

Summary of the George Floyd Justice in Policing Act of 2021

Section 1: Short Title

- The short title of the bill is the “George Floyd Justice in Policing Act of 2021.”

Section 2: Definitions

- Provides definitions for terms used throughout the bill.

TITLE I. POLICE ACCOUNTABILITY

Subtitle A—Holding Police Accountable in the Courts

Section 101 – Revising 18 U.S.C. 242 – Federal Criminal Police Misconduct Statute

- Modifies the *mens rea* standard in the criminal statute penalizing officials who deprive people of their constitutional rights from “willfully” to “knowingly or recklessly.”
- Strikes the death penalty from this statute.
- Defines a “death resulting” as any act that was a “substantial factor contributing to the death.”

Section 102 – Qualified Immunity Reform

- Modifies 42 U.S.C. § 1983 to remove the defense of qualified immunity in civil rights lawsuits against state and local law enforcement officers.
- Removes the defense of qualified immunity in civil rights suits against federal law enforcement officers.

Section 103 – Pattern and Practice Investigations

- Amends statute that prohibits law enforcement entities from engaging in a “pattern or practice” of conduct that deprives individuals of their constitutional rights (34 U.S.C. 12601) to clarify that prosecutors are among the law enforcement officials covered by the statute’s prohibition.
- Grants subpoena power to the U.S. Department of Justice, Civil Rights Division, to conduct pattern and practice investigations.
- Creates a cause of action under the statute for state attorneys general to bring a civil suit to eliminate a pattern or practice of conduct depriving persons of their constitutional rights in federal district court.

- Provides state attorneys general the same subpoena authority as the U.S. Department of Justice to conduct pattern and practice investigations.
- Provide grants to state attorneys general to conduct pattern and practice investigations.
- Conditions federal funding on state or local units of government not entering into collective bargaining agreements that hinder the Attorney General's ability to seek relief under a pattern or practice suit or that conflicts with a consent decree.

Section 104 – Independent Investigations

- Creates a grant program for state attorneys general to create independent investigation processes for uses of deadly force by law enforcement officials.

Subtitle B—Law Enforcement Trust and Integrity Act (Sections 111 – 118)

- Requires the Attorney General to create law enforcement accreditation standard recommendations based on President Obama's Taskforce on 21st Century policing.
- Requires the Attorney General only allocate discretionary grant funding to states and units of local government that require law enforcement to gain and maintain accreditation from a certified law enforcement accreditation organization.
- Creates law enforcement development programs to develop policing best practices.
- Requires the Attorney General to conduct a study of the impact of any law, rule or procedure that allows a law enforcement officer to delay for an unreasonable or arbitrary period of time the answer to questions posed by investigators of law enforcement misconduct.
- Enhances funding for DOJ pattern and practice investigations described in section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. § 12601), and for programs managed by the DOJ Community Relations Service.
- Requires the Attorney General to collect data from state and local law enforcement entities, disaggregated by race, ethnicity, age, and gender, on the following: (1) traffic stops; (2) pedestrian stops; (3) frisks and body searches; and (4) uses of deadly force.
- Establishes a DOJ task force to coordinate the investigation, prosecution and enforcement efforts of federal, state and local governments in cases related to law enforcement misconduct.

TITLE II: POLICING TRANSPARENCY THROUGH DATA

Subtitle A-- National Police Misconduct Registry (Sections 201 – 202)

- Creates a federal registry of all federal, state and local law enforcement officers that compiles:
 - Misconduct complaints (pending, sustained and exonerated)
 - Discipline records
 - Termination records
 - Records of certification
 - Records of lawsuits against officers and settlements
 - Instances where a law enforcement officer resigns or retires while under active investigation related to use of force
- Requires data collected in the registry to be disaggregated by whether complaints involved a use of force or racial profiling (as that term is defined in Title III).
- Provides that members of the public will be able to search the registry for law enforcement officers named in complaints involving a use of force or racial profiling.
- Provides that law enforcement agencies will have access to all categories of complaints in the registry to certify the hiring eligibility for law enforcement officers changing departments.
- Mandates that law enforcement agencies ensure that all officers hired are certified within the state.

Subtitle B–Police Reporting Information Data and Evidence (PRIDE) Act (Sections 221 – 227)

- Requires states to report to the Justice Department any incident where force is used against a civilian or against a law enforcement officer, and to retain related records for at least 4 years. Reports must include detailed information about such incidents, including:
 - The national origin, sex, race, ethnicity, age, disability, English language proficiency, and housing status of each civilian against whom a law enforcement officer used force;
 - The date, time, and location of the incident;
 - Whether the civilian was armed;
 - The reason force was used; and
 - A description of any injuries sustained.
- Requires this data to be made available to the public.
- Provides technical assistance grants to law enforcement agencies that employ less than 100 people to help comply with these requirements.

