

114TH CONGRESS
1ST SESSION

H. R. 2875

To encourage greater community accountability of law enforcement agencies,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2015

Mr. CONYERS (for himself, Ms. JACKSON LEE, Mr. LEWIS, Mr. HOYER, Mr. CLYBURN, Ms. JUDY CHU of California, Mr. GRIJALVA, Mr. BUTTERFIELD, Mr. ELLISON, Mr. NADLER, Ms. LOFGREN, Mr. COHEN, Mr. JOHNSON of Georgia, Mr. PIERLUISI, Mr. DEUTCH, Mr. GUTIÉRREZ, Ms. BASS, Mr. RICHMOND, Ms. DELBENE, Mr. JEFFRIES, Mr. CICILLINE, Mr. RANGEL, Mr. BISHOP of Georgia, Ms. NORTON, Mr. HASTINGS, Mr. RUSH, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. BLUMENAUER, Ms. LEE, Mr. CLAY, Mr. VAN HOLLEN, Ms. MOORE, Ms. CLARKE of New York, Ms. EDWARDS, Ms. KELLY of Illinois, Mr. DESAULNIER, Mrs. LAWRENCE, and Ms. PLASKETT) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To encourage greater community accountability of law
enforcement agencies, 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 “Law Enforcement
5 Trust and Integrity Act of 2015”.

TITLE I—LAW ENFORCEMENT ACCREDITATION

SEC. 101. ACCREDITATION OF LAW ENFORCEMENT AGEN- CIES.

(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.

(2) IN GENERAL.—The Attorney General shall 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) DEVELOPMENT OF UNIFORM STANDARDS.—After completion of the initial review and analysis under paragraph (2), the Attorney General shall recommend, in consultation with such organizations, the adoption of additional standards that will result in greater community accountability of law enforce-

1 ment agencies and an increased focus on policing
2 with a guardian mentality, including standards relat-
3 ing to early warning systems and related interven-
4 tion programs, use of force procedures, civilian re-
5 view procedures, traffic and pedestrian stop and
6 search procedures, data collection and transparency,
7 administrative due process requirements, video moni-
8 toring technology, juvenile justice and school safety,
9 and training.

10 (4) CONTINUING ACCREDITATION PROCESS.—

11 The Attorney General shall adopt policies and proce-
12 dures to partner with law enforcement accreditation
13 organizations, professional law enforcement associa-
14 tions, labor organizations, community-based organi-
15 zations, and professional civilian oversight organiza-
16 tions to continue the development of further accredi-
17 tation standards consistent with paragraph (2) and
18 to encourage the pursuit of accreditation of Federal,
19 State, local, and tribal law enforcement agencies by
20 certified law enforcement accreditation organiza-
21 tions.

22 (b) ACCREDITATION GRANTS.—The Attorney Gen-
23 eral may make funds available to State, local, tribal law
24 enforcement agencies, and campus public safety depart-
25 ments under this title to assist in gaining or maintaining

1 accreditation from certified law enforcement accreditation
2 organizations.

3 **SEC. 102. DEFINITIONS.**

4 In this title:

5 (1) The term “law enforcement accreditation
6 organization” means a professional law enforcement
7 organization involved in the development of stand-
8 ards of accreditation for law enforcement agencies at
9 the national, State, regional, or tribal level (such as
10 the Commission on Accreditation for Law Enforce-
11 ment Agencies (CALEA)).

12 (2) The term “law enforcement agency” means
13 a State, local, Indian tribal, or campus public agency
14 engaged in the prevention, detection, or investiga-
15 tion, prosecution, or adjudication of violations of
16 criminal laws.

