

116TH CONGRESS
2D SESSION

H. R. 7137

To prohibit the receipt of funds under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program and associated grant programs by State and local government units that have failed to adopt use-of-force policies and other policies that meet minimum standards; require State and local government units that operate law enforcement training programs funded by the Byrne program and associated grant programs to train officers in de-escalation and mental health crisis intervention and to publicly disseminate use-of-force policies; to require the promulgation of protocols for the investigation and reporting of instances of the use of deadly force by Federal law enforcement officers; to provide for grants to community supervision offices for training in de-escalation techniques and to other personnel, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2020

Mr. RICHMOND introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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intervention and to publicly disseminate use-of-force policies; to require the promulgation of protocols for the investigation and reporting of instances of the use of deadly force by Federal law enforcement officers; to provide for grants to community supervision offices for training in de-escalation techniques and to other personnel, 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 “Police Reform Act of
 5 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Law enforcement officers in the United
 9 States have always been appropriately empowered to
 10 use force, including deadly force, when necessary to
 11 apprehend suspects, protect public safety, and re-
 12 spond to imminent threats. The use of force by law
 13 enforcement, however, must be exercised with due
 14 regard to constitutional limits, proportionality,
 15 norms of human dignity, and the importance of har-
 16 monious police-community relations.

17 (2) In recent years, community unrest has been
 18 sparked by incidents where law enforcement officers
 19 have used excessive or disproportionate force, failed
 20 to deescalate encounters with civilians, or failed to

1 follow departmental policies and use-of-force mat-
2 rices, especially in communities of color.

3 (3) Grassroots organizations like the National
4 Association for the Advancement of Colored People,
5 the American Civil Liberties Union, the National
6 Council of La Raza, the National Urban League,
7 National Congress of American Indians, and the Na-
8 tional Asian Pacific American Legal Consortium
9 have monitored allegations of police misconduct,
10 while membership organizations such as the Na-
11 tional Sheriffs' Association, Fraternal Order of Po-
12 lice, and National Association of School Resource
13 Officers have represented the interests of Federal,
14 State, local, and Indian tribal law enforcement
15 groups and with the civilian community on matters
16 of common interest.

17 (4) Where excessive or disproportionate force is
18 employed by law enforcement officers, hostility is
19 created between local communities and law enforce-
20 ment, reducing the effectiveness of efforts to reduce
21 crime and promote public safety.

22 (5) Police training in the United States is
23 largely focused upon operational, investigatory, and
24 tactical concerns, with less time and focus on issues

1 relating to proportionality in the use of force, de-es-
2 calation, and constitutional norms and limits.

3 (6) Models for proportionate exercise of the use
4 of force exist. For example, the Police Executive Re-
5 search Forum, a national organization of police offi-
6 cials, has developed guidelines advocating for a
7 “guardian” model for policing. These principles
8 stress respect for human life, more restrictive stand-
9 ards for the use of force, proportionality and de-es-
10 calation techniques, and transparent and inde-
11 pendent post-action investigations.

12 (7) The issues surrounding law enforcement use
13 of force are especially difficult when it comes to po-
14 lice interactions with persons undergoing mental
15 health crises, which occurs in as much as 20 percent
16 of all police-civilian encounters. Law enforcement
17 training too often fails to prepare officers to deal ef-
18 fectively and compassionately with people with men-
19 tal health disorders or partner with mental health
20 crisis interventionists or specialists.

21 (8) Programs promoting alternative responses
22 to mental health calls, including Crisis Intervention
23 Training (CIT) programs, have had a substantial
24 positive impact on police interactions with those un-
25 dergoing a mental health crisis or persons with phys-

1 ical, developmental, or intellectual disabilities. In a
2 CIT program, selected officers are trained to iden-
3 tify persons undergoing a crisis, employ de-esca-
4 lation techniques, and serve as liaison between police
5 and mental health agencies, or partner with mental
6 health responders outside the law enforcement agen-
7 cy. Studies have shown that CIT training is associ-
8 ated with reductions in arrests, increased diversions
9 to mental health services, and positive changes in
10 police attitudes and responses toward persons under-
11 going a mental health crisis.

12 (9) Since 2017, the Federal Bureau of Inves-
13 tigation has administered the National Use-of-Force
14 Data Collection, which seeks to compile data on po-
15 lice-civilian encounters that cause death or serious
16 bodily injury, or where an officer discharges a weap-
17 on. Law enforcement officials have partnered with
18 the FBI in creating this data collection method, in-
19 cluding the Association of State Criminal Investiga-
20 tive Agencies, Association of State Uniform Crime
21 Reporting Programs, International Association of
22 Chiefs of Police, Major Cities Chiefs Association,
23 Major County Sheriffs of America, National Organi-
24 zation of Black Law Enforcement Executives, Na-

1 tional Sheriffs' Association, and the Police Executive
2 Research Forum.

