

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 899

To require the Attorney General to prepare an evaluation and report on potential problem officer early warning programs and to develop a model potential problem officer early warning program, and to express the sense of Congress that the Attorney General, under existing authorities, should provide assistance to local jurisdictions in establishing procedures to identify and provide guidance to police officers who demonstrate the potentiality of having difficulty dealing with members of the public on a consistent basis.

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## IN THE SENATE OF THE UNITED STATES

MAY 5 (legislative day, APRIL 19), 1993

Mr. DANFORTH (for himself, Mr. COHEN and Mr. BRADLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To require the Attorney General to prepare an evaluation and report on potential problem officer early warning programs and to develop a model potential problem officer early warning program, and to express the sense of Congress that the Attorney General, under existing authorities, should provide assistance to local jurisdictions in establishing procedures to identify and provide guidance to police officers who demonstrate the potentiality of having difficulty dealing with members of the public on a consistent basis.

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. POTENTIAL PROBLEM OFFICER EARLY WARN-**  
4 **ING PROGRAMS.**

5 (a) DECLARATIONS.—The Congress finds and de-  
6 clares that—

7 (1) police brutality is a problem of deep con-  
8 cern; and

9 (2) the Congress has an interest in assisting  
10 local units in creating early warning systems that  
11 are effective, resilient, and affordable to the local  
12 units.

13 (b) DEFINITION.—In this Act, “potential problem of-  
14 ficer early warning program” means a system of proce-  
15 dures that is designed to—

16 (1) identify police officers who have been the  
17 subject of an excessive number of legitimate com-  
18 plaints of excessive use of force by members of the  
19 public or have otherwise demonstrated the potential-  
20 ity of having difficulty dealing appropriately with  
21 members of the public;

22 (2) provide assistance to such officers in avoid-  
23 ing such difficulty in the future, including the provi-  
24 sion of training in communication techniques, con-  
25 flict resolution, and stress management; and

1           (3) apply discipline where appropriate.

2           (c) EVALUATION AND REPORT.—

3           (1) EVALUATION.—The Attorney General, act-  
4           ing through the Director of the National Institute of  
5           Justice, shall—

6           (A) conduct an evaluation of potential  
7           problem officer early warning programs that  
8           are being or have been utilized by units of local  
9           government, including analyses of—

10                   (i) the effect on such programs of fac-  
11                   tors such as the population and geographic  
12                   size and characteristics of a jurisdiction  
13                   and the ability of such programs to adjust  
14                   in a resilient manner to changes in such  
15                   factors;

16                   (ii) the potential savings that local  
17                   governments can realize from the operation  
18                   of such programs as a result of the reduc-  
19                   tion in the number of citizen complaints,  
20                   the reduction in the number of occasions in  
21                   which it is necessary to change the duty  
22                   assignments of or to dismiss (and replace)  
23                   problem officers, and other beneficial ef-  
24                   fects;

1 (iii) the positive and negative effects  
2 that such programs may have on the law  
3 enforcement system, such as their effect on  
4 police morale and the ability of police offi-  
5 cers to perform their law enforcement du-  
6 ties;

7 (iv) the ability of such programs to  
8 ensure the exoneration of officers whose  
9 conduct is proper while identifying those  
10 whose conduct indicates the necessity or  
11 desirability of prophylactic action; and

12 (v) the costs of establishing such pro-  
13 grams and of operating and monitoring the  
14 effectiveness of such programs on a perma-  
15 nent basis;

16 (B) develop a model early warning system  
17 that is effective, capable of adjusting to chang-  
18 ing circumstances, and affordable to units (or  
19 combinations of units) of local government of  
20 jurisdictions (or combinations of jurisdictions)  
21 with populations of 50,000 or more; and

22 (C) prepare and disseminate to the law en-  
23 forcement community, including Federal, State  
24 and local law enforcement agencies, findings  
25 and recommendations made as a result of the

1 evaluation for the establishment of such pro-  
2 grams.

3 (2) REPORT.—On or before October 1, 1994,  
4 the Attorney General shall submit to Congress a re-  
5 port addressing the matters described in paragraph  
6 (1), with recommendations concerning the need or  
7 appropriateness of further action by the Federal  
8 Government.

9 (3) EXPENSES.—Expenses incurred in conduct-  
10 ing the evaluation and developing a model potential  
11 problem officer early warning system under para-  
12 graph (1) shall be paid out of funds that are avail-  
13 able to the National Institute of Justice and not spe-  
14 cifically appropriated for other purposes, to the ex-  
15 tent that such funds can be made available without  
16 increasing the amount of appropriations for the Na-  
17 tional Institute of Justice for any fiscal year over  
18 the amount appropriated for fiscal year 1993.

19 (d) SENSE OF CONGRESS.—It is the sense of Con-  
20 gress that—

21 (1) the Attorney General should, under existing  
22 authorities and using appropriations available for  
23 those authorities and funds otherwise available to  
24 the Attorney General, make seed money grants of up  
25 to \$25,000 each to units (or combinations of units)

1 of local government of jurisdictions (or combinations  
2 of jurisdictions) of a population of 50,000 or more  
3 for the purpose of assisting the police department  
4 (or other entity that performs the functions of a po-  
5 lice department) in establishing a potential problem  
6 officer early warning program;

7 (2) a unit of local government should be eligible  
8 to receive a grant described in subsection (c) if—

9 (A) its police department (or other entity  
10 that performs the functions of a police depart-  
11 ment) adopts and enforces—

12 (i) a written policy prohibiting the use  
13 of unreasonable or unnecessary physical  
14 force by law enforcement officers; and

15 (ii) written procedures for receiving  
16 and investigating citizen complaints alleg-  
17 ing misconduct by law enforcement offi-  
18 cers;

19 (B) the program to be funded includes pro-  
20 visions for continuing self-monitoring of the  
21 program, including the provision to the Attor-  
22 ney General of information that may be useful  
23 in performing the evaluation and developing the  
24 model program described in subsection (d)(1);  
25 and

1 (C) the grant recipient demonstrates a  
2 commitment to the long-term continuance of  
3 the program and the reduction of the incidence  
4 of police brutality;

5 (3) a policy described in paragraph (2)(A)  
6 should—

7 (A) restrict the use of force to cir-  
8 cumstances authorized by law and to the degree  
9 minimally necessary to accomplish a lawful law  
10 enforcement purpose; and

11 (B) include procedures for reporting and  
12 monitoring the use of force by officers within  
13 the jurisdiction of the department;

14 (4) the procedures described in paragraph  
15 (2)(B) should require that complainants—

16 (A) be allowed to receive copies of their  
17 complaints;

18 (B) be informed of the findings, disposi-  
19 tion, and specific disciplinary actions, if any, re-  
20 sulting from their complaints; and

21 (C) be permitted to attend any disciplinary  
22 hearings that result from their complaints;

23 (5) a unit (or combination of units) of local  
24 government should receive grants described in this

1 subsection in amounts that do not exceed \$50,000 in  
2 the aggregate; and

3 (6) the total amount of grants described in this  
4 subsection that are made during fiscal years 1994,  
5 1995, 1996, 1997, and 1998 should not exceed  
6 \$5,000,000.

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