



IN THE CONGRESS OF THE UNITED STATES

JUNE 15, 2020

Proposed By: Deputy Whip/Rep. Halpert (R-PA-2) (for himself,)

Co-Authors: GOP Dep. Ldr. Holland (R-NY-3), FEMA Administrator.Mark (R-CA-2) (for themselves,)

Co-Sponsors: Rep. Alex (D-VA-4), Rep. Alien (R-PA-4), Rep. Bracken (R-VA-1), Rep. Battle (L-VA-5), Rep. Caldwell (R-CA-1), Rep. Carton (SP-FR-5), Rep. Collins (R-GA-5), Rep. Colon (I-IL-2), Rep Conway (R-NY-1), Chief of Staff/Rep. Helvin (I-MO-4), GOP Dep. Ldr. Holland (R-NY-3), GOP Leader Jacob (R-OH-3), Rep. Jet (R-IN-4), Rep. LaDarion Jones (D-TX-3), Rep. Katz (R-FL-1), Rep. Kiki (I-NY-3), Rep. Kite (R-OH-5), Chief Whip/Rep. Lee (R-SC-3), Rep. Mark (R-CA-2), Rep. Michael J. Ross (D-CA-1), Rep. Sanders (R-NC-3), Rep. Schneider (R-NE-3), Rep. Smith (L-FL-4), Rep. Taft (R-OH-1), Rep. Vrevesz (R-CO-4), SPT Watkins (R-MA-4)

introduced the following bill;

A BILL

To reform the police with the focus on improving the quality of police services for the community, while considering both civilians and law enforcement officers.

Be it enacted by the House of Representatives of the United States of America in Congress Assembled,

SECTION 1. SHORT TITLE.

This bill may be cited as the “P.R.O.T.E.C.T Act of 2020” or the “Police Reform On Tactics, Ethics, Cooperation and Trust Act of 2020”

SECTION 2. DEFINITIONS.

In this Act—

- (1) “Uniformed Law Enforcement Officer” - refers to law enforcement officers (with the authority to conduct searches and make arrests) operating on duty and in uniform at local, state, and federal levels.
- (2) “Marked law enforcement vehicle” - Any marked law enforcement vehicle operating while on duty on local, state, and federal levels.
- (3) “De-escalation Training” refers to - A training meant to assist and teach officers to de-escalate situations in the interest of the life of the Officer and other subjects
- (4) “Communication Training” refers to - The improvement and training in regards to communication with civilians, suspects, and other law enforcement officers.
- (5) “Body Camera and Vehicle Dashboard Cameras” - refer to body cameras, worn on the Law Enforcement Officer’s body. They shall--
 - (i) Be worn in the matter that no activity is obstructed
 - (ii) At least fit the law enforcement officer’s vision
 - (b) Dashboard cameras placed strategically inside a marked law enforcement vehicle. They shall--
 - (i) Be placed in a matter that no activity is obstructed
 - (ii) Provide full minimum capability of capturing the officer’s vision while inside the vehicle.
- (6) “Corruption” - refers to the alteration or presence of inaccurately portrayed evidence.

SECTION 3. FINDINGS.

Congress finds that currently:

- (a) There are 686,665 law enforcement officers (defined as those with the authority to conduct searches and make arrests on local, state and federal levels) as of 2018
- (b) Recent questionable police action has sparked nationwide protests and riots, demanding change and reform in the policing sector
- (c) Cameras--
 - (i) allow evidence to be viewed from an unbiased perspective
 - (ii) allow law enforcement officers to be held accountable for their actions, by recording and reducing tampering of physical evidence.

- (iii) protect our officers in the event that they are accused of a crime or action unbecoming of an officer.
- (iv) The P.O.L.I.C.E act of 2020 assessed the effectiveness of body-mounted cameras

SECTION 4. BODY-CAMERAS and VEHICLE DASHBOARD-CAMERAS.

