

109TH CONGRESS
1ST SESSION

S. 945

To provide reliable officers, technology, education, community prosecutors,
and training in our neighborhoods.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2005

Mr. BIDEN (for himself, Mr. KOHL, Mr. BINGAMAN, Mrs. CLINTON, Ms. STABENOW, Mr. KERRY, Mr. LEAHY, Mr. LEVIN, Mr. DURBIN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. NELSON of Nebraska, Ms. MIKULSKI, Mr. BAYH, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. CORZINE, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. SMITH, Mr. DAYTON, Mr. AKAKA, Mr. REED, Mr. HARKIN, Mrs. BOXER, Ms. LANDRIEU, Mr. REID, Mr. SALAZAR, Mr. BAUCUS, Mr. DORGAN, Mr. NELSON of Florida, Mr. SCHUMER, Mr. DODD, Mr. SPECTER, Mr. BYRD, Mr. LAUTENBERG, and Mr. OBAMA) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide reliable officers, technology, education, community
prosecutors, and training in our neighborhoods.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Providing Reliable Of-
5 ficers, Technology, Education, Community Prosecutors,

1 and Training In Our Neighborhoods Act of 2005” or the
2 “PROTECTION Act”.

3 **SEC. 2. PROVIDING RELIABLE OFFICERS, TECHNOLOGY,**
4 **EDUCATION, COMMUNITY PROSECUTORS,**
5 **AND TRAINING IN OUR NEIGHBORHOOD INI-**
6 **TIATIVE.**

7 (a) COPS PROGRAM.—Section 1701(a) of title I of
8 the Omnibus Crime Control and Safe Streets Act of 1968
9 (42 U.S.C. 3796dd(a)) is amended by—

10 (1) inserting “and prosecutor” after “increase
11 police”; and

12 (2) inserting “to enhance law enforcement ac-
13 cess to new technologies,” after “presence,”.

14 (b) HIRING AND REDEPLOYMENT GRANT
15 PROJECTS.—Section 1701(b) of title I of the Omnibus
16 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
17 3796dd(b)) is amended—

18 (1) in paragraph (1)—

19 (A) in subparagraph (B)—

20 (i) by inserting after “Nation” the fol-
21 lowing: “, or pay overtime to existing ca-
22 reer law enforcement officers to the extent
23 that such overtime is devoted to commu-
24 nity-oriented policing efforts”; and

25 (ii) by striking “and” at the end;

1 (B) in subparagraph (C), by—

2 (i) striking “, or pay overtime”; and

3 (ii) striking the period at the end and
4 inserting “; and”; and

5 (C) by adding at the end the following:

6 “(D) promote higher education among in-
7 service State and local law enforcement officers
8 by reimbursing them for the costs associated
9 with seeking a college or graduate school edu-
10 cation.”; and

11 (2) in paragraph (2), by striking all that follows
12 “**SUPPORT SYSTEMS.—**” and inserting “Grants
13 pursuant to—

14 “(A) paragraph (1)(B) for overtime may
15 not exceed 25 percent of the funds available for
16 grants pursuant to this subsection for any fiscal
17 year;

18 “(B) paragraph (1)(C) may not exceed 20
19 percent of the funds available for grants pursu-
20 ant to this subsection in any fiscal year; and

21 “(C) paragraph (1)(D) may not exceed 5
22 percent of the funds available for grants pursu-
23 ant to this subsection for any fiscal year.”.

1 (c) ADDITIONAL GRANT PROJECTS.—Section
2 1701(d) of title I of the Omnibus Crime Control and Safe
3 Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

4 (1) in paragraph (2)—

5 (A) by inserting “integrity and ethics”
6 after “specialized”; and

7 (B) by inserting “and” after “enforcement
8 officers”;

9 (2) in paragraph (7), by inserting “, school offi-
10 cials, religiously-affiliated organizations,” after “en-
11 forcement officers”;

12 (3) by striking paragraph (8) and inserting the
13 following:

14 “(8) establish school-based partnerships be-
15 tween local law enforcement agencies and local
16 school systems, by using school resource officers who
17 operate in and around elementary and secondary
18 schools to serve as a law enforcement liaison with
19 other Federal, State, and local law enforcement and
20 regulatory agencies, and to combat school-related
21 crime and disorder problems, gang membership and
22 criminal activity, firearms and explosives-related in-
23 cidents, the illegal use and possession of alcohol, and
24 the illegal possession, use, and distribution of
25 drugs;”;

1 (4) in paragraph (11), by striking “and” at the
2 end;

3 (5) in paragraph (12), by striking the period
4 that appears at the end and inserting “; and”; and

5 (6) by adding at the end the following:

6 “(13) develop and implement innovative pro-
7 grams (such as the TRIAD program) that bring to-
8 gether a community’s sheriff, chief of police, and el-
9 derly residents to address the public safety concerns
10 of older citizens.”.

