

117TH CONGRESS
1ST SESSION

H. R. 2893

To establish the National Police Misuse of Force Investigation Board, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2021

Ms. OMAR (for herself and Ms. NORTON) introduced the following bill; which
was referred to the Committee on the Judiciary, and in addition to the
Committee on Transportation and Infrastructure, for a period to be sub-
sequently determined by the Speaker, in each case for consideration of
such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the National Police Misuse of Force
Investigation Board, 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 Misuse
5 of Force Investigation Board Act of 2021”.

6 **SEC. 2. GENERAL ORGANIZATION.**

7 (a) ORGANIZATION.—The National Police Misuse of
8 Force Investigation Board (hereinafter in this Act referred

1 to as the “Board”) is an independent establishment of the
2 United States Government.

3 (b) APPOINTMENT OF MEMBERS.—The Board is
4 composed of 8 members appointed by the President, by
5 and with the advice and consent of the Senate. Not more
6 than 4 members may be appointed from the same political
7 party. At least 4 members shall be appointed on the basis
8 of technical qualification, professional standing, and dem-
9 onstrated knowledge in civil rights law, psychology, racial
10 inequality social theory, socioeconomics, or violent conflict
11 mitigation.

12 (c) TERMS OF OFFICE AND REMOVAL.—The term of
13 office of each member is 6 years. An individual appointed
14 to fill a vacancy occurring before the expiration of the
15 term for which the predecessor of that individual was ap-
16 pointed, is appointed for the remainder of that term.
17 When the term of office of a member ends, the member
18 may continue to serve until a successor is appointed and
19 qualified. The President may remove a member for ineffi-
20 ciency, neglect of duty, or malfeasance in office.

21 (d) CHAIRMAN AND VICE CHAIRMAN.—The Presi-
22 dent shall designate, by and with the advice and consent
23 of the Senate, a Chairman of the Board. The President
24 also shall designate a Vice Chairman of the Board. The
25 terms of office of both the Chairman and Vice Chairman

1 are 2 years. When the Chairman is absent or unable to
2 serve or when the position of Chairman is vacant, the Vice
3 Chairman acts as Chairman.

4 (e) DUTIES AND POWERS OF CHAIRMAN.—The
5 Chairman is the chief executive and administrative officer
6 of the Board. Subject to the general policies and decisions
7 of the Board, the Chairman shall—

8 (1) appoint and supervise officers and employ-
9 ees, other than regular and full-time employees in
10 the immediate offices of another member, necessary
11 to carry out this Act;

12 (2) fix the pay of officers and employees nec-
13 essary to carry out this Act;

14 (3) distribute business among the officers, em-
15 ployees, and administrative units of the Board; and

16 (4) supervise the expenditures of the Board.

17 (f) QUORUM.—Five members of the Board are a
18 quorum in carrying out duties and powers of the Board.

19 (g) OFFICES, BUREAUS, AND DIVISIONS.—The
20 Board shall establish offices necessary to carry out this
21 Act, including an office to investigate and report on police
22 brutality. The Board shall establish distinct and appro-
23 priately staffed bureaus, divisions, or offices to investigate
24 and report on incidents involving each of the following:

25 (1) Deaths occurring in police custody.

1 (2) Officer-involved shootings.

2 (3) Uses of force that result in severe bodily in-
3 jury in police custody.

4 (h) CHIEF FINANCIAL OFFICER.—The Chairman
5 shall designate an officer or employee of the Board as the
6 Chief Financial Officer. The Chief Financial Officer
7 shall—

8 (1) report directly to the Chairman on financial
9 management and budget execution;

10 (2) direct, manage, and provide policy guidance
11 and oversight on financial management and property
12 and inventory control; and

13 (3) review the fees, rents, and other charges im-
14 posed by the Board for services and things of value
15 it provides, and suggest appropriate revisions to
16 those charges to reflect costs incurred by the Board
17 in providing those services and things of value.

18 (i) BOARD MEMBER STAFF.—Each member of the
19 Board shall select and supervise regular and full-time em-
20 ployees in his or her immediate office as long as any such
21 employee has been approved for employment by the des-
22 ignated agency ethics official under the same guidelines
23 that apply to all employees of the Board. Except for the
24 Chairman, the appointment authority provided by this
25 subsection is limited to the number of full-time equivalent

1 positions, in addition to 1 senior professional staff at a
2 level not to exceed the GS 15 level and 1 administrative
3 staff, allocated to each member through the Board's an-
4 nual budget and allocation process.

5 (j) SEAL.—The Board shall have a seal that shall be
6 judicially recognized.