- (a) It is mandated that uniformed officers with the authority to conduct searches and make arrests shall wear body cameras
 - (i) They must be worn in a manner so that no activity is obstructed by foreign objects
 - (ii) Have the capability of capturing at least as far as the vision of the officer
- (b) Body-cameras must be worn and activated whenever a uniformed officer is on-duty and engaging in a public encounter, except if the officer's life or safety is compromised to limit their ability to activate or enable their body-camera--
 - (i) To activate or enable their body-camera puts them at immediate bodily harm
- (c) It is mandated that marked law enforcement vehicles shall have a dashboard camera--
 - (i) Be strategically positioned in regards to avoid obstruction of the officer's vision
 - (ii) Have the capability of capturing at least as far as the field of view of the officer
- (d) Dashboard cameras must be activated whenever a marked law enforcement vehicle is driving and/or a uniformed law enforcement officer is operating the vehicle, except if the officer's life or safety is directly compromised and to activate or enable their body-camera would be impossible.
- (e) The law enforcement agency that employs such officers body camera video footage must retain such footage for a minimum of 6 months after the date it was captured.
 - (i) The contents of the footage must be retained for a minimum of 3 years if-
 - (1) Any use of force from or towards a uniformed officer
 - (2) The officer or their superior officer asserts that the video footage captured is evidence subject to an investigation
 - (3) An encounter in which an official complaint has been filed by the subject(s) of the video footage
- (f) The law enforcement agency that employs such officer's marked vehicle's dashcam footage must retain such footage for a minimum of 6 months after the date it was captured.
 - (i) The contents of the footage must be retained for a minimum of 3 years if-
 - (1) Any use of force from or towards a uniformed officer
 - (2) The officer or their superior officer asserts that the video footage captured is evidence subject to an investigation

- (3) An encounter in which an official complaint has been filed by the subject(s) of the video footage
- (g) Funding on the federal level through grants will be available to Police Departments with insufficient budget

SECTION 5: POLICE TRAINING

- (a) Police cadets and officers shall be required to undergo the following mandatory courses
 - (i) De-Escalation Training
 - (ii) Communication
 - (iii) Use of Non-Lethal Force
- (b) Additionally, officers will undergo mandated physical combat and protection training
 - (i) These will be bi-annually and will serve as fitness tests as well.
- (c) Funding on the federal level through grants will be available to Police Departments with insufficient budget

SECTION 6: MENTAL HEALTH

- (a) Law Enforcement Officers shall undergo more rigorous mental health checks. These should happen--
 - (i) Regularly, every SIX months, it is important that all law enforcement officers are serving with a stable and healthy mindset.
 - (ii) After traumatic events on the line of duty
 - (1) Requested and commissioned by an Officer's superior and/or by the officer
- (b) If the Law Enforcement Officer is deemed unfit for frontline duty-
 - (i) They shall be immediately relieved of active frontline duty
 - (1) Offered a different role in the police department or--
 - a) Discharged on disability
- (c) Funding for excess mental evaluations will be provided through the COPS office
- (d) Funding for the commission of mental evaluations will be provided through grants as proposed in Section 11

SECTION 7: USE OF FORCE CONTINUUM

- (a) Officers shall use advice, warnings, and verbal persuasion, when possible, before resorting to force.
 - (i) Force shall be de-escalated immediately as resistance decreases.
- (b) When feasible based on the circumstance, officers will use disengagement; area containment; surveillance; waiting out a subject; summoning reinforcements; and/or calling in specialized units, in order to reduce the need for force and increase officer and civilian safety
- (c) Officers shall allow individuals time to submit to orders before force is used when possible

SECTION 8: BANNING OF CHOKEHOLDS AND STRANGLEHOLDS

- (a) Police Officers are prohibited from utilizing the Lateral Vascular Neck Restraint (LVNR), chokehold, neck hold, and/or any other restraint that restricts the free movement of the neck or head

SECTION 9: DUTY TO INTERCEDE AND REPORT

- (a) Any officer present and observing another officer using force that is clearly beyond what is objectively reasonable under the circumstances shall when in a position to do so, intercede to prevent the use of unreasonable force.
- (b) Any officer who observes another employee use any use of force incident shall promptly report these observations to a supervisor, and--
 - (i) officers observing a level 2, 3 or 4 use of force shall write a Force Statement before the end of the shift, which shall be included in the Use of Force Report

SECTION 10: CIVILIAN OVERSIGHT

- (a) Civilian Oversight Committees will be established by the cities, counties, and townships of these United States for the respective law enforcement agencies in their respective jurisdiction.
 - (i) Civilian Oversight Committees will be appointed and/or elected by city councils, county supervisors, and township administrations with the exception of--
 - (1) Police Departments in which the jurisdictions of where the council serves shall nominate one representative to serve on the council and represent the Police Department, but--
 - a) A member of the police department or law enforcement entity is allowed to serve on the committee regardless