3 **SEC. 3. MINIMUM STANDARDS FOR USE-OF-FORCE POLI-**
4 **CIES; USE-OF-FORCE REVIEW BOARDS; DE-**
5 **CERTIFICATION OF OFFICERS.**

6 (a) Notwithstanding any other provision of law, no
7 State or unit of local government shall be eligible to re-
8 ceive funding under part E of title I of the Omnibus Crime
9 Control and Safe Streets Act of 1968 (42 U.S.C. 3750
10 et seq.) unless that State or unit of local government has
11 adopted a use-of-force training policy that, in substantial
12 effect and at a minimum, trains officers to adhere to the
13 following standards and permits—

14 (1) use of objectively reasonable and propor-
15 tionate force only to effect arrest, to prevent escape,
16 or to overcome resistance;

17 (2) use of deadly force only when the officer
18 has an objectively reasonable belief, based on the to-
19 tality of the circumstances that such force is nec-
20 essary to—

21 (A) defend against an imminent threat of
22 death or serious bodily injury to the officer or
23 to another person who is not the subject of the
24 use of deadly force;

1 (B) apprehend a fleeing person for any
2 suspected felony that threatened or resulted in
3 death or serious bodily injury, if the officer rea-
4 sonably believes that the person will cause im-
5 minent death or serious bodily injury to another
6 person who is not the subject of the use of
7 deadly force, unless immediately apprehended;

8 (C) where feasible, the officer shall, prior
9 to the use of deadly force, make reasonable ef-
10 forts to identify themselves as a law enforce-
11 ment officer and to warn that deadly force may
12 be used, unless the officer has objectively rea-
13 sonable grounds to believe the person is aware
14 of those facts; and

15 (D) law enforcement officers observing an
16 encounter where they have reason to believe,
17 based on the totality of the circumstances, that
18 a violation of the use of the agency's use of
19 deadly force policy is occurring have a duty to
20 intervene in order to prevent the use of deadly
21 force in violation of the agency's policy; and

22 (3) for purposes of this subsection, in order for
23 a State or unit of local government to be eligible to
24 receive funding under this statute, its use-of-force
25 training policies must, at a minimum, define—

1 (A) “deadly force” as any use of force that
2 creates a substantial risk of causing death or
3 serious bodily injury, including, but not limited
4 to—

5 (i) the discharge of a firearm;

6 (ii) the use of carotid holds or blows;

7 and

8 (iii) upper vertebrae strikes and holds;

9 (B) the threat of death or serious bodily
10 injury as “imminent” when, based on the total-
11 ity of the circumstances, an objectively reason-
12 able officer in the same situation would believe
13 that a person has the present ability, oppor-
14 tunity, and intent to presently cause death or
15 serious bodily injury to the officer or another
16 person who is not the subject of the use of
17 deadly force;

18 (C) the use of deadly force as “necessary”
19 only when a law enforcement officer has an ob-
20 jectively reasonable belief, based on the totality
21 of the circumstances, that death or serious bod-
22 ily injury will occur to the officer or to another
23 person, who is not the subject of the use of
24 deadly force, but for the use of deadly force. In
25 determining whether deadly force is necessary,

1 a reasonable officer shall evaluate whether,
2 under the totality of the circumstances, other
3 means or techniques are available to prevent
4 death or serious bodily injury and are feasible
5 under the totality of the circumstances; and

6 (D) the “totality of the circumstances” to
7 mean all facts known to the officer at the time,
8 including the conduct of the officer and the
9 subject leading up to the use of deadly force.

10 (b) USE-OF-FORCE REVIEW BOARDS.—Notwith-
11 standing any other provision of law, no State or unit of
12 local government shall be eligible to receive funding under
13 part E of title I of the Omnibus Crime Control and Safe
14 Streets Act of 1968 (42 U.S.C. 3750 et seq.) unless that
15 State or unit of local government has instituted a board
16 (in this Act referred to as a “Review Board”) to review
17 incidents of the use of deadly force and allegations of the
18 use of excessive force by law enforcement officers.

19 (1) To meet the requirements of this Act, a Re-
20 view Board must—

21 (A) consist of no more than 5 persons, and
22 a majority of the membership of this Review
23 Board must not be current or former members
24 of a Federal, State, or local law enforcement
25 agency;

1 (B) have the power, consistent with gov-
2 erning law, to subpoena documents or compel
3 testimony; and

4 (C) consistent with governing law regard-
5 ing the privacy of individuals, issue a written,
6 publicly available summary or disposition of its
7 proceedings.

