

Union Calendar No. 109

106TH CONGRESS
1ST SESSION

H. R. 1659

[Report No. 106–190]

To reinforce police training and reestablish police and community relations, and to create a commission to study and report on the policies and practices that govern the training, recruitment, and oversight of police officers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 1999

Mr. SERRANO (for himself and Mr. HYDE) introduced the following bill; which was referred to the Committee on the Judiciary

JUNE 18, 1999

Additional sponsors: Mr. FRANK of Massachusetts, Ms. CARSON, Ms. NORTON, Mr. GONZALEZ, Mr. JACKSON of Illinois, Mr. MEEKS of New York, Ms. BROWN of Florida, Mr. WALSH, Mr. DAVIS of Illinois, Mr. CLAY, Mr. DIXON, Mrs. MALONEY of New York, Mrs. LOWEY, Mr. WYNN, Mr. HUTCHINSON, Mr. GEKAS, Mr. ENGEL, Mr. TOWNS, Mr. HINOJOSA, Mr. WATT of North Carolina, and Ms. JACKSON-LEE of Texas

JUNE 18, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on May 4, 1999]

A BILL

To reinforce police training and reestablish police and community relations, and to create a commission to study

and report on the policies and practices that govern the training, recruitment, and oversight of police officers, and for other purposes.

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.**

4 *This Act may be cited as the “National Police Train-*
 5 *ing Commission Act of 1999”.*

6 **SEC. 2. ESTABLISHMENT.**

7 *There is established, subject to the availability of ap-*
 8 *propriations, a commission to be known as the “National*
 9 *Police Training Commission” (hereinafter in this Act re-*
 10 *ferred to as the “Commission”).*

11 **SEC. 3. MEMBERSHIP.**

12 *(a) NUMBER AND APPOINTMENT.—The Commission*
 13 *shall be composed of 5 members appointed as follows:*

14 *(1) The majority and minority leaders of the*
 15 *Senate shall each appoint 1 member.*

16 *(2) The Speaker of the House of Representatives*
 17 *and the minority leader of the House shall each ap-*
 18 *point 1 member.*

19 *(3) The 4 members appointed under paragraphs*
 20 *(1) and (2) shall then select 1 member.*

21 **(b) ELIGIBILITY AND QUALIFICATIONS.—**

22 *(1) ELIGIBILITY.—The members of the Commis-*
 23 *sion shall be individuals who have knowledge or ex-*

1 *pertise, whether by experience or training, in matters*
2 *to be studied by the Commission under this Act. The*
3 *members may be from the public or private sector,*
4 *and may include Federal, State, or local officers or*
5 *employees (other than those holding elective office),*
6 *members of academia, non-profit organizations, or*
7 *other interested individuals.*

8 (2) *QUALIFICATIONS.—The members of the Com-*
9 *mission shall be individuals who possess relevant*
10 *backgrounds, credentials, and experience in some or*
11 *all of the following:*

12 (A) *Civil and criminal litigation.*

13 (B) *Administrative and management func-*
14 *tions of law enforcement in major cities and*
15 *smaller communities.*

16 (C) *Community relations.*

17 (c) *TERM.—Each member shall be appointed for the*
18 *life of the Commission.*

19 (d) *LENGTH OF COMMISSION.—The Commission shall*
20 *cease to exist 1 year after the initial appointment of the*
21 *4 members described in paragraphs (1) and (2) of sub-*
22 *section (a). The initial appointment of the 4 members so*
23 *described shall not take effect until the later of October 1,*
24 *1999 or the date on which appropriations are made avail-*
25 *able for the expenses of the Commission.*

1 (e) *VACANCIES.*—*Except as otherwise provided in this*
 2 *subsection, a vacancy in the Commission shall be filled in*
 3 *the manner in which the original appointment was made,*
 4 *and shall not affect the power of the remaining members*
 5 *to execute the duties of the Commission. If any of the origi-*
 6 *nal appointments are not made by the day that is 30 days*
 7 *after the date of the enactment of this Act, any members*
 8 *already appointed shall fill any vacancy existing on that*
 9 *date.*

10 (f) *MEETINGS.*—*The Commission shall meet at the call*
 11 *of the Chairperson.*

12 (g) *CHAIRPERSON.*—*The Chairperson of the Commis-*
 13 *sion shall be elected by the members.*

14 **SEC. 4. FUNCTIONS.**

15 (a) *STUDY.*—*The Commission shall conduct a study*
 16 *of the effectiveness of training, recruiting, hiring, oversight,*
 17 *and funding policies and practices in law enforcement, in-*
 18 *cluding the following:*

