

106TH CONGRESS
1ST SESSION

H. R. 2656

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to withhold funds in certain cases, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 1999

Mr. CONYERS (for himself, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. SCOTT, and Ms. WATERS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to withhold funds in certain cases, 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 “Law Enforcement
5 Trust and Integrity Act of 1999”.

1 **TITLE I—LAW ENFORCEMENT**
2 **ACCREDITATION**

3 **SEC. 101. ACCREDITATION OF LAW ENFORCEMENT AGEN-**
4 **CIES.**

5 (a) STANDARDS.—

6 (1) IN GENERAL.—The Attorney General shall
7 recommend additional areas for the development of
8 national standards for the accreditation of law en-
9 forcement agencies in conjunction with professional
10 law enforcement organizations, principally the Com-
11 mission on Accreditation of Law Enforcement Agen-
12 cies (referred to in this title as “CALEA”).

13 (2) INITIAL ANALYSIS.—The Attorney General
14 shall perform an initial analysis of the existing
15 standards and accreditation methodology developed
16 by the CALEA.

17 (3) PROMULGATION OF STANDARDS.—After
18 completion of the initial review and analysis under
19 paragraph (2), the Attorney General shall rec-
20 ommend that CALEA, in consultation with labor
21 and community-based organizations, adopt addi-
22 tional standards, including early warning programs,
23 civil review procedures, traffic stop documentation
24 and procedures, and administrative due process re-
25 quirements.

1 (4) ACCREDITATION.—The Attorney General
2 shall adopt policies and procedures to partner with
3 CALEA, other professional law enforcement organi-
4 zations, and community-based organizations to con-
5 tinue the development of further accreditation stand-
6 ards and to encourage the pursuit of accreditation
7 by Federal, State, and local law enforcement agen-
8 cies.

9 (b) ACCREDITATION GRANTS.—The Attorney Gen-
10 eral may make funds available to Federal, State, and local
11 law enforcement agencies under this paragraph to assist
12 in gaining or maintaining accreditation from the Commis-
13 sion on Accreditation for Law Enforcement Agencies.

14 **TITLE II—LAW ENFORCEMENT**
15 **DEVELOPMENT PROGRAMS**

16 **SEC. 201. LAW ENFORCEMENT GRANTS.**

17 (a) GRANT AUTHORIZATION.—The Attorney General
18 may make grants to States, units of local government, In-
19 dian tribal governments, or other public and private enti-
20 ties, and multijurisdictional or regional consortia thereof
21 to study and implement effective management, training,
22 recruiting, hiring, and oversight policies and programs for
23 law enforcement agencies.

24 (b) PROJECT GRANTS TO STUDY LAW ENFORCE-
25 MENT AGENCY MANAGEMENT.—Grants made under sub-

1 section (a) of this section may be used for the study of
2 law enforcement agency management and operations
3 standards, including administrative due process, residency
4 requirements, compensation and benefits, use of force, ra-
5 cial profiling, early warning programs, and civilian review
6 procedures, and for research into the effectiveness of exist-
7 ing programs, projects, or other activities designed to ad-
8 dress misconduct by law enforcement officers.

9 (c) PROJECT GRANTS TO DEVELOP PILOT PRO-
10 GRAMS.—Grants made under subsection (a) may also be
11 used to develop pilot programs and implement effective
12 programs in the areas of training, hiring, and recruitment,
13 and oversight that are designed to improve management
14 and address misconduct by law enforcement officers.
15 These programs may include the following:

16 (1) TRAINING.—Law enforcement policies,
17 practices, and procedures addressing, training and
18 instruction in the use of lethal and nonlethal force;
19 tactical and defensive strategy; arrests searches and
20 handcuffing; verbal communications; and community
21 relations.

22 (2) RECRUITMENT AND HIRING.—Policies and
23 practices for the hiring and recruitment of law en-
24 forcement officers; development of educational and

1 psychological standards; initiatives to encourage resi-
2 dency and continuing education.

3 (3) OVERSIGHT.—Complaint procedures, in-
4 cluding civilian review procedures for jurisdictions
5 across a range of sizes and agency configurations;
6 early warning programs; and administrative due
7 process requirements inherent to complaint proce-
8 dures for members of the public and law enforce-
9 ment.

10 (d) AMOUNTS.—Of the amounts appropriated for the
11 purposes of this title—

12 (1) 4 percent shall be available for grants to In-
13 dian tribal governments; and

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

19 (e) TECHNICAL ASSISTANCE.—

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

1 (2) MODEL.—The technical assistance provided
2 by the Attorney General may include the develop-
3 ment of a flexible model that will define for State
4 and local governments, and other public and private
5 entities, definitions and strategies associated the re-
6 duction of law enforcement misconduct.

