

AMENDMENT TO H. CON. RES. 40
OFFERED BY MR. D'ESPOSITO OF NEW YORK

Insert after the eighth clause of the preamble the following (and redesignate provisions accordingly):

Whereas calls to “defund”, “disband”, “dismantle”, or “abolish” the police should be condemned and rule of law should be strictly maintained;

Whereas local law enforcement officers take an oath to never betray the public trust;

Whereas in the course of investigations into officers who have allegedly exhibited misconduct, local law enforcement should have certain rights to ensure a fair administration of justice, including—

(1) a local law enforcement officer’s inherent right to self-defense against physical threats;

(2) a local law enforcement officer’s right to legal recourse if a civilian attempts to assault the local law enforcement officer;

(3) a local law enforcement officer’s right to be protected from physical harassment targeting a local law enforcement officer;

(4) a local law enforcement officer’s right to equipment necessary for personal protection;

(5) a local law enforcement officer’s right to counsel or a representative present at any interview conducted as part of an investigation;

(6) a local law enforcement officer’s right to be informed of the nature of the investigation before

any interview commences, including the name of the complainant and sufficient information to reasonably apprise the officer of the allegations;

(7) during questioning in the course of an investigation a local law enforcement officer's right—

(A) to not be subjected to any offensive language;

(B) to not be threatened with departmental, civil, or criminal charges; and

(C) to not receive financial or promotional inducement;

(8) a local law enforcement officer's right to a hearing, with notification in advance of the date, access to transcripts, other relevant documents, and evidence;

(9) a local law enforcement officer's right to have the opportunity to respond to adverse accusations; and

(10) a local law enforcement officer's right to not be disciplined for exercising a Fifth Amendment right to remain silent unless granted immunity that such statements will not be used against the officer in any criminal proceeding;

Whereas in order to ensure these investigations are conducted in a manner that protects the public, respects the rights of local law enforcement personnel, and is conducive to good order and discipline;

Whereas States across the country are encouraged to adopt a "Bill of Rights" for local law enforcement personnel for protections related to investigation and prosecution arising from conduct during official performance of duties;

Whereas the local law enforcement community protects our streets, acknowledges the rights of all Americans, and keeps citizens safe from harm;

Whereas local law enforcement officers are recognized for their public service to all, knowing they face extremely dangerous situations while carrying out their duties;

Whereas a healthy and collaborative relationship between local law enforcement officers and the communities they serve is essential to creating mutually respectful dialogue;

