

117TH CONGRESS
2D SESSION

H. R. 5768

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2022

Received

AN ACT

To direct the Attorney General to establish a grant program to establish, create, and administer the violent incident clearance and technology investigative method, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Violent Incident Clear-
3 ance and Technological Investigative Methods Act of
4 2022” or “VICTIM Act of 2022”.

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) Research indicates that law enforcement
8 agencies can increase clearance rates by improving—

9 (A) investigative processes;

10 (B) detective capacities; and

11 (C) organizational oversight and super-
12 vision of investigations.

13 (2) When a law enforcement agency expends
14 additional investigative effort, the law enforcement
15 agency improves its success in gaining cooperation of
16 key witnesses and increases the amount of forensic
17 evidence collected.

18 (3) Effective investigation of shootings can pre-
19 vent subsequent related violence by—

20 (A) deterring retaliation; and

21 (B) providing interventions to individuals
22 who may continue to commit crimes or become
23 victims of retaliatory violence.

24 (4) Law enforcement agencies that demonstrate
25 higher rates of clearance for violent crimes com-
26 mitted against a person—

1 (A) have more structured oversight and
2 formal interactions between investigative units
3 and agency leadership;

4 (B) are more likely to have investigative
5 units that have collaborative relationships and
6 robust information sharing with other units of
7 the law enforcement agency;

8 (C) have investigative units that have spe-
9 cific goals and performance metrics for both the
10 unit and for investigators within the unit;

11 (D) have investigators who more frequently
12 respond to the initial crime scene shortly after
13 crimes have been reported to collect evidence
14 and interview witnesses;

15 (E) have investigators who either have spe-
16 cialized experience before joining investigative
17 units or are trained in investigations once they
18 join those units;

19 (F) often have standard operating proce-
20 dures for investigations that establish policies
21 and evidence-based best practices for con-
22 ducting and completing homicide investigations;
23 and

24 (G) have better relationships with the com-
25 munities they serve, even if no specific commu-

1 nity-oriented campaign or initiative exists be-
2 tween investigative units and community
3 groups.

4 (5) Criminal justice agencies should collaborate
5 with each other and share best practices for solving
6 violent crimes committed against a person.

7 (6) A comprehensive community engagement
8 strategy concerning gun violence is essential to im-
9 proving clearance rates for violent crimes committed
10 against a person.

11 **SEC. 3. GRANT PROGRAM WITH RESPECT TO VIOLENT INCI-**
12 **DENT CLEARANCE AND TECHNOLOGICAL IN-**
13 **VESTIGATIVE METHODS.**

14 (a) DEFINITIONS.—In this section:

15 (1) CLEARANCE BY ARREST.—The term “clear-
16 ance by arrest”, with respect to an offense reported
17 to a law enforcement agency, means the law enforce-
18 ment agency—

19 (A) has—

20 (i) arrested not less than 1 person for
21 the offense;

22 (ii) charged the person described in
23 subparagraph (A) with the commission of
24 the offense; and

1 (iii) referred the person described in
2 subparagraph (A) for prosecution for the
3 offense; or

4 (B) has cited an individual under the age
5 of 18 to appear in juvenile court or before an-
6 other juvenile authority with respect to the of-
7 fense, regardless of whether a physical arrest
8 occurred.

9 (2) CLEARANCE BY EXCEPTION.—The term
10 “clearance by exception”, with respect to an offense
11 reported to a law enforcement agency, means the
12 law enforcement agency—

13 (A) has identified not less than 1 person
14 suspected of the offense; and

15 (B) with respect to the suspect described
16 in subparagraph (A), has—

17 (i) gathered enough evidence to—

18 (I) support an arrest of the sus-
19 pect;

20 (II) make a charge against the
21 suspect; and

22 (III) refer the suspect for pros-
23 ecution;

1 (ii) identified the exact location of the
2 suspect so that the suspect could be taken
3 into custody immediately; and

4 (iii) encountered a circumstance out-
5 side the control of the law enforcement
6 agency that prohibits the agency from ar-
7 resting the suspect, charging the suspect,
8 or referring the suspect for prosecution, in-
9 cluding—

10 (I) the death of the suspect;

11 (II) the refusal of the victim to
12 cooperate with the prosecution after
13 the suspect has been identified; or

14 (III) the denial of extradition be-
15 cause the suspect committed an of-
16 fense in another jurisdiction and is
17 being prosecuted for that offense.

18 (3) CLEARANCE RATE.—The term “clearance
19 rate”, with respect to a law enforcement agency,
20 means—

21 (A) the number of offenses cleared by the
22 law enforcement agency, including through
23 clearance by arrest and clearance by exception,
24 divided by

1 (B) the total number of offenses reported
2 to the law enforcement agency.

3 (4) ELIGIBLE ENTITY.—The term “eligible enti-
4 ty” means a State, Tribal, or local law enforcement
5 agency or prosecuting office, or a group of Tribal
6 law enforcement agencies or Tribal prosecuting of-
7 fices.

8 (5) GRANT RECIPIENT.—The term “grant re-
9 cipient” means a recipient of a grant under the Pro-
10 gram.

11 (6) LAW ENFORCEMENT AGENCY.—The term
12 “law enforcement agency” means a public agency
13 charged with policing functions, including any com-
14 ponent bureau of the agency (such as a govern-
15 mental victim services program or village public
16 safety officer program), including an agency com-
17 posed of officers or persons referred to in subpara-
18 graph (B) or (C) of section 2(10) of the Indian Law
19 Enforcement Reform Act (25 U.S.C. 2801(10)).

20 (7) PROGRAM.—The term “Program” means
21 the grant program established under subsection
22 (b)(1).

23 (b) GRANT PROGRAM.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of enactment of this Act, the Attorney

1 General shall establish a grant program within the
2 Office of Justice Programs under which the Attor-
3 ney General awards grants to eligible entities to es-
4 tablish, implement, and administer violent incident
5 clearance and technological investigative methods.

6 (2) APPLICATIONS.—An eligible entity seeking
7 a grant under the Program shall submit to the At-
8 torney General an application at such time, in such
9 manner, and containing or accompanied by—

10 (A) such information as the Attorