

117TH CONGRESS  
1ST SESSION

# H. R. 3026

To require States receiving grants under the Byrne grant program and the COPS grant program to have in place laws requiring certain independent investigations of law enforcement officers' use of deadly force, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2021

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

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## A BILL

To require States receiving grants under the Byrne grant program and the COPS grant program to have in place laws requiring certain independent investigations of law enforcement officers' use of deadly force, 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 “Use of Force Account-  
5       ability Act of 2021”.

1 **SEC. 2. INDEPENDENT INVESTIGATION OF LAW ENFORCE-**  
2 **MENT STATUTES CONDITION FOR RECEIPT**  
3 **OF COPS AND BYRNE GRANT FUNDING.**

4 Beginning in the first fiscal year that begins after  
5 the date that is 3 years after the date of enactment of  
6 this Act, in order to be eligible for a grant under the  
7 Byrne grant program or the COPS grant program, a State  
8 or Indian Tribe shall have in effect—

9 (1) an independent investigation of law enforce-  
10 ment statute; and

11 (2) a law or policy that upon the completion of  
12 an independent investigation, the findings are re-  
13 ferred—

14 (A) to the internal affairs department of  
15 the employing law enforcement agency for re-  
16 view and possible disciplinary action; or

17 (B) in the case of a law enforcement agen-  
18 cy that does not have an internal affairs depart-  
19 ment, to the employing law enforcement agency  
20 for review and possible disciplinary action.

21 **SEC. 3. GRANT PROGRAM FOR INDEPENDENT INVESTIGA-**  
22 **TION OF LAW ENFORCEMENT STATUTES.**

23 (a) IN GENERAL.—The Attorney General may award  
24 grants to eligible States and Indian Tribes to assist in im-  
25 plementing an independent investigation of law enforce-  
26 ment statute.

1 (b) ELIGIBILITY.—To be eligible for a grant under  
2 this subsection, a State or Indian Tribe shall have in effect  
3 an independent investigation of law enforcement statute.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
5 are authorized to be appropriated to the Attorney General  
6 \$750,000,000 for fiscal years 2022 through 2025 to carry  
7 out this subsection.

8 **SEC. 4. DEFINITIONS.**

9 In this Act:

10 (1) BYRNE GRANT PROGRAM.—The term  
11 “Byrne grant program” means any grant program  
12 under subpart 1 of part E of title I of the Omnibus  
13 Crime Control and Safe Streets Act of 1968 (34  
14 U.S.C. 10151 et seq.), without regard to whether  
15 the funds are characterized as being made available  
16 under the Edward Byrne Memorial State and Local  
17 Law Enforcement Assistance Programs, the Local  
18 Government Law Enforcement Block Grants Pro-  
19 gram, the Edward Byrne Memorial Justice Assist-  
20 ance Grant Program, or otherwise.

21 (2) COPS GRANT PROGRAM.—The term “COPS  
22 grant program” means the grant program author-  
23 ized under section 1701 of title I of the Omnibus  
24 Crime Control and Safe Streets Act of 1968 (34  
25 U.S.C. 10381).

1           (3) INDEPENDENT INVESTIGATION.—The term  
2           “independent investigation” means a criminal inves-  
3           tigation or prosecution of a law enforcement officer’s  
4           use of deadly force, including one or more of the fol-  
5           lowing:

6                   (A) Using an agency or civilian review  
7                   board that investigates and independently re-  
8                   views all allegations of use of deadly force made  
9                   against law enforcement officers in the jurisdic-  
10                  tion.

11                  (B) Assigning of the attorney general of  
12                  the State in which the alleged use of deadly  
13                  force was committed to conduct the criminal in-  
14                  vestigation and prosecution.

15                  (C) Adopting a procedure under which an  
16                  independent prosecutor is assigned to inves-  
17                  tigate and prosecute the case, including a pro-  
18                  cedure under which an automatic referral is  
19                  made to an independent prosecutor appointed  
20                  and overseen by the attorney general of the  
21                  State in which the alleged use of deadly force  
22                  was committed.

23                  (D) Adopting a procedure under which an  
24                  independent prosecutor is assigned to inves-  
25                  tigate and prosecute the case.

1           (E) Having law enforcement agencies  
2           agree to and implement memoranda of under-  
3           standing with other law enforcement agencies  
4           under which the other law enforcement agen-  
5           cies—

6                   (i) shall conduct the criminal inves-  
7                   tigation into the alleged use of deadly  
8                   force; and

9                   (ii) upon conclusion of the criminal in-  
10                  vestigation, shall file a report with the at-  
11                  torney general of the State containing a  
12                  determination regarding whether—

13                   (I) the use of deadly force was  
14                   appropriate; and

15                   (II) any action should be taken  
16                   by the attorney general of the State.

17           (F) Any substantially similar procedure to  
18           ensure impartiality in the investigation or pros-  
19           ecution.

20           (4) INDEPENDENT INVESTIGATION OF LAW EN-  
21           FORCEMENT STATUTE.—The term “independent in-  
22           vestigation of law enforcement statute” means a  
23           statute requiring an independent investigation in a  
24           criminal matter in which—

1 (A) one or more of the possible defendants  
2 is a law enforcement officer;

3 (B) one or more of the alleged offenses in-  
4 volves the law enforcement officer's use of dead-  
5 ly force in the course of carrying out that offi-  
6 cer's duty; and

7 (C) the non-Federal law enforcement offi-  
8 cer's use of deadly force resulted in a death or  
9 injury.

10 (5) INDEPENDENT PROSECUTOR.—The term  
11 “independent prosecutor” means, with respect to a  
12 criminal investigation or prosecution of a law en-  
13 forcement officer's use of deadly force, a prosecutor  
14 who—

15 (A) does not oversee or regularly rely on  
16 the law enforcement agency by which the law  
17 enforcement officer under investigation is em-  
18 ployed; and

19 (B) would not be involved in the prosecu-  
20 tion in the ordinary course of that prosecutor's  
21 duties.

22 (6) STATE.—The term “State” has the mean-  
23 ing given such term in section 901 of the Omnibus

- 1 Crime Control and Safe Streets Act of 1968 (34
- 2 U.S.C. 10251).

