

AMENDMENT NO. _____ Calendar No. _____

Purpose: 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—115th Cong., 2d Sess.

S. 1917

To reform sentencing laws and correctional institutions, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BOOKER

Viz:

1 At the end, add the following:

2 **TITLE IV—PRIDE ACT**

3 **SEC. 401. SHORT TITLE.**

4 This title may be cited as the “Police Reporting In-
5 formation, Data, and Evidence Act of 2018” or the
6 “PRIDE Act”.

7 **SEC. 402. DEFINITIONS.**

8 In this title:

9 (1) BYRNE GRANT PROGRAM.—The term
10 “Byrne grant program” means any grant program
11 under subpart 1 of part E of title I of the Omnibus

1 Crime Control and Safe Streets Act of 1968 (34
2 U.S.C. 10151 et seq.), without regard to whether
3 the funds are characterized as being made available
4 under the Edward Byrne Memorial State and Local
5 Law Enforcement Assistance Programs, the Local
6 Government Law Enforcement Block Grants Pro-
7 gram, the Edward Byrne Memorial Justice Assist-
8 ance Grant Program, or otherwise.

9 (2) INDIAN TRIBE.—The term “Indian tribe”
10 has the meaning given the term in section 901 of
11 title I of the Omnibus Crime Control and Safe
12 Streets Act of 1968 (34 U.S.C. 10251).

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

20 (4) STATE.—The term “State” has the mean-
21 ing given the term in section 901 of title I of the
22 Omnibus Crime Control and Safe Streets Act of
23 1968 (34 U.S.C. 10251).

24 (5) USE OF FORCE.—The term “use of force”
25 includes the use of a firearm, Taser, explosive de-

1 vice, chemical agent (such as pepper spray), baton,
2 impact projectile, blunt instrument, hand, fist, foot,
3 canine, or vehicle against an individual.

4 **SEC. 403. USE OF FORCE REPORTING.**

5 (a) REPORTING REQUIREMENTS.—

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

11 (A) report to the Attorney General, on a
12 quarterly basis and pursuant to guidelines es-
13 tablished by the Attorney General, information
14 regarding—

15 (i) any incident involving the shooting
16 of a civilian by a law enforcement officer
17 who is employed—

18 (I) in the case of an Indian tribe,
19 by the Indian tribe; or

20 (II) in the case of a State, by the
21 State or by a unit of local government
22 in the State;

23 (ii) any incident involving the shooting
24 of a law enforcement officer described in
25 clause (i) by a civilian; and

1 (iii) any incident in which use of force
2 by or against a law enforcement officer de-
3 scribed in clause (i) occurs, which is not
4 reported under clause (i) or (ii);

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

8 (C) submit to the Attorney General a plan
9 for the collection of data required to be re-
10 ported under this section, including any modi-
11 fications to a previously submitted data collec-
12 tion plan.

13 (2) REPORT INFORMATION REQUIRED.—

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

17 (i) the national origin, sex, race, eth-
18 nicity, age, physical disability, mental dis-
19 ability, English language proficiency, hous-
20 ing status, and school status of each civil-
21 ian against whom a law enforcement offi-
22 cer used force;

23 (ii) the date, time, and location, in-
24 cluding zip code, of the incident and
25 whether the jurisdiction in which the inci-

1 dent occurred allows for the open-carry or
2 concealed-carry of a firearm;

3 (iii) whether the civilian was armed,
4 and, if so, the type of weapon the civilian
5 had;

6 (iv) the type of force used against the
7 officer, the civilian, or both, including the
8 types of weapons used;

9 (v) the reason force was used;

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

12 (vii) the number of officers involved in
13 the incident;

14 (viii) the number of civilians involved
15 in the incident; and

16 (ix) a brief description regarding the
17 circumstances surrounding the incident,
18 which shall include information on—

19 (I) the type of force used by all
20 involved persons;

21 (II) the legitimate police objective
22 necessitating the use of force;

23 (III) the resistance encountered
24 by each law enforcement officer in-
25 volved in the incident;

1 (IV) the efforts by law enforce-
2 ment officers to—

3 (aa) de-escalate the situation
4 in order to avoid the use of force;
5 or

6 (bb) minimize the level of
7 force used; and

8 (V) if applicable, the reason why
9 efforts described in subclause (IV)
10 were not attempted.

