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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

To amend the Homeland Security Act of 2002 to require a policy on use of force and deescalation by law enforcement officers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. RAMIREZ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Homeland Security Act of 2002 to require a policy on use of force and deescalation by law enforcement officers, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “DHS Use of Force
5 Oversight Act”.

1 **SEC. 2. DHS POLICY ON USE OF FORCE.**

2 (a) IN GENERAL.—Subtitle H of Title VII of the
3 Homeland Security Act of 2002 (6 U.S.C. 341 et seq.)
4 is amended by adding at the end the following new section:

5 **“SEC. 890E. USE OF FORCE POLICY.**

6 “(a) IN GENERAL.—The Secretary shall implement
7 a Department-wide policy on the use of force by law en-
8 forcement officers and agents of the Department to ensure
9 such officers and agents—

10 “(1) use only the amount of force that is objec-
11 tively reasonable in light of the totality of the cir-
12 cumstances;

13 “(2) when feasible, prior to the application of
14 force, attempt to identify themselves and issue a
15 verbal warning to comply with such officer or
16 agent’s instructions;

17 “(3) seek to employ tactics and techniques
18 that—

19 “(A) effectively bring an incident under
20 control, while promoting the safety of such offi-
21 cers or agents and the public; and

22 “(B) minimize the risk of unintended in-
23 jury or serious property damage; and

24 “(4) are prohibited from using chokeholds and
25 carotid restraints as a means to control non-compli-
26 ant persons resisting arrest.

1 “(b) REQUIREMENTS.—The Department-wide policy
2 under subsection (a) shall—

3 “(1) specify in a clear and consistent manner
4 that de-escalation is preferred;

5 “(2) require law enforcement officers or agents
6 of the Department to complete initial and recurrent
7 training in the full range of use of force tactics and
8 techniques, including deescalation;

9 “(3) require the head of each component of the
10 Department with such officers or agents to—

11 “(A) designate an individual, having sub-
12 ject matter expertise relating to the use of
13 force, training, and the application of use of
14 force tactics and techniques, including de-esc-
15 alation, to be responsible for ensuring compliance
16 with such policy; and

17 “(B) maintain a use of force review council
18 or committee, the members of which shall have
19 subject matter expertise described in subpara-
20 graph (A) to perform internal analysis of use of
21 force incidents to—

22 “(i) inform training, tactics, and tech-
23 niques, and develop recommendations for
24 improvements to such policy; and

1 “(ii) identify trends and lessons
2 learned to be shared within each such com-
3 ponent and across the Department.

4 “(c) REPORTING.—

5 “(1) IN GENERAL.—The Secretary shall carry
6 out the following:

7 “(A) Issue requirements for the head of
8 each component of the Department to collect
9 and maintain consistent data relating to the use
10 of force within each such component necessary
11 to publish the reports required under subpara-
12 graph (B).

13 “(B) Publish, every six months, a report
14 on the website of the Department that includes
15 data relating to each incident during the pre-
16 vious six-month period in which force was used
17 by a law enforcement officer or agent of the
18 Department in any of the following cir-
19 cumstances:

20 “(i) Such use of force caused any in-
21 jury or death to—

22 “(I) such an officer or agent; or
23 “(II) a person.

1 “(ii) Such use of force included deadly
2 force against a person, including when a
3 firearm is discharged at a person.

4 “(iii) Such use of force included a
5 less-than-lethal device or canine that was
6 intentionally deployed against a person.

7 “(iv) Such use of force involved a ve-
8 hicle, weapon, or physical tactic or tech-
9 nique that delivers a kinetic impact to a
10 person.

11 “(v) Such use of force included dis-
12 abling fire against a maritime vessel or air-
13 craft.

14 “(2) ADDITIONAL ELEMENTS.—Each report re-
15 quired under paragraph (1)(B) shall also include—

16 “(A) data that—

17 “(i) is disaggregated by Department
18 component; and

19 “(ii) describes—

20 “(I) specific information on the
21 region or jurisdiction in which each
22 use of force incident included in such
23 report occurred; and

24 “(II) the circumstances sur-
25 rounding each such incident; and

1 “(B) a specification of whether a law en-
2 forcement officer or agent of the Department or
3 other person was injured or killed in each such
4 incident.

5 “(3) SUMMARIES.—In conjunction with each re-
6 port required under paragraph (1)(B), the Secretary
7 shall publish a summary of any analyses under sub-
8 section (b)(3)(B) with respect to which, during the
9 previous six-month period, final action was taken,
10 including a summary of any findings resulting from
11 any such analyses, including any findings relating to
12 whether the uses of force contemplated by any such
13 analyses complied with Federal law and Depart-
14 ment-wide policy under subsection (a).

15 “(4) PUBLIC AVAILABILITY.—Not later than 24
16 hours after any use of force incident by a law en-
17 forcement officer or agent of the Department that
18 results in the hospitalization or death of such an of-
19 ficer or agent or a person, the Secretary shall brief
20 the Committee on Homeland Security of the House
21 of Representatives and the Committee on Homeland
22 Security and Governmental Affairs of the Senate
23 and inform the public with respect to the facts
24 ascertained relating to such incident.

1 “(5) PRIVACY PROTECTION.—Any information
2 published or made available pursuant to this sub-
3 section shall be published or made available in a
4 manner that protects individual privacy.

5 “(d) OFFICE OF INSPECTOR GENERAL.—The Inspec-
6 tor General of the Department shall, on an ongoing basis,
7 review compliance with subsections (a) and (b).”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 in section 1(b) of the Homeland Security Act of 2002 is
10 amended by inserting after the item relating to section
11 890D the following new item:

“Sec. 890E. Use of force policy.”.