

115TH CONGRESS
2D SESSION

S. 3195

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

IN THE SENATE OF THE UNITED STATES

JULY 11, 2018

Mr. CARDIN 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 2018”.

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 AND REFORM POLICE DEPARTMENTS

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,
 25 including national, State, regional, and tribal accred-

1 itation organizations. Such an analysis shall include
2 a review of the recommendations of the Final Report
3 of the President’s Taskforce on 21st Century Polic-
4 ing, issued in May 2015.

5 (2) DEVELOPMENT OF UNIFORM STANDARDS.—

6 After completion of the initial review and analysis
7 under paragraph (1), the Attorney General shall—

8 (A) recommend, in consultation with law
9 enforcement accreditation organizations, the
10 adoption of additional standards that will result
11 in greater community accountability of law en-
12 forcement agencies and an increased focus on
13 policing with a guardian mentality, including
14 standards relating to—

15 (i) early warning systems and related
16 intervention programs;

17 (ii) use of force procedures;

18 (iii) civilian review procedures;

19 (iv) traffic and pedestrian stop and
20 search procedures;

21 (v) data collection and transparency;

22 (vi) administrative due process re-
23 quirements;

24 (vii) video monitoring technology;

1 (viii) juvenile justice and school safe-
2 ty; and

3 (ix) training; and

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

12 (3) CONTINUING ACCREDITATION PROCESS.—

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

24 (b) ACCREDITATION GRANTS.—The Attorney Gen-
25 eral may make funds available to State, local, tribal law

1 enforcement agencies, and campus public safety depart-
2 ments under this section to assist in gaining or maintain-
3 ing accreditation from certified law enforcement accredita-
4 tion organizations.

5 **TITLE II—LAW ENFORCEMENT** 6 **DEVELOPMENT PROGRAMS**

7 **SEC. 201. LAW ENFORCEMENT GRANTS.**

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

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

1 grams, projects, or other activities designed to address
2 misconduct by law enforcement officers.

3 (c) PROJECT GRANTS TO DEVELOP PILOT PRO-
4 GRAMS.—

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

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

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

19 (i) the use of lethal, nonlethal force,
20 and de-escalation;

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

1 (iii) disproportionate minority contact
 2 by law enforcement;

3 (iv) tactical and defensive strategy;

4 (v) arrests, searches, and restraint;

5 (vi) professional verbal communica-
 6 tions with civilians;

7 (vii) interactions with youth, the men-
 8 tally ill, and limited English proficiency,
 9 multi-cultural communities;

10 (viii) proper traffic, pedestrian, and
 11 other enforcement stops; and

12 (ix) community relations and bias
 13 awareness.

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

18 (i) the hiring and recruitment of di-
 19 verse law enforcement officers representa-
 20 tive of the communities they serve;

21 (ii) the development of selection, pro-
 22 motion, educational, background, and psy-
 23 chological standards that comport with
 24 title VII of the Civil Rights Act of 1964
 25 (42 U.S.C. 2000e et seq.); and

1 (iii) initiatives to encourage residency
2 in the jurisdiction served by the law en-
3 forcement agency and continuing edu-
4 cation.

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

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

1 arrest, referral to child protection agencies, and
2 removal from school grounds or campus.

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

7 (d) AMOUNTS.—Of the amounts appropriated to
8 carry out this title—

9 (1) 4 percent shall be available for grants to In-
10 dian tribal governments;

11 (2) 20 percent shall be available for grants to
12 community-based organizations;

13 (3) 10 percent shall be available for grants to
14 professional law enforcement associations; and

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

20 (e) TECHNICAL ASSISTANCE.—

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

1 (2) MODELS FOR REDUCTION OF LAW EN-
2 FORCEMENT MISCONDUCT.—The technical assistance
3 provided by the Attorney General may include the
4 development of models for State, local, and Indian
5 tribal governments, and other public and private en-
6 tities, to reduce law enforcement officer misconduct.
7 Any development of such models shall be in con-
8 sultation with community-based organizations.

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

12 (g) MATCHING FUNDS.—

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

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

22 (h) APPLICATIONS.—

23 (1) APPLICATION.—An application for a grant
24 under this title shall be submitted in such form, and

1 contain such information, as the Attorney General
2 may prescribe by guidelines.

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

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

11 (i) PERFORMANCE EVALUATION.—

12 (1) MONITORING COMPONENTS.—

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

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

25 (2) EVALUATION COMPONENTS.—

1 (A) IN GENERAL.—Selected grant recipi-
2 ents shall be evaluated on the local level or as
3 part of a national evaluation, pursuant to
4 guidelines established by the Attorney General.

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

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

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

1 revoke or suspend funding of that grant, in whole or in
2 part.

3 (k) DEFINITIONS.—In this section—

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

6 (A) is independent and adequately funded;

7 (B) has investigatory authority and staff
8 subpoena power;

9 (C) has representative community diver-
10 sity;

11 (D) has policymaking authority;

12 (E) provides advocates for civilian com-
13 plainants;

14 (F) has mandatory police power to conduct
15 hearings; and

16 (G) conducts statistical studies on pre-
17 vailing complaint trends; and

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

TITLE III—ADMINISTRATIVE DUE PROCESS PROCEDURES

SEC. 301. ATTORNEY GENERAL TO CONDUCT STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Attorney General shall conduct a nationwide study of the prevalence and effect of any law, rule, or procedure that allows a law enforcement officer to delay the response to questions posed by a local internal affairs officer, or review board on the investigative integrity and prosecution of law enforcement misconduct, including pre-interview warnings and termination policies.