- (ii) Civilian Oversight Committees shall consist of a minimum of 4 members including 1 appointed Police representative (in their respective jurisdiction) to represent the law enforcement entity
 - (1) Representative not representing the police department must adhere to the following requirements
 - a) Must be a U.S. Citizen
 - b) Be of the age of at least 25
 - c) Not have served in Law Enforcement in the last 10 years
 - d) Have no connections to Police Organizations/Unions
- (b) The task of Civilian Oversight Committee--
 - (i) Taking and reviewing complaints against Police Departments and working in tandem with the Police Departments to solve them
 - (ii) Auditing, reviewing and evaluating police reports and investigations
 - (iii) Auditing, reviewing and evaluating Police Department spending
 - (iv) Reviewing complaints against individual officers
 - (v) Reviewing and evaluating all personnel records of officers used to evaluate performance toward continued employment or promotion
- (c) The Civilian Oversight Committee has the following powers--
 - (i) Place officers on paid or unpaid leave until further notice while conducting an investigation
 - (ii) Overrule the Chief of Police or highest-ranking law enforcement officer in a law enforcement body by majority vote
 - (1) Override Chief of Police or highest-ranking law enforcement officer in the case of a veto by a $\frac{3}{4}$ majority of the committee
 - a) Vote totals shall not be rounded up
 - (iii) Force the continuation of an investigation by a majority vote of the committee
 - (iv) Overrule procurement orders by a majority vote of the committee
- (d) Civilian Oversight Committee Guidelines
 - (i) Individual Committee Members under police investigation shall be suspended voting rights for the duration of the investigation
- (e) Powers of the Chief of Police or highest Ranking Law Enforcement Officer
 - (i) Veto Decisions made by the Civilian Oversight Committee

SECTION 11: GRANT PROGRAM AUTHORIZED

- (a) In General-

- (i) The Director of the Bureau of Justice Assistance (referred to as the ‘Director’) may make grants to States, units of local government, and Indian tribes to assist in the funding of the presented modifications and recommendations to policing
- (b) Duration of Grants-
 - (i) In general
 - (1) Grants awarded under this part shall be 2 years in duration.
 - (ii) Disbursement of the grant amount
 - (1) In disbursing a grant awarded to an entity under this section—
 - (2) upon awarding the grant to the entity, the Director shall disburse 50 percent of the total grant amount to the entity; and
 - (3) upon demonstration by the entity of completion of the requirements in subsection (b)(2), the Director shall disburse the remaining 50 percent of the total grant amount to the entity.
 - (4) Use of funds
 - (iii) Grants awarded under this section shall be—
 - (1) distributed directly to the State, unit of local government, or Indian tribe; and
 - (2) used for—
 - a) Funding the training presented in Section. 5
 - i) De-escalation training
 - ii) Communication with civilians, suspects, and other law enforcement officers
 - iii) Use and training of non-lethal devices and methodology
 - iv) Physical combat and protection training
 - b) Funding evaluations under Section 6.
 - i) The commission of bi-annual psychological check-ups by trained and experienced professionals
 - ii) The commission of psychological checkups following a traumatic event while on duty
 - c) Equipping and enabling body-mounted cameras and dashboard cameras under Section 4.
 - (iv) An entity receiving a grant under this section shall—
 - (1) develop with community input and publish for public view policies and protocols for—
 - a) Incorporating training procedures and mandated exercises under Section 5
 - b) Incorporating the commission of bi-annual psychological checkups and after traumatic events under Section 6
 - c) Incorporating the full use of body-mounted cameras and dashboard cameras under Section 4 and the P.O.L.I.C.E act of 2020

