

109TH CONGRESS
2^D SESSION

H. R. 6382

To deny Federal assistance to any State or local law enforcement agencies whose officers use excessive force or violence leading to the death of innocent or unarmed citizens, or who fail to establish, enforce, and follow transparent and accountable procedures that fully protect the lives and health of citizens during surveillance, interrogation, arrest or imprisonment from torture, excessive physical or psychological abuse and death, and to require a system of transparent legal and public review of such allegations and cases that can result in the sanction, punishment, and removal of officers who perpetrate such abuses or their superiors.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2006

Ms. MCKINNEY introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

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punishment, and removal of officers who perpetrate such abuses or their superiors.

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 “Law Enforcement
5 Abuse Transparency and Accountability Act of 2006”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) American law enforcement has a funda-
9 mental duty to provide compassion, aid, and protec-
10 tion and safety to the people it serves.

11 (2) A primary function of law enforcement is to
12 preserve life, regardless of the race, ethnicity, reli-
13 gion, social or economic standing, sexual preference,
14 or country of origin of the individuals involved.

15 (3) Over many years, thousands of cases of
16 State and local law enforcement agency violations of
17 suspects, detainees, and prisoners went inadequately
18 addressed across the United States, especially in Af-
19 rican-American communities and other communities
20 of color or poverty.

21 (4) In recent years, procedures, training, and
22 public oversight have failed to significantly curb or
23 eliminate abuses and murders of innocent suspects
24 and citizens at the hands of officers of the law, to

1 fully investigate claims of excessive use of force, or
2 to adequately reprimand, punish, or remove such of-
3 fenders or their superiors.

4 (5) A special prosecutor in Chicago has been in-
5 vestigating a police abuse ring that operated over
6 three decades with impunity, responsible for tor-
7 turing over 200 African-American males in their
8 custody at the Area 2 and Area 3 police head-
9 quarters.

10 (6) Since the 1997 New York Police Depart-
11 ment torture of Abner Louima, and the fatal shoot-
12 ing of Amadou Bailo Diallo in 1999, public and
13 media attention concerning abuse of power and the
14 unjustified and improper use of force by law enforce-
15 ment in communities of color has continuously in-
16 creased, as have the number of outraged community
17 responses and the demands for external oversight of
18 police practices.

19 (7) More recently, police in Chicago on Novem-
20 ber 25, 2006, police officers in New York City shot
21 50 times and killed an unarmed man, Sean Bell.
22 The next day, a community rally protested the police
23 action and called for the removal of Police Commis-
24 sioner Raymond Kelly.

1 (8) Fatal shootings and abuse of suspects and
2 prisoners have come to light again recently in other
3 cities, including Atlanta, Georgia, and DeKalb Coun-
4 ty, Georgia.

5 (9) Every major State and local city law en-
6 forcement agency receives and depends on some level
7 of Federal funding, training, grants, or assistance,
8 paid for primarily from the tax revenues of the citi-
9 zens being abused.

10 (10) The common and continuing unaccount-
11 able behavior and silence of members of law enforce-
12 ment agencies regarding these abuses are a disgrace
13 to the efforts of law enforcement agencies through-
14 out the United States and should not be tolerated.

15 (11) The lack of transparency, oversight, com-
16 munity involvement, independent review and inves-
17 tigation, and consequences to the law enforcement
18 violators makes continuing abuse more likely, and
19 must be reversed by denying Federal funding to any
20 law enforcement agency that fails to establish a min-
21 imum of professional training and procedures of en-
22 gagement; that tolerates abuses or fatal use of ex-
23 cessive force; that fails to operate under rules of
24 transparency and community oversight, investiga-
25 tion, and review; that fails to discipline, remove, or

1 otherwise hold accountable any perpetrators acting
2 under the color of law enforcement; or that refuses
3 to fairly hear each case or allegation of possible
4 abuse or excessive use of force by law enforcement
5 officers, reviewed by an established and independent
6 forum.

7 **SEC. 3. SENSE OF CONGRESS.**

8 It is the sense of Congress that the dishonorable ac-
9 tions referred to in section 2 should be independently in-
10 vestigated, recorded, and condemned.

11 **SEC. 4. INELIGIBILITY FOR FEDERAL ASSISTANCE.**

12 (a) IN GENERAL.—During the 1-year period begin-
13 ning on the date of enactment of this Act, or until trans-
14 parency and accountability are fully restored, law enforce-
15 ment agencies that do not have established procedures for
16 independent oversight and review, or do not hold violations
17 by police of excessive use of force, torture, or man-
18 slaughter accountable, shall be ineligible to participate in
19 any Federal program, whether by funding, assistance, con-
20 tract, grant, personnel support, or otherwise.

21 (b) LICENSES.—During the 1-year period beginning
22 on the date of enactment of this Act, any Federal license
23 issued to any such law enforcement agencies shall be sus-
24 pended, or until transparency and accountability are fully
25 restored.

1 (c) EQUIPMENT.—Law enforcement agencies identi-
2 fied as carrying out abuses or wrongful deaths, without
3 consequence or open public review or allegations, shall im-
4 mediately return all federally-owned equipment in the pos-
5 session or use of such law enforcement agencies to the ap-
6 propriate Federal agency.

7 **SEC. 5. LAW ENFORCEMENT AGENCIES DEFINED.**

8 In this Act, the term “law enforcement agencies”
9 means the following entities in any State or locality within
10 the control and jurisdiction of the United States receiving
11 Federal funds for training, equipment, or other support.

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