

116TH CONGRESS
2D SESSION

H. R. 8908

To require Federal, State, and local law enforcement agencies to report information related to allegations of misconduct of law enforcement officers to the Attorney General, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 9, 2020

Mr. BEYER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require Federal, State, and local law enforcement agencies to report information related to allegations of misconduct of law enforcement officers to the Attorney General, 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 “Cost of Police Mis-
5 conduct Act of 2020”.

6 **SEC. 2. REPORTING REQUIREMENT.**

7 (a) IDENTIFICATION REQUIREMENT.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of the enactment of this Act, the Attorney
3 General shall identify—

4 (A) the total number of Federal law en-
5 forcement agencies in the Federal Government;
6 and

7 (B) the name of each Federal law enforce-
8 ment agency in the Federal Government.

9 (2) PUBLICATION.—The Attorney General shall
10 make publicly available on the internet website of
11 the Department of Justice the information under
12 paragraph (1), and update such identification as
13 necessary.

14 (b) REPORTING REQUIREMENT.—Not later than 120
15 days after the date of the enactment of this Act, a Federal
16 law enforcement agency identified under subsection (a)(2)
17 shall report to the Attorney General, on a monthly basis
18 and pursuant to guidelines established by the Attorney
19 General, for the preceding month and with respect to the
20 Federal law enforcement agency, the following informa-
21 tion:

22 (1) The total number of allegations of mis-
23 conduct by a Federal law enforcement officer.

1 (2) The total number of judgements or settle-
2 ments with respect to allegations of misconduct by
3 a Federal law enforcement officer.

4 (3) For each allegation of misconduct identified
5 in paragraph (1) or a judgement or settlement with
6 respect to allegations of misconduct identified in
7 paragraph (2):

8 (A) The Federal law enforcement agency
9 that employed the officer involved.

10 (B) The race, ethnicity, sex, and age of
11 each officer and civilian involved.

12 (C) The year in which the allegation took
13 place.

14 (D) The year in which the allegation was
15 reported.

16 (E) The type of allegation, which may in-
17 clude a body camera violation (whether a failure
18 to wear or record), use of force (including the
19 type of force), a collision, racial profiling, neg-
20 ligence, property damage, sexual harassment or
21 assault, false testimony, wrongful death, and
22 wrongful imprisonment.

23 (F) Any personnel action taken by the offi-
24 cer involved, which may include resignation or
25 retirement.

1 (G) Any personnel action taken by the law
2 enforcement agency involved, which may include
3 termination, demotion, or relocation of the offi-
4 cer involved.

5 (H) The amount paid pursuant to a judge-
6 ment or settlement (and related court fees) with
7 respect to such allegation.

8 (I) The source of money used to pay a
9 judgement or settlement (and related court
10 fees) identified under subparagraph (F), includ-
11 ing general operating budget, law enforcement
12 agency budget, or bonds.

13 (4) The total amount paid pursuant to such
14 judgements and settlements (and related court fees)
15 by Federal law enforcement agencies.

16 (c) REPORTING REQUIREMENT FOR STATE AND
17 LOCAL LAW ENFORCEMENT.—

18 (1) REQUIREMENT FOR STATE AND LOCAL LAW
19 ENFORCEMENT.—For each fiscal year beginning
20 after the expiration of the period specified in para-
21 graph (2)(A) in which a State or unit of local gov-
22 ernment receives funds under a program referred to
23 in paragraph (2)(B), the State or unit of local gov-
24 ernment shall submit to the Attorney General, on a
25 monthly basis and pursuant to guidelines established

1 by the Attorney General, for the preceding month
2 and with respect to each law enforcement agency in
3 the State or unit of local government, a report sub-
4 stantially similar to the report under subsection (b).

5 (2) COMPLIANCE AND INELIGIBILITY.—

6 (A) COMPLIANCE DATE.—Each State or
7 unit of local government shall have not more
8 than 120 days from the date of the enactment
9 of this Act to comply with the requirement
10 under paragraph (1), except that the Attorney
11 General may grant an additional 120 days to a
12 State or unit of local government that is mak-
13 ing good faith efforts to comply with such re-
14 quirement.