7 (k) CONTENT OF REPORTS.—A report under sub-
8 section (g) shall include the following information:

9 (1) The demographic data of the individual
10 killed or injured by police.

11 (2) The demographics of the officers involved.

12 (3) The circumstances (such as date, time, loca-
13 tion).

14 (4) The reason for the stop or the initial con-
15 tact with the subject, the events leading up to the
16 shooting or use of force (such as search or pursuit).

17 (5) The outcome (such as the types of force
18 used, charges filed, death injury).

19 **SEC. 3. SPECIAL BOARDS OF INQUIRY ON POLICE BRU-**
20 **TALITY.**

21 (a) ESTABLISHMENT.—If an incident involves a sub-
22 stantial question history of excessive force use, the influ-
23 ence of historical racial injustice, or civil rights infringe-
24 ment within the community, the Board may establish a
25 special board of inquiry composed of—

1 (1) one member of the Board acting as chair-
2 man; and

3 (2) 2 members representing the public, ap-
4 pointed by the President on notification of the estab-
5 lishment of the special board of inquiry.

6 (b) QUALIFICATIONS AND CONFLICTS OF INTER-
7 EST.—The public members of a special board of inquiry
8 must be qualified by training and experience to participate
9 in the inquiry and may not have a pecuniary interest in
10 an aviation enterprise involved in the incident to be inves-
11 tigated.

12 (c) AUTHORITY.—A special board of inquiry has the
13 same authority that the Board has under this Act.

14 **SEC. 4. ADMINISTRATIVE.**

15 (a) GENERAL AUTHORITY.—

16 (1) The Board, and when authorized by it, a
17 member of the Board, an administrative law judge
18 employed by or assigned to the Board, or an officer
19 or employee designated by the Chairman of the
20 Board, may conduct hearings to carry out this Act,
21 administer oaths, and require, by subpoena or other-
22 wise, necessary witnesses and evidence.

23 (2) A witness or evidence in a hearing under
24 paragraph (1) of this subsection may be summoned
25 or required to be produced from any place in the

1 United States to the designated place of the hearing.
2 A witness summoned under this subsection is enti-
3 tled to the same fee and mileage the witness would
4 have been paid in a court of the United States.

5 (3) A subpoena shall be issued under the signa-
6 ture of the Chairman or the Chairman's delegate but
7 may be served by any person designated by the
8 Chairman.

9 (4) If a person disobeys a subpoena, order, or
10 inspection notice of the Board, the Board may bring
11 a civil action in a district court of the United States
12 to enforce the subpoena, order, or notice. An action
13 under this paragraph may be brought in the judicial
14 district in which the person against whom the action
15 is brought resides, is found, or does business. The
16 court may punish a failure to obey an order of the
17 court to comply with the subpoena, order, or notice
18 as a contempt of court.

19 (b) ADDITIONAL POWERS.—

20 (1) The Board may—

21 (A) procure the temporary or intermittent
22 services of experts or consultants under section
23 3109 of title 5, United States Code;

24 (B) make agreements and other trans-
25 actions necessary to carry out this Act without

1 regard to section 3709 of the Revised Statutes
2 (41 U.S.C. 5);

3 (C) use, when appropriate, available serv-
4 ices, equipment, personnel, and facilities of a
5 department, agency, or instrumentality of the
6 United States Government on a reimbursable or
7 other basis;

8 (D) confer with employees and use serv-
9 ices, records, and facilities of State and local
10 governmental authorities;

11 (E) appoint advisory committees composed
12 of qualified private citizens and officials of the
13 Government and State and local governments
14 as appropriate;

15 (F) accept voluntary and uncompensated
16 services notwithstanding another law;

17 (G) accept gifts of money and other prop-
18 erty;

19 (H) make contracts with nonprofit entities
20 to carry out studies related to duties and pow-
21 ers of the Board; and

22 (I) negotiate and enter into agreements
23 with individuals and private entities and depart-
24 ments, agencies, and instrumentalities of the
25 Government, State and local governments, and

1 governments of foreign countries for the provi-
2 sion of facilities, incident-related and technical
3 services or training in police misuse of force in-
4 vestigation theory and techniques, and require
5 that such entities provide appropriate consider-
6 ation for the reasonable costs of any facilities,
7 goods, services, or training provided by the
8 Board.

9 (2) The Board shall deposit in the Treasury
10 amounts received under paragraph (1)(I) of this
11 subsection to be credited as offsetting collections to
12 the appropriation of the Board. The Board shall
13 maintain an annual record of collections received
14 under paragraph (1)(I) of this subsection.

15 (c) SUBMISSION OF CERTAIN COPIES TO CON-
16 GRESS.—When the Board submits to the President or the
17 Director of the Office of Management and Budget a budg-
18 et estimate, budget request, supplemental budget esti-
19 mate, other budget information, a legislative recommenda-
20 tion, prepared testimony for congressional hearings, or
21 comments on legislation, the Board must submit a copy
22 to Congress at the same time. An officer, department,
23 agency, or instrumentality of the Government may not re-
24 quire the Board to submit the estimate, request, informa-
25 tion, recommendation, testimony, or comments to another

1 officer, department, agency, or instrumentality of the Gov-
2 ernment for approval, comment, or review before being
3 submitted to Congress. The Board shall develop and ap-
4 prove a process for the Board's review and comment or
5 approval of documents submitted to the President, Direc-
6 tor of the Office of Management and Budget, or Congress
7 under this subsection.

8 (d) LIAISON COMMITTEES.—The Chairman may de-
9 termine the number of committees that are appropriate
10 to maintain effective liaison with other departments, agen-
11 cies, and instrumentalities of the Government, State and
12 local governmental authorities, and independent standard-
13 setting authorities that carry out programs and activities
14 related to misuse of force by law enforcement officers. The
15 Board may designate representatives to serve on or assist
16 those committees.

17 (e) INQUIRIES.—The Board, or an officer or em-
18 ployee of the Board designated by the Chairman, may con-
19 duct an inquiry to obtain information related to police mis-
20 use of force after publishing notice of the inquiry in the
21 Federal Register. The Board or designated officer or em-
22 ployee may require by order a department, agency, or in-
23 strumentality of the Government, a State or local govern-
24 mental authority, or a person transporting individuals or
25 property in commerce to submit to the Board a written

1 report and answers to requests and questions related to
2 a duty or power of the Board. The Board may prescribe
3 the time within which the report and answers must be
4 given to the Board or to the designated officer or em-
5 ployee. Copies of the report and answers shall be made
6 available for public inspection.

7 (f) REGULATIONS.—The Board may prescribe regula-
8 tions to carry out this Act.

9 (g) OVERTIME PAY.—

10 (1) IN GENERAL.—Subject to the requirements
11 of this section and notwithstanding paragraphs (1)
12 and (2) of section 5542(a) of title 5, for an employee
13 of the Board whose basic pay is at a rate which
14 equals or exceeds the minimum rate of basic pay for
15 GS–10 of the General Schedule, the Board may es-
16 tablish an overtime hourly rate of pay for the em-
17 ployee with respect to work performed at the scene
18 of an incident (including travel to or from the scene)
19 and other work that is critical to an incident inves-
20 tigation in an amount equal to one and one-half
21 times the hourly rate of basic pay of the employee.
22 All of such amount shall be considered to be pre-
23 mium pay.

24 (2) LIMITATION ON OVERTIME PAY TO AN EM-
25 PLOYEE.—An employee of the Board may not re-

1 ceive overtime pay under paragraph (1), for work
2 performed in a calendar year, in an amount that ex-
3 ceeds 15 percent of the annual rate of basic pay of
4 the employee for such calendar year.

5 (3) LIMITATION ON TOTAL AMOUNT OF OVER-
6 TIME PAY.—The Board may not make overtime pay-
7 ments under paragraph (1) for work performed in
8 any fiscal year in a total amount that exceeds 1.5
9 percent of the amount appropriated to carry out this
10 Act for that fiscal year.

11 (4) BASIC PAY DEFINED.—In this subsection,
12 the term “basic pay” includes any applicable local-
13 ity-based comparability payment under section 5304
14 of title 5 (or similar provision of law) and any spe-
15 cial rate of pay under section 5305 of title 5 (or
16 similar provision of law).

17 (5) ANNUAL REPORT.—Not later than Sept 30,
18 2022, the Board shall submit to the House Commit-
19 tees on the Judiciary and Oversight & Reform and
20 Senate Committees on the Judiciary and Homeland
21 Security & Government Affairs a report identifying
22 the total amount of overtime payments made under
23 this subsection in the preceding fiscal year, and the
24 number of employees whose overtime pay under this

1 subsection was limited in that fiscal year as a result
2 of the 15 percent limit established by paragraph (2).

3 (h) INVESTIGATIVE OFFICERS.—The Board shall
4 maintain at least 1 full-time employee in each State lo-
5 cated more than 1,000 miles from the nearest Board re-
6 gional office to provide initial investigative response to in-
7 cidents the Board is empowered to investigate under this
8 Act that occur in that State.

