PRACTICES FOR LOCAL LAW ENFORCEMENT AGENCIES.

(a) COPS Grants Used for Local Task Forces on Policing Innovation.—Part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381 et seq.) is amended—

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

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

(B) in paragraph (23), as so redesignated, by striking “(22)” and inserting “(23)”;}
(C) by inserting after paragraph (22) the following:

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

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

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

(b) ATTORNEY GENERAL TO CONDUCT STUDY.—

(1) STUDY.—

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

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

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

(2) REPORTING.—

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

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

(ii) make the report submitted under clause (i) available to the public; and
(iii) identify the jurisdictions for which the study described in paragraph (1)(A) is to be conducted.

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

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

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

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

(1) by redesignating paragraphs (24) and (25) as paragraphs (27) and (28), respectively;
(2) in paragraph (27), as so redesignated, by
striking “(23)” and inserting “(26)”; and

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

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

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

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

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

“(26) to develop and publicly report strategies
and timelines to recruit, hire, promote, retain, de-
velop, and train a diverse and inclusive law enforce-
ment workforce, consistent with merit system principles and applicable law;”.

Subtitle C—Law Enforcement Body Cameras

PART I—FEDERAL POLICE CAMERA AND ACCOUNTABILITY ACT

SEC. 371. SHORT TITLE.

This part may be cited as the “Federal Police Camera and Accountability Act”.

SEC. 372. REQUIREMENTS FOR FEDERAL UNIFORMED OFFICERS REGARDING THE USE OF BODY CAMERAS.

(a) DEFINITIONS.—In this section:

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

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

(A) means any identifiable uniformed officer or any identifiable suspect, victim, detainee, conversant, injured party, or other similarly situated person who appears on the body camera recording; and

(B) does not include people who only incidentally appear on the recording.
(3) **Uniformed Officer.**—The term “uniformed officer” means any person authorized by law to conduct searches and effectuate arrests, either with or without a warrant, and who is employed by the Federal Government.

(4) **Use of Force.**—The term “use of force” means any action by a uniformed officer that—

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

(B) involves the use of a weapon, including a personal body weapon, chemical agent, impact weapon, extended range impact weapon, sonic weapon, sensory weapon, conducted energy device, or firearm, against a member of the public; or

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

(5) **Video Footage.**—The term “video footage” means any images or audio recorded by a body camera.

(b) **Requirement to Wear Body Camera.**—

(1) **In General.**—Uniformed officers with the authority to conduct searches and make arrests shall wear a body camera.
(2) **Requirement for Body Camera.**—A body camera required under paragraph (1) shall—

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

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

(c) **Requirement to Activate.**—

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

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

(d) **Notification of Subject of Recording.**—A uniformed officer who is wearing a body camera shall notify any subject of the recording that he or she is being
recorded by a body camera as close to the inception of
the encounter as is reasonably possible.

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

(1) Prior to entering a private residence with-
out a warrant or in non-exigent circumstances, a
uniformed officer shall ask the occupant if the occu-
pant wants the officer to discontinue use of the offi-
cer’s body camera. If the occupant responds affirm-
atively, the uniformed officer shall immediately dis-
continue use of the body camera. The officer shall
record such communication using the officer’s body
camera.

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

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

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

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

(h) EXCEPTIONS.—Uniformed officers—

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

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

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

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

(i) Retention of Footage.—

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

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

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

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

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

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

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

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

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

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

   (A) any use of force; or

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

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

   (A) the uniformed officer whose body camera recorded the video footage, if that officer reasonably asserts the video footage has evi-
dentary or exculpatory value in an ongoing investigation;

(B) any uniformed officer who is a subject of the video footage, if that officer reasonably asserts the video footage has evidentiary or exculpatory value;

(C) any superior officer of a uniformed officer whose body camera recorded the video footage or who is a subject of the video footage, if that superior officer reasonably asserts the video footage has evidentiary or exculpatory value;

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

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

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

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

(k) Public Review.—For purposes of subparagraphs (E), (F), and (G) of subsection (j)(2), any member of the public who is a subject of video footage, the parent or legal guardian of a minor who is a subject of the video
footage, or a deceased subject’s next of kin or legally au-

thorized designee, shall be permitted to review the specific

video footage in question in order to make a determination

as to whether they will voluntarily request it be subjected
to a 3-year retention period.

(I) Disclosure.—

(1) In general.—Except as provided in para-

graph (2), all video footage of an interaction or

event captured by a body camera, if that interaction

or event is identified with reasonable specificity and

requested by a member of the public, shall be pro-

vided to the person or entity making the request in

accordance with the procedures for requesting and

providing government records set forth in the section

552a of title 5, United States Code.

