

115TH CONGRESS
1ST SESSION

S. 1258

To require States to report to the Attorney General certain information regarding use of force incidents involving law enforcement officers and civilians, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2017

Mr. BOOKER (for himself and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require States to report to the Attorney General certain information regarding use of force incidents involving law enforcement officers and civilians, 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 Reporting Infor-

5 mation, Data, and Evidence Act of 2017” or the “PRIDE

6 Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) BYRNE GRANT PROGRAM.—The term
2 “Byrne grant program” means any grant program
3 under subpart 1 of part E of title I of the Omnibus
4 Crime Control and Safe Streets Act of 1968 (42
5 U.S.C. 3750 et seq.), without regard to whether the
6 funds are characterized as being made available
7 under the Edward Byrne Memorial State and Local
8 Law Enforcement Assistance Programs, the Local
9 Government Law Enforcement Block Grants Pro-
10 gram, the Edward Byrne Memorial Justice Assist-
11 ance Grant Program, or otherwise.

12 (2) INDIAN TRIBE.—The term “Indian tribe”
13 has the meaning given the term in section 901 of
14 title I of the Omnibus Crime Control and Safe
15 Streets Act of 1968 (42 U.S.C. 3791).

16 (3) LAW ENFORCEMENT OFFICER.—The term
17 “law enforcement officer” means any officer, agent,
18 or employee of a State, unit of local government, or
19 Indian tribe authorized by law or by a government
20 agency to engage in or supervise the prevention, de-
21 tection, or investigation of any violation of criminal
22 law.

23 (4) STATE.—The term “State” has the mean-
24 ing given the term in section 901 of title I of the

1 Omnibus Crime Control and Safe Streets Act of
2 1968 (42 U.S.C. 3791).

3 (5) USE OF FORCE.—The term “use of force”
4 includes the use of a firearm, Taser, explosive de-
5 vice, chemical agent (such as pepper spray), baton,
6 impact projectile, blunt instrument, hand, fist, foot,
7 canine, or vehicle against an individual.

8 **SEC. 3. USE OF FORCE REPORTING.**

9 (a) REPORTING REQUIREMENTS.—

10 (1) IN GENERAL.—Beginning in the first fiscal
11 year beginning after the date of enactment of this
12 Act and each fiscal year thereafter in which a State
13 or Indian tribe receives funds under a Byrne grant
14 program, the State or Indian tribe shall—

15 (A) report to the Attorney General, on a
16 quarterly basis and pursuant to guidelines es-
17 tablished by the Attorney General, information
18 regarding—

19 (i) any incident involving the shooting
20 of a civilian by a law enforcement officer
21 who is employed—

22 (I) in the case of an Indian tribe,
23 by the Indian tribe; or

1 (II) in the case of a State, by the
2 State or by a unit of local government
3 in the State;

4 (ii) any incident involving the shooting
5 of a law enforcement officer described in
6 clause (i) by a civilian; and

7 (iii) any incident in which use of force
8 by or against a law enforcement officer de-
9 scribed in clause (i) occurs, which is not
10 reported under clause (i) or (ii);

11 (B) establish a system and a set of policies
12 to ensure that all use of force incidents are re-
13 ported by law enforcement officers; and

14 (C) submit to the Attorney General a plan
15 for the collection of data required to be re-
16 ported under this section, including any modi-
17 fications to a previously submitted data collec-
18 tion plan.

19 (2) REPORT INFORMATION REQUIRED.—

20 (A) IN GENERAL.—The report required
21 under paragraph (1)(A) shall contain informa-
22 tion that includes, at a minimum—

23 (i) the national origin, sex, race, eth-
24 nicity, age, physical disability, mental dis-
25 ability, English language proficiency, hous-

1 ing status, and school status of each civil-
2 ian against whom a law enforcement offi-
3 cer used force;

4 (ii) the date, time, and location, in-
5 cluding zip code, of the incident and
6 whether the jurisdiction in which the inci-
7 dent occurred allows for the open-carry or
8 concealed-carry of a firearm;

9 (iii) whether the civilian was armed,
10 and, if so, the type of weapon the civilian
11 had;

12 (iv) the type of force used against the
13 officer, the civilian, or both, including the
14 types of weapons used;

15 (v) the reason force was used;

16 (vi) a description of any injuries sus-
17 tained as a result of the incident;

18 (vii) the number of officers involved in
19 the incident;

20 (viii) the number of civilians involved
21 in the incident; and

22 (ix) a brief description regarding the
23 circumstances surrounding the incident,
24 which shall include information on—

1 (I) the type of force used by all
2 involved persons;

3 (II) the legitimate police objective
4 necessitating the use of force;

5 (III) the resistance encountered
6 by each law enforcement officer in-
7 volved in the incident;

8 (IV) the efforts by law enforce-
9 ment officers to—

10 (aa) de-escalate the situation
11 in order to avoid the use of force;

12 or

13 (bb) minimize the level of
14 force used; and

15 (V) if applicable, the reason why
16 efforts described in subclause (IV)
17 were not attempted.

18 (B) INCIDENTS REPORTED UNDER DEATH
19 IN CUSTODY REPORTING ACT.—A State is not
20 required to include in a report under subsection
21 (a)(1) an incident reported by the State in ac-
22 cordance with section 20104(a)(2) of the Vio-
23 lent Crime Control and Law Enforcement Act
24 of 1994 (42 U.S.C. 13704(a)(2)).

