

# Justice in Policing Act

Chair Karen Bass  
Senator Cory A. Booker  
Senator Kamala D. Harris  
Chair Jerrold Nadler

## 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

### **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.