8 (2) At the discretion of the Attorney General,
9 a State or unit of local government may be exempted
10 from the requirements of this subsection of this Act
11 for a period of up to 12 months from the enactment
12 of this Act, which exemption may be renewed for an
13 additional 12 months.

14 (c) DECERTIFICATION OF OFFICERS.—Notwith-
15 standing any other provision of law, no State or unit of
16 local government shall be eligible to receive funding under
17 part E of title I of the Omnibus Crime Control and Safe
18 Streets Act of 1968 (42 U.S.C. 3750 et seq.) unless that
19 State or unit of local government has in place an adequate
20 process or procedure to revoke the law enforcement officer
21 or peace officer certification (as determined under State
22 law) of any officer adjudged guilty or responsible, in any
23 criminal, civil, or administrative proceeding, of causing
24 death or serious bodily injury to any person in violation

1 of governing law or law enforcement agency use-of-force
2 standards.

3 (1) No later than 180 days after the enactment
4 of this Act, the Attorney General shall issue guid-
5 ance regarding the requirements for the adequacy of
6 a process or procedure to revoke law enforcement of-
7 ficer or peace officer certification under this provi-
8 sion, taking into account the due process rights of
9 law enforcement officers and the substantive Con-
10 stitutional rights of civilians.

11 (2) At the discretion of the Attorney General,
12 a State or unit of local government may be exempted
13 from the requirements of this subsection of this Act
14 for a period of up to 12 months from the enactment
15 of this Act, which exemption may be renewed for an
16 additional 12 months.

17 **SEC. 4. DE-ESCALATION AND USE-OF-FORCE TRAINING.**

18 (a) **TRAINING REQUIREMENT.**—For each fiscal year
19 after the expiration of the period specified in subsection
20 (e) in which a State or unit of local government receives
21 a grant under part E of title I of the Omnibus Crime Con-
22 trol and Safe Streets Act of 1968 (42 U.S.C. 3750 et
23 seq.), the State or unit of local government shall require
24 that, for an appropriate amount of time so as to ensure
25 effective training, all individuals enrolled in a training

1 academy of a law enforcement agency of the State or unit
2 of local government and all law enforcement officers of the
3 State or unit of local government fulfill a training session
4 of no less than 16 hours on de-escalation techniques each
5 fiscal year (or, in the case of an academy of a law enforce-
6 ment agency, a unit of no less than 24 hours) that at a
7 minimum includes—

8 (1) the use of alternative non-lethal methods of
9 applying force and techniques that assist the officer
10 in preventing escalation of any situation where force
11 is likely to be used;

12 (2) verbal and physical tactics to minimize the
13 need for the use of force, with an emphasis on com-
14 munication, negotiation, de-escalation techniques,
15 and slowing the pace of a police-civilian encounter;

16 (3) the use of the lowest level of force that is
17 a practical and safe response to an identified threat,
18 with regular re-evaluation of the threat level
19 throughout a police-civilian encounter;

20 (4) principles of using distance, cover, and time
21 when approaching and managing critical incidents,
22 in order to create a reaction gap;

23 (5) strategies for managing interactions with
24 persons undergoing mental health crises, including
25 at least one of—

1 (A) crisis intervention strategies drawn
2 from established, evidence-based CIT programs
3 to appropriately identify and respond to individ-
4 uals suffering from mental health or substance
5 abuse issues, with an emphasis on de-escalation
6 tactics and promoting effective communication;

7 (B) strategies emphasizing the use of col-
8 laborative teams of mental health professionals
9 and law enforcement officers co-responding to
10 mental health calls;

11 (C) mobile crisis team strategies empha-
12 sizing the use of teams of trained mental health
13 professionals responding directly to mental
14 health calls; or

15 (D) crisis stabilization center strategies
16 emphasizing the use and operation of special-
17 ized facilities that can receive people experi-
18 encing mental health crises and that law en-
19 forcement, collaborative and co-responder
20 teams, mobile crisis teams and others can
21 transport people to when responding to mental
22 health calls; and

23 (6) other evidence-based approaches, as found
24 by the Attorney General, that enhance de-escalation
25 skills and tactics.

1 (b) SCENARIO-BASED TRAINING.—Training de-
2 scribed in subsection (a) shall be conducted with an em-
3 phasis on training that employs theories of de-escalation
4 techniques and applies them to practical on-the-job sce-
5 narios that law enforcement officers regularly encounter.