1 (3) AUDIT OF USE-OF-FORCE REPORTING.—Not
2 later than 1 year after the date of enactment of this
3 Act, and each year thereafter, each State and Indian
4 tribe described in paragraph (1) shall—

5 (A) conduct an audit of the use of force in-
6 cident reporting system required to be estab-
7 lished under paragraph (1)(B); and

8 (B) submit a report to the Attorney Gen-
9 eral on the audit conducted under subpara-
10 graph (A).

11 (4) COMPLIANCE PROCEDURE.—Prior to sub-
12 mitting a report under paragraph (1)(A), the State
13 or Indian tribe submitting such report shall compare
14 the information compiled to be reported pursuant to
15 clause (i) of paragraph (1)(A) to open-source data
16 records, and shall revise such report to include any
17 incident determined to be missing from the report
18 based on such comparison. Failure to comply with
19 the procedures described in the previous sentence
20 shall be considered a failure to comply with the re-
21 quirements of this section.

22 (b) INELIGIBILITY FOR FUNDS.—

23 (1) IN GENERAL.—For any fiscal year in which
24 a State or Indian tribe fails to comply with this sec-
25 tion, the State or Indian tribe, at the discretion of

1 the Attorney General, shall be subject to not more
2 than a 10-percent reduction of the funds that would
3 otherwise be allocated for that fiscal year to the
4 State or Indian tribe under a Byrne grant program.

5 (2) REALLOCATION.—Amounts not allocated
6 under a Byrne grant program in accordance with
7 paragraph (1) to a State for failure to comply with
8 this section shall be reallocated under the Byrne
9 grant program to States that have not failed to com-
10 ply with this section.

11 (c) PUBLIC AVAILABILITY OF DATA.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this Act, and each year
14 thereafter, the Attorney General shall publish, and
15 make available to the public, a report containing the
16 data reported to the Attorney General under this
17 section.

18 (2) PRIVACY PROTECTIONS.—Nothing in this
19 subsection shall be construed to supersede the re-
20 quirements or limitations under section 552a of title
21 5, United States Code (commonly known as the
22 “Privacy Act of 1974”).

23 (d) GUIDANCE.—Not later than 180 days after the
24 date of enactment of this Act, the Attorney General, in
25 coordination with the Director of the Federal Bureau of

1 Investigation, shall issue guidance on best practices relat-
2 ing to establishing standard data collection systems that
3 capture the information required to be reported under sub-
4 section (a)(2), which shall include standard and consistent
5 definitions for terms, including the term “use of force”
6 which is consistent with the definition of such term in sec-
7 tion 2.

8 **SEC. 4. COMMUNITY AND LAW ENFORCEMENT PARTNER-**
9 **SHIP GRANT PROGRAM.**

10 (a) GRANTS AUTHORIZED.—The Attorney General
11 may make grants to eligible law enforcement agencies to
12 be used for the activities described in subsection (c).

13 (b) ELIGIBILITY.—In order to be eligible to receive
14 a grant under this section a law enforcement agency
15 shall—

16 (1) be located in a State or Indian tribe that
17 receives funds under a Byrne grant program;

18 (2) employ not more than 100 law enforcement
19 officers;

20 (3) demonstrate that the use of force policy for
21 law enforcement officers employed by the law en-
22 forcement agency is publicly available; and

23 (4) establish and maintain a reporting system
24 that may be used by members of the public to report

1 incidents of use of force to the law enforcement
2 agency.

3 (c) ACTIVITIES DESCRIBED.—A grant made under
4 this section may be used by a law enforcement agency
5 for—

6 (1) the cost of assisting the State or Indian
7 tribe in which the law enforcement agency is located
8 in complying with the reporting requirements de-
9 scribed in section 3;

10 (2) the cost of establishing necessary systems
11 required to investigate and report incidents as re-
12 quired under subsection (b)(4);

13 (3) public awareness campaigns designed to
14 gain information from the public on use of force by
15 or against law enforcement officers, including shoot-
16 ings, which may include tip lines, hotlines, and pub-
17 lic service announcements; and

18 (4) use of force training for law enforcement
19 agencies and personnel, including training on de-es-
20 calation, implicit bias, crisis intervention techniques,
21 and adolescent development.

22 **SEC. 5. COMPLIANCE WITH REPORTING REQUIREMENTS.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of this Act, and each year thereafter,
25 the Attorney General shall conduct an audit and review

1 of the information provided under this Act to determine
2 whether each State or Indian tribe described in section
3 3(a)(1) is in compliance with the requirements of this Act.

4 (b) CONSISTENCY IN DATA REPORTING.—

5 (1) IN GENERAL.—Any data reported under
6 this Act shall be collected and reported in a manner
7 consistent with existing programs of the Department
8 of Justice that collect data on law enforcement offi-
9 cer encounters with civilians.

10 (2) GUIDELINES.—The Attorney General
11 shall—

12 (A) issue guidelines on the reporting re-
13 quirement under section 3; and

14 (B) seek public comment before finalizing
15 the guidelines required under subparagraph

16 (A).

17 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated to the Attor-
19 ney General such sums as are necessary to carry out this
20 Act.

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