17 (3) The term “community-based organization”
18 means a grassroots organization that monitors the
19 issue of police misconduct and that has a national
20 presence and membership (such as the National As-
21 sociation for the Advancement of Colored People
22 (NAACP), the American Civil Liberties Union
23 (ACLU), the National Council of La Raza, the Na-
24 tional Urban League, the National Congress of

1 American Indians, and the National Asian Pacific
2 American Legal Consortium (NAPALC)).

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

20 (5) The term “professional civilian oversight or-
21 ganization” means a membership organization
22 formed to address and advance the cause of civilian
23 oversight of law enforcement and whose members
24 are from Federal, State, regional, local, or tribal or-
25 ganizations that review issues or complaints against

1 law enforcement entities or individuals (such as the
2 National Association for Civilian Oversight of Law
3 Enforcement (NACOLE)).

4 **TITLE II—LAW ENFORCEMENT** 5 **DEVELOPMENT PROGRAMS**

6 **SEC. 201. LAW ENFORCEMENT GRANTS.**

7 (a) GRANT AUTHORIZATION.—The Attorney General
8 may make grants to States, units of local government, In-
9 dian tribal governments, or other public and private enti-
10 ties, or to any multijurisdictional or regional consortia of
11 such entities, to study and implement effective manage-
12 ment, training, recruiting, hiring, and oversight standards
13 and programs to promote effective community and prob-
14 lem solving strategies for law enforcement agencies.

15 (b) PROJECT GRANTS TO STUDY LAW ENFORCE-
16 MENT AGENCY MANAGEMENT.—Grants made under sub-
17 section (a) shall be used for the study of management and
18 operations standards for law enforcement agencies, includ-
19 ing standards relating to administrative due process, resi-
20 dency requirements, compensation and benefits, use of
21 force, racial profiling, early warning systems, juvenile jus-
22 tice, school safety, civilian review boards or analogous pro-
23 cedures, or research into the effectiveness of existing pro-
24 grams, projects, or other activities designed to address
25 misconduct by law enforcement officers.

1 (c) PROJECT GRANTS TO DEVELOP PILOT PRO-
2 GRAMS.—Grants made under subsection (a) shall also be
3 used to develop pilot programs and implement effective
4 standards and programs in the areas of training, hiring
5 and recruitment, and oversight that are designed to im-
6 prove management and address misconduct by law en-
7 forcement officers. These programs shall include the fol-
8 lowing characteristics:

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

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

15 (B) investigation of misconduct and prac-
16 tices and procedures for referral to prosecuting
17 authorities use of deadly force or racial
18 profiling;

19 (C) disproportionate minority contact by
20 law enforcement;

21 (D) tactical and defensive strategy;

22 (E) arrests, searches, and restraint;

23 (F) professional verbal communications
24 with civilians;

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

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

(I) community relations and bias awareness.

(2) RECRUITMENT, 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 (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 proce-

1 dures by community-based organizations, early
2 warning systems and related intervention programs,
3 video monitoring technology, data collection and
4 transparency, and administrative due process re-
5 quirements inherent to complaint procedures for
6 members of the public and law enforcement.

7 (4) JUVENILE JUSTICE AND SCHOOL SAFETY.—

8 The development of uniform standards on juvenile
9 justice and school safety, including standards relat-
10 ing to interaction and communication with juveniles,
11 physical contact, use of lethal and nonlethal force,
12 notification of a parent or guardian, interviews and
13 questioning, custodial interrogation, audio and video
14 recording, conditions of custody, alternatives to ar-
15 rest, referral to child protection agencies, and re-
16 moval from school grounds or campus.

17 (5) VICTIM SERVICES.—Counseling services, in-

18 cluding psychological counseling, for individuals and
19 communities impacted by law enforcement mis-
20 conduct.

21 (d) AMOUNTS.—Of the amounts appropriated for the

22 purposes of this title—

23 (1) 4 percent shall be available for grants to In-
24 dian tribal governments;

1 (2) 20 percent shall be available for grants to
2 community-based organizations;

3 (3) 10 percent shall be available for grants to
4 professional law enforcement associations; and

5 (4) the remaining funds shall be available for
6 grants to applicants in each State in an amount that
7 bears the same ratio to the amount of remaining
8 funds as the population of the State bears to the
9 population of all of the States.

