

114TH CONGRESS
1ST SESSION

S. 2168

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 8, 2015

Mr. CARDIN (for himself and Mr. UDALL) introduced the following bill; which
was read twice and 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Law Enforcement Trust and Integrity Act of 2015”.

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—LAW ENFORCEMENT ACCREDITATION

Sec. 101. Accreditation of law enforcement agencies.

TITLE II—LAW ENFORCEMENT DEVELOPMENT PROGRAMS

Sec. 201. Law enforcement grants.

TITLE III—ADMINISTRATIVE DUE PROCESS PROCEDURES

Sec. 301. Attorney General to conduct study.

TITLE IV—ENHANCED FUNDING TO COMBAT POLICE
MISCONDUCT

Sec. 401. Authorization of appropriations.

TITLE V—NATIONAL TASK FORCE ON LAW ENFORCEMENT
OVERSIGHT

Sec. 501. National task force on law enforcement oversight.

TITLE VI—FEDERAL DATA COLLECTION ON LAW ENFORCEMENT
PRACTICES

Sec. 601. Federal data collection on law enforcement practices.

TITLE VII—MEDALLIONS FOR FALLEN LAW ENFORCEMENT
OFFICERS

Sec. 701. Medallions for fallen law enforcement officers.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) COMMUNITY-BASED ORGANIZATION.—The
4 term “community-based organization” means a
5 grassroots organization that monitors the issue of
6 police misconduct and that has a national presence
7 and membership, such as the National Association
8 for the Advancement of Colored People (NAACP),
9 the American Civil Liberties Union (ACLU), the
10 National Council of La Raza, the National Urban
11 League, the National Congress of American Indians,
12 or the National Asian Pacific American Legal Con-
13 sortium (NAPALC).

14 (2) LAW ENFORCEMENT ACCREDITATION ORGA-
15 NIZATION.—The term “law enforcement accredita-

tion 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

1 Law Enforcement Association (NALEA), the Inter-
 2 national Association of Chiefs of Police (IACP), the
 3 National Sheriffs' Association (NSA), the Fraternal
 4 Order of Police (FOP), and the National Association
 5 of School Resource Officers.

6 (5) PROFESSIONAL CIVILIAN OVERSIGHT ORGA-
 7 NIZATION.—The term “professional civilian oversight
 8 organization” means a membership organization
 9 formed to address and advance the cause of civilian
 10 oversight of law enforcement and whose members
 11 are from Federal, State, regional, local, or tribal or-
 12 ganizations that review issues or complaints against
 13 law enforcement agencies or individuals, such as the
 14 National Association for Civilian Oversight of Law
 15 Enforcement (NACOLE).

16 **TITLE I—LAW ENFORCEMENT** 17 **ACCREDITATION**

18 **SEC. 101. ACCREDITATION OF LAW ENFORCEMENT AGEN-** 19 **CIES.**

20 (a) STANDARDS.—

21 (1) INITIAL ANALYSIS.—The Attorney General
 22 shall perform an initial analysis of existing accredi-
 23 tation standards and methodology developed by law
 24 enforcement accreditation organizations nationwide,

including national, State, regional, and tribal accreditation organizations.

(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

1 (B) recommend additional areas for the
2 development of national standards for the ac-
3 creditation of law enforcement agencies in con-
4 sultation with existing law enforcement accredi-
5 tation organizations, professional law enforce-
6 ment associations, labor organizations, commu-
7 nity-based organizations, and professional civil-
8 ian oversight organizations.

9 (3) CONTINUING ACCREDITATION PROCESS.—

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

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

1 ing accreditation from certified law enforcement accredita-
 2 tion organizations.

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

5 **SEC. 201. LAW ENFORCEMENT GRANTS.**

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

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

1 (c) PROJECT GRANTS TO DEVELOP PILOT PRO-
2 GRAMS.—

3 (1) IN GENERAL.—Grants made under sub-
4 section (a) shall also be used to develop pilot pro-
5 grams and implement effective standards and pro-
6 grams in the areas of training, hiring and recruit-
7 ment, and oversight that are designed to improve
8 management and address misconduct by law enforce-
9 ment officers.

