



# EXPLAINER

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## Legislation and Recommendations on Policing

Last Updated June 24, 2020

This document summarizes H.R. 7120, the George Floyd Justice in Policing Act, and other recent legislation that addresses police accountability and systemic racism in policing. It also highlights selected recommendations from racial justice organizations. These recommendations were selected to reflect support for provisions of the Justice in Policing Act, suggestions to improve that bill, and calls for broader changes. The recommendations were collected from the following sources:

- [June 1 coalition priorities letter](#) led by the Leadership Conference on Civil and Human Rights (LCCHR)
- [Color of Change demands](#)
- [Movement for Black Lives policy platforms](#)
- [June 18 coalition letter on H.R. 7120](#) led by LCCHR

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## George Floyd Justice in Policing Act

On June 8, Congressional Democrats released [H.R. 7120/S.3912](#), the [George Floyd Justice in Policing Act](#), a package of proposals on policing introduced in both the House and Senate. The House Judiciary Committee adopted changes to H.R. 7120 when it marked up the bill on June 17, and those changes are reflected below.

### Prosecuting Police Brutality (Section 101)

Section 101 makes police misconduct easier to prosecute by changing the *mens rea* standard from “willfully” to “knowingly and recklessly.”

#### Related bills

- [H.R. 7131, Denial of Rights Prevention and Accountability Act](#) (Rep. Adriano Espaillat)

#### Related recommendations

- *June 1 coalition letter*: “Change the 18 U.S.C. Section 242 *mens rea* requirement from willfulness to recklessness, permitting prosecutors to successfully hold law enforcement accountable for the deprivation of civil rights and civil liberties.”
- *Color of Change*: “Lower the standard of proof for Department of Justice civil rights investigations of police officers.”
- *June 18 coalition letter*: “We recommend adding a new section...which specifically criminalizes the reckless use of excessive force and the intentional use of excessive force.”

### Qualified Immunity (Section 102)

Section 102 reforms qualified immunity for law enforcement to allow individuals to collect damages when law enforcement officers violate people’s legal rights. This change covers federal, state, and local law enforcement.

#### Related bills

- [H.R. 7085, Ending Qualified Immunity Act](#) (Reps. Justin Amash & Ayanna Pressley)

#### Related recommendations

- *June 18 coalition letter*: “[Qualified immunity] renders it nearly impossible to hold government officials accountable, leaving those who have experienced violence and misconduct by state actors with no recourse or prospect for recovering damages. The current JPA language would codify this doctrine by adopting flawed Supreme Court precedent and limiting it to a subset of state actors. ... Congress must enact *Bivens* causes of action while completely eliminating the qualified immunity defense.”

### Investigations (Sections 103-104)

Section 103 provides the Justice Department’s Civil Rights Division subpoena power for pattern and practice investigations and authorizes grants to state attorneys general for pattern and practice investigations. Section 104 creates a grant program for state attorney generals to develop independent investigation processes for police misconduct and excessive use of force.

## Related bills

- [H.R. 125/S. 1938, Police Training and Independent Review Act of 2019](#) (Reps. Steve Cohen & Wm. Lacy Clay/Sen. Tammy Duckworth)

## Related recommendations

- *June 18 coalition letter:* “[W]e ask that the JPA make clear that the existing pattern or practice statute (34 U.S. C. Section 12601) covers the actions of prosecutors and juvenile courts. In addition, in the authority given to states attorneys general, we would appreciate an explicit authorization of the use of grants for the creation of a special pattern and practice office that independently investigates potential abuses.”

## Standards and Best Practices (Title I, Subtitle B)

The bill requires the Justice Department to create law enforcement accreditation standard recommendations based on President Obama’s Taskforce on 21st Century Policing and authorizes grants to implement policing best practices. It requires a federal study of law, rules, and procedures that allow law enforcement to delay investigation of police misconduct and creates a National Task Force on Law Enforcement Oversight. It authorizes additional funding for pattern and practice discrimination investigations. It also mandates federal data collection from federal, state, and local law enforcement agencies on traffic violation stops, pedestrian stops, stop-and-frisk, and uses of deadly force including race, ethnicity, age, and gender of the officers and members of the public involved.