19 (1) *Training: policies, practices, and organiza-*
 20 *tional strategies of law enforcement, and training and*
 21 *instruction in the use of force, the use of non lethal*
 22 *force, tactical and defensive tactical; arrests, searches*
 23 *and handcuffing; verbal communication; vehicle use;*
 24 *initial and continuing cultural diversity training;*
 25 *community relations and sensitivity training of law*

1 *enforcement vis a vis the community and the commu-*
2 *nity vis a vis law enforcement.*

3 *(2) Recruitment and Hiring: policies and prac-*
4 *tices in hiring and recruiting law enforcement officers*
5 *and identifying and setting standards for hiring re-*
6 *garding educational and psychological backgrounds;*
7 *diversity; lengths of probationary periods.*

8 *(3) Oversight: complaint procedures regarding*
9 *police officers, including screening, organization, and*
10 *training of investigatory staff; the availability and*
11 *fairness of due process requirements for members of*
12 *the public and law enforcement officers, and obstacles*
13 *to ensuring objective and timely investigations; dis-*
14 *crimination and harassment, including the relation-*
15 *ship between police and prosecutors; perjury, includ-*
16 *ing the “code of silence”.*

17 *(4) Funding: the effectiveness of the use of fund-*
18 *ing for programs relating to matters described in*
19 *paragraphs (1) through (3) of this subsection, whether*
20 *derived from the Violent Crime Control and Law En-*
21 *forcement Act of 1994 or otherwise, by cities listed in*
22 *section 210501 of such Act.”.*

23 *(b) REPORT.—Not later than 1 year after the initial*
24 *appointment of the 4 members described in paragraphs (1)*
25 *and (2) of section 3(a), the Commission shall submit a re-*

1 port to Congress of the results of its study, including any
2 recommendations the Commission may make with regard
3 to the matters studied including best practices.

4 **SEC. 5. ADMINISTRATIVE PROVISIONS.**

5 (a) *INFORMATION FROM FEDERAL AGENCIES.*—The
6 Commission may secure directly from any Federal depart-
7 ment or agency such information as the Commission con-
8 siders necessary to carry out its duties under section 4.
9 Upon the request of the Commission, the head of such de-
10 partment or agency may furnish such information to the
11 Commission.

12 (b) *SERVICE NOT COMPENSATED.*—Each member of
13 the Commission shall serve without compensation, and
14 members who are officers or employees of the United States
15 shall serve without compensation in addition to that re-
16 ceived for their services as officers or employees of the
17 United States.

18 (c) *TRAVEL EXPENSES.*—The members of the Commis-
19 sion shall be allowed travel expenses, including per diem
20 in lieu of subsistence, at rates authorized for employees of
21 agencies under subchapter I of chapter 57 of title 5, United
22 States Code, while away from their homes or regular places
23 of business in the performance of service for the Commis-
24 sion.

25 (d) *STAFF.*—

1 (1) *IN GENERAL.*—*The Chairman of the Com-*
2 *mission may, without regard to the civil service laws*
3 *and regulations, appoint and terminate an executive*
4 *director and such other additional personnel as may*
5 *be necessary to enable the Commission to perform its*
6 *duties. The employment and termination of an execu-*
7 *tive director shall be subject to confirmation by a ma-*
8 *jority of the members of the Commission.*

9 (2) *COMPENSATION.*—*The executive director shall*
10 *be compensated at a rate not to exceed the rate pay-*
11 *able for level V of the Executive Schedule under sec-*
12 *tion 5316 of title 5, United States Code. The Chair-*
13 *man may fix the compensation of other personnel*
14 *without regard to the provisions of chapter 51 and*
15 *subchapter III of chapter 53 of title 5, United States*
16 *Code, relating to classification of positions and Gen-*
17 *eral Schedule pay rates, except that the rate of pay*
18 *for such personnel may not exceed the rate payable for*
19 *level V of the Executive Schedule under section 5316*
20 *of such title.*

21 (3) *DETAIL OF GOVERNMENT EMPLOYEES.*—*Any*
22 *Federal Government employee, with the approval of*
23 *the head of the appropriate Federal agency, may be*
24 *detailed to the Commission without reimbursement,*

1 *and such detail shall be without interruption or loss*
2 *of civil service status, benefits, or privilege.*

3 *(e) PROCUREMENT OF TEMPORARY AND INTERMIT-*
4 *TENT SERVICES.—The Chairman of the Commission may*
5 *procure temporary and intermittent services under section*
6 *3109(b) of title 5, United States Code, at rates for individ-*
7 *uals not to exceed the daily equivalent of the annual rate*
8 *of basic pay prescribed for level V of the Executive Schedule*
9 *under section 5316 of such title.*