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

(3) DATA COLLECTION.—After completion of the initial analysis under paragraph (2), and considering material investigatory issues, the Attorney General shall gather additional data nationwide on similar rules from a representative and statistically

1 significant sample of jurisdictions, to determine
2 whether such rules and procedures raise such mate-
3 rial investigatory issues.

4 (b) REPORTING.—

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

8 (A) submit to Congress a report containing
9 the results of the initial analysis conducted
10 under subsection (a)(2);

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

13 (C) identify the jurisdictions for which the
14 study described in subsection (a)(1) is to be
15 conducted.

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

1 **TITLE IV—ENHANCED FUNDING**
2 **TO COMBAT POLICE MIS-**
3 **CONDUCT AND REFORM PO-**
4 **LICE DEPARTMENTS**

5 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated for fiscal
7 year 2019, in addition to any other sums authorized to
8 be appropriated for this purpose—

9 (1) \$25,000,000 for additional expenses relat-
10 ing to the enforcement of section 210401 of the Vio-
11 lent Crime Control and Law Enforcement Act of
12 1994 (34 U.S.C. 12601), criminal enforcement
13 under sections 241 and 242 of title 18, United
14 States Code, and administrative enforcement by the
15 Department of Justice, including compliance with
16 consent decrees or judgments entered into under
17 such section 210401; and

18 (2) \$3,300,000 for additional expenses related
19 to conflict resolution by the Department of Justice's
20 Community Relations Service.

1 **TITLE V—NATIONAL TASK**
 2 **FORCE ON LAW ENFORCE-**
 3 **MENT OVERSIGHT**

4 **SEC. 501. NATIONAL TASK FORCE ON LAW ENFORCEMENT**
 5 **OVERSIGHT.**

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

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

14 (1) The Special Litigation Section of the Civil
 15 Rights Division.

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

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

20 (4) The Employment Litigation Section of the
 21 Civil Rights Division.

22 (5) The Disability Rights Section of the Civil
 23 Rights Division.

24 (6) The Office of Justice Programs.

1 (7) The Office of Community Oriented Policing
2 Services (COPS).

3 (8) The Corruption/Civil Rights Section of the
4 Federal Bureau of Investigation.

5 (9) The Community Relations Service.

6 (10) The Office of Tribal Justice.

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

9 (c) POWERS AND DUTIES.—The Task Force shall
10 consult with professional law enforcement associations,
11 labor organizations, and community-based organizations
12 to coordinate the process of the detection and referral of
13 complaints regarding incidents of alleged law enforcement
14 misconduct.

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

18 **TITLE VI—FEDERAL DATA COL-** 19 **LECTION ON LAW ENFORCE-** 20 **MENT PRACTICES**

21 **SEC. 601. FEDERAL DATA COLLECTION ON LAW ENFORCE-** 22 **MENT PRACTICES.**

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

1 (b) BREAKDOWN OF INFORMATION BY RACE, ETH-
 2 NICITY, AND GENDER.—For each practice enumerated in
 3 subsection (c), the reporting law enforcement agency shall
 4 provide a breakdown of the numbers of incidents of that
 5 practice by race, ethnicity, age, and gender of the officers
 6 and employees of the agency and of members of the public
 7 involved in the practice.

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

10 (1) Traffic violation stops.

11 (2) Pedestrian stops.

12 (3) Frisk and body searches.

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

16 (A) a description of when and where dead-
 17 ly force was used, and whether it resulted in
 18 death;

19 (B) a description of deadly force directed
 20 against an officer or employee and whether it
 21 resulted in injury or death; and

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

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

5 (e) PENALTY FOR STATES FAILING TO REPORT AS
6 REQUIRED.—

7 (1) IN GENERAL.—For any fiscal year, a State
8 shall not receive any amount that would otherwise
9 be allocated to that State under section 505(a) of
10 title I of the Omnibus Crime Control and Safe
11 Streets Act of 1968 (34 U.S.C. 10156(a)), or any
12 amount from any other law enforcement assistance
13 program of the Department of Justice, unless the
14 State has ensured, to the satisfaction of the Attor-
15 ney General, that the State and each local law en-
16 forcement agency of the State is in substantial com-
17 pliance with the requirements of this section.

18 (2) REALLOCATION.—Amounts not allocated by
19 reason of this subsection shall be reallocated to
20 States not disqualified by failure to comply with this
21 section.

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

1 **TITLE VII—MEDALLIONS FOR**
 2 **FALLEN LAW ENFORCEMENT**
 3 **OFFICERS**

4 **SEC. 701. MEDALLIONS FOR FALLEN LAW ENFORCEMENT**
 5 **OFFICERS.**

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

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

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

14 (b) DISTRIBUTION OF MEDALLIONS.—The Attorney
 15 General shall make arrangements with the National Law
 16 Enforcement Officers Memorial Fund to distribute the
 17 medallions to appropriate survivors of each law enforce-
 18 ment officer memorialized on the wall of the National Law
 19 Enforcement Officers Memorial.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There
 21 are authorized to be appropriated to carry out this section
 22 such sums as may be necessary.