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

10 (g) MATCHING FUNDS.—

11 (1) IN GENERAL.—Except in the case of an In-
12 dian tribe, the portion of the costs of a program,
13 project, or activity provided by a grant under sub-
14 section (a) may not exceed 75 percent.

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

19 (h) APPLICATIONS.—

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

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

4 (i) PERFORMANCE EVALUATION.—

5 (1) MONITORING COMPONENTS.—Each pro-
6 gram, project, or activity funded under this title
7 shall contain a monitoring component, developed
8 pursuant to guidelines established by the Attorney
9 General. The monitoring required by this subsection
10 shall include systematic identification and collection
11 of data about activities, accomplishments, and pro-
12 grams throughout the life of the program, project, or
13 activity and presentation of such data in a usable
14 form.

15 (2) EVALUATION COMPONENTS.—Selected grant
16 recipients shall be evaluated on the local level or as
17 part of a national evaluation, pursuant to guidelines
18 established by the Attorney General. Such evalua-
19 tions may include assessments of individual program
20 implementations. In selected jurisdictions that are
21 able to support outcome evaluations, the effective-
22 ness of funded programs, projects, and activities
23 may be required.

24 (3) PERIODIC REVIEW AND REPORTS.—The At-
25 torney General may require a grant recipient to sub-

1 mit to the Attorney General the results of the moni-
2 toring and evaluations required under paragraphs
3 (1) and (2) and such other data and information as
4 the Attorney General deems reasonably necessary.

5 (j) REVOCATION OR SUSPENSION OF FUNDING.—If
6 the Attorney General determines, as a result of the reviews
7 required by subsection (i), or otherwise, that a grant re-
8 cipient under this title is not in substantial compliance
9 with the terms and requirements of an approved grant ap-
10 plication submitted under subsection (h), the Attorney
11 General may revoke or suspend funding of that grant, in
12 whole or in part.

13 (k) DEFINITIONS.—In this title:

14 (1) The term “career law enforcement officer”
15 means a person who is authorized by law or by a
16 State or local public agency to engage in or super-
17 vise the prevention, detection, or investigation of vio-
18 lations of criminal laws; and

19 (2) The term “Indian tribe” means a tribe,
20 band, pueblo, nation, or other organized group or
21 community of Indians, including an Alaska Native
22 village (as defined in or established under the Alaska
23 Native Claims Settlement Act (43 U.S.C. 1601 et
24 seq.)), that is recognized as eligible for the special

1 programs and services provided by the United States
2 to Indians because of their status as Indians.

3 (3) The term “community-based organization”
4 means a grassroots organization that monitors the
5 issue of police misconduct and that has a national
6 presence and membership (such as the National As-
7 sociation for the Advancement of Colored People
8 (NAACP), the American Civil Liberties Union
9 (ACLU), NAACP Legal Defense and Education
10 Fund, National Council of la Raza, and Urban
11 League).

12 (4) The term “civilian review procedures”
13 means administrative entities that exhibit such char-
14 acteristics as independence, investigatory authority,
15 subpoena power, adequate funding, representative
16 diversity, and policy making authority.

17 **TITLE III—ADMINISTRATIVE** 18 **DUE PROCESS PROCEDURES**

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

20 (a) STUDY.—

21 (1) IN GENERAL.—The Attorney General shall
22 conduct a nationwide study of the prevalence and
23 impact of any law, rule, or procedure that allows a
24 law enforcement officer to delay for an unreasonable
25 or arbitrary period of time the answer to questions

1 posed by a local internal affairs officer, prosecutor,
2 or review board on the investigative integrity and
3 prosecution of law enforcement misconduct.

4 (2) INITIAL ANALYSIS.—The Attorney General
5 shall perform an initial analysis of New York City’s
6 48-Hour Rule to determine whether, at a threshold
7 level, the impact of this type of rule or procedure
8 raises material investigatory issues that could impair
9 or hinder a prompt and thorough investigation of
10 possible misconduct, including criminal conduct, that
11 would justify a wider inquiry.

12 (3) DATA COLLECTION.—After completion of
13 the initial analysis under paragraph (2), and consid-
14 ering material investigatory issues, the Attorney
15 General shall then gather additional data nationwide
16 on rules similar to the 48-hour rule, from a rep-
17 resentative and statistically significant sample of ju-
18 risdictions, to determine whether such rules and pro-
19 cedures raise such material investigatory issues.

20 (b) REPORTING.—Not later than 120 days after the
21 date of the enactment of this Act, the Attorney General
22 shall report the results of its initial analysis to Congress,
23 and make such report available to the public, and identify
24 the jurisdictions for which the study is to be conducted.
25 Not later than 2 years after the date of the enactment

1 of this Act, the Attorney General shall report the results
2 of the data collected under this Act to Congress, a copy
3 of which shall also be published in the Federal Register.