9 **SEC. 5. DISCLOSURE, AVAILABILITY, AND USE OF INFORMA-**
10 **TION.**

11 (a) GENERAL.—

12 (1) PUBLIC AVAILABILITY.—Except as provided
13 in subsections (b), (c), (d), and (f) of this section,
14 a copy of a record, information, or investigation sub-
15 mitted or received by the Board, or a member or
16 employee of the Board, shall be made available to
17 the public on identifiable request and at reasonable
18 cost. This subsection does not require the release of
19 information described by section 552(b) of title 5 or
20 protected from disclosure by another law of the
21 United States.

22 (2) DEPOSIT OF RECEIPTS.—The Board shall
23 deposit in the Treasury amounts received under
24 paragraph (1) to be credited to the appropriation of
25 the Board as offsetting collections.

1 (3) PROTECTION OF VOLUNTARY SUBMISSION
2 OF INFORMATION.—Notwithstanding any other pro-
3 vision of law, neither the Board, nor any agency re-
4 ceiving information from the Board, shall disclose
5 voluntarily provided safety-related information if
6 that information is not related to the exercise of the
7 Board’s investigation authority under this Act and if
8 the Board finds that the disclosure of the informa-
9 tion would inhibit the voluntary provision of that
10 type of information.

11 (b) TRAINING OF BOARD EMPLOYEES AND OTH-
12 ERS.—The Board may conduct training of its employees
13 in those subjects necessary for the proper performance of
14 investigations. The Board may also authorize attendance
15 at courses given under this subsection by other govern-
16 ment personnel, personnel of foreign governments, and
17 personnel from industry or otherwise who have a require-
18 ment for investigation training. The Board may require
19 non-Board personnel to reimburse some or all of the train-
20 ing costs, and amounts so reimbursed shall be credited to
21 the appropriation of the Board as offsetting collections.

22 **SEC. 6. REPORTS AND STUDIES.**

23 (a) PERIODIC REPORTS.—The Board shall report pe-
24 riodically to Congress, departments, agencies, and instru-
25 mentalities of the United States Government and State

1 and local governmental authorities concerned with the
2 misuse of force by public safety departments, and other
3 interested persons. The report shall—

4 (1) advocate meaningful responses to reduce the
5 likelihood of incidents similar to those investigated
6 by the Board; and

7 (2) propose recommendations for adjudication
8 to the local, state and Federal government, as well
9 as the public.

10 Additionally, if the Board sees fit, it can make a wide-
11 range of recommendations for reforms to police proce-
12 dures, adjustment to local, state or federal law, or manu-
13 facturing or acquisition changes related to the weapons
14 and equipment issued to the police force.

15 (b) STUDIES, INVESTIGATIONS, AND OTHER RE-
16 PORTS.—The Board also shall—

17 (1) carry out special studies and investigations
18 regarding law enforcement oversight;

19 (2) examine techniques and methods of police
20 misuse of force investigation and periodically publish
21 recommended procedures for investigations;

22 (3) prescribe requirements for persons reporting
23 incidents that—

24 (A) may be investigated by the Board
25 under this Act; or

1 (B) involve public safety departments;

2 (4) evaluate, examine the effectiveness of, and
3 publish the findings of the Board about the trans-
4 portation safety consciousness of other departments,
5 agencies, and instrumentalities of the Government
6 and their effectiveness in preventing such incidents;
7 and

8 (5) evaluate the adequacy of safeguards and
9 procedures for the transportation of hazardous ma-
10 terial and the performance of other departments,
11 agencies, and instrumentalities of the Government
12 responsible for the safe transportation of that mate-
13 rial.

14 **SEC. 7. ANNUAL REPORT.**

15 The Board shall submit a report to Congress on July
16 1 of each year. The report shall include—

17 (1) a statistical and analytical summary of all
18 investigations conducted and reviewed by the Board
19 during the prior calendar year;

20 (2) a survey and summary of the recommenda-
21 tions made by the Board to reduce together with the
22 observed response to each recommendation;

23 (3) a detailed appraisal of the investigation and
24 excessive force incident prevention activities of other
25 departments, agencies, and instrumentalities of the

1 United States Government and State and local gov-
2 ernmental authorities having responsibility for those
3 activities under a law of the United States or a
4 State; and

5 (4) a list of ongoing investigations that have ex-
6 ceeded the expected time allotted for completion by
7 Board order and an explanation for the additional
8 time required to complete each such investigation.

9 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—There are authorized to be appro-
11 priated for the purposes of this Act such sums as may
12 be necessary.

13 (b) FEES, REFUNDS, AND REIMBURSEMENTS.—

14 (1) IN GENERAL.—The Board may impose and
15 collect such fees, refunds, and reimbursements as it
16 determines to be appropriate for services provided by
17 or through the Board.

