

117TH CONGRESS
1ST SESSION

S. 738

To provide for grants for States that require fair and impartial police 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

MARCH 11, 2021

Ms. DUCKWORTH (for herself, Mr. SANDERS, Ms. HIRONO, Mr. MARKEY, Ms. CANTWELL, Ms. SMITH, Mr. WYDEN, Ms. WARREN, Mr. VAN HOLLEN, Mr. MERKLEY, Ms. CORTEZ MASTO, Mr. KAINE, Ms. BALDWIN, Mr. PADILLA, Ms. ROSEN, Ms. KLOBUCHAR, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for grants for States that require fair and impartial police 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Police Training and
3 Independent Review Act of 2021”.

4 **SEC. 2. GRANTS FOR TRAINING AND INDEPENDENT INVESTIGATION AND PROSECUTION.**

6 Title I of the Omnibus Crime Control and Safe
7 Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amended
8 by adding at the end the following:

9 **“PART PP—GRANTS FOR TRAINING AND INDEPENDENT INVESTIGATION AND PROSECUTION**

12 **“SEC. 3061. GRANT AUTHORITY.**

13 “(a) IN GENERAL.—The Attorney General may make
14 a grant to a State for purposes of implementing the training requirements described in section 3062(a) and an
15 independent prosecution of law enforcement statute as described in section 3063.

18 “(b) TERM.—The term of a grant under subsection
19 (a) shall be 1 fiscal year.

20 **“SEC. 3062. TRAINING ON FAIR AND IMPARTIAL POLICING.**

21 “(a) TRAINING REQUIREMENT.—The requirements
22 of this subsection are as follows:

23 “(1) A State shall require that all individuals
24 enrolled in an academy of a law enforcement agency
25 of the State and all law enforcement officers of the

1 State complete a training session on fair and impar-
 2 tial policing each year, which includes—

3 “(A) anti-bias training on implicit and ex-
 4 plicit bias on the basis of race, religion, eth-
 5 nicity, national origin, gender, sexual orienta-
 6 tion, gender identity, and disability;

7 “(B) training regarding—

8 “(i) cultural diversity;

9 “(ii) police interaction with individuals
 10 with mental illness or behavioral, mental,
 11 or physical disabilities;

12 “(iii) crisis intervention; and

13 “(iv) de-escalation tactics;

14 “(C) scenario-based training; and

15 “(D) a requirement that officers dem-
 16 onstrate proficiency in the subjects of the train-
 17 ing through scenario-based tests.

18 “(2) Each law enforcement officer and each in-
 19 dividual enrolled in an academy of a law enforce-
 20 ment agency of a State shall complete—

21 “(A) initial training described in para-
 22 graph (1) of not less than 8 hours; and

23 “(B) not less than 4 hours of training de-
 24 scribed in paragraph (1) every year thereafter.

1 “(3) A State shall certify to the Attorney Gen-
2 eral of the United States that such training sessions
3 have been completed.

4 “(b) COMPLIANCE AND INELIGIBILITY.—

5 “(1) COMPLIANCE DATE.—To be eligible for a
6 grant under this part, a State shall, subject to para-
7 graphs (2) and (3), be in compliance with the train-
8 ing requirements under subsection (a) not later than
9 240 days after the date of enactment of this part,
10 except that the Attorney General may grant an addi-
11 tional 120 days to a State that is making good faith
12 efforts to comply with such subsection.

13 “(2) COMPLIANCE BEFORE START OF FISCAL
14 YEAR.—A State that fails to achieve compliance with
15 the training requirements under subsection (a) in
16 accordance with paragraph (1) of this subsection
17 shall be eligible for a grant under this part for a fis-
18 cal year (subject to section 3063) if, on the last day
19 of the previous fiscal year, the State is in compliance
20 with such requirements.

21 “(3) INELIGIBILITY.—A State that was eligible
22 for a grant under this part and that, as of the last
23 day of a fiscal year, is not in compliance with the
24 training requirements under subsection (a) shall not

1 be eligible for a grant under this part during the
2 next fiscal year.

3 “(c) VERIFICATION.—The attorney general of a State
4 receiving a grant under this part shall verify that the
5 training of individuals enrolled in an academy of a law
6 enforcement agency of the State and all law enforcement
7 officers of the State meets the requirements under sub-
8 section (a).

9 “(d) AUDIT REQUIREMENTS.—For each fiscal year
10 for which grants are made under this part, the Inspector
11 General of the Department of Justice shall conduct audits
12 of an appropriate number, as determined by the Inspector
13 General, of States receiving such a grant to ensure compli-
14 ance with the training requirements under subsection (a).

15 **“SEC. 3063. INDEPENDENT REVIEW OF LAW ENFORCEMENT**
16 **USE OF DEADLY FORCE.**

17 “To be eligible for a grant under this part for a fiscal
18 year, a State shall, as of the last day of the prior fiscal
19 year, have enacted and have in effect an independent pros-
20 ecution of law enforcement statute.

21 **“SEC. 3064. DEFINITIONS.**

22 “In this part:

23 “(1) The term ‘deadly force’ means that force
24 which a reasonable person would consider likely to
25 cause death or serious bodily harm.

1 “(2) The term ‘independent prosecution’, with
2 respect to a criminal investigation or prosecution of
3 a law enforcement officer’s use of deadly force, in-
4 cludes using one or more of the following methods:

5 “(A) Using an agency or civilian review
6 board that investigates and independently re-
7 views all officer use of force allegations.

8 “(B) Assigning the attorney general of the
9 State in which the alleged crime was committed
10 to conduct the criminal investigation and pros-
11 ecution.

12 “(C) Adopting a procedure under which an
13 automatic referral is made to a special pros-
14 ecutor appointed and overseen by the attorney
15 general of the State in which the alleged crime
16 was committed.

17 “(D) Having law enforcement agencies
18 agree to and implement memoranda of under-
19 standing with other law enforcement agencies
20 under which the other law enforcement agen-
21 cies—

22 “(i) shall conduct the criminal inves-
23 tigation; and

24 “(ii) upon conclusion of the criminal
25 investigation, shall file a report with the

1 attorney general of the State containing a
2 determination regarding whether—

3 “(I) the use of deadly force was
4 appropriate; and

5 “(II) any action should be taken
6 by the attorney general of the State.

7 “(E) Using an independent prosecutor.

8 “(3) The term ‘independent prosecution of law
9 enforcement statute’ means a statute requiring an
10 independent prosecution in a criminal matter in
11 which—

12 “(A) one or more of the possible defend-
13 ants is a law enforcement officer;

14 “(B) one or more of the alleged offenses
15 involves the law enforcement officer’s use of
16 deadly force in the course of carrying out that
17 officer’s duty; and

18 “(C) the law enforcement officer’s use of
19 deadly force resulted in a death or injury.

20 “(4) The term ‘independent prosecutor’ means,
21 with respect to a criminal investigation or prosecu-
22 tion of a law enforcement officer’s use of deadly
23 force, a prosecutor who—

1 “(A) does not live or work in the same
2 county as the county in which the alleged crime
3 was committed; and

4 “(B) would not be involved in the prosecu-
5 tion in the ordinary course of that prosecutor’s
6 duties.”.

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