119TH CONGRESS
2D SESSION

S. _____

To reform pattern or practice investigations conducted by the Department of Justice, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. WARREN (for herself, Ms. HIRONO, Ms. DUCKWORTH, Mr. WYDEN, Mr. SANDERS, Mr. MERKLEY, Mr. VAN HOLLEN, Mr. BOOKER, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To reform pattern or practice investigations conducted by the Department of Justice, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Enhancing Oversight to End Discrimination in Policing Act''.

SEC. 2. CONSENT DECREE PROCEDURES.

(a) IN GENERAL.—The Attorney General, acting through the Assistant Attorney General of the Civil Rights Division of the Department of Justice, shall—

(1) modify the procedures for civil consent decrees and consent agreements in civil litigation with State and local governmental entities arising from pattern or practice investigations under section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601) to ensure that—

(A) the use of consent decrees and consent agreements fosters the creation and use of remedies that are not limited to law enforcement reforms, such as mental health support, including in cases where a pattern or practice of conduct is found to violate the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), or community-based restorative justice mechanisms;

(B) community oversight requirements, such as a community oversight body described in subsection (b), are incorporated, when possible, into the terms of consent decrees and consent agreements; and

(C) remedies are developed and implemented expeditiously, when possible; and

(2) in carrying out paragraph (1)(A), request guidance from the heads of other relevant agencies,

such as the Secretary of Housing and Urban Development and the Secretary of Health and Human Services, on the efficacy of the alternative remedies described in that paragraph.

(b) COMMUNITY OVERSIGHT BODY DESCRIBED.—A community oversight body described in this subsection is an oversight entity that—

(1) is comprised of individuals who—

(A) represent the communities and organizations within the State or unit of local government to which the consent decree or consent agreement applies; and

(B) do not work, and have not previously worked, in a law enforcement capacity;

(2) has a role of—

(A) ensuring compliance with the provisions of the consent decree or consent agreement; and

(B) fostering transparency in the administration and personnel of the law enforcement agency; and

(3) has the authority to—

(A) ask questions of the law enforcement agency;

(B) obtain documents, data, and information from the law enforcement agency; and

(C) make recommendations—

(i) for modifications to the provisions of the consent decree or consent agreement, as necessary; and

(ii) to the law enforcement agency or governmental officials overseeing the agency about changes in policing services.

SEC. 3. FUNDING FOR PATTERN OR PRACTICE INVESTIGATIONS.

(a) ADDITIONAL FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated, in addition to any other amounts authorized, $445,000,000 to the Civil Rights Division of the Department of Justice for each of fiscal years 2027 through 2036, not less than $100,000,000 of which shall be made available each fiscal year for enforcement and technical assistance under section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601).

(2) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committee on the Judiciary of the Senate and

the Committee on the Judiciary of the House of Representatives a report on the use of amounts appropriated pursuant to the authorization of appropriations under paragraph (1), which shall include a detailed summary of how the amounts were used for pattern or practice investigations.

(b) UNLAWFUL CONDUCT.—

(1) IN GENERAL.—Subtitle D of title XXI of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601 et seq.) is amended—

(A) in the subtitle heading, by striking ''**Police**''; and

(B) in section 210401(a) (34 U.S.C. 12601(a))—

(i) by striking ''by law enforcement officers or by officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the incarceration of juveniles'' and inserting ''by law enforcement officers, prosecutors, judges, officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the incarceration of juveniles, or other officials or employees of any governmental agency

involved in the administration of justice''; and

(ii) by inserting before the period at the end the following: '', provided that no prosecutor shall be deemed to have engaged in unlawful conduct under this subsection on the basis of exercising discretion to decline to bring criminal charges''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 2 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1796) is amended by striking the item relating to subtitle D of title XXI and inserting the following:

''Subtitle D—Pattern or Practice''.

(c) AUTHORITY FOR STATE INVESTIGATIONS.—Section 210401(b) of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601(b)) is amended—

(1) by striking ''Whenever'' and inserting the following:

''(1) FEDERAL ENFORCEMENT.—Whenever'';

(2) in paragraph (1), as so designated, by striking ''paragraph (1)'' and inserting ''subsection (a)''; and

(3) by adding at the end the following:

"(2) STATE ENFORCEMENT.—

"(A) IN GENERAL.—Whenever an attorney general of a State has reasonable cause to believe that a violation of subsection (a) has occurred by a governmental authority, or agent thereof, of the State, including a prosecutor or other agency involved in the administration of justice, the attorney general, or another official or agency designated by the State, may in a civil action brought in any appropriate district court of the United States obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

"(B) PREVENTION OF CONFLICTS OF INTEREST.—

"(i) IN GENERAL.—No official or agency may be designated under subparagraph (A) if—

"(I) upon such designation, the Attorney General determines there is reason to believe—

"(aa) the official or agency would be unable to conduct an independent investigation; or

"(bb) a conflict of interest between the official or agency and the governmental authority under investigation exists; or

"(II) the official is employed by or the agency is within, as the case may be, the governmental authority under investigation.