## Related bills

- [H.R. 7100/S. 3063, Law Enforcement Trust and Integrity Act](#) (Rep. Sheila Jackson Lee/Sen. Ben Cardin)

## Related recommendations

- *June 18 coalition letter:* “The bill also allocates new resources to the Department of Justice to study and implement best practices in training and accreditation, among other things. These resources could be better spent supporting community-led solutions to reimagining public safety.”

## National Police Misconduct Registry (Title II, Subtitle A)

The bill creates a federal registry of all federal, state and local law enforcement officers that compiles misconduct complaints, discipline records, termination records, and records of certification.

## Related recommendations

- *June 1 coalition letter:* “Develop a national public database that would cover all police agencies in the United States and its territories, similar to the International Association of Directors of Law Enforcement Standards and Training’s National Decertification Index, which would compile the names of officers who have had their licenses revoked due to misconduct, including but not limited to domestic violence, sexual violence, assault and harassment, criminal offense against minors, excessive use of force, violation of 18 U.S.C. § 242; perjury, falsifying a police report or planting and destroying evidence, and deadly physical assault; as well as terminations and complaints against the officers.”

- *Color of Change*: “Make misconduct records easily accessible by the public. Build a national registry of police who have been recommended for termination due to misconduct.”
- *June 18 coalition letter*: “[W]e also request that the JPA bill not obstruct public access to relevant records in the registry. The JPA bill currently contains a privacy provision, Section 201(e)(2) that may restrict public disclosure of important information in the police registry. ... [T]he bill does not include the collection of other pertinent information related to sexual assault, domestic violence, harassment, violence toward a minor, perjury, tampering with or destroying evidence, bias or other civil rights violations and other misconduct. These omissions limit the ability of the public and law enforcement executives to measure the extent of the officer misconduct.”

## Police Reporting on Use of Force (Title II, Subtitle B)

The bill requires states to report to the Justice Department any incident where use of force is used against a civilian or a law enforcement officer. The reports must include the national origin, sex, race, ethnicity, age, disability, language proficiency, and housing status of each civilian against whom the law enforcement officer used force and the reason force was used.

### Related bills

- [H.R. 2676/S. 1258](#) (115th Congress), [Police Reporting Information, Data, and Evidence Act](#) (Rep. Joaquin Castro/Sen. Cory Booker)
- [H.R. 119](#), [National Statistics on Deadly Force Transparency Act](#) (Rep. Steve Cohen)

### Related recommendations

- *Color of Change*: “Fund reliable federal tracking and reporting of all incidents involving the use of deadly force by law enforcement, whether lethal or not. ... Ensure that the role of mental illness in fatal police shootings is identified and reported in government data collection.”

## Racial Profiling (Title III, Subtitle A)

The bill prohibits federal, state, or local law enforcement from profiling based on “actual or perceived race, ethnicity, national origin, religion, gender, gender identity, or sexual orientation.” It requires (and conditions federal funding for state and local governments on requiring) training, policies, and practices to prevent racial profiling. And it requires data collection by race, ethnicity, national origin, gender, and religion to monitor racial profiling.

### Related bills

- [H.R. 4339/S. 2355](#), End Racial and Religious Profiling Act (Rep. Sheila Jackson Lee/Sen. Ben Cardin)

### Related recommendations

- *June 1 coalition letter*: “Prohibit racial profiling, and require robust data collection on police-community encounters and law enforcement activities. Data should capture all demographic categories and be disaggregated.”
- *Color of Change*: “Prevent racial profiling and police interventions solely based on ‘suspicion’ of one’s Blackness or other aspects of their identity.”
- *June 18 coalition letter*: “[T]he bill needs strong enforcement mechanisms to end racial profiling and must also strengthen data collection and publication on all police enforcement activities, including demographic information. Law enforcement should be required to report the legal justifications for investigatory activities; reporting

requirements must mandate quarterly reporting cycles; all data should be publicly reported and subjected to the Freedom of Information Act (FOIA); and the data collection demonstration project section 333 of the bill is duplicative and thus should be eliminated.”

