

Law Enforcement Reform Provisions in H.R. 4505

August 5, 2021

The George Floyd Justice in Policing Act of 2020 (JIPA, H.R. 1280) was passed by the House on March 3, 2021; the bill has not been taken up by the Senate. The FY2022 Commerce, Justice, Science, and Related Agencies (CJS) appropriations bill (H.R. 4505), reported by the House Committee on Appropriations, would implement parts of JIPA by funding some of the new grant programs and placing conditions on existing grant programs that would be authorized by JIPA.

New Grants

H.R. 4505 would provide the following:

- \$5 million under the [Edward Byrne Memorial Justice Assistance Grant \(JAG\) program](#) for developing best practices for, and the creation of, local task forces on public safety innovation that would develop new strategies for public safety ([§366\(a\) of JIPA](#)).
- \$15 million under JAG for assisting tribal and local law enforcement agencies that employ fewer than 100 officers with meeting use of force data reporting requirements; creating a system that tracks use of force complaints against officers; creating public awareness campaigns to gain information from the public on use of force by or against law enforcement officers; and providing training on de-escalation, implicit bias, crisis intervention techniques, and adolescent development ([§224 of JIPA](#)).
- \$5 million under JAG for developing law enforcement data collection programs to study [hit rates for stops and searches](#) ([§333 of JIPA](#)).
- \$100 million for new grants to assist states with conducting [pattern and practice investigations](#) ([§103\(b\) of JIPA](#)). JIPA would also amend the [pattern and practice statute](#) to authorize states to conduct these investigations.
- \$250 million for grants to help states and tribal governments establish statutes that provide for the independent investigation of the use of force by police officers ([§104\(a\) of JIPA](#)).
- \$25 million for grants to community-based organizations to study management and operations standards related to administrative due process in law enforcement agencies,

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residency requirements, compensation and benefits, use of force, racial profiling, early warning and intervention systems, youth justice, school safety, [civilian review boards](#) or analogous procedures, or research into the effectiveness of existing programs or activities that address misconduct ([§114\(b\) of JIPA](#)).

- \$25 million for grants to develop pilot programs and implement effective standards and programs in the areas of training, hiring and recruitment, and oversight that are designed to improve management and address misconduct by law enforcement officers. ([§114\(d\) of JIPA](#)).
- \$4 million for grants for programs to develop best practices for, and to create, civilian review boards ([§104\(b\) of JIPA](#)).

Funding Conditions

H.R. 4505 would require grant recipients under the JAG program to use not less than 5% of their funding to

- assist law enforcement agencies with gaining or maintaining accreditation from a certified law enforcement accreditation organization ([§113\(b\) of JIPA](#));
- study and implement effective management, training, recruiting, hiring, and oversight standards and programs to promote effective community and problem-solving strategies for law enforcement agencies ([§114\(a\) of JIPA](#)); and
- implement [body worn camera programs](#) ([§382\(b\) of JIPA](#)).

H.R. 4505 would also prohibit the Department of Justice (DOJ) from awarding grants to state or local governments under the State and Local Justice Assistance or Community Oriented Policing Services (COPS) accounts unless the state or local government

- maintains adequate policies and procedures to prohibit racial profiling in law enforcement ([§331 of JIPA](#));
- reports data to DOJ on stops for traffic violations, pedestrian stops, frisks and body searches, and the use of deadly force by law enforcement officers ([§118\(e\) of JIPA](#); data collected pursuant to this requirement would be separate from other DOJ efforts to collect data on law enforcement practices, such as the [Use of Force Data Collection program](#));
- requires law enforcement officers to complete training programs on racial profiling, implicit bias, de-escalation, use of force and a duty to intervene in cases where another law enforcement officer is using excessive force against a civilian, and procedural justice ([§361\(c\) of JIPA](#));
- prohibits the use of chokeholds by law enforcement officers ([§363\(b\) of JIPA](#));
- requires that law enforcement agencies have policies that require officers to use force in a manner that is necessary and proportionate to effect an arrest and that deadly force is only used as a last resort ([§364\(c\) of JIPA](#));
- prohibits the use of no-knock warrants in drug cases ([§362\(b\) of JIPA](#));
- prohibits any person acting under the color of law from engaging in sexual acts with individuals and prohibits asserting the consent of the individual as a defense ([§403 of JIPA](#)); and
- does not make funds available to law enforcement agencies that enter into or renew contractual agreements with a labor organization that would prohibit DOJ from seeking or enforcing equitable or declaratory relief against a law enforcement agency engaging in

- a pattern or practice of unconstitutional misconduct or conflicts with the terms or conditions of a consent decree ([§103\(d\) of JIPA](#)).

Finally, H.R. 4505 would prohibit DOJ from awarding any grants to a state, local, or tribal law enforcement agency that has not started or completed the process of obtaining accreditation from a certified accreditation organization ([§113\(c\) of JIPA](#)).

National Task Force on Law Enforcement Oversight

H.R. 4505 would establish the National Task Force on Law Enforcement Oversight, which would consult with professional law enforcement associations, labor organizations, and community-based organizations to coordinate the process of detecting and referring complaints of alleged law enforcement misconduct ([§117 of JIPA](#)). The task force would be comprised of individuals from

- the [Special Litigation](#), [Criminal](#), [Federal Coordination and Compliance](#), [Employment Litigation](#), and [Disability Rights](#) sections of the [Civil Rights Division](#);
- the [Office of Justice Programs](#);
- the [COPS Office](#);
- the [Public Corruption Program](#) and the [Civil Rights](#) section of the Federal Bureau of Investigation;
- the [Community Relations Service](#);
- the [Office of Tribal Justice](#); and
- the unit within DOJ assigned as a liaison for civilian review boards.

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