10 (2) COMPONENTS OF PILOT PROGRAM.—A pilot
11 program developed under paragraph (1) shall in-
12 clude the following:

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

17 (i) the use of lethal, nonlethal force,
18 and de-escalation;

19 (ii) investigation of misconduct and
20 practices and procedures for referral to
21 prosecuting authorities use of deadly force
22 or racial profiling;

23 (iii) disproportionate minority contact
24 by law enforcement;

25 (iv) tactical and defensive strategy;

1 (v) arrests, searches, and restraint;

2 (vi) professional verbal communica-
3 tions with civilians;

4 (vii) interactions with youth, the men-
5 tally ill, and limited English proficiency,
6 multi-cultural communities;

7 (viii) proper traffic, pedestrian, and
8 other enforcement stops; and

9 (ix) community relations and bias
10 awareness.

11 (B) RECRUITMENT, HIRING, RETENTION,
12 AND PROMOTION OF DIVERSE LAW ENFORCE-
13 MENT OFFICERS.—Policies, procedures, and
14 practices for—

15 (i) the hiring and recruitment of di-
16 verse law enforcement officers representa-
17 tive of the communities they serve;

18 (ii) the development of selection, pro-
19 motion, educational, background, and psy-
20 chological standards that comport with
21 title VII of the Civil Rights Act of 1964
22 (42 U.S.C. 2000e et seq.); and

23 (iii) initiatives to encourage residency
24 in the jurisdiction served by the law en-

1 enforcement agency and continuing edu-
2 cation.

3 (C) OVERSIGHT.—Complaint procedures,
4 including the establishment of civilian review
5 boards or analogous procedures for jurisdictions
6 across a range of sizes and agency configura-
7 tions, complaint procedures by community-
8 based organizations, early warning systems and
9 related intervention programs, video monitoring
10 technology, data collection and transparency,
11 and administrative due process requirements in-
12 herent to complaint procedures for members of
13 the public and law enforcement.

14 (D) JUVENILE JUSTICE AND SCHOOL
15 SAFETY.—The development of uniform stand-
16 ards on juvenile justice and school safety, in-
17 cluding standards relating to interaction and
18 communication with juveniles, physical contact,
19 use of lethal and nonlethal force, notification of
20 a parent or guardian, interviews and ques-
21 tioning, custodial interrogation, audio and video
22 recording, conditions of custody, alternatives to
23 arrest, referral to child protection agencies, and
24 removal from school grounds or campus.

1 (E) VICTIM SERVICES.—Counseling serv-
2 ices, including psychological counseling, for in-
3 dividuals and communities impacted by law en-
4 forcement misconduct.

5 (d) AMOUNTS.—Of the amounts appropriated to
6 carry out this title—

7 (1) 4 percent shall be available for grants to In-
8 dian tribal governments;

9 (2) 20 percent shall be available for grants to
10 community-based organizations;

11 (3) 10 percent shall be available for grants to
12 professional law enforcement associations; and

13 (4) the remaining funds shall be available for
14 grants to applicants in each State in an amount that
15 bears the same ratio to the amount of remaining
16 funds as the population of the State bears to the
17 population of all of the States.

18 (e) TECHNICAL ASSISTANCE.—

19 (1) IN GENERAL.—The Attorney General may
20 provide technical assistance to States, units of local
21 government, Indian tribal governments, and to other
22 public and private entities, in furtherance of the pur-
23 poses of this section.

24 (2) MODELS FOR REDUCTION OF LAW EN-
25 FORCEMENT MISCONDUCT.—The technical assistance

1 provided by the Attorney General may include the
2 development of models for State, local, and Indian
3 tribal governments, and other public and private en-
4 tities, to reduce law enforcement officer misconduct.
5 Any development of such models shall be in con-
6 sultation with community-based organizations.