10 (e) TECHNICAL ASSISTANCE.—

11 (1) The Attorney General may provide technical
12 assistance to States, units of local government, In-
13 dian tribal governments, and to other public and pri-
14 vate entities, in furtherance of the purposes of this
15 section.

16 (2) The technical assistance provided by the At-
17 torney General may include the development of mod-
18 els for State, local, and Indian tribal governments,
19 and other public and private entities, to reduce law
20 enforcement misconduct. Any development of such
21 models shall be in consultation with community-
22 based organizations.

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

1 (g) MATCHING FUNDS.—

2 (1) IN GENERAL.—Except in the case of an In-
3 dian tribal government or nonprofit community-
4 based organization, the portion of the costs of a pro-
5 gram, project, or activity provided by a grant under
6 subsection (a) may not exceed 75 percent.

7 (2) WAIVERS.—The Attorney General may
8 waive, wholly or in part, the requirement under
9 paragraph (1) of a non-Federal contribution to the
10 costs of a program, project, or activity.

11 (h) APPLICATIONS.—

12 (1) APPLICATION.—An application for a grant
13 under this title shall be submitted in such form, and
14 contain such information, as the Attorney General
15 may prescribe by guidelines.

16 (2) PRIORITY.—For law enforcement agency
17 applications, priority shall be given to applicants
18 seeking or having been awarded accreditation from
19 national law enforcement accreditation organizations
20 as defined in section 102.

21 (3) APPROVAL.—A grant may not be made
22 under this title unless an application has been sub-
23 mitted to, and approved by, the Attorney General.

24 (i) PERFORMANCE EVALUATION.—

1 (1) MONITORING COMPONENTS.—Each pro-
2 gram, project, or activity funded under this title
3 shall contain a monitoring component, which shall be
4 developed pursuant to guidelines established by the
5 Attorney General. Such monitoring component shall
6 include systematic identification and collection of
7 data about activities, accomplishments, and pro-
8 grams throughout the life of the program, project, or
9 activity and presentation of such data in a usable
10 form.

11 (2) EVALUATION COMPONENTS.—Selected grant
12 recipients shall be evaluated on the local level or as
13 part of a national evaluation, pursuant to guidelines
14 established by the Attorney General. Such evalua-
15 tions may include independent audits of police be-
16 havior and other assessments of individual program
17 implementations. In selected jurisdictions that are
18 able to support outcome evaluations, the effective-
19 ness of funded programs, projects, and activities
20 may be required.

21 (3) PERIODIC REVIEW AND REPORTS.—The At-
22 torney General may require a grant recipient to sub-
23 mit biannually to the Attorney General the results of
24 the monitoring and evaluations required under para-
25 graphs (1) and (2) and such other data and infor-

1 mation as the Attorney General deems reasonably
2 necessary.

3 (j) REVOCATION OR SUSPENSION OF FUNDING.—If
4 the Attorney General determines, as a result of monitoring
5 under subsection (i) or otherwise, that a grant recipient
6 under this title is not in substantial compliance with the
7 terms and requirements of the approved grant application
8 submitted under subsection (h), the Attorney General may
9 revoke or suspend funding of that grant, in whole or in
10 part.

11 (k) DEFINITIONS.—In this title:

12 (1) The terms “law enforcement accreditation
13 organization”, “law enforcement agency”, “commu-
14 nity-based organization”, and “professional law en-
15 forcement association” have the meaning given such
16 terms in section 102 of this Act.

17 (2) The term “private entity” means a private
18 security organization engaged in the prevention, de-
19 tection, or investigation of violations of criminal laws
20 and/or organizational policy (such as privately oper-
21 ated campus public safety units or department store
22 security).