6 (c) CROSS-TRAINING.—To the extent practicable,
7 principles of training as described in subsection (a) shall
8 be applied to other training conducted at an academy or
9 by the State or unit of local government, including but
10 not limited to training on Constitutional requirements.

11 (d) Any State or unit of local government receiving
12 funds pursuant to this Act shall designate at least one
13 officer to serve as “resource officer” for purposes of the
14 training described in subsection (a), who shall assist in
15 developing and carrying out the training unit described in
16 that subsection. To the extent practicable, this officer shall
17 be trained at the Federal Bureau of Investigation Acad-
18 emy or substantially similar law enforcement training pro-
19 gram at least once every two years. The FBI Academy
20 is directed to develop programs, consistent with the prin-
21 ciples described in subsection (a), to train resource officers
22 to carry out their unit development and training duties
23 within 180 days of the enactment of this Act. States or
24 units of local government receiving funds pursuant to this
25 Act shall allocate funds from grants received under this

1 Act to the extent practicable to facilitate FBI training of
2 resource officers.

3 (e) COMPLIANCE AND INELIGIBILITY.—

4 (1) COMPLIANCE DATE.—Beginning not later
5 than 1 year after the date of this Act, each State
6 or unit of local government receiving a grant shall
7 comply with subsection (a), except that at its discre-
8 tion the Attorney General may grant an additional
9 12 months to a State or unit of local government to
10 become compliant.

11 (2) INELIGIBILITY FOR FUNDS.—For any fiscal
12 year after the expiration of the period specified in
13 paragraph (1), a State or unit of local government
14 that fails to comply with subsection (a), shall be sub-
15 ject to a reduction of not less than 25 percent and
16 not more than 40 percent of the funds (the precise
17 reduction to be determined at the discretion of the
18 Attorney General) that would otherwise be allocated
19 for that fiscal year to the State or unit of local gov-
20 ernment under subpart 1 of part E of title I of the
21 Omnibus Crime Control and Safe Streets Act of
22 1968 (42 U.S.C. 3750 et seq.), whether character-
23 ized as the Edward Byrne Memorial State and Local
24 Law Enforcement Assistance Programs, the Local
25 Government Law Enforcement Block Grants Pro-

1 gram, the Edward Byrne Memorial Justice Assist-
2 ance Grant Program, or otherwise; except that, in
3 the case of a State or unit of local government that
4 fails to comply with subsection (a) in two consecu-
5 tive fiscal years, the reduction shall not be less than
6 50 percent of such funds.

7 (f) GRANT SCORING.—Office of Justice Programs
8 shall give a priority in all grant programs to any State
9 or unit of local government deemed fully compliant with
10 the provisions of this Act.

11 (g) REALLOCATION.—Amounts not allocated under a
12 program referred to in subsection (e)(2) to a State or unit
13 of local government for failure to fully comply with sub-
14 section (a) shall be reallocated under that program to
15 States and units of local government that have not failed
16 to comply with this section.

17 (h) EVIDENCE-BASED PRACTICES.—For purposes of
18 subsection (a), the Attorney General shall maintain a list
19 of evidence-based practices it determines is successful in
20 enhancing de-escalation skills of law enforcement officers,
21 as compiled by the Police Executive Research Forum (or
22 other organization or organizations as designated by the
23 Attorney General). The Attorney General shall regularly
24 update this list as needed and shall publish the list to the
25 public on a yearly basis in the Federal Register.

1 (i) DATA COLLECTION AND REPORTING.—For each
2 fiscal year after the expiration of the period specified in
3 subsection (e) in which a State or unit of local government
4 receives a grant under part E of title I of the Omnibus
5 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
6 3750 et seq.), the State or unit of local government receiv-
7 ing funds under this Act shall report data on use-of-force
8 incidents pursuant to the National Use-of-Force Data Col-
9 lection administered by the Federal Bureau of Investiga-
10 tion. State and units of local government that already col-
11 lect such data in a format and manner comparable to the
12 National Use-of-Force Data Collection shall be eligible to
13 report that data pursuant to their existing system of data
14 collection, at the discretion of the Attorney General. The
15 Attorney General shall, within five years of enactment of
16 this Act, undertake a comprehensive analysis of the effect
17 of this Act on instances and rates of use of force among
18 States and units of local government receiving funding
19 under this Act, which analysis shall be released to the pub-
20 lic.