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

10 (g) MATCHING FUNDS.—

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

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

20 (h) APPLICATIONS.—

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

1 (2) PRIORITY.—For law enforcement agency
2 applications, priority shall be given to applicants
3 seeking or having been awarded accreditation from
4 national law enforcement accreditation organiza-
5 tions.

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

9 (i) PERFORMANCE EVALUATION.—

10 (1) MONITORING COMPONENTS.—

11 (A) IN GENERAL.—Each program, project,
12 or activity funded under this title shall contain
13 a monitoring component, which shall be devel-
14 oped pursuant to guidelines established by the
15 Attorney General.

16 (B) REQUIREMENT.—Each monitoring
17 component required under subparagraph (A)
18 shall include systematic identification and col-
19 lection of data about activities, accomplish-
20 ments, and programs throughout the life of the
21 program, project, or activity and presentation
22 of such data in a usable form.

23 (2) EVALUATION COMPONENTS.—

24 (A) IN GENERAL.—Selected grant recipi-
25 ents shall be evaluated on the local level or as

1 part of a national evaluation, pursuant to
2 guidelines established by the Attorney General.

3 (B) REQUIREMENTS.—An evaluation con-
4 ducted under subparagraph (A) may include
5 independent audits of police behavior and other
6 assessments of individual program implementa-
7 tions. In selected jurisdictions that are able to
8 support outcome evaluations, the effectiveness
9 of funded programs, projects, and activities
10 may be required.

11 (3) PERIODIC REVIEW AND REPORTS.—The At-
12 torney General may require a grant recipient to sub-
13 mit biannually to the Attorney General the results of
14 the monitoring and evaluations required under para-
15 graphs (1) and (2) and such other data and infor-
16 mation as the Attorney General determines to be
17 necessary.

18 (j) REVOCATION OR SUSPENSION OF FUNDING.—If
19 the Attorney General determines, as a result of monitoring
20 under subsection (i) or otherwise, that a grant recipient
21 under this title is not in substantial compliance with the
22 terms and requirements of the approved grant application
23 submitted under subsection (h), the Attorney General may
24 revoke or suspend funding of that grant, in whole or in
25 part.

1 (k) DEFINITIONS.—In this section—

2 (1) the term “civilian review board” means an
3 administrative entity that—

4 (A) is independent and adequately funded;

5 (B) has investigatory authority and staff
6 subpoena power;

7 (C) has representative community diver-
8 sity;

9 (D) has policymaking authority;

10 (E) provides advocates for civilian com-
11 plainants;

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

14 (G) conducts statistical studies on pre-
15 vailing complaint trends; and

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

22 **TITLE III—ADMINISTRATIVE** 23 **DUE PROCESS PROCEDURES**

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

25 (a) STUDY.—

1 (1) IN GENERAL.—The Attorney General shall
2 conduct a nationwide study of the prevalence and ef-
3 fect of any law, rule, or procedure that allows a law
4 enforcement officer to delay the response to ques-
5 tions posed by a local internal affairs officer, or re-
6 view board on the investigative integrity and pros-
7 ecution of law enforcement misconduct, including
8 pre-interview warnings and termination policies.

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

17 (3) DATA COLLECTION.—After completion of
18 the initial analysis under paragraph (2), and consid-
19 ering material investigatory issues, the Attorney
20 General shall gather additional data nationwide on
21 similar rules from a representative and statistically
22 significant sample of jurisdictions, to determine
23 whether such rules and procedures raise such mate-
24 rial investigatory issues.

25 (b) REPORTING.—

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

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

7 (B) make the report submitted under sub-
8 paragraph (A) available to the public; and

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

12 (2) DATA COLLECTED.—Not later than 2 years
13 after the date of the enactment of this Act, the At-
14 torney General shall submit to Congress a report
15 containing the results of the data collected under
16 this section and publish the report in the Federal
17 Register.