10 *(f) MEETINGS.—The Commission shall meet at the call*
11 *of the Chairman.*

12 *(g) QUORUM; VOTING; RULES.—Two members of the*
13 *Commission shall constitute a quorum to conduct business.*
14 *Each member of the Commission shall have one vote, and*
15 *the vote of each member shall be accorded the same weight.*
16 *The Commission may establish by vote of a majority of its*
17 *members any other rules for the conduct of the Commis-*
18 *sion's business, if such rules are not inconsistent with this*
19 *Act or other applicable law.*

20 *(h) USE OF INFORMATION ACQUIRED BY THE COMMIS-*
21 *SION.—Information acquired by the Commission for its*
22 *study shall be used only for research, statistical, and report-*
23 *ing purposes.*

24 *(i) INFORMATION TO BE KEPT CONFIDENTIAL.—Infor-*
25 *mation the Commission determines is confidential, includ-*

1 *ing the identity of law enforcement officers and members*
 2 *of the public, shall not be disclosed to the public, nor made*
 3 *a part of any public findings, nor made a part of any re-*
 4 *port published by the Commission.*

5 (j) *APPLICABILITY OF FEDERAL TORT CLAIMS PROVI-*
 6 *SIONS.—For purposes of sections 1346(b) and 2401(b) and*
 7 *chapter 171 of title 28, United States Code, the Commission*
 8 *is a Federal agency and each of the members and personnel*
 9 *of the Commission is an employee of the Government. This*
 10 *subsection shall not be construed to imply that any commis-*
 11 *sion is not a Federal agency or that any of the members*
 12 *or personnel of a commission is not an employee of the Gov-*
 13 *ernment for purposes of sections 1346(b) and 2401(b) and*
 14 *chapter 171 of title 28, United States Code.*

15 (k) *HEARINGS.—*

16 (1) *IN GENERAL.—The Commission may hold*
 17 *such hearings, sit and act at such times and places,*
 18 *administer such oaths, take such testimony, and re-*
 19 *ceive such evidence as the Commission considers ad-*
 20 *visable to carry out its duties under section 4.*

21 (2) *WITNESS EXPENSES.—Witnesses requested to*
 22 *appear before the Commission shall be paid the same*
 23 *fees as are paid to witnesses under section 1821 of*
 24 *title 28, United States Code. The per diem and mile-*

1 *age allowances for witnesses shall be paid from funds*
2 *appropriated to the Commission.*

3 **SEC. 6. TRAINING.**

4 *Section 210501 of the Violent Crime Control and Law*
5 *Enforcement Act of 1994 is amended—*

6 *(1) in subsection (b)(1)(A), by inserting “, and*
7 *provide, under paragraph (4), training, recruitment,*
8 *hiring, and oversight assistance” before the semicolon;*
9 *and*

10 *(2) in subsection (b), by adding at the end the*
11 *following:*

12 *“(4) The training, recruitment, hiring, and over-*
13 *sight assistance under paragraph (1)(A) shall be*
14 *given to the following cities: New York, New York,*
15 *Chicago, Illinois, Los Angeles, California, Wash-*
16 *ington, District of Columbia, and Charlotte, North*
17 *Carolina, and to one police department from each of*
18 *the 4 geographical regions of the country (northeast,*
19 *south, midwest, and west) 2 of which have less than*
20 *100 police officers and 2 of which have less than 300*
21 *police officers, as determined by the National Police*
22 *Training Commission The assistance may include*
23 *funding for equipment, not to exceed 10 percent of the*
24 *amount of the grant made to each city. The money*
25 *appropriated for such assistance shall be distributed*

1 to those locations in proportion to the size of their po-
 2 lice departments and upon receipt of written assur-
 3 ances from the police department that the department
 4 will provide access to its operations to the Commis-
 5 sion. There are authorized to be appropriated for fis-
 6 cal year 2000 for the purposes of such assistance the
 7 sum of \$3,000,000.”.

8 **SEC. 7. DATA ON DEATHS WHILE IN CUSTODY.**

9 Section 20101(b) of the Violent Crime Control and
 10 Law Enforcement Act of 1994 is amended—

11 (1) by redesignating paragraphs (6) through (9)
 12 as paragraphs (7) through (10), respectively; and

13 (2) by inserting after paragraph (5) the fol-
 14 lowing:

15 “(6) assurances that the State will follow the
 16 guidelines established by the Attorney General in re-
 17 porting, on a quarterly basis, information regarding
 18 death of any person who is in the process of arrest,
 19 has been incarcerated or is en route to be incarcerated
 20 at any municipal or county jail, State prison, or
 21 other local or State correctional facility (including
 22 any juvenile facility) that, at a minimum, includes—

23 “(A) the name, gender, ethnicity, and age of
 24 the deceased;

1 “(B) the date, time, and location of death;
2 *and*
3 “(C) a brief description of the circumstances
4 *surrounding the death.”.*

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