

AMENDMENT TO S. 2
OFFERED BY MRS. RAMIREZ OF ILLINOIS

Add at the end of title II the following:

1 **SEC. ____ . 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—

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

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

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

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

11 “(1) specify in a clear and consistent manner
12 that deescalation is preferred;

13 “(2) require law enforcement officers or agents
14 of the Department to complete initial and recurrent
15 training in the full range of use of force tactics and
16 techniques, including deescalation;

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

19 “(A) designate an individual, having sub-
20 ject matter expertise relating to the use of
21 force, training, and the application of use of
22 force tactics and techniques, including deescala-
23 tion, to be responsible for ensuring compliance
24 with such policy; and

1 “(B) maintain a use of force review council
2 or committee, the members of which shall have
3 subject matter expertise described in subpara-
4 graph (A) to perform internal analysis of use of
5 force incidents to—

6 “(i) inform training, tactics, and tech-
7 niques, and develop recommendations for
8 improvements to such policy; and

9 “(ii) identify trends and lessons
10 learned to be shared within each such com-
11 ponent and across the Department.

12 “(c) REPORTING.—

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

15 “(A) Issue requirements for the head of
16 each component of the Department to collect
17 and maintain consistent data relating to the use
18 of force within each such component necessary
19 to publish the reports required under subpara-
20 graph (B).

21 “(B) Publish, every six months, a report
22 on the website of the Department that includes
23 data relating to each incident during the pre-
24 vious six-month period in which force was used
25 by a law enforcement officer or agent of the

1 Department in any of the following cir-
2 cumstances:

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

5 “(I) such an officer or agent; or

6 “(II) a person.

7 “(ii) Such use of force included deadly
8 force against a person, including when a
9 firearm is discharged at a person.

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

13 “(iv) Such use of force involved a ve-
14 hicle, weapon, or physical tactic or tech-
15 nique that delivers a kinetic impact to a
16 person.

17 “(v) Such use of force included dis-
18 abling fire against a maritime vessel or air-
19 craft.

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

22 “(A) data that—

23 “(i) is disaggregated by Department
24 component; and

25 “(ii) describes—

1 “(I) specific information on the
2 region or jurisdiction in which each
3 use of force incident included in such
4 report occurred; and

5 “(II) the circumstances sur-
6 rounding each such incident; and

7 “(B) a specification of whether a law en-
8 forcement officer or agent of the Department or
9 other person was injured or killed in each such
10 incident.

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

21 “(4) PUBLIC AVAILABILITY.—Not later than 24
22 hours after any use of force incident by a law en-
23 forcement officer or agent of the Department that
24 results in the hospitalization or death of such an of-
25 ficer or agent or a person, the Secretary shall brief

1 the Committee on Homeland Security of the House
2 of Representatives and the Committee on Homeland
3 Security and Governmental Affairs of the Senate
4 and inform the public with respect to the facts
5 ascertained relating to such incident.

6 “(5) PRIVACY PROTECTION.—Any information
7 published or made available pursuant to this sub-
8 section shall be published or made available in a
9 manner that protects individual privacy.

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

13 (b) CLERICAL AMENDMENT.—The table of contents
14 in section 1(b) of the Homeland Security Act of 2002 is
15 amended by inserting after the item relating to section
16 890D the following new item:

“Sec. 890E. Use of force policy.”.