23 (3) The term “civilian review board” means an
24 administrative entity that—

25 (A) is independent and adequately funded;

- 1 (B) has investigatory authority and staff
2 subpoena power;
- 3 (C) has representative community diver-
4 sity;
- 5 (D) has policymaking authority;
- 6 (E) provides advocates for civilian com-
7 plainants;
- 8 (F) has mandatory police power to conduct
9 hearings; and
- 10 (G) conducts statistical studies on pre-
11 vailing complaint trends.

12 **TITLE III—ADMINISTRATIVE**
13 **DUE PROCESS PROCEDURES**

14 **SEC. 301. ATTORNEY GENERAL TO CONDUCT STUDY.**

15 (a) STUDY.—

16 (1) IN GENERAL.—The Attorney General shall
17 conduct a nationwide study of the prevalence and ef-
18 fect of any law, rule, or procedure that allows a law
19 enforcement officer to delay the response to ques-
20 tions posed by a local internal affairs officer, or re-
21 view board on the investigative integrity and pros-
22 ecution of law enforcement misconduct, including
23 preinterview warnings and termination policies.

24 (2) INITIAL ANALYSIS.—The Attorney General
25 shall perform an initial analysis of existing State

1 statutes to determine whether, at a threshold level,
2 the effect of this type of rule or procedure raises
3 material investigatory issues that could impair or
4 hinder a prompt and thorough investigation of pos-
5 sible misconduct, including criminal conduct, that
6 would justify a wider inquiry.

7 (3) DATA COLLECTION.—After completion of
8 the initial analysis under paragraph (2), and consid-
9 ering material investigatory issues, the Attorney
10 General shall gather additional data nationwide on
11 similar rules from a representative and statistically
12 significant sample of jurisdictions, to determine
13 whether such rules and procedures raise such mate-
14 rial investigatory issues.

15 (b) REPORTING.—

16 (1) INITIAL ANALYSIS.—Not later than 120
17 days after the date of the enactment of this title, the
18 Attorney General shall submit to Congress a report
19 containing the results of its initial analysis, make
20 such report available to the public, and identify the
21 jurisdictions for which the study is to be conducted.

22 (2) DATA COLLECTED.—Not later than 2 years
23 after the date of the enactment of this title, the At-
24 torney General shall submit to Congress a report
25 containing the results of the data collected under

1 this title and cause a copy of such report to be pub-
2 lished in the Federal Register.

3 **TITLE IV—ENHANCED FUNDING**
4 **TO COMBAT POLICE MIS-**
5 **CONDUCT**

6 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated for fiscal
8 year 2016, in addition to any other sums authorized to
9 be appropriated for this purpose, \$5,000,000 for addi-
10 tional expenses related to the enforcement of section
11 210401 of the Violent Crime Control and Law Enforce-
12 ment Act of 1994 (42 U.S.C. 14141), criminal enforce-
13 ment (18 U.S.C. 241 and 242), and administrative en-
14 forcement by the Department of Justice, and \$3,300,000
15 for additional expenses related to conflict resolution by the
16 Department of Justice’s Community Relations Service.

17 **TITLE V—NATIONAL TASK**
18 **FORCE ON LAW ENFORCE-**
19 **MENT OVERSIGHT**

20 **SEC. 501. NATIONAL TASK FORCE ON LAW ENFORCEMENT**
21 **OVERSIGHT.**

22 (a) ESTABLISHMENT.—There is established within
23 the Department of Justice a task force to be known as
24 the Task Force on Law Enforcement Oversight (herein-
25 after in this title referred to as the “Task Force”).