4 **TITLE IV—ENHANCED FUNDING**
5 **TO COMBAT POLICE MIS-**
6 **CONDUCT**

7 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated for fiscal
9 year 2000, in addition to any other sums authorized to
10 be appropriated for this purpose, \$1,600,000 for addi-
11 tional expenses related to the enforcement of section
12 210401 of the Violent Crime Control and Law Enforce-
13 ment Act of 1994 (42 U.S.C. 14141), criminal enforce-
14 ment, and administrative enforcement by the Department
15 of Justice and such sums as necessary to fully fund pro-
16 grams managed by the Community Relations Service.

17 **TITLE V—ENHANCED AUTHOR-**
18 **ITY IN PATTERN AND PRAC-**
19 **TICE INVESTIGATIONS**

20 **SEC. 501. PRIVATE CAUSE OF ACTION RELATING TO POLICE**
21 **PATTERN OR PRACTICE.**

22 Section 210401 of the Violent Crime Control and
23 Law Enforcement Act of 1994 (42 U.S.C. 14141) is
24 amended by adding at the end the following:

1 “(c) CIVIL ACTION BY AGGRIEVED PERSON.—A per-
 2 son who is aggrieved by a violation of this section may,
 3 in a civil action, obtain declaratory and injunctive relief
 4 with respect to the violation. The court in an action under
 5 this subsection may award the prevailing party (other than
 6 the United States) a reasonable attorney’s fee, including
 7 litigation expenses, as part of the costs; fees may be
 8 awarded to a prevailing defendant only when a plaintiff’s
 9 civil action is shown to be frivolous, unreasonable, or with-
 10 out foundation. The Attorney may intervene as a party
 11 in a civil action brought under this subsection.”.

12 **SEC. 502. UNLAWFUL CONDUCT.**

13 Section 210401(a) of the Violent Crime and Law En-
 14 forcement Act of 1994 (42 U.S.C. 14141(a)) is
 15 amended—

16 (1) by inserting “criminal or” before “, juvenile
 17 justice”; and

18 (2) by inserting “adults or” before “juveniles”.

19 **TITLE VI—DEPRIVATION OF**
 20 **RIGHTS UNDER COLOR OF LAW**

21 **SEC. 601. DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.**

22 Section 242 of title 18, United States Code, is
 23 amended—

24 (1) by inserting “(a)” before “Whoever”;

25 (2) by adding at the end the following:

1 “(b)(1) It is a deprivation of a right, privilege, or im-
2 munity secured or protected by the Constitution or laws
3 of the United States—

4 “(A) to subject, or attempt to subject, any per-
5 son to force exceeding that which is reasonably nec-
6 essary to carry out a legitimate law enforcement
7 duty; or

8 “(B) to engage in or cause any unwanted sex-
9 ual act, or unwanted sexual contact, with or by any
10 other person, or to attempt to do so.

11 “(2) As used in this subsection—

12 “(A) the term ‘sexual act’ has the meaning
13 given that term in section 2246(2)(A)–(C);

14 “(B) the term ‘sexual contact’ has the meaning
15 given that term in section 2246(3); and

16 “(C) the term ‘bodily injury’ has the meaning
17 given that term in section 1515(a)(5).

18 “(3) No prosecution of a case described in this sub-
19 section shall be undertaken, except upon notification in
20 writing by the Assistant Attorney General for Civil Rights
21 that, in that official’s judgment, a prosecution by the
22 United States is in the public interest and necessary to
23 secure substantial justice.”.

1 **TITLE VII—STUDY OF DEATHS IN**
2 **CUSTODY**

3 **SEC. 701. STUDY.**

4 Section 210410(a) of the Violent Crime Control and
5 Law Enforcement Act of 1994 (42 U.S.C. 13704(a)) is
6 amended—

7 (1) in paragraph (2), by striking “or” after the
8 semicolon;

9 (2) in paragraph (3), by striking the period and
10 inserting “; or”; and

11 (3) by adding at the end the following new
12 paragraph:

13 “(4) the State has provided an assurance that
14 it shall follow guidelines that may be established by
15 the Attorney General in reporting, on a quarterly
16 basis, information regarding the death of any person
17 who is in the process of arrest, has been arrested,
18 has been incarcerated or is en route to be incarcer-
19 ated at any municipal or county jail, State prison,
20 or other State or local correctional facility (including
21 any juvenile facility) that, at a minimum, includes—

22 “(A) the name, gender, ethnicity, and age
23 of the deceased;

24 “(B) the date, time, and location of death;
25 and

1 “(C) a brief description of the cir-
2 cumstances surrounding the death.”.

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