### **Training on Racial Bias and Duty to Intervene (Section 361)**

Section 361 establishes a training program to cover racial bias, implicit bias, procedural justice, and the duty to intervene.

#### **Related recommendations**

- *Color of Change*: “Require a duty for officers to intervene when other officers are inappropriately using physical force or when the use of force is no longer required.”

### **Ban on No-Knock Warrants in Drug Cases (Section 362)**

Section 362 bans (and conditions federal funding for state and local governments on banning) no-knock warrants in drug cases.

#### **Related recommendations**

- *June 1 coalition letter*: “Prohibit the use of no-knock warrants, especially for drug searches.”
- *June 18 coalition letter*: “Congress can and should go further to ban quick-knock raids, which carry the same risks involved in the execution of no-knock warrants.”

### **Chokehold Ban (Section 363)**

Section 363 bans (and conditions federal funding for state and local governments on banning) the use of chokeholds and carotid holds.

#### **Related bills**

- [H.R.4408/S. 3895, Eric Garner Excessive Use of Force Prevention Act](#) (Rep. Hakeem Jeffries/Sen. Kirsten Gillibrand)

#### **Related recommendations**

- *June 1 coalition letter*: “Prohibit all maneuvers that restrict the flow of blood or oxygen to the brain, including neck holds, chokeholds, and similar excessive force, deeming the use of such force a federal civil rights violation.”

### **Use of Force Standard and Deescalation (Section 364)**

The bill changes (and conditions federal funding for state and local governments on changing) the use of force standard from reasonableness to only when necessary to prevent death or serious bodily injury. Officers would be required to employ deescalation techniques and use deadly force only as a last resort.

#### **Related bills**

- [H.R.4359, Police Exercising Absolute Care With Everyone \(PEACE\) Act](#) (Rep. Ro Khanna)

## Related recommendations

- *June 1 coalition letter*: “Require a federal standard that use of force be reserved for only when *necessary* as a last resort after exhausting reasonable options, and incentivize states through federal funding mechanisms to implement this standard; require the use of de-escalation techniques, and the duty to intervene; ban the use of force as a punitive measure or means of retaliation against individuals who only verbally confront officers, or against individuals who pose a danger only to themselves; and require all officers to accurately report all uses of force.”
- *Color of Change*: “Limit the use of deadly force to situations where there is an imminent threat of death or serious injury and require officers to exhaust all other measures before resorting to deadly force.”

## Law Enforcement Militarization (Section 365)

Section 365 would limit the transfer of military-grade equipment (Section 1033) to state and local law enforcement.

### Related bills

- [H.R.1714, Stop Militarizing Law Enforcement Act](#) (Rep. Hank Johnson)

### Related recommendations

- *Movement for Black Lives*: “The demilitarization of law enforcement, including law enforcement in schools and on college campuses.”
- *June 18 coalition letter*: “While the JPA takes a good first step in limiting the transfer of military equipment, the bill keeps intact the 1033 program, which has been notoriously mismanaged through the years. Our coalition calls for complete elimination of all surplus, military grade weapons and equipment to federal, state, and local law enforcement agencies. As for non-military equipment, such as desks and other office equipment, we call on Congress to transfer those items through a new agency and program that makes this equipment available to community organizations and state and local institutions beyond law enforcement.”

## Public Safety Innovation (Section 366)

Section 366 would allow grants for local task forces on public safety innovations, crisis intervention teams, and hiring law enforcement officers who are residents of the communities they serve.

## Police Cameras (Title III, Subtitle C)

Subtitle C, Part I would require federal uniformed police officers to wear body cameras and require marked federal police vehicles to have dashboard cameras. Part II would require state and local law enforcement agencies to use federal funds to ensure use of body cameras. Facial recognition technology cannot be used in these cameras.