18 (2) RECEIPTS CREDITED AS OFFSETTING COL-
19 LECTIONS.—Notwithstanding section 3302 of title
20 31, any fee, refund, or reimbursement collected
21 under this subsection—

22 (A) shall be credited as offsetting collec-
23 tions to the account that finances the activities
24 and services for which the fee is imposed or

1 with which the refund or reimbursement is as-
 2 sociated;

3 (B) shall be available for expenditure only
 4 to pay the costs of activities and services for
 5 which the fee is imposed or with which the re-
 6 fund or reimbursement is associated; and

7 (C) shall remain available until expended.

8 (3) REFUNDS.—The Board may refund any fee
 9 paid by mistake or any amount paid in excess of
 10 that required.

11 **SEC. 9. GENERAL AUTHORITY.**

12 The Board shall investigate or have investigated (in
 13 detail the Board prescribes) and establish the facts, cir-
 14 cumstances, and cause or probable cause of—

- 15 (1) deaths in police custody
- 16 (2) officer-involved shootings; or
- 17 (3) uses of force that result in severe bodily in-
 18 jury in police custody.

19 **SEC. 10. INSPECTIONS AND AUTOPSIES.**

20 (a) ENTRY AND INSPECTION.—An officer or em-
 21 ployee of the Board—

- 22 (1) on display of appropriate credentials and
 23 written notice of inspection authority, may enter
 24 property where a incident has occurred or evidence

1 from the incident is located and do anything nec-
2 essary to conduct an investigation; and

3 (2) during reasonable hours, may inspect any
4 record, process, control, or facility related to an inci-
5 dent investigation under this Act.

6 (b) INSPECTION, TESTING, PRESERVATION, AND
7 MOVING OF INVOLVED WEAPONS.—

8 (1) In investigating an incident under this Act,
9 the Board may inspect and test, to the extent nec-
10 essary, any weapon involved.

11 (2) Any weapon involved in an incident shall be
12 preserved, and may be moved, only as provided by
13 regulations of the Board.

14 (c) EXCLUSIVE AUTHORITY OF BOARD.—Only the
15 Board has the authority to decide on the way in which
16 testing under this section will be conducted, including de-
17 cisions on the person that will conduct the test, the type
18 of test that will be conducted, and any individual who will
19 witness the test. Those decisions are committed to the dis-
20 cretion of the Board. The Board shall make any of those
21 decisions based on the needs of the investigation being
22 conducted and, when applicable, subsections (a), (c), and
23 (e) of this section.

24 (d) PROMPTNESS OF TESTS AND AVAILABILITY OF
25 RESULTS.—An inspection, examination, or test under sub-

1 section (a) or (c) of this section shall be started and com-
2 pleted promptly, and the results shall be made available.

3 (e) AUTOPSIES.—

4 (1) The Board may order an autopsy to be per-
5 formed and have other tests made when necessary to
6 investigate an incident under this Act. However,
7 local law protecting religious beliefs related to autop-
8 sies shall be observed to the extent consistent with
9 the needs of the incident investigation.

10 (2) With or without reimbursement, the Board
11 may obtain a copy of an autopsy report performed
12 by a State or local official on an individual who died
13 because of an incident investigated by the Board
14 under this Act.

15 **SEC. 11. RESPONSES TO SAFETY RECOMMENDATIONS.**

16 (a) GENERAL.—When the Board submits a rec-
17 ommendation related to law enforcement use of force, the
18 recipient shall give a formal written response to each rec-
19 ommendation not later than 90 days after receiving the
20 recommendation. The response shall indicate whether the
21 recipient intends—

22 (1) to carry out procedures to adopt the com-
23 plete recommendation;

24 (2) to carry out procedures to adopt a part of
25 the recommendation; or

1 (3) to refuse to carry out procedures to adopt
2 the recommendation.

3 (b) TIMETABLE FOR COMPLETING PROCEDURES AND
4 REASONS FOR REFUSALS.—A response under subsection
5 (a)(1) or (2) of this section shall include a copy of a pro-
6 posed timetable for completing the procedures. A response
7 under subsection (a)(2) of this section shall detail the rea-
8 sons for the refusal to carry out procedures on the remain-
9 der of the recommendation. A response under subsection
10 (a)(3) of this section shall detail the reasons for the re-
11 fusal to carry out procedures.

12 (c) PUBLIC AVAILABILITY.—The Board shall make
13 a copy of each recommendation and response available to
14 the public.