1 (b) COMPOSITION.—The Task Force shall be com-
2 posed of individuals appointed by the Attorney General,
3 who shall appoint at least 1 individual from each of the
4 following:

5 (1) the Special Litigation Section of the Civil
6 Rights Division;

7 (2) the Criminal Section of the Civil Rights Di-
8 vision;

9 (3) the Federal Coordination and Compliance
10 Section of the Civil Rights Division;

11 (4) the Employment Litigation Section of the
12 Civil Rights Division;

13 (5) the Disability Rights Section of the Civil
14 Rights Division;

15 (6) the Office of Justice Programs;

16 (7) the Office of Community Oriented Policing
17 Services (COPS);

18 (8) the Corruption/Civil Rights Section of the
19 Federal Bureau of Investigation;

20 (9) the Community Relations Service;

21 (10) Office of Tribal Justice; and

22 (11) the unit within the Department of Justice
23 assigned as a liaison for civilian review boards.

24 (c) POWERS AND DUTIES.—The Task Force shall
25 consult with professional law enforcement associations (as

1 defined in section 102), labor organizations, and commu-
 2 nity-based organizations (as defined in section 102) to co-
 3 ordinate the process of the detection and referral of com-
 4 plaints regarding incidents of alleged law enforcement
 5 misconduct.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
 7 authorized to be appropriated \$5,000,000 for each fiscal
 8 year to carry out this section.

9 **TITLE VI—FEDERAL DATA COL-** 10 **LECTION ON LAW ENFORCE-** 11 **MENT PRACTICES**

12 **SEC. 601. FEDERAL DATA COLLECTION ON LAW ENFORCE-** 13 **MENT PRACTICES.**

14 (a) AGENCIES TO REPORT.—Each Federal and State
 15 and local law enforcement agency shall report data of the
 16 practices of that agency to the Attorney General.

17 (b) BREAKDOWN OF INFORMATION BY RACE, ETH-
 18 NICITY, AND GENDER.—For each practice enumerated in
 19 subsection (c), the reporting law enforcement agency shall
 20 provide a breakdown of the numbers of incidents of that
 21 practice by race, ethnicity, age, and gender of the officers
 22 and employees of the agency and of members of the public
 23 involved in the practice.

24 (c) PRACTICES TO BE REPORTED ON.—The prac-
 25 tices to be reported on are the following:

1 (1) Traffic violation stops.

2 (2) Pedestrian stops.

3 (3) Frisk and body searches.

4 (4) Instances where officers or employees of the
5 law enforcement agency used deadly force, includ-
6 ing—

7 (A) a description of when and where dead-
8 ly force was used, and whether it resulted in
9 death;

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

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

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

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

22 (1) IN GENERAL.—For any fiscal year, a State
23 shall not receive any amount that would otherwise
24 be allocated to that State under section 505(a) of
25 the Omnibus Crime Control and Safe Streets Act of

1 1968 (42 U.S.C. 3755(a)), or any amount from any
 2 other law enforcement assistance program of the De-
 3 partment of Justice, unless the State has ensured,
 4 to the satisfaction of the Attorney General, that
 5 each State and local law enforcement agency is in
 6 substantial compliance with the requirements of this
 7 section.

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

12 (f) REGULATIONS.—The Attorney General shall pre-
 13 scribe regulations to carry out this section.

14 **TITLE VII—MEDALLIONS FOR** 15 **FALLEN LAW ENFORCEMENT** 16 **OFFICERS**

17 **SEC. 701. MEDALLIONS FOR FALLEN LAW ENFORCEMENT** 18 **OFFICERS.**

19 (a) IN GENERAL.—The Attorney General, in con-
 20 sultation with the National Law Enforcement Officers Me-
 21 morial Fund, shall create and provide a distinctive medal-
 22 lion to be issued to the survivors of law enforcement offi-
 23 cers—

24 (1) killed in the line of duty; and

1 (2) memorialized on the wall of the National
2 Law Enforcement Officers Memorial.

3 (b) DISTRIBUTION OF MEDALLIONS.—The Attorney
4 General shall make arrangements with the National Law
5 Enforcement Officers Memorial Fund to distribute the
6 medallions to appropriate survivors of each law enforce-
7 ment officer memorialized on the wall of the National Law
8 Enforcement Officers Memorial.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this section
11 such sums as may be necessary.

○