

Police Use-of-Force Transparency Act Model Bill

SECTION 1. This Act shall be known and may be cited as the “Police Use-of-Force Transparency Act of 2021.”

(A) Purpose. This Act will require the collection and publication of data relating to the use-of-force incidents by public officers.

(B) Definitions. As used in this Act, the following terms shall mean:

(i) “Use-of-force incident” shall mean an incident in which a fatality to a person occurs connected to use-of-force by a law enforcement officer; in which there is serious bodily injury to a person connected to use-of-force by a law enforcement officer; or, in the absence of either death or serious bodily injury, in which a firearm is discharged by law enforcement at or in the direction of a person.

(ii) “Public officer” shall mean all State and political subdivision law enforcement officers who are sworn by their respective government authorities to uphold the law and to safeguard the rights, lives, and property of American citizens. Public officers must have full arrest powers and be members of a public governmental law enforcement agency, paid from government funds set aside specifically for payment to sworn police law enforcement organized for the purposes of keeping order and for preventing and detecting crimes, and apprehending those responsible.

(iii) “Law enforcement agency” shall mean each law enforcement agency of the State or of a political subdivision in the State. These agencies include but are not limited to offices of: State police; State highway patrol; municipal, county, tribal, and regional police; corrections officers; sheriffs; and special jurisdiction police.

SECTION 2. A new section of State Code is created, which shall read:

(A) Data Collection on Use-of-Force by Public Officers. Each law enforcement agency shall collect and report to the National Use-of-Force Data Collection data at least annually on use-of-force incidents involving public officers through the Law Enforcement Enterprise Portal administered by the Federal Bureau of Investigation.

(B) Data submission to the Attorney General. Each law enforcement agency shall report the data collected in 2(A) at least annually to the State Attorney General. Law enforcement agencies shall not report personally identifying information of officers to the Attorney General.

(C) Attorney General—Responsibility to Adopt Rules. The Attorney General shall, within 180 days of the enactment of this section, develop standards and procedures governing the collection and reporting of use-of-force incident data under this section. These rules and procedures must be consistent with the requirements, definitions, and methods of the National Use-of-Force Data Collection administered by the Federal Bureau of Investigation.

(D) Attorney General—Publication of Data. The Attorney General shall publish the data reported by law enforcement agencies in 2(B), including state-wide aggregate data and agency-specific data, in a publicly available report.

(E) Use of Force Data—Public Records. The data reported pursuant to this section shall be deemed a public record consistent with the provisions and exemptions contained in [State Public Records Act].

(F) Analysis of Rates of Use of Force. The Attorney General shall, within three (3) years of enactment of this section, undertake an analysis of any trends and disparities in rates of use of force by all law enforcement agencies subject to this section, which analysis shall be released to the public, and shall update that report from time to time thereafter, but in no event less than once every five (5) years.

SECTION 3. This Act takes effect on January 1, 2022.