15 (d) REPORTING REQUIREMENTS.—

16 (1) ANNUAL SECRETARIAL REGULATORY STA-
17 TUS REPORTS.—On February 1 of each year, the At-
18 torney General shall submit a report to Congress
19 and the Board containing the regulatory status of
20 each recommendation made by the Board that is on
21 the Board’s “most wanted list”. The Attorney Gen-
22 eral shall continue to report on the status of each
23 such recommendation in the report due on February
24 1 of subsequent years.

1 (2) FAILURE TO REPORT.—If on March 1 of
 2 each year the Board has not received the Attorney
 3 General’s report required by this subsection, the
 4 Board shall notify the Committee on the Judiciary
 5 of the House of Representatives and the Committee
 6 on the Judiciary of the Senate of the Attorney Gen-
 7 eral’s failure to submit the required report.

8 (3) COMPLIANCE REPORT WITH RECOMMENDA-
 9 TIONS.—Within 90 days after the date on which the
 10 Attorney General submits a report under this sub-
 11 section, the Board shall review the Attorney Gen-
 12 eral’s report and transmit comments on the report
 13 to the Attorney General, the Committee on the Judi-
 14 ciary of the Senate, and the Committee on the Judi-
 15 ciary of the House of Representatives.

16 **SEC. 12. ASSISTANCE TO CIVILIANS AND FAMILIES OF CI-**
 17 **VILIANS OF INCIDENTS UNDER INVESTIGA-**
 18 **TION BY THE BOARD.**

19 (a) IN GENERAL.—As soon as practicable after being
 20 notified of an incident within the United States involving
 21 the loss of life or serious injury to a civilian resulting from
 22 an interaction with law enforcement officers the Chairman
 23 of the Board shall—

24 (1) designate and publicize the name and phone
 25 number of a director of family support services who

1 shall be an employee of the Board and shall be re-
2 sponsible for acting as a point of contact within the
3 Federal Government for civilians and the families of
4 civilians involved in the incident; and

5 (2) designate an independent nonprofit organi-
6 zation, with experience in post trauma communica-
7 tion with civilians and families, which shall have pri-
8 mary responsibility for coordinating the emotional
9 care and support of civilians or the families of civil-
10 ians involved in the incident.

11 (b) RESPONSIBILITIES OF DESIGNATED ORGANIZA-
12 TION.—The organization designated for an incident under
13 subsection (a)(2) shall have the following responsibilities
14 with respect to the civilians and families of civilians in-
15 volved in the incident:

16 (1) To provide mental health and counseling
17 services.

18 (2) To take such actions as may be necessary
19 to provide an environment in which the civilians and
20 families may grieve in private.

21 (3) To meet with the families who have traveled
22 to the location of the incident, to contact the fami-
23 lies unable to travel to such location, and to contact
24 all affected civilians and families periodically there-
25 after until such time as the organization, in con-

1 sultation with the director of family support services
2 designated for the incident under subsection (a)(1),
3 determines that further assistance is no longer need-
4 ed.

5 (4) To communicate with the civilians families
6 as to the roles of the organization, government agen-
7 cies, and parties involved with respect to the incident
8 and the post-incident activities.

9 (c) CONTINUING RESPONSIBILITIES OF THE
10 BOARD.—In the course of its investigation described in
11 subsection (a), the Board shall, to the maximum extent
12 practicable, ensure that the families of individuals in-
13 volved—

14 (1) are briefed, prior to any public briefing,
15 about the incident and any other findings from the
16 investigation; and

17 (2) are individually informed of and allowed to
18 attend any public hearings and meetings of the
19 Board about the incident.

20 (d) PROHIBITED ACTIONS.—

21 (1) ACTIONS TO IMPEDE THE BOARD.—No per-
22 son (including a State or political subdivision) may
23 impede the ability of the Board (including the direc-
24 tor of family support services designated for an inci-
25 dent under subsection (a)(1)), or an organization

1 designated for an incident under subsection (a)(2),
2 to carry out its responsibilities under this section or
3 the ability of the families of those involved in the ac-
4 cident to have contact with one another.

5 (2) PROHIBITION ON ACTIONS TO PREVENT
6 MENTAL HEALTH AND COUNSELING SERVICES.—No
7 State or political subdivision thereof may prevent the
8 employees, agents, or volunteers of an organization
9 designated for an incident under subsection (a)(2)
10 from providing mental health and counseling services
11 under subsection (c)(1) in the 30-day period begin-
12 ning on the date of the incident. The director of
13 family support services designated for the incident
14 under subsection (a)(1) may extend such period for
15 not to exceed an additional 30 days if the director
16 determines that the extension is necessary to meet
17 the needs of the families and if State and local au-
18 thorities are notified of the determination.

