

Justice in Policing Act

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TITLE I. POLICE ACCOUNTABILITY

Section 101 – Revising 18 U.S.C. 242 – Federal Criminal Police Misconduct Statute

The problem:

- The current *mens rea* standard of “willfulness” has made it extremely difficult to prosecute law enforcement officers

The bill would:

- Change “willful” to “knowingly or with reckless disregard”
- Define a “death resulting” as any act that was a “substantial factor contributing to the death”

Section 102 – Qualified Immunity Reform

The problem:

- Courts have interpreted qualified immunity to bar individuals from recovering damages when law enforcement officers have violated their constitutional rights

The bill would:

- Modify Section 1983 to enable individuals to recover damages when law enforcement officers violate their constitutional rights

Section 103 – Pattern and Practice Investigations

The problem:

- The Department of Justice, Civil Rights Division’s ability to conduct pattern and practice investigations into discriminatory and unconstitutional policing practices has been undermined by the Trump Administration

The bill would:

- Grant subpoena power to the U.S. Department of Justice, Civil Rights Division, to conduct pattern and practice investigations
- Provide grants to state attorneys’ general to conduct pattern and practice investigations

Section 104 – Independent Investigations

The problem:

- **State and local law enforcement agencies have historically failed to hold law enforcement officers accountable for misconduct and excessive use of force**

The bill would:

- Create a grant program for state attorneys' general to create an independent investigation process for law enforcement misconduct or excessive use of force

Section 105 – Law Enforcement Trust and Integrity Act

The problem: Police departments lack uniform standards to ensure adherence to best practices and community accountability.

The bill would:

- Require the attorney general to create law enforcement accreditation standard recommendations based on President Obama's Taskforce on 21st Century policing
- Create law enforcement development programs to develop policing best practices
- Study the impact of any law, rule or procedure that allows a law enforcement officer to delay for an unreasonable or arbitrary period of time the answer to questions posed by investigators of law enforcement misconduct.
- Enhances funding for pattern and practice discrimination described in section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C.A. 14141); and programs managed by the DOJ Community Relations Service.
- Require the Attorney General to collect data on the following: A) Investigatory actions and detentions by federal law enforcement agencies; B) The racial distribution of drug charges; C) The use of deadly force by and against law enforcement officers; D) Traffic and pedestrian stops and detentions.
- Establish a DOJ task force to coordinate the investigation, prosecution and enforcement efforts of federal, state and local governments in cases related to law enforcement misconduct.

TITLE II: POLICING TRANSPARENCY THROUGH DATA

Subtitle A – Establishment of a National Police Misconduct Registry

The problem:

- **Too often, problematic officers leave (or are fired by) one agency, and then move to another jurisdiction without any accountability.**

The bill would:

- Create a federal registry of all federal, state and local law enforcement officers that compiles
 - Misconduct Complaints (Pending, Sustained and Exonerated)
 - Discipline records
 - Termination records
 - Records of certification
- Mandates that law enforcement agencies ensure that all officers hired are certified within the state

Subtitle B – Police Reporting Information Data and Evidence Act

The bill would:

- Require States to report to the Justice Department any incident where use of force is used against a civilian or against a law enforcement officer
- The reports must include, for example, the following:
 - The national origin, sex, race, ethnicity, age, disability, English language proficiency, and housing status of each civilian against whom a law enforcement officer used force
 - The reason force was used
- Provide technical assistance grants to law enforcement agencies that employ less than 100 people to help comply with the requirements of the bill

TITLE III. IMPROVING POLICE TRAINING AND POLICES

Subtitle A – End Racial and Religious Profiling Act

The Problem:

- **Blacks are 3.6 times more likely to be arrested for selling drugs, despite the fact that whites are *more likely* to sell drugs**
- **Blacks are 2.5 times more likely to be arrested for possessing drugs, despite using drugs at the same rate as whites**

The bill would:

- Prohibit federal, state, and local law enforcement from racial, religious and discriminatory profiling and create a cause of action for declaratory or injunctive relief
- Mandate law enforcement provide training on racial, religious, and discriminatory profiling
- Require law enforcement to collect data on all investigatory activities and submit collected data to the Department of Justice using a standardized form
- Condition federal funding to state and local law enforcement to adopt policies to combat racial, religious, and discriminatory profiling
- Condition federal funding to state and local law enforcement to establish best practices to discourage profiling
- Require the Attorney General to provide reports on racial, religious, and discriminatory profiling and ongoing efforts to combat profiling

Section 361 – Training on Racial Bias and Duty to Intervene

The bill would:

- Establish a training program to cover racial bias, implicit bias, procedural justice, and the duty to intervene
- Mandate training at the federal level
- Condition federal funding on establishing training at the state and local level

Section 362 – Ban on No-Knock Warrants in Drug Cases

The bill would:

- Ban no-knock warrants in drug cases at the federal level
- Condition law enforcement funding for state and local law enforcement agencies on prohibiting the use of no-knock warrants in drug cases

Section 363 – Ban on Chokeholds and Carotid Holds

The bill would:

- Ban the use of chokeholds and carotid holds
- Condition law enforcement funding for state and local law enforcement agencies on establishing a law to prohibit the use of chokeholds and carotid holds

Section 364 – Police Exercising Absolute Care with Everyone Act (“PEACE Act”)

The bill would:

- Change the use of force standard for federal officers from reasonableness to only when necessary to prevent death or serious bodily injury.
- Require that deadly force be used only as a last resort, and require officers to employ de-escalation techniques.
- Condition grants on state and local law enforcement agencies’ establishing the same use of force standard

Section 365 – Stop Militarizing Law Enforcement Act

The bill would:

- Limit the transfer of military-grade equipment to state and local law enforcement

Section 366 – Best Practices for Local Law Enforcement Agencies

The bill would:

- Establishes public safety innovation grants for community-based organizations to create local commissions and task forces to help communities to re-imagine and develop concrete, just, and equitable public safety approaches. These local commissions would operate similar to President Obama’s Task Force on 21st Century Policing.

Subtitle C – Part I – Federal Police Camera and Accountability Act

The bill would:

- Requires federal uniformed police officers to wear body cameras and marked federal police vehicles to have dashboard cameras. This would also commission a GAO study on federal police officer's training, vehicle pursuits, and use of force interactions with the public.

Subtitle C – Part II – Police Camera Act

The bill would:

- Require state and local law enforcement to use existing federal funds to ensure the use of police body cameras.

TITLE IV. JUSTICE FOR VICTIMS OF LYNCHING ACT

- The bill would make it a federal crime to conspire to violate existing hate crimes laws.