"(ii) INDEPENDENT ORGANIZATION REQUIRED.—In the case of a governmental authority under investigation that is a State-wide office, an independent organization that is unaffiliated with State or local government shall be designated under subparagraph (A).

"(C) TECHNICAL ASSISTANCE.—The Attorney General shall provide technical assistance and training to States and units of local government to assist States and units of local governments in carrying out pattern or practice investigations and cases.

"(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to preclude a Federal investigation or other enforcement

under this section during the course of a State-led investigation or claim.''.

(d) GRANT PROGRAM.—

(1) STATE DEFINED.—In this subsection, the term ''State'' means each of the several States, the District of Columbia, and each commonwealth, territory, or possession of the United States.

(2) AUTHORIZATION.—The Attorney General may award grants to States to assist such States in pursuing pattern or practice investigations and cases under section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601).

(3) USE OF FUNDS.—A grant awarded under this subsection may be used by a State to—

(A) conduct pattern or practice investigations and cases under section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601);

(B) implement and enforce law enforcement reforms to address patterns and practices identified under such section 210401, provided that no funds may be diverted to law enforcement agencies for other law enforcement operations; and

(C) develop non-law enforcement programs that reduce dependence on law enforcement agencies, such as funding social workers, behavioral health crisis experts, and public safety alternatives to police enforcement of traffic rules.

(4) APPLICATION.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Attorney General that—

(A) contains clearly defined and measurable objectives for the grant funds;

(B) describes how the State intends to use the grant funds to pursue, implement, and enforce pattern or practice investigations and cases under section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601);

(C) outlines the qualifications and training of the attorneys, staff, and other personnel who are, or who may be, assigned to lead or assist pattern or practice investigations and cases; and

(D) demonstrates how the State will remedy patterns or practices of unlawful law enforcement conduct through the creation of community-based programs designed to address un-

derlying challenges leading to law enforcement interaction.

(5) REQUIRED REPORTING.—

(A) GRANTEE REPORTING.—Not later than 5 business days after the last day of each quarter of each fiscal year for which a State receives a grant under this subsection, the State shall submit to the Attorney General a report detailing, for that quarter—

(i) how the grant funds were used; and

(ii) the progress made towards addressing patterns and practices identified under section 210401 of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12601).

(B) REPORTS TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the grant program established under this subsection, which shall include—

(i) a detailed summary of how grant funds awarded under the grant program were used; and

(ii) recommendations, if any, for improvements needed for the grant program.

(6) ACCOUNTABILITY MECHANISMS.—

(A) MONITORING & EVALUATION.—

(i) IN GENERAL.—Pursuant to rules promulgated by the Attorney General, the Attorney General shall—

(I) monitor the use of grant funds by each recipient of a grant under this subsection; and

(II) evaluate the results of pattern or practice investigations carried out using grants awarded under this subsection.

(ii) TYPES OF EVALUATIONS.—An evaluation conducted under clause (i) may include an independent audit or assessment of—

(I) the behavior of law enforcement officers;

(II) the performance of a pattern or practice investigation; or

(III) the implementation of remedies following a pattern or practice investigation.

(iii) DATA COLLECTION.—The Attorney General may require 1 or more recipients of grants under this subsection to collect data on the race, gender, socioeconomic status, and other demographic characteristics of individuals subject to deprivations of the rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

(B) REVOCATION OF GRANT.—If the Attorney General finds, based on reporting under paragraph (5), monitoring and evaluation under subparagraph (A) of this paragraph, or other information, that grant funds awarded under this subsection are being diverted to law enforcement operations or another purpose other than pattern or practice investigations—

(i) the Attorney General shall revoke the grant; and

(ii) the grantee shall repay to the Federal Government any amounts that the grantee—

(I) received through the grant; and

(II) has not obligated or expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General $150,000,000 for each of fiscal years 2027 through 2036 to carry out this subsection.