TITLE III. IMPROVING POLICE TRAINING AND POLICIES

Subtitle A – End Racial and Religious Profiling Act (Sections 301 – 351)

- Prohibits federal, state, and local law enforcement from racial profiling (defined to include profiling based upon ethnicity, national origin, religion, and gender, in addition to race).
- Creates a cause of action by the Attorney General or any injured individual for declaratory or injunctive relief. Permits court to award attorneys' fees and costs to a prevailing plaintiff.
- Mandates that law enforcement entities provide training on racial, religious, and discriminatory profiling, and requires certain grant funding to be spent on implementation of programs to establish best practices to prevent profiling.
- Requires law enforcement to collect data on all investigatory activities and submit collected data to the Department of Justice using a standardized form.
- Requires the Attorney General to issue regulations regarding collection of data relevant to profiling from state and local law enforcement entities and requires this data to be made publicly available.

Subtitle B—Additional Reforms

Section 361—Training on Racial Bias and Duty to Intervene

- Requires the Attorney General to establish a training program for law enforcement officers regarding racial bias, implicit bias, procedural justice, and the duty to intervene.
- Requires the Attorney General to establish a clear duty for federal law enforcement officers to intervene where another officer is using excessive force.
- Conditions federal funding on establishing training at the state and local level.

Section 362 – Ban on No-Knock Warrants in Drug Cases

- Bans no-knock warrants in drug cases at the federal level.
- Conditions funding for state and local law enforcement agencies on prohibiting the use of no-knock warrants in drug cases.

Section 363 – Ban on Chokeholds and Carotid Holds

- Subjects federal, state, and local law enforcement officers who use chokeholds to potential federal civil rights prosecution pursuant to 18 U.S.C. § 242.
- Conditions Byrne and COPs funding for states and local governments on their adoption of a law to prohibit completely the use of chokeholds and carotid holds.

Section 364 – Police Exercising Absolute Care with Everyone Act (“PEACE Act”)

- Bans the use of deadly force, including chokeholds, by federal officers except as a last resort to prevent imminent and serious bodily injury and requires officers to employ de-escalation techniques.
- Requires uses of less lethal force by federal officers to be used only if it is necessary and proportional to effectuate an arrest.
- Conditions Byrne grants for state and local law enforcement agencies on their adoption of use of force standards consistent with those in the bill.

Section 365 – Stop Militarizing Law Enforcement Act

- This section advances the goal of demilitarization of law enforcement by tightening the language to ensure DOD is prohibited from transferring any firearms or drones and is limits the transferring of “civilian” passenger automobiles and bucket trucks.
- Limits transfer of military-grade equipment to state and local law enforcement agencies.
- Prohibits the transfer of all firearms and drones.
- Limits the transfer of vehicles to “civilian” passenger automobiles and bucket trucks.

Section 366 – Public Safety Innovation Grants

- Establishes a grant program for local task forces on public safety innovation, charged with exploring and developing new strategies for public safety, including non-law enforcement strategies.

Subtitle C—Law Enforcement Body Cameras

Part I – Federal Police Camera and Accountability Act (Sections 371-377)

- Requires federal uniformed police officers to wear body cameras and marked federal police vehicles to have dashboard cameras. Describes the circumstances in which body cameras must be activated; sets forth rules governing the retention and dissemination of footage; and describes the ways in which body camera footage can be used to investigate misconduct or as evidence in criminal proceedings.
- Requires federal officers to obtain consent to record interactions with crime victims, people voluntarily providing tips to investigators, and occupants of private residences.
- Provides that dashboard cameras and body cameras worn by Federal officers may not be equipped with or employ facial recognition technology, nor may the footage from such devices be subjected to facial recognition technology.

Part II – Police Camera Act (Sections 381-382)

- Requires state and local law enforcement to use existing federal funds to ensure the use of police body cameras. Requires grant recipients to establish certain policies and procedures to ensure their use of body cameras is safe, effective, and tailored to protect the privacy of third parties.
- Prohibits states from using federal grant funds for body cameras for expenses related to facial recognition technology.

TITLE IV. CLOSING THE LAW ENFORCEMENT CONSENT LOOPHOLE ACT (Sections 401 – 405)

- Makes it unlawful for a federal law enforcement officer to engage in a sexual act while acting under color of law or with an individual who is under arrest, in detention, or in custody.
- Prohibits consent as a defense to prosecution for unlawful conduct. A violator is subject to criminal penalties—a fine, a prison term of up to 15 years, or both.
- Conditions federal funding to state or local unit of government on enacting a similar law as described under this title. Multi-jurisdictional or regional law enforcement consortium are also ineligible if any member does not have in effect a law described under this title.

TITLE V. MISCELLANEOUS PROVISIONS (Sections 501-502)

- Contains a severability clause and a savings clause providing that nothing in the act shall be construed to limit certain legal remedies, affect laws applicable to an Indian Tribe because of the Tribe's political status, or waive an Indian Tribe's sovereign immunity without its consent.