18 **TITLE IV—ENHANCED FUNDING**
19 **TO COMBAT POLICE MIS-**
20 **CONDUCT**

21 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated for fiscal
23 year 2016, in addition to any other sums authorized to
24 be appropriated for this purpose—

1 (1) \$5,000,000 for additional expenses relating
 2 to the enforcement of section 210401 of the Violent
 3 Crime Control and Law Enforcement Act of 1994
 4 (42 U.S.C. 14141), criminal enforcement under sec-
 5 tions 241 and 242 of title 18, United States Code,
 6 and administrative enforcement by the Department
 7 of Justice; and

8 (2) \$3,300,000 for additional expenses related
 9 to conflict resolution by the Department of Justice’s
 10 Community Relations Service.

11 **TITLE V—NATIONAL TASK**
 12 **FORCE ON LAW ENFORCE-**
 13 **MENT OVERSIGHT**

14 **SEC. 501. NATIONAL TASK FORCE ON LAW ENFORCEMENT**
 15 **OVERSIGHT.**

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

20 (b) COMPOSITION.—The Task Force shall be com-
 21 posed of individuals appointed by the Attorney General,
 22 who shall appoint not less than 1 individual from each of
 23 the following:

24 (1) The Special Litigation Section of the Civil
 25 Rights Division.

1 (2) The Criminal Section of the Civil Rights Di-
2 vision.

3 (3) The Federal Coordination and Compliance
4 Section of the Civil Rights Division.

5 (4) The Employment Litigation Section of the
6 Civil Rights Division.

7 (5) The Disability Rights Section of the Civil
8 Rights Division.

9 (6) The Office of Justice Programs.

10 (7) The Office of Community Oriented Policing
11 Services (COPS).

12 (8) The Corruption/Civil Rights Section of the
13 Federal Bureau of Investigation.

14 (9) The Community Relations Service.

15 (10) The Office of Tribal Justice.

16 (11) The unit within the Department of Justice
17 assigned as a liaison for civilian review boards.

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

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated \$5,000,000 for each fis-
3 cal year to carry out this section.

4 **TITLE VI—FEDERAL DATA COL-**
5 **LECTION ON LAW ENFORCE-**
6 **MENT PRACTICES**

7 **SEC. 601. FEDERAL DATA COLLECTION ON LAW ENFORCE-**
8 **MENT PRACTICES.**

9 (a) AGENCIES TO REPORT.—Each Federal, State,
10 and local law enforcement agency shall report data of the
11 practices of that agency to the Attorney General.

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

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

- 21 (1) Traffic violation stops.
22 (2) Pedestrian stops.
23 (3) Frisk and body searches.

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

4 (A) a description of when and where dead-
5 ly force was used, and whether it resulted in
6 death;

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

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

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

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

19 (1) IN GENERAL.—For any fiscal year, a State
20 shall not receive any amount that would otherwise
21 be allocated to that State under section 505(a) of
22 title I of the Omnibus Crime Control and Safe
23 Streets Act of 1968 (42 U.S.C. 3755(a)), or any
24 amount from any other law enforcement assistance
25 program of the Department of Justice, unless the

1 State has ensured, to the satisfaction of the Attor-
 2 ney General, that the State and each local law en-
 3 forcement agency of the State is in substantial com-
 4 pliance with the requirements of this section.

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

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

11 **TITLE VII—MEDALLIONS FOR** 12 **FALLEN LAW ENFORCEMENT** 13 **OFFICERS**

14 **SEC. 701. MEDALLIONS FOR FALLEN LAW ENFORCEMENT** 15 **OFFICERS.**

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

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

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

24 (b) DISTRIBUTION OF MEDALLIONS.—The Attorney
 25 General shall make arrangements with the National Law

1 Enforcement Officers Memorial Fund to distribute the
2 medallions to appropriate survivors of each law enforce-
3 ment officer memorialized on the wall of the National Law
4 Enforcement Officers Memorial.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out this section
7 such sums as may be necessary.