### Related bills

- [H.R.3364, Federal Police Camera and Accountability Act of 2019](#) (Rep. Eleanor Holmes Norton)
- [H.R.120, Police CAMERA Act](#) (Rep. Steve Cohen)

## Related recommendations

- *June 18 coalition letter*: “[T]he bill does not fully prohibit use of biometric and facial surveillance on footage obtained from these cameras. This omission is particularly striking, given that many jurisdictions already prohibit such actions and that a multitude of private companies, including Amazon, IBM, Microsoft, and Google, halted sales of face recognition to the police due to concerns that it can exacerbate existing police abuses.”

## Hate Crimes (Title IV)

The bill would make lynching a federal crime by creating a federal statute against conspiring to violate existing hate crimes laws.

## Related bills

- [H.R. 35, Emmett Till Antilynching Act](#) (Rep. Bobby Rush)
- [H.R. 3536/S. 488, Justice for Victims of Lynching Act](#) (Rep. Don Bacon/Sen. Kamala Harris).

## Other Legislation and Recommendations

### Condemning Police Brutality

[H.Res. 988, Condemning all acts of police brutality, racial profiling, and the use of excessive and militarized force throughout the country](#) (Reps. Ayanna Pressley, Ilhan Omar, Karen Bass, & Barbara Lee): Condemns police brutality and use of excessive force; supports efforts to eliminate use of force and ensure accountability; calls on the Justice Department to investigate police brutality, racial profiling, and civil rights violations by police; supports community-led oversight; and calls for changes in policing at all levels of government.

### Protecting First Amendment Rights

[H.R. 7135/S. 3902, Curtailing Insurrection Act Violations of Individuals' Liberties \(CIVIL\) Act](#) (Reps. Ilhan Omar, Pramila Jayapal, Mark Pocan, & Veronica Escobar/Sen. Richard Blumenthal): Requires congressional approval prior to deployment of U.S. troops against the will of a state government.

[H.R. 7129, Stop Using Military Force Against Civilians Act](#) (Rep. David Cicilline): Limits deployment of federal troops under the Insurrection Act to 72 hours without congressional authorization.

[H.R. 7153/S.3909, Law Enforcement Identification Act](#) (Rep. Don Beyer/Sens. Chris Murphy & Chuck Schumer): Requires uniformed federal officers at protests to visibly identify name and agency.

[H.R. 7196, Right to PROTEST Act](#) (Rep. Alma Adams): Sets a federal standard for use of chemical agents against protestors.



**Movement for Black Lives:** “We demand that the rights of protestors be respected and protected and that there be no abuse of powers. We Demand:

1. Violations of property should never be equated with the violation of human life.
2. That local and state officials ensure that there are no abuse of powers

No use of lethal force on protestors.”

## Commissions

**H.Con.Res. 100, Urging the establishment of a United States Commission on Truth, Racial Healing, and Transformation (Rep. Barbara Lee):** Proposes a commission “to properly acknowledge, memorialize, and be a catalyst for progress toward jettisoning the belief in a hierarchy of human value, embracing our common humanity, and permanently eliminating persistent racial inequities.”

**H.R. 40/S. 1083, Commission to Study and Develop Reparation Proposals for African-Americans (Rep. Sheila Jackson Lee/Sen. Cory Booker):** Creates a Commission to “study the impact of slavery and continuing discrimination against African-Americans” and make recommendations for “apology and compensation to begin the long delayed process of atonement for slavery.”

**H.R. 1636/S. 2163, Commission on the Social Status of Black Men and Boys Act (Rep. Frederica Wilson/Sen. Marco Rubio):** Creates a commission within the U.S. Commission on Civil Rights to recommend policies to improve current government programs.

## Use of Force Investigations

**National Police Misuse of Force Investigation Board Act (Reps. Ilhan Omar, Ayanna Pressley, & Sheila Jackson Lee):** Creates a federal agency charged with independent investigations of deaths in police custody, officer-involved shootings, and uses of force resulting in severe bodily injury.

**H.R. 5777, Police Accountability Act (Rep. Hank Johnson):** Makes murder and manslaughter by police officers a federal crime, expanding the Department of Justice’s power to investigate police killings.

**Color of Change:** “Establish a permanent special prosecutor’s office at the state and/or federal level for cases of police use of physical force and an oversight board that includes civilians with the power to appoint and supervise the special prosecutor.”