11 (B) INCIDENTS REPORTED UNDER DEATH
12 IN CUSTODY REPORTING ACT.—A State is not
13 required to include in a report under subsection
14 (a)(1) an incident reported by the State in ac-
15 cordance with section 20104(a)(2) of the Vio-
16 lent Crime Control and Law Enforcement Act
17 of 1994 (42 U.S.C. 12104(a)(2)).

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

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

1 (B) submit a report to the Attorney Gen-
2 eral on the audit conducted under subpara-
3 graph (A).

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

15 (b) INELIGIBILITY FOR FUNDS.—

16 (1) IN GENERAL.—For any fiscal year in which
17 a State or Indian tribe fails to comply with this sec-
18 tion, the State or Indian tribe, at the discretion of
19 the Attorney General, shall be subject to not more
20 than a 10-percent reduction of the funds that would
21 otherwise be allocated for that fiscal year to the
22 State or Indian tribe under a Byrne grant program.

23 (2) REALLOCATION.—Amounts not allocated
24 under a Byrne grant program in accordance with
25 paragraph (1) to a State for failure to comply with

1 this section shall be reallocated under the Byrne
2 grant program to States that have not failed to com-
3 ply with this section.

4 (c) PUBLIC AVAILABILITY OF DATA.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, and each year
7 thereafter, the Attorney General shall publish, and
8 make available to the public, a report containing the
9 data reported to the Attorney General under this
10 section.

11 (2) PRIVACY PROTECTIONS.—Nothing in this
12 subsection shall be construed to supersede the re-
13 quirements or limitations under section 552a of title
14 5, United States Code (commonly known as the
15 “Privacy Act of 1974”).

16 (d) GUIDANCE.—Not later than 180 days after the
17 date of enactment of this Act, the Attorney General, in
18 coordination with the Director of the Federal Bureau of
19 Investigation, shall issue guidance on best practices relat-
20 ing to establishing standard data collection systems that
21 capture the information required to be reported under sub-
22 section (a)(2), which shall include standard and consistent
23 definitions for terms, including the term “use of force”
24 which is consistent with the definition of such term in sec-
25 tion 402.

1 **SEC. 404. COMMUNITY AND LAW ENFORCEMENT PARTNER-**
2 **SHIP GRANT PROGRAM.**

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

6 (b) ELIGIBILITY.—In order to be eligible to receive
7 a grant under this section a law enforcement agency
8 shall—

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

11 (2) employ not more than 100 law enforcement
12 officers;

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

16 (4) establish and maintain a reporting system
17 that may be used by members of the public to report
18 incidents of use of force to the law enforcement
19 agency.

20 (c) ACTIVITIES DESCRIBED.—A grant made under
21 this section may be used by a law enforcement agency
22 for—

23 (1) the cost of assisting the State or Indian
24 tribe in which the law enforcement agency is located
25 in complying with the reporting requirements de-
26 scribed in section 403;

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

4 (3) public awareness campaigns designed to
5 gain information from the public on use of force by
6 or against law enforcement officers, including shoot-
7 ings, which may include tip lines, hotlines, and pub-
8 lic service announcements; and

9 (4) use of force training for law enforcement
10 agencies and personnel, including training on de-es-
11 calation, implicit bias, crisis intervention techniques,
12 and adolescent development.

13 **SEC. 405. COMPLIANCE WITH REPORTING REQUIREMENTS.**

14 (a) **IN GENERAL.**—Not later than 1 year after the
15 date of enactment of this Act, and each year thereafter,
16 the Attorney General shall conduct an audit and review
17 of the information provided under this title to determine
18 whether each State or Indian tribe described in section
19 403(a)(1) is in compliance with the requirements of this
20 title.

21 (b) **CONSISTENCY IN DATA REPORTING.**—

22 (1) **IN GENERAL.**—Any data reported under
23 this title shall be collected and reported in a manner
24 consistent with existing programs of the Department

1 of Justice that collect data on law enforcement offi-
2 cer encounters with civilians.

3 (2) GUIDELINES.—The Attorney General
4 shall—

5 (A) issue guidelines on the reporting re-
6 quirement under section 403; and

7 (B) seek public comment before finalizing
8 the guidelines required under subparagraph
9 (A).

10 **SEC. 406. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated to the Attor-
12 ney General such sums as are necessary to carry out this
13 title.