

FACT SHEET: GEORGE FLOYD JUSTICE IN POLICING ACT OF 2021

The George Floyd Justice in Policing Act is the first-ever bold, comprehensive approach to hold police accountable, end racial profiling, change the culture of law enforcement, empower our communities, and build trust between law enforcement and our communities by addressing systemic racism and bias to help save lives. The Justice in Policing Act would: 1) establish a national standard for the operation of police departments; 2) mandate data collection on police encounters; 3) reprogram existing funds to invest in transformative community-based policing programs; and 4) streamline federal law to prosecute excessive force and establish independent prosecutors for police investigations. The language of the bill is identical to the version passed in the 116th Congress with the support of the entire Democratic Caucus and three Republicans.

The George Floyd Justice in Policing Act of 2021 will:

Work to End Racial & Religious Profiling

- Prohibits federal, state, and local law enforcement from racial, religious and discriminatory profiling.
- Mandates training on racial, religious, and discriminatory profiling for all law enforcement.
- Requires law enforcement to collect data on all investigatory activities.

Save Lives by Banning Chokeholds & No-Knock Warrants

- Bans chokeholds and carotid holds at the federal level and conditions law enforcement funding for state and local governments banning chokeholds.
- Bans no-knock warrants in drug cases at the federal level and conditions law enforcement funding for state and local governments banning no-knock warrants at the local and state level.
- Requires that deadly force be used only as a last resort and requires officers to employ de-escalation techniques first. Changes the standard to evaluate whether law enforcement use of force was justified from whether the force was “reasonable” to whether the force was “necessary.” Condition grants on state and local law enforcement agencies’ establishing the same use of force standard.

Limit Military Equipment on American Streets & Requires Body Cameras

- Limits the transfer of military-grade equipment to state and local law enforcement.
- Requires federal uniformed police officers to wear body cameras and requires state and local law enforcement to use existing federal funds to ensure the use of police body cameras.
- Requires marked federal police vehicles to have dashboard cameras.

Hold Police Accountable in Court

- Makes it easier to prosecute offending officers by amending the federal criminal statute to prosecute police misconduct. The mens rea requirement in 18 U.S.C. Section 242 will be amended from “willfulness” to a “recklessness” standard.
- Enables individuals to recover damages in civil court when law enforcement officers violate their constitutional rights by eliminating qualified immunity for law enforcement.

Investigate Police Misconduct

- Improves the use of pattern and practice investigations at the federal level by granting the Department of Justice Civil Rights Division subpoena power and creates a grant program for state attorneys general to develop authority to conduct independent investigations into problematic police departments.

Empower Our Communities to Reimagine Public Safety in an Equitable and Just Way

- This bill reinvests in our communities by supporting critical community-based programs to change the culture of law enforcement and empower our communities to reimagine public safety in an equitable and just way.
- It establishes public safety innovation grants for community-based organizations to create local commissions and task forces to help communities to re-imagine and develop concrete, just and equitable public safety approaches. These local commissions would operate similar to President Obama's Task Force on 21st Century Policing.

Change the Culture of Law Enforcement with Training to Build Integrity and Trust

- Requires the creation of law enforcement accreditation standard recommendations based on President Obama's Taskforce on 21st Century policing.
- Creates law enforcement development and training programs to develop best practices.
- Studies the impact of laws or rules that allow a law enforcement officer to delay answers to questions posed by investigators of law enforcement misconduct.
- Enhances funding for pattern and practice discrimination investigations and programs managed by the DOJ Community Relations Service.
- Requires the Attorney General to collect data on investigatory actions and detentions by federal law enforcement agencies; the racial distribution of drug charges; the use of deadly force by and against law enforcement officers; as well as traffic and pedestrian stops and detentions.
- 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.

Improve Transparency by Collecting Data on Police Misconduct and Use-of-Force

- Creates a nationwide police misconduct registry to prevent problematic officers who are fired or leave one agency, from moving to another jurisdiction without any accountability.
- Mandates state and local law enforcement agencies to report use of force data, disaggregated by race, sex, disability, religion, age.

Stop Sexual Assault in Law Enforcement Custody

- Makes it a crime for a federal law enforcement officer to engage in a sexual act with an individual who is under arrest, in detention, or in custody. It prohibits consent as a defense to prosecution for unlawful conduct. Incentivizes states to set the same standards