

116TH CONGRESS
1ST SESSION

S. 1938

To provide for grants for States that require fair and impartial police training for law enforcement officers of that State and to incentivize States to enact laws requiring the independent investigation and prosecution of the use of deadly force by law enforcement officers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2019

Ms. DUCKWORTH (for herself, Mrs. GILLIBRAND, Mr. SANDERS, Ms. HIRONO, Ms. HARRIS, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for grants for States that require fair and impartial police training for law enforcement officers of that State and to incentivize States to enact laws requiring the independent investigation and prosecution of the use of deadly force by law enforcement officers, 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 Training and
5 Independent Review Act of 2019”.

1 **SEC. 2. GRANTS FOR TRAINING AND INDEPENDENT INVESTIGATION AND PROSECUTION.**
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3 Title I of the Omnibus Crime Control and Safe
 4 Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amended
 5 by adding at the end the following:

6 **“PART OO—GRANTS FOR TRAINING AND INDEPENDENT INVESTIGATION AND PROSECUTION**
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9 **“SEC. 3051. GRANT AUTHORITY.**

10 “(a) IN GENERAL.—The Attorney General may make
 11 a grant to a State for purposes of implementing the train-
 12 ing requirements described in section 3052(a) and an
 13 independent prosecution of law enforcement statute as de-
 14 scribed in section 3053.

15 “(b) TERM.—The term of a grant under subsection
 16 (a) shall be 1 fiscal year.

17 **“SEC. 3052. TRAINING ON FAIR AND IMPARTIAL POLICING.**

18 “(a) TRAINING REQUIREMENT.—The requirements
 19 of this subsection are as follows:

20 “(1) A State shall require that all individuals
 21 enrolled in an academy of a law enforcement agency
 22 of the State and all law enforcement officers of the
 23 State complete a training session on fair and impar-
 24 tial policing each year, which includes—

25 “(A) anti-bias training on implicit and ex-
 26 plicit bias on the basis of race, religion, eth-

1 nicity, national origin, gender, sexual orienta-
2 tion, gender identity, and disability;

3 “(B) training regarding—

4 “(i) cultural diversity;

5 “(ii) police interaction with individuals
6 with mental illness or behavioral, mental,
7 or physical disabilities;

8 “(iii) crisis intervention; and

9 “(iv) de-escalation tactics;

10 “(C) scenario-based training; and

11 “(D) a requirement that officers dem-
12 onstrate proficiency in the subjects of the train-
13 ing through scenario-based tests.

14 “(2) Each law enforcement officer and each in-
15 dividual enrolled in an academy of a law enforce-
16 ment agency of a State shall complete—

17 “(A) initial training described in para-
18 graph (1) of not less than 8 hours; and

19 “(B) not less than 4 hours of training de-
20 scribed in paragraph (1) every year thereafter.

21 “(3) A State shall certify to the Attorney Gen-
22 eral of the United States that such training sessions
23 have been completed.

24 “(b) COMPLIANCE AND INELIGIBILITY.—

1 “(1) COMPLIANCE DATE.—To be eligible for a
2 grant under this part, a State shall, subject to para-
3 graphs (2) and (3), be in compliance with the train-
4 ing requirements under subsection (a) not later than
5 240 days after the date of enactment of this part,
6 except that the Attorney General may grant an addi-
7 tional 120 days to a State that is making good faith
8 efforts to comply with such subsection.

9 “(2) COMPLIANCE BEFORE START OF FISCAL
10 YEAR.—A State that fails to achieve compliance with
11 the training requirements under subsection (a) in
12 accordance with paragraph (1) of this subsection
13 shall be eligible for a grant under this part for a fis-
14 cal year if, on the last day of the previous fiscal
15 year, the State is in compliance with such require-
16 ments.

17 “(3) INELIGIBILITY.—A State that was eligible
18 for a grant under this part and that, as of the last
19 day of a fiscal year, is not in compliance with the
20 training requirements under subsection (a) shall not
21 be eligible for a grant under this part during the
22 next fiscal year.

23 “(c) VERIFICATION.—The attorney general of a State
24 receiving a grant under this part shall verify that the
25 training of individuals enrolled in an academy of a law

1 enforcement agency of the State and all law enforcement
2 officers of the State meets the requirements under sub-
3 section (a).

4 “(d) **AUDIT REQUIREMENTS.**—For each fiscal year
5 for which grants are made under this part, the Inspector
6 General of the Department of Justice shall conduct audits
7 of an appropriate number, as determined by the Inspector
8 General, of States receiving such a grant to ensure compli-
9 ance with the training requirements under subsection (a).

10 **“SEC. 3053. INDEPENDENT REVIEW OF LAW ENFORCEMENT**
11 **USE OF DEADLY FORCE.**

12 “To be eligible for a grant under this part for a fiscal
13 year, a State shall, as of the last day of the prior fiscal
14 year, have enacted and have in effect an independent pros-
15 ecution of law enforcement statute.

16 **“SEC. 3054. DEFINITIONS.**

17 “In this part:

18 “(1) The term ‘independent prosecution of law
19 enforcement statute’ means a statute requiring an
20 independent prosecution in a criminal matter in
21 which—

22 “(A) one or more of the possible defend-
23 ants is a law enforcement officer;

24 “(B) one or more of the alleged offenses
25 involves the law enforcement officer’s use of

1 deadly force in the course of carrying out that
2 officer's duty; and

3 “(C) the law enforcement officer's use of
4 deadly force resulted in a death or injury.

5 “(2) The term ‘deadly force’ means that force
6 which a reasonable person would consider likely to
7 cause death or serious bodily harm.

8 “(3) The term ‘independent prosecution’, with
9 respect to a criminal investigation or prosecution of
10 a law enforcement officer's use of deadly force, in-
11 cludes using one or more of the following:

12 “(A) Using an agency or civilian review
13 board that investigates and independently re-
14 views all officer use of force allegations.

15 “(B) Assigning the attorney general of the
16 State in which the alleged crime was committed
17 to conduct the criminal investigation and pros-
18 ecution.

19 “(C) Adopting a procedure under which an
20 automatic referral is made to a special pros-
21 ecutor appointed and overseen by the attorney
22 general of the State in which the alleged crime
23 was committed.

24 “(D) Having law enforcement agencies
25 agree to and implement memoranda of under-

1 standing with other law enforcement agencies
 2 under which the other law enforcement agen-
 3 cies—

4 “(i) shall conduct the criminal inves-
 5 tigation; and

6 “(ii) upon conclusion of the criminal
 7 investigation, shall file a report with the
 8 attorney general of the State containing a
 9 determination regarding whether—

10 “(I) the use of deadly force was
 11 appropriate; and

12 “(II) any action should be taken
 13 by the attorney general of the State.

14 “(E) Using an independent prosecutor.

15 “(4) The term ‘independent prosecutor’ means,
 16 with respect to a criminal investigation or prosecu-
 17 tion of a law enforcement officer’s use of deadly
 18 force, a prosecutor who—

19 “(A) does not live or work in the same
 20 county as the county in which the alleged crime
 21 was committed; and

22 “(B) would not be involved in the prosecu-
 23 tion in the ordinary course of that prosecutor’s
 24 duties.”.

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