11 (d) TECHNICAL ASSISTANCE.—Section 1701(f) of
12 title I of the Omnibus Crime Control and Safe Streets Act
13 of 1968 (42 U.S.C. 3796dd(f)) is amended—

14 (1) in paragraph (1)—

15 (A) by inserting “use up to 5 percent of
16 the funds available for grants pursuant to sub-
17 section (a) in any fiscal year to” after “The At-
18 torney General may”;

19 (B) by inserting at the end the following:

20 “In addition, the Attorney General may use up
21 to 5 percent of the funds available for grants
22 pursuant to subsections (d), (e), and (f) in any
23 fiscal year for technical assistance and training
24 to States, units of local government, Indian

1 tribal governments, and to other public and pri-
2 vate entities for those respective purposes.”;

3 (2) in paragraph (2), by inserting “under sub-
4 section (a)” after “the Attorney General”; and

5 (3) in paragraph (3)—

6 (A) by striking “the Attorney General
7 may” and inserting “the Attorney General
8 shall”;

9 (B) by striking “operation of training cen-
10 ters” and inserting “regional community polic-
11 ing institutes, training centers,”; and

12 (C) by inserting “representatives of police
13 labor and management organizations, commu-
14 nity residents,” after “supervisors,”.

15 (e) TECHNOLOGY AND PROSECUTION PROGRAMS.—

16 Section 1701 of title I of the Omnibus Crime Control and
17 Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended
18 by—

19 (1) striking subsection (k);

20 (2) redesignating subsections (f) through (j) as
21 subsections (g) through (k); and

22 (3) striking subsection (e) and inserting the fol-
23 lowing:

24 “(e) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—

25 Grants made under subsection (a) may be used to assist

1 police departments, in employing professional, scientific,
2 and technological advancements that will help them—

3 “(1) improve police communications through
4 the use of wireless communications, computers, soft-
5 ware, videocameras, databases, and other hardware
6 and software that allow law enforcement agencies to
7 communicate more effectively across jurisdictional
8 boundaries and effectuate interoperability;

9 “(2) develop and improve access to crime solv-
10 ing technologies, including DNA analysis, photo en-
11 hancement, voice recognition, and other forensic ca-
12 pabilities; and

13 “(3) promote comprehensive crime analysis by
14 utilizing new techniques and technologies, such as
15 crime mapping, that allow law enforcement agencies
16 to use real-time crime and arrest data and other re-
17 lated information, including non-criminal justice
18 data, to improve their ability to analyze, predict, and
19 respond pro-actively to local crime and disorder
20 problems, as well as to engage in regional crime
21 analysis.

22 “(f) COMMUNITY-BASED PROSECUTION PROGRAM.—

23 “(1) IN GENERAL.—Grants made under sub-
24 section (a) may be used to assist State, local or trib-
25 al prosecutors’ offices in the implementation of com-

1 community-based prosecution programs that build on
2 local community-oriented policing efforts.

3 “(2) USE OF FUNDS.—Funds made available
4 under this subsection may be used to—

5 “(A) hire additional prosecutors who will
6 be assigned to community prosecution pro-
7 grams, including programs that assign prosecu-
8 tors to handle cases from specific geographic
9 areas, to address specific violent crime and
10 other local crime problems (including intensive
11 illegal gang, gun, and drug enforcement
12 projects and quality of life initiatives), and to
13 address localized violent and other crime prob-
14 lems based on needs identified by local law en-
15 forcement agencies, community organizations,
16 and others;

17 “(B) redeploy existing prosecutors to com-
18 munity prosecution programs as described in
19 paragraph (1) of this section by hiring victim
20 and witness coordinators, paralegals, commu-
21 nity outreach, and other such personnel; and

22 “(C) establish programs to assist local
23 prosecutors’ offices in the implementation of
24 programs that help them identify and respond

1 to priority crime problems in a community with
2 specifically tailored solutions.

3 “(3) ALLOCATION.—At least 75 percent of the
4 funds made available under this subsection shall be
5 reserved for grants under subparagraphs (A) and
6 (B) of paragraph (2) and of those amounts no more
7 than 10 percent may be used for grants under para-
8 graph (2)(B) and at least 25 percent of the funds
9 shall be reserved for grants under subparagraphs
10 (A) and (B) of paragraph (2) to units of local gov-
11 ernment with a population of less than 50,000.”.

12 (f) RETENTION GRANTS.—Section 1703 of title I of
13 the Omnibus Crime Control and Safe Streets Act of 1968
14 (42 U.S.C. 3796dd–2) is amended by inserting at the end
15 the following:

16 “(d) RETENTION GRANTS.—The Attorney General
17 may use no more than 50 percent of the funds under sub-
18 section (a) to award grants targeted specifically for reten-
19 tion of police officers to grantees in good standing, with
20 preference to those that demonstrate financial hardship or
21 severe budget constraint that impacts the entire local
22 budget and may result in the termination of employment
23 for police officers funded under subsection (b).”.