21 (j) USE-OF-FORCE POLICIES; DEVELOPMENT AND
22 PUBLIC AVAILABILITY.—For each fiscal year after the ex-
23 piration of the period specified in subsection (e) in which
24 a State or unit of local government receives a grant under
25 part E of title I of the Omnibus Crime Control and Safe

1 Streets Act of 1968 (42 U.S.C. 3750 et seq.), the State
2 or unit of local government receiving funds under this Act
3 shall—

4 (1) develop and adopt a use-of-force policy that
5 is consistent with the principles and techniques iden-
6 tified in subsection (a) and that identifies the appro-
7 priate uses of, at the least—

8 (A) blunt impact force by baton or projec-
9 tile;

10 (B) chemical sprays or projectiles;

11 (C) conducted energy devices or “tasers”;

12 (D) unleashed canines;

13 (E) vehicle strikes;

14 (F) chokeholds; and

15 (G) potentially lethal force;

16 (2) submit that policy to the Attorney General
17 for a determination that this policy is consistent
18 with the principles and techniques identified in sec-
19 tions 3 and 4 of this Act and otherwise meets the
20 requirements of this Act; and

21 (3) upon the determination of the Attorney
22 General that the use-of-force policy is compliant, the
23 State or unit local government shall post that use-
24 of-force policy on its public website, or if it does not

1 maintain a public website, otherwise make the policy
2 reasonably available to members of the public.

3 **SEC. 5. INVESTIGATIONS OF USE OF DEADLY FORCE BY**
4 **LAW ENFORCEMENT.**

5 (a) Not later than 180 days after the enactment of
6 this Act, the Attorney General shall develop a formal
7 mechanism by which States and units of local government
8 receiving funds pursuant to this Act can request that the
9 Attorney General direct the Federal Bureau of Investiga-
10 tion (or other appropriate Federal law enforcement agen-
11 cy) to assist with the investigation of an incident of use
12 of force, which request shall not be unreasonably denied,
13 and shall issue guidance for the manner of conducting
14 such investigations, including the release of officer-worn
15 body camera footage and the manner of reporting the find-
16 ings of such investigations to State and local units of gov-
17 ernment or prosecutorial bodies, as appropriate.

18 (b) Notwithstanding any other provision of law, no
19 State or unit of local government shall be eligible to re-
20 ceive funding under part E of title I of the Omnibus Crime
21 Control and Safe Streets Act of 1968 (42 U.S.C. 3750
22 et seq.) unless that State or unit of local government has
23 amended any law, policy, or agreement that shields infor-
24 mation related to officer use of force or disciplinary
25 records from public view.

1 (c) Nothing in this Act shall be construed as limiting,
2 modifying, or otherwise amending the Attorney General's
3 power to investigate and/or bring an enforcement action
4 against State and local units of government or law en-
5 forcement agencies under any other provision of law.

6 **SEC. 6. JUSTICE ASSISTANCE GRANTS FOR COMMUNITY SU-**
7 **PERVISION PROGRAMS; SUPPORT FOR PER-**
8 **SONNEL.**

9 (a) Title 34 of United States Code section
10 10152(a)(1) is amended to add the following provision:
11 “(I) Community supervision programs, for support of evi-
12 dence-based supervision techniques.”

13 (b) For Justice Assistance Grants made pursuant to
14 the above provision, priority shall be given to programs
15 to provide training to community supervision officers con-
16 sistent with the de-escalation techniques and principles de-
17 scribed in section 4 of this Act.

18 (c) In each State making subgrants pursuant to the
19 Justice Assistance Grants program, whether characterized
20 as the Edward Byrne Memorial State and Local Law En-
21 forcement Assistance Programs, the Local Government
22 Law Enforcement Block Grants Program, the Edward
23 Byrne Memorial Justice Assistance Grant Program, or
24 otherwise, to support the salaries of personnel in part or
25 in whole, not less than 10 percent of the total amount

1 of salary support shall be expended in support of behav-
2 ioral or mental health specialists, assessment and evalua-
3 tion specialists, reentry services specialists, public defend-
4 ers, or any other mental or behavioral health department
5 personnel required to execute programs described in sub-
6 section 4(a)(5) of this Act.

7 **SEC. 7. DEVELOPMENT OF NATIONAL LAW ENFORCEMENT**
8 **ACADEMY.**

9 Not later than 365 days after the date of enactment
10 of this Act, the Director of the FBI shall present a plan
11 to develop the National Law Enforcement Academy. The
12 National Law Enforcement Academy is intended to be a
13 ninety-day residential college for best practices training
14 for local law enforcement officers.

15 **SEC. 8. ATTORNEY GENERAL GUIDANCE.**

16 Not later than 180 days after the date of enactment
17 of this Act, the Attorney General shall issue guidance for
18 the benefit of States and units of local government on
19 compliance with the requirements of this Act.

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