

IN THE SENATE OF THE UNITED STATES

AN ACT

To regulate the use of force by United States Police

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Short title.

This Act may be cited as the Police Accountability and Transparency Act

Not later than 1 year after the passing of this bill will the Attorney General of the United States enforce this act as law.

SEC. 2. Findings and purpose.

(a) Findings.—Congress finds the following:

(1) Ethnic minorities in the United States have been subject to police profiling, and excessive force for decades. United States Police have history and pattern of persistent, widespread, and pervasive discrimination against ethnic minorities.

(2) Implicit biases among police officers have caused them to profile people of color in the United States. This profiling has led to the mass incarceration of black and brown people.

(3) People of color have been, and are currently subjected to excessive force by police officers, with little to no repercussions for those officers.

(4) In instances where an officer involved shooting has occurred, police are subjected to little or no oversight. Police departments, and police officers are usually investigated by their own departments, or by another police agency. This is a conflict of interest.

(5) There is no fluidity to the regulation; or requirements of police dash cameras, or officer worn body cameras. Due to the lack of fluidity and regulations, some departments lack this equipment. Other departments and officers receive no penalties or repercussions for turning off their dash cams or body cameras during critical incidents.

(6) There is no fluidity in the regulation of body cam footage. Due to the lack of regulation and fluidity, critical body camera footage is often withheld from the public. This leads to a lack of transparency and accountability of the police. Police are not liable for distributing the footage which also leads to the distrust of the public.

(7) There is no current legislation that states that police officers who are fired from one police department: for misconduct, are unable to gain employment at another police department. This is not the case in any of the military branches and should also not be the case for United States police officers.

(8) The definition of excessive force differs from state to state, from police department to police department. This causes a lack in accountability, and fluidity, which also leads to a distrust in policing.

(9) There is no fluidity to the regulation of deadly force by police officers. Due to the fact that police officers claim that their lives are in danger, they are not having to prove that in court. They are using deadly force when it is not needed.

(10) Data collection and distribution by police departments is not regulated. This leads to a lack of information for and against the implicit biases of police departments and officers. Tracking the age, race, and gender of those who are pulled over and arrested would paint a clear picture of profiling by police. Yet police are not tracking this info, and when this info is tracked, it is often not distributed widely.

SEC. 3. DATA COLLECTION AND DISTRIBUTION

DATA COLLECTION

(a) National Policing Statistics Program.—Beginning not later than one year after the date of the enactment of this Act, and annually thereafter, pursuant to the authority under section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 ([42 U.S.C. 3732](#)), Each police chief in this nation will provide the Director of the Department of Justice, the following information which shall include in the National Police Statistics Program. the following:

- (1) The number of arrests by their police department each year for the last ten years, including the age, race, and gender of the arrestee.
- (2) The racial makeup of the arresting officer/officers.
- (3) The racial makeup of their police department as a whole.
- (4) The types of arrests; broken down by violent, or non-violent. Also categorized by the exact classification of the crime committed.
- (5) The number of patrol officers within their departments
- (6) The amount of officer involved shootings within each given year.
- (7) The amount of arrests which resulted in use of force.
- (8) The amount of officer involved deaths which occurred within the department's jurisdiction.

(9) Not later than 1 year after the conclusion of the pilot programs, the Attorney General shall report to Congress on the results of the

SEC. 4. IMPLICIT BIAS TRAINING AND DIVERSITY TRAINING FOR POLICE

- (a) All police officers will be given implicit bias training and diversity training while in their respective police academies.
- (b) All police officers will receive continuing implicit bias training and diversity training, for each year that they are in active duty on the police force.
- (c) Each officer including administrative staff, will receive at least 6 hours of implicit bias training, and diversity training each year.

SEC. 5. USE OF DEADLY FORCE BY POLICE OFFICERS IN THE LINE OF DUTY

- (a) Deadly force must not be used solely to prevent the escape of a fleeing suspect.
- (b) Firearms must not be used solely to disable moving vehicles.
- (c) If feasible and if to do so would not increase the danger to officers or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of force
- (d) Warning shots will not be permitted
- (e) Officers will be trained in alternative methods such as de-escalation training, and tactics for handling and restricting subjects which must be used the when use of deadly force is not authorized
- (f) Officers must not discharge their weapons simply because they fear for their lives.

SEC.6. OFFICER INVOLVED SHOOTING OVERSIGHT

- (a) In the event of an officer involved shooting, an independent agency must be called to the scene to investigate the shooting. This agency must not consist of current or former police officers. This agency must conduct a thorough and unbiased investigation of the shooting, the officer, and the suspect.
- (b) Police agencies will not be allowed to investigate other police agencies, as this presents a conflict of interest.
- (c) Officers who have been involved in officer involved shootings, will ensure that the subject of their shooting receives proper medical care immediately after the shooting.
- (d) Suspects who have been shot by police are not to be handcuffed after they have been shot. Medical care, such as CPR and life saving techniques will be immediately administered directly after the shooting.

SEC. 7. DE-ESCALATION TRAINING

Beginning not later than 1 year after the date of the enactment of this Act, the Attorney General shall incorporate into training programs provided to officers which specialize in and provide comprehensive training in procedures to—

- (1) De-escalate encounters between law enforcement officers, and civilians or prisoners.
- (2) Identify and appropriately respond to incidents that involve the unique needs of individuals who have a mental illness or cognitive deficit.

SEC.8. BODY CAMERAS AND DASH CAMERA REGULATION

- (A) Every patrol car will be required to host a dash camera, which will have the ability to film police interactions.
- (B) Every patrol officer will be required to wear a body worn camera at all times, while on patrol.
- (C) Body cameras must be activated in every instance when an officer is addressing a civilian.
- (D) Body cameras are not to be turned off by patrol officers; when they are in contact with a civilian.

SEC. 9 .BODY CAMERA FOOTAGE REGULATION

- (A) Officers shall not be granted the ability to view or edit their own body camera footage.
- (B) Officers shall upload all body camera footage daily to a private server in which that officer does not have access to.
- (C) Tampering with body camera footage will have the same repercussions as tampering with evidence.
- (D) All body camera footage will be released to the public, within ten days of every officer involved shooting.
- (E) All body camera footage that is released, will be released to the public; unedited with sound.

SEC. 10. OFFICERS FIRED FOR POLICE MISCONDUCT

- (a) Police officers who have been fired by a police department for misconduct, will not be permitted to be hired by any other police agencies.

SEC. 11. EXCESSIVE USE OF FORCE BY POLICE OFFICERS

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- (a) Police officers must not fire their weapons upon unarmed citizens, or suspects.

Taken from California AB-392

- (b) The Legislature finds and declares all of the following: That the authority to use physical force, conferred on peace officers by this section, is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The Legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law.

- (c) That individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from peace officers. It is estimated that individuals with disabilities are involved in between one-third and one-half of all fatal encounters with law enforcement.

Some excerpts have been taken from the Equality Act

The California Bill AB-392

And the Use of Force Policy of the Federal Bureau of Investigation