19 (e) STATUTORY CONSTRUCTION.—Nothing in this
20 section may be construed as limiting the actions that a
21 law enforcement department or local unit of government
22 may take, or the obligations that an such department or
23 unit of local government may have, in providing assistance
24 to the civilian who is injured or a family member of civilian

1 who is killed resulting from an interaction with law en-
2 forcement officers.

3 (f) RELINQUISHMENT OF INVESTIGATIVE PRI-
4 ORITY.—

5 (1) GENERAL RULE.—This section (other than
6 subsection (g)) shall not apply to an incident involv-
7 ing use of force by a law enforcement officer if the
8 Board has relinquished investigative priority and the
9 Federal agency to which the Board relinquished in-
10 vestigative priority is willing and able to provide as-
11 sistance to the victims and families involved in the
12 incident.

13 (2) BOARD ASSISTANCE.—If this section does
14 not apply to an incident involving use of force by a
15 law enforcement officer because the Board has relin-
16 quished investigative priority with respect to the ac-
17 cident, the Board shall assist, to the maximum ex-
18 tent possible, the agency to which the Board has re-
19 linquished investigative priority in assisting families
20 with respect to the accident.

21 **SEC. 13. AUTHORITY OF THE INSPECTOR GENERAL.**

22 (a) IN GENERAL.—The Inspector General of the De-
23 partment of Justice, in accordance with the mission of the
24 Inspector General to prevent and detect fraud and abuse,
25 shall have authority to review only the financial manage-

1 ment, property management, and business operations of
2 the Board, including internal accounting and administra-
3 tive control systems, to determine compliance with applica-
4 ble Federal laws, rules, and regulations.

5 (b) DUTIES.—In carrying out this section, the In-
6 spector General shall—

7 (1) keep the Chairman of the Board and Con-
8 gress fully and currently informed about problems
9 relating to administration of the internal accounting
10 and administrative control systems of the Board;

11 (2) issue findings and recommendations for ac-
12 tions to address such problems; and

13 (3) report periodically to Congress on any
14 progress made in implementing actions to address
15 such problems.

16 (c) ACCESS TO INFORMATION.—In carrying out this
17 section, the Inspector General may exercise authorities
18 granted to the Inspector General under subsections (a)
19 and (b) of section 6 of the Inspector General Act of 1978
20 (5 U.S.C. App.).

21 (d) AUTHORIZATIONS OF APPROPRIATIONS.—

22 (1) FUNDING.—There are authorized to be ap-
23 propriated to the Attorney General for use by the
24 Inspector General of the Department of Justice such
25 sums as may be necessary to cover expenses associ-

1 ated with activities pursuant to the authority exer-
2 cised under this section.

3 (2) REIMBURSABLE AGREEMENT.—In the ab-
4 sence of an appropriation under this subsection for
5 an expense referred to in paragraph (1), the Inspec-
6 tor General and the Board shall have a reimbursable
7 agreement to cover such expense.

8 **SEC. 14. EVALUATION AND AUDIT OF BOARD.**

9 (a) IN GENERAL.—To promote economy, efficiency,
10 and effectiveness in the administration of the programs,
11 operations, and activities of the Board, the Comptroller
12 General of the United States shall evaluate and audit the
13 programs and expenditures of the Board. Such evaluation
14 and audit shall be conducted at least annually, but may
15 be conducted as determined necessary by the Comptroller
16 General or the appropriate congressional committees.

17 (b) RESPONSIBILITY OF COMPTROLLER GENERAL.—
18 The Comptroller General shall evaluate and audit Board
19 programs, operations, and activities, including—

20 (1) information management and security, in-
21 cluding privacy protection of personally identifiable
22 information;

23 (2) resource management;

24 (3) workforce development;

1 (4) procurement and contracting planning,
2 practices and policies;

3 (5) the extent to which the Board follows lead-
4 ing practices in selected management areas; and

5 (6) the extent to which the Board addresses
6 management challenges in completing incident inves-
7 tigations.

8 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—

9 For purposes of this section the term “appropriate con-
10 gressional committees” means the Committee on the Judi-
11 ciary of the Senate and the Committee on the Judiciary
12 of the House of Representatives.

13 **SEC. 15. DISCOVERY AND USE OF RECORDINGS AND TRAN-**
14 **SCRIPTS.**

15 (a) TRANSCRIPTS AND RECORDINGS.—

16 (1) Except as provided by this subsection, a
17 party in a judicial proceeding may not use discovery
18 to obtain any part of a recording from a body cam-
19 era used by a law enforcement officer or a vehicle-
20 mounted camera.