(2) Exceptions.—The following categories of

video footage shall not be released to the public in

the absence of express written permission from the

non-law enforcement subjects of the video footage:

(A) Video footage not subject to a min-

imum 3-year retention period pursuant to sub-

section (j).

(B) Video footage that is subject to a min-

imum 3-year retention period solely and exclu-
sively pursuant to paragraph (1)(B) or (2) of subsection (j).

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

(4) USE OF REDACTION TECHNOLOGY.—

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

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

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

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

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

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

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

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

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

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

(p) LIMITATION ON UNIFORMED OFFICER VIEWING OF BODY CAMERA FOOTAGE.—No uniformed officer shall review or receive an accounting of any body camera video footage that is subject to a minimum 3-year retention period pursuant to subsection (j)(1) prior to completing any required initial reports, statements, and interviews regarding the recorded event, unless doing so is necessary, while
in the field, to address an immediate threat to life or safety.

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

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

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

(A) a judicial warrant providing authorization is obtained;

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

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

(3) divulged or used by any law enforcement agency for any commercial or other non-law enforcement purpose.
(r) Third Party Maintenance of Footage.—

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

(s) Enforcement.—

(1) In general.—If any uniformed officer, employee, or agent fails to adhere to the recording or retention requirements contained in this part, intentionally interfere with a body camera’s ability to accurately capture video footage, or otherwise manipulate the video footage captured by a body camera during or after its operation—

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

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

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

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

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

(1) the law enforcement agency that employs
the law enforcement officer, or the agency or depart-
ment conducting the related criminal investigation,
as appropriate, shall promptly take possession of the
body camera, and shall maintain such camera, and
any data on such camera, in accordance with the ap-
pllicable rules governing the preservation of evidence;
(2) a copy of the data on such body camera shall be made in accordance with prevailing forensic standards for data collection and reproduction; and
(3) such copied data shall be made available to the public in accordance with subsection (l).

(u) LIMITATION ON USE OF FOOTAGE AS EVIDENCE.—Any body camera video footage recorded in contravention of this part or any other applicable law may not be offered as evidence by any government entity, agency, department, prosecutorial office, or any other subdivision thereof in any criminal or civil action or proceeding against any member of the public.

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

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

SEC. 373. PATROL VEHICLES WITH IN-CAR VIDEO RECORDING CAMERAS.

(a) DEFINITIONS.—In this section:
(1) **Audio Recording.**—The term “audio recording” means the recorded conversation between an officer and a second party.

(2) **Emergency Lights.**—The term “emergency lights” means oscillating, rotating, or flashing lights on patrol vehicles.

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

(4) **In-Car Video Camera.**—The term “in-car video camera” means a video camera located in a patrol vehicle.

(5) **In-Car Video Camera Recording Equipment.**—The term “in-car video camera recording equipment” means a video camera recording system located in a patrol vehicle consisting of a camera assembly, recording mechanism, and an in-car video recording medium.

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

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

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

(b) REQUIREMENTS.—

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

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

(A) outside a patrol vehicle whenever—
(i) an officer assigned a patrol vehicle is conducting an enforcement stop;

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

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

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

(3) REQUIREMENTS FOR RECORDING.—

(A) IN GENERAL.—Recording for an enforcement stop shall begin when the officer determines an enforcement stop is necessary and shall continue until the enforcement action has
been completed and the subject of the enforce-
ment stop or the officer has left the scene.

(B) Activation with Lights.—Recording
shall begin when patrol vehicle emergency
lights are activated or when they would other-
wise be activated if not for the need to conceal
the presence of law enforcement, and shall con-
tinue until the reason for the activation ceases
to exist, regardless of whether the emergency
lights are no longer activated.

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

(4) Enforcement Stops.—Any enforcement
stop shall be video and audio recorded. Audio re-
cording shall terminate upon release of the violator
and prior to initiating a separate criminal investiga-
tion.

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

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

(e) MAINTENANCE REQUIRED.—The agency shall ensure proper care and maintenance of in-car video camera recording equipment and recording medium. An officer operating a patrol vehicle must immediately document and notify the appropriate person of any technical difficulties, failures, or problems with the in-car video camera recording equipment or recording medium. Upon receiving notice, every reasonable effort shall be made to correct and repair any of the in-car video camera recording equipment or recording medium and determine if it is in the public interest to permit the use of the patrol vehicle.
SEC. 374. FACIAL RECOGNITION TECHNOLOGY.

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

SEC. 375. GAO STUDY.

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

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

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

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

SEC. 376. REGULATIONS.

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

SEC. 377. RULE OF CONSTRUCTION.

Nothing in this part shall be construed to impose any requirement on a uniformed officer outside of the course of carrying out that officer’s duty.
PART II—POLICE CAMERA ACT

SEC. 381. SHORT TITLE.