24 (g) DEFINITIONS.—

1 (1) CAREER LAW ENFORCEMENT OFFICER.—
2 Section 1709(1) of title I of the Omnibus Crime
3 Control and Safe Streets Act of 1968 (42 U.S.C.
4 3796dd–8(1)) is amended by inserting after “crimi-
5 nal laws” the following: “, including sheriffs deputies
6 charged with supervising offenders who are released
7 into the community but also engaged in local com-
8 munity-oriented policing efforts.”.

9 (2) SCHOOL RESOURCE OFFICER.—Section
10 1709(4) of title I of the Omnibus Crime Control and
11 Safe Streets Act of 1968 (42 U.S.C. 3796dd–8(4))
12 is amended—

13 (A) by striking subparagraph (A) and in-
14 serting the following:

15 “(A) to serve as a law enforcement liaison
16 with other Federal, State, and local law en-
17 forcement and regulatory agencies, to address
18 and document crime and disorder problems in-
19 cluding gangs and drug activities, firearms and
20 explosives-related incidents, and the illegal use
21 and possession of alcohol affecting or occurring
22 in or around an elementary or secondary
23 school;”;

24 (B) by striking subparagraph (E) and in-
25 serting the following:

1 “(E) to train students in conflict resolu-
2 tion, restorative justice, and crime awareness,
3 and to provide assistance to and coordinate
4 with other officers, mental health professionals,
5 and youth counselors who are responsible for
6 the implementation of prevention/intervention
7 programs within the schools;”;

8 (C) in subparagraph (F) by striking “and”
9 at the end;

10 (D) in subparagraph (G) by striking the
11 period at the end and inserting a semicolon;
12 and

13 (E) by adding at the end the following:

14 “(H) to work with school administrators,
15 members of the local parent teacher associa-
16 tions, community organizers, law enforcement,
17 fire departments, and emergency medical per-
18 sonnel in the creation, review, and implementa-
19 tion of a school violence prevention plan;

20 “(I) to assist in documenting the full de-
21 scription of all firearms found or taken into
22 custody on school property and to initiate a
23 firearms trace and ballistics examination for
24 each firearm with the local office of the Bureau
25 of Alcohol, Tobacco, and Firearms;

1 “(J) to document the full description of all
2 explosives or explosive devices found or taken
3 into custody on school property and report to
4 the local office of the Bureau of Alcohol, To-
5 bacco, and Firearms; and

6 “(K) to assist school administrators with
7 the preparation of the Department of Edu-
8 cation, Annual Report on State Implementation
9 of the Gun-Free Schools Act, which tracks the
10 number of students expelled per year for bring-
11 ing a weapon, firearm, or explosive to school.”.

12 (h) AUTHORIZATION OF APPROPRIATIONS.—Section
13 1001(a)(11) of title I of the Omnibus Crime Control and
14 Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is
15 amended—

16 (1) by amending subparagraph (A) to read as
17 follows:

18 “(A) There are authorized to be appro-
19 priated to carry out part Q, to remain available
20 until expended—

21 “(i) \$1,150,000,000 for fiscal year
22 2006;

23 “(ii) \$1,150,000,000 for fiscal year
24 2007;

1 “(iii) \$1,150,000,000 for fiscal year
2 2008;

3 “(iv) \$1,150,000,000 for fiscal year
4 2009;

5 “(v) \$1,150,000,000 for fiscal year
6 2010; and

7 “(vi) \$1,150,000,000 for fiscal year
8 2011.”; and

9 (2) in subparagraph (B)—

10 (A) by striking “3 percent” and inserting
11 “5 percent”;

12 (B) by striking “1701(f)” and inserting
13 “1701(g)”;

14 (C) by striking the second sentence and in-
15 serting “Of the remaining funds, if there is a
16 demand for 50 percent of appropriated hiring
17 funds, as determined by eligible hiring applica-
18 tions from law enforcement agencies having ju-
19 risdiction over areas with populations exceeding
20 150,000, no less than 50 percent shall be allo-
21 cated for grants pursuant to applications sub-
22 mitted by units of local government or law en-
23 forcement agencies having jurisdiction over
24 areas with populations exceeding 150,000 or by
25 public and private entities that serve areas with

1 populations exceeding 150,000, and no less
2 than 50 percent shall be allocated for grants
3 pursuant to applications submitted by units of
4 local government or law enforcement agencies
5 having jurisdiction over areas with populations
6 less than 150,000 or by public and private enti-
7 ties that serve areas with populations less than
8 150,000.”;

9 (D) by striking “85 percent” and inserting
10 “\$600,000,000”; and

11 (E) by striking “1701(b),” and all that fol-
12 lows through “of part Q.” and inserting the fol-
13 lowing: “1701 (b) and (c), \$350,000,000 to
14 grants for the purposes specified in section
15 1701(e), and \$200,000,000 to grants for the
16 purposes specified in section 1701(f).”.

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