21 (2)(A) Except as otherwise provided in this sub-
22 section, a court may allow discovery by a party of
23 a recording if the court determines that discovery of
24 the recording is necessary to provide the party with

1 sufficient information for the party to receive a fair
2 trial.

3 (B) A court may allow discovery, or require
4 production for an in camera review, of a transcript
5 of a recording only if the recording is not available.

6 (3)(A) When a court allows discovery in a judi-
7 cial proceeding of a part of a transcript or recording
8 not otherwise made available to the public the court
9 shall issue a protective order—

10 (i) to limit the use of the part of the tran-
11 script or the recording to the judicial pro-
12 ceeding; and

13 (ii) to prohibit dissemination of the part of
14 the transcript or the recording to any person
15 that does not need access to the part of the
16 transcript or the recording for the proceeding.

17 (B) A court may allow a part of a transcript or
18 recording to be admitted into evidence in a judicial
19 proceeding, only if the court places the part of the
20 transcript or the recording under seal to prevent the
21 use of the part of the transcript or the recording for
22 purposes other than for the proceeding.

23 (4) This subsection does not prevent the Board
24 from referring at any time to a recording in making
25 safety recommendations.

1 (5) In this subsection:

2 (A) RECORDER.—The term “recorder”
3 means a voice or video recorder.

4 (B) TRANSCRIPT.—The term “transcript”
5 includes any written depiction of visual infor-
6 mation obtained from a video recorder.

7 (b) REPORTS.—No part of a report of the Board, re-
8 lated to an incident or an investigation of an incident, may
9 be admitted into evidence or used in a civil action for dam-
10 ages resulting from a matter mentioned in the report.

11 **SEC. 16. ENFORCEMENT.**

12 At any time, the Department of Justice Civil Rights
13 Divisions can open a Pattern-or-Practice Investigation,
14 citing the lack of progress on the impelmentation of rec-
15 ommendations by a recipient as possible evidence of a sys-
16 tematic pattern of abuse, and take direct enforcement ac-
17 tion if needed.

18 **SEC. 17. GRANT ELIGIBILITY.**

19 (a) GENERAL REQUIREMENTS.—For each fiscal year
20 after the expiration of the period specified in subsection
21 (d) in which a State or unit of local government receives
22 a grant under part E of title I of the Omnibus Crime Con-
23 trol and Safe Streets Act of 1968 (42 U.S.C. 3750 et
24 seq.), the State or unit of local government shall conform
25 their laws as follows:

1 (1) Any findings or recommendations issued by
2 the Board will be admissible in criminal or civil
3 court procedures regarding an incident of violence by
4 a law enforcement officer.

5 (2) If prosecution or a civil case moves forward
6 against the police officer or officers in question, the
7 findings of the Board may be presented to the jury.

8 (3) Additionally, any police department, locality
9 or state government that has received reform rec-
10 ommendations from the Board shall submit a report
11 to the Board and to Congress one calendar year
12 later detailing the actions it has taken on the mat-
13 ter, and will continue to report yearly so long as any
14 recommendations remain open.

15 (b) COMPLIANCE AND INELIGIBILITY.—

16 (1) COMPLIANCE DATE.—Beginning on the first
17 full fiscal year after the date of enactment of this
18 Act, each State or unit of local government referred
19 to in subsection (a) receiving a grant shall comply
20 with subsection (a), except that the Attorney Gen-
21 eral may grant an additional 60 days to a State or
22 unit of local government that is making good faith
23 efforts to comply with such subsection.

24 (2) INELIGIBILITY FOR FUNDS.—For any fiscal
25 year after the expiration of the period specified in

1 paragraph (1), a State or unit of local government
2 that fails to comply with subsection (a), shall, at the
3 discretion of the Attorney General, be subject to a
4 reduction of the funds that would otherwise be allo-
5 cated for that fiscal year to the State under subpart
6 1 of part E of title I of the Omnibus Crime Control
7 and Safe Streets Act of 1968 (42 U.S.C. 3750 et
8 seq.), whether characterized as the Edward Byrne
9 Memorial State and Local Law Enforcement Assist-
10 ance Programs, the Local Government Law Enforce-
11 ment Block Grants Program, the Edward Byrne Me-
12 morial Justice Assistance Grant Program, or other-
13 wise of not less than 1 percent and not more than
14 10 percent.

15 (c) REALLOCATION.—Amounts not allocated under a
16 program referred to in subsection (b)(2) to a State for
17 failure to fully comply with subsection (a) shall be reallo-
18 cated under that program to States that have not failed
19 to comply with such subsection.

○