- d) Creating Civilian Oversight Committees pursuant to guidelines put forth in Section 10
- (c) Matching funds
 - (i) In general
 - (1) Except as provided in paragraph (3), the Federal share of the cost of a program carried out using a grant under this part may not exceed 75 percent of the total cost of the program.
 - (2) Indian assistance
 - a) Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the matching requirement described in paragraph (1).
 - (3) Waiver
 - a) The Director may waive, in whole or in part, the matching requirement described in paragraph (1) in the case of fiscal hardship, as determined by the Director.
- (d) Allocation of Funds
 - a) For fiscal years 2020 and 2021, of the amounts appropriated to the Bureau of Justice Assistance, \$100,000,000 shall be used to carry out this part.
- (e) Audit and assessment
 - (i) In general
 - (1) Not later than 2 years after the date of enactment of this part, the Director of the Office of Audit, Assessment, and Management shall perform an assessment of the grant program and the policies and protocols of the grantees.
 - (ii) Reports
 - (1) Not later than September 1 of each year, beginning 2 years after the date of enactment of this part, each recipient of a grant under this part shall submit to the Director of the Office of Audit, Assessment, and Management a report that—
 - a) describes the progress in fully mandating the use of body-mounted cameras and dashboard cameras under Section 4 and the P.O.L.I.C.E. act of 2020, incorporating training procedures and mandated exercises under Section 5, and the incorporation of psychological checkups under Section 6; and
 - b) contains recommendations on ways in which the Federal Government, States, and units of local government can further support the implementation of the program

- (iii) Review
 - (1) The Director of the Office of Audit, Assessment, and Management shall evaluate the policies and protocols of the grantees and take such steps as the Director of the Office of Audit, Assessment, and Management determines necessary to ensure compliance with the programs
- (f) Applications
 - (i) In General--
 - (1) To request a grant under this part, the chief executive of a State, unit of local government or Indian tribe shall submit an application to the Director in a form containing the information as the Director may reasonably require.
 - (ii) Regulations—
 - (1) Not later than 90 days after the date of the enactment of this part, the Director shall promulgate regulations to implement this part, including the information that shall be included and the requirements that the States, units of local government, and Indian tribes must meet in submitting the applications required under this section.

SECTION 12: STUDY

- (a) In General.
 - (i) Not later than 2 years after the date on which all grants are awarded under this part, the Director shall conduct a study on—
 - (1) The efficacy of the mandate on body-mounted cameras and dashboard cameras
 - (2) The efficacy of the mandate on new training procedures and physical combat and protection exercises
 - (3) The efficacy of the mandate to enforce bi-annual, more frequent, psychological examinations
 - (4) The efficacy of the mandate on civilian oversight committees for city/county law enforcement agencies
 - (5) The effect of the mandate on body-mounted cameras and dashboard cameras
 - (6) The effect of the mandate on new training procedures and physical combat and protection exercises
 - (7) The effect of the mandate to enforce bi-annual, more frequent, psychological examinations
 - (8) The effect of the mandate on civilian oversight committees for city/county law enforcement agencies

- (9) The impact of the mandate on body-mounted cameras and dashboard cameras on the general public
- (10) The impact of the mandate on new training procedures and physical combat and protection exercises on the general public
- (11) The impact of the mandate to enforce bi-annual, more frequent, psychological examinations on the general public
- (12) The impact of the mandate on civilian oversight committees for city/county law enforcement agencies
- (13) Issues relating to the mandate on body-mounted cameras and dashboard cameras
- (14) Issues relating to the mandate on new training procedures and physical combat and protection exercises
- (15) Issues relating to the mandate to enforce bi-annual, more frequent, psychological examinations
- (16) Issues relating to the mandate on civilian oversight committees for city/county law enforcement agencies
- (17) Any other factors the Director determines are relevant

(b) Report--

- (i) Not later than 180 days after the date on which the study required under subsection (a) is completed, the Director shall submit to Congress a report on the study, which shall include any policy recommendations that the Director considers appropriate.

SECTION 13. SEVERABILITY/CONFLICTS.

- (a) If any provision of this Act, or the application of such a provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the application of the remaining provisions of this Act to any person or circumstance shall not be affected thereby.
- (b) THIS BILL shall be mutual with all other laws, unless conflicting, by which they are to be stricken null and void.

SECTION 14. ENACTMENT.

This Act shall be enacted no later than the first month of the fiscal year 2021.

Written by Representative Halpert (R-PA), Holland (R-NY), and Mark (R-CA) for Congress' use.

Inspired by H.R.120. Police Creating Accountability by Making Effective Recording Available Act of 2019 or the Police CAMERA Act of 2019