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

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

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

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

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

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

SEC. 3051. USE OF GRANT FUNDS.

“(a) IN GENERAL.—Grant amounts described in paragraph (10) of section 502(a) of this title shall be used—
“(1) to purchase or lease body-worn cameras for use by State, local, and tribal law enforcement officers (as defined in section 2503);

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

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

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

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

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

“(3) making the policies and protocols described in paragraphs (1) and (2) available to the public; and
“(4) complying with the requirements for use of recorded data under subsection (f).

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

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

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

“(B) the secure storage, handling, and destruction of recorded data collected by body-worn cameras;

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

“(D) protecting the constitutional rights of any individual on whom facial recognition technology is used;

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

“(i) the use of facial recognition technology only with judicial authorization;

“(ii) the use of facial recognition technology only for imminent threats or serious crimes; and
“(iii) the use of facial recognition technology with double verification of identified faces;

“(F) the release of any recorded data collected by a body-worn camera in accordance with the open records laws, if any, of the State; and

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

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

“(d) Recorded Data Collection and Retention Protocol.—The recorded data collection and retention protocol described in this paragraph is a protocol that—

“(1) requires—

“(A) a law enforcement officer who is wearing a body-mounted camera to provide an explanation if an activity that is required to be recorded by the body-mounted camera is not recorded;
“(B) a law enforcement officer who is wearing a body-mounted camera to obtain consent to be recorded from a crime victim or witness before interviewing the victim or witness;

“(C) the collection of recorded data unrelated to a legitimate law enforcement purpose be minimized to the greatest extent practicable;

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

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

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

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

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

“(iii) the disposition of complaints filed against law enforcement officers;
“(iv) the number of times camera footage is used for evidence collection in investigations of crimes; and

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

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

“(3) complies with any other requirements established by the Director.

“(e) REPORTING.—Statistical data required to be collected under subsection (d)(1)(D) shall be reported to the Director, who shall—

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

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

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

“(1) IN GENERAL.—Recorded data collected by an entity receiving a grant under this section from a body-mounted camera shall be used only in internal and external investigations of misconduct by a law enforcement agency or officer, if there is reasonable suspicion that a recording contains evidence of
a crime, or for limited training purposes. The Director shall establish rules to ensure that the recorded data is used only for the purposes described in this subparagraph.

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

“(3) EXCEPTIONS.—

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

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

“(g) AUDIT AND ASSESSMENT.—

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

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

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

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

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

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

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

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

“SEC. 3053. STUDY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE IV—JUSTICE FOR VICTIMS OF LYNCHING ACT

SEC. 401. SHORT TITLE.

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

SEC. 402. FINDINGS.

Congress finds the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

crimination, incitement to violence, or animus tar-

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

(20) On September 14, 2017, President Donald
J. Trump signed into law Senate Joint Resolution
49 (Public Law 115–58; 131 Stat. 1149), wherein
Congress “condemn[ed] the racist violence and do-

mestic terrorist attack that took place between Au-
gust 11 and August 12, 2017, in Charlottesville,
Virginia” and “urg[ed] the President and his admin-
istration to speak out against hate groups that
espouse racism, extremism, xenophobia, anti-Semi-
tism, and White supremacy; and use all resources available to the President and the President’s Cabinet to address the growing prevalence of those hate groups in the United States”.

(21) Senate Joint Resolution 49 (Public Law 115–58; 131 Stat. 1149) specifically took notice of “hundreds of torch-bearing White nationalists, White supremacists, Klansmen, and neo-Nazis [who] chanted racist, anti-Semitic, and anti-immigrant slogans and violently engaged with counter-demonstrators on and around the grounds of the University of Virginia in Charlottesville” and that these groups “reportedly are organizing similar events in other cities in the United States and communities everywhere are concerned about the growing and open display of hate and violence being perpetrated by those groups”.

(22) Lynching was a pernicious and pervasive tool that was used to interfere with multiple aspects of life—including the exercise of Federally protected rights, as enumerated in section 245 of title 18, United States Code, housing rights, as enumerated in section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631), and the free exercise of religion, as enumerated in section 247 of title 18, United States
Code. Interference with these rights was often effectuated by multiple offenders and groups, rather than isolated individuals. Therefore, prohibiting conspiracies to violate each of these rights recognizes the history of lynching in the United States and serves to prohibit its use in the future.

SEC. 403. LYNCHING.

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

“§ 250. Lynching

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

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

“250. Lynching.”.
TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. SEVERABILITY.

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

SEC. 502. SAVINGS CLAUSE.

Nothing in this Act shall be construed—


(2) to affect any Federal, State, or Tribal law that applies to an Indian Tribe because of the political status of the Tribe; or

(3) to waive the sovereign immunity of an Indian Tribe without the consent of the Tribe.