

115TH CONGRESS
1ST SESSION

S. 814

To require that States receiving Byrne JAG funds to require sensitivity 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

APRIL 4, 2017

Ms. DUCKWORTH introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require that States receiving Byrne JAG funds to require sensitivity 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 2017”.

1 **SEC. 2. TRAINING ON DIVERSITY AND SENSITIVITY FOR**
2 **LAW ENFORCEMENT.**

3 (a) TRAINING REQUIREMENT.—For each fiscal year
4 after the expiration of the period specified in subsection
5 (b)(1) in which a State receives funds for a program re-
6 ferred to in subsection (b)(2), the State shall require that
7 all individuals enrolled in an academy of a law enforce-
8 ment agency of the State and all law enforcement officers
9 of the State fulfill a training session on sensitivity each
10 fiscal year, including training on ethnic and racial bias,
11 cultural diversity, and police interaction with the disabled,
12 mentally ill, and new immigrants. In the case of individ-
13 uals attending an academy, such training session shall be
14 for 8 hours, and in the case of all other law enforcement
15 officers, the training session shall be for 4 hours. The
16 State shall certify to the Attorney General of the United
17 States that such training sessions have been completed.

18 (b) COMPLIANCE AND INELIGIBILITY.—

19 (1) COMPLIANCE DATE.—Each State shall have
20 not more than 120 days, beginning on the date of
21 enactment of this Act, to comply with subsection (a),
22 except that—

23 (A) the Attorney General may grant an ad-
24 ditional 120 days to a State that is making
25 good faith efforts to comply with such sub-
26 section; and

1 (B) the Attorney General shall waive the
2 requirements of subsection (a) if compliance
3 with such subsection by a State would be un-
4 constitutional under the constitution of such
5 State.

6 (2) INELIGIBILITY FOR FUNDS.—For any fiscal
7 year after the expiration of the period specified in
8 paragraph (1), a State that fails to comply with sub-
9 section (a), shall, at the discretion of the Attorney
10 General, be subject to not more than a 20-percent
11 reduction of the funds that would otherwise be allo-
12 cated for that fiscal year to the State under subpart
13 1 of part E of title I of the Omnibus Crime Control
14 and Safe Streets Act of 1968 (42 U.S.C. 3750 et
15 seq.), whether characterized as the Edward Byrne
16 Memorial State and Local Law Enforcement Assist-
17 ance Programs, the Local Government Law Enforce-
18 ment Block Grants Program, the Edward Byrne Me-
19 morial Justice Assistance Grant Program, or other-
20 wise.

21 (c) REALLOCATION.—Amounts not allocated under a
22 program referred to in subsection (b)(2) to a State for
23 failure to fully comply with subsection (a) shall be reallo-
24 cated under that program to States that have not failed
25 to comply with such subsection.

1 **SEC. 3. INDEPENDENT REVIEW OF LAW ENFORCEMENT USE**
2 **OF DEADLY FORCE.**

3 (a) IN GENERAL.—In the case of a State or unit of
4 local government that received a grant award under sub-
5 part 1 of part E of title I of the Omnibus Crime Control
6 and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.),
7 if that State or unit of local government fails by the end
8 of a fiscal year to enact or have in effect an independent
9 prosecution of law enforcement law, the Attorney General
10 shall reduce the amount that would otherwise be awarded
11 to that State or unit of local government under such grant
12 program in the following fiscal year by 20 percent.

13 (b) REALLOCATION.—Amounts not allocated under a
14 program referred to in subsection (a) to a State for failure
15 to be in compliance with this section shall be reallocated
16 under that program to States that are in compliance with
17 this section.

18 **SEC. 4. DEFINITIONS.**

19 In this Act:

20 (1) The term “deadly force” means that force
21 which a reasonable person would consider likely to
22 cause death or serious bodily harm.

23 (2) The term “independent prosecution of law
24 enforcement law” means a statute requiring the ap-
25 pointment of an independent prosecutor to conduct

1 any criminal investigation and prosecution in
2 which—

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

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

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

11 (3) The term "independent prosecutor" means,
12 with respect to a criminal investigation or prosecu-
13 tion, a prosecutor who—

14 (A) does not live or work in the same
15 county as the county in which the alleged crime
16 was committed; and

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

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