## Law Enforcement Militarization

**H.R. 7133, Police Receiving Overly Traumatizing Equipment Change Today (PROTECT) Act (Reps. Deb Haaland, Hank Johnson, & Ruben Gallego):** Creates a federal Gear for Grants program that would provide funding for deescalation training, anti-racist training, or body cameras in exchange for officer returning existing military equipment.

## Training

**H.R. 7136, Police Training and Accountability Act (Rep. Mark Pocan):** Creates a national training standard for all law enforcement officers and a civilian commission to create a Civilian-Law Enforcement Bill of rights for people in contact with law enforcement.

**H.R. 2927, Preventing Tragedies Between Police and Communities (Rep. Gwen Moore):**  
Requires deescalation training for all law enforcement officers.

### Non-Police Intervention

**H.R. 2457, National De-Escalation of Violence and Community Safety Training Act (Rep. Gwen Moore):** Establishes a program allowing community groups like schools, churches, and local governments to provide community deescalation training to prevent and address community violence.

**Color of Change:** “Decriminalize activities that pose no threat to public safety including, but not limited to, disorderly conduct, trespassing, loitering, marijuana possession, disturbing the peace, petty theft, fare evasion, and other misdemeanor offenses. ... Establish non-police interventions to crises involving homelessness, intoxication, disorientation, substance abuse, and mental health.”

### Community Control

**H.R. 5371, Local Task Forces on 21st Century Policing Act (Rep. Eleanor Holmes Norton):**  
Encourages states and localities to create local Task Forces on 21st Century Policing to identify local policing issues and best practices.

**Movement for Black Lives:** “Direct democratic community control of local, state, and federal law enforcement agencies, ensuring that communities most harmed by destructive policing have the power to hire and fire officers, determine disciplinary action, control budgets and policies, and subpoena relevant agency information.”

### Mass Surveillance

**Stop Biometric Surveillance by Law Enforcement Act (Rep. Don Beyer):** Prohibits “federal law enforcement agencies from using facial recognition technology and other biometric surveillance tools on footage from body cameras.”

**Movement for Black Lives:** “An end to the mass surveillance of Black communities, and the end to the use of technologies that criminalize and target our communities (including IMSI catchers, drones, body cameras, and predictive policing software).”

### Reallocate Police Spending

**Color of Change:** “Invest in healthy communities not policing”

1. Decrease police department budgets.
2. Increase investment in education, healthcare, jobs, and housing for communities hardest hit by crime, police violence, and over-incarceration.
3. Increase funding for community-based solutions to crime and violence.”

**Movement for Black Lives:** “A reallocation of funds at the federal, state and local level from policing and incarceration (JAG, COPS, VOCA) to long-term safety strategies such as education, local restorative justice services, and employment programs.”

## Removing Unfair Protections for Police Officers

**Color of Change:** “Do away with unfair protections for officers in police union contracts and Law Enforcement Officers’ ‘Bills of Rights.’”

1. Remove provisions that create barriers to effective misconduct investigations and civilian oversight of police activity.
2. Remove provisions that prevent police departments and members of the public from accessing officers’ disciplinary history.
3. Remove provisions that require or allow officers that kill or seriously injure people to continue to be paid while they are under investigation or on suspension.”

## Profit in Policing

**Color of Change:** “End the profit motive in policing.”

1. Ban municipalities from generating more than 10% of total revenue from fines and fees, and prohibit the collection of fines and fees from individuals on probation or parole and for failure to appear in court for traffic citations.
2. End police department quotas for tickets and arrests.
3. Prohibit police from seizing money and property from individuals unless they are convicted of a crime and there is clear and convincing evidence that the property is related to the crime.
4. Require police departments to bear the cost of misconduct by requiring settlements to be paid out of the police department budget rather than the city’s general fund.”

## Privatization

**Movement for Black Lives:** “An immediate end to the privatization of police, prisons, jails, probation, parole, food, phone and all other criminal justice related services.”

## Fair Prosecution

**Color of Change:** “Prosecutors’ offices must develop ‘do not call’ lists of police with records of misconduct to prevent them from participating in future prosecutions.”