15 (B) INELIGIBILITY FOR FUNDS.—For any
16 fiscal year beginning after the expiration of the
17 period specified in subparagraph (A), a State or
18 unit of local government that fails to comply
19 with the requirement under paragraph (1), shall
20 be subject to not more than a 10-percent reduc-
21 tion of the funds that would otherwise be allo-
22 cated for that fiscal year to the State or unit
23 of local government under subpart 1 of part E
24 of title I of the Omnibus Crime Control and

1 Safe Streets Act of 1968 (34 U.S.C. 10151 et
2 seq.).

3 (3) REALLOCATION.—Amounts not allocated
4 under a program referred to in paragraph (2)(B) to
5 a State or unit of local government for failure to
6 fully comply with paragraph (1) shall be reallocated
7 under that program to States or units of local gov-
8 ernment that have not failed to comply with such re-
9 quirement.

10 (4) OPEN-SOURCE DATA.—Not later than 30
11 days after each date on which the Attorney General
12 receives information reported under paragraph (1)
13 from a State or unit of local government, the Attor-
14 ney General shall verify such information reported
15 using open-source data, as practicable, including
16 using data from newspaper and court records.

17 (d) STUDY AND REPORTS REQUIRED.—

18 (1) STUDY.—

19 (A) IN GENERAL.—Following two years of
20 data collected under subsections (b) and (c), the
21 Comptroller General shall carry out a study on
22 such data, including—

23 (i) the number of Federal, State, and
24 local law enforcement agencies reporting
25 such data to the Attorney General;

1 (ii) a determination of the leading
2 cause of judgements and settlements (and
3 related court fees) against Federal, State,
4 and local law enforcement agencies;

5 (iii) an analysis of any relationship
6 between the number of judgements and
7 settlements (and related court fees) and
8 the actions taken by Federal, State, or
9 local law enforcement agencies;

10 (iv) recommendations with respect to
11 how a Federal, State, or local law enforce-
12 ment agency may reduce misconduct lead-
13 ing to judgements or settlements (and re-
14 lated court fees);

15 (v) identification of Federal, State,
16 local law enforcement agencies that have
17 spent the most money with respect to
18 judgements and settlements (and related
19 court fees);

20 (vi) the total amount of money spent
21 by Federal, State, and local law enforce-
22 ment agencies on judgements or settle-
23 ments (and related court fees),
24 disaggregated by State; and

1 (vii) the average amount of money
2 spent on judgements or settlements (and
3 related court fees) by—

4 (I) Federal law enforcement
5 agencies;

6 (II) State law enforcement agen-
7 cies; and

8 (III) local law enforcement agen-
9 cies.

10 (B) PUBLICATION.—The Comptroller Gen-
11 eral shall make publicly available through the
12 internet website of the Government Account-
13 ability Office the findings of the study under
14 subparagraph (A).

15 (2) REPORT AND PRESS RELEASE.—

16 (A) IN GENERAL.—Following the comple-
17 tion of the study under paragraph (1), the At-
18 torney General, in consultation with the Comp-
19 troller General, shall prepare and submit to
20 Congress a report that contains the findings of
21 such study and release a press release with re-
22 spect to the study.

23 (B) PRESS RELEASE.—Following the first
24 full year that data is collected under sub-
25 sections (b) and (c) and in addition to the press

1 release required under subparagraph (A), the
2 Attorney General shall issue an annual press
3 release summarizing the data collected under
4 subsections (b) and (c) for the year prior to the
5 release of such press release.

6 (3) DATABASE.—

7 (A) IN GENERAL.—Not later than one year
8 after the date of the enactment of this Act, the
9 Attorney General shall create and maintain on-
10 line a searchable database containing all data
11 reported pursuant to subsections (b) and (c),
12 and subject to any otherwise applicable con-
13 fidentiality requirements. Such publication shall
14 not include any personally identifiable informa-
15 tion of any law enforcement officer.

16 (B) DATABASE UPDATES.—The Attorney
17 General shall update the database created
18 under subparagraph (A) on an annual basis
19 with data reported under subsections (b) and
20 (c).

21 (e) DEFINITIONS.—In this section:

22 (1) LAW ENFORCEMENT AGENCY.—The term
23 “law enforcement agency” means an agency with the
24 authority to arrest or detain an individual suspected
25 of violating the law in the United States.

1 (2) ALLEGATION OF MISCONDUCT.—The term
2 “allegation of misconduct” means an allegation by a
3 member of the community or other individual that
4 an officer took illegal or inappropriate action in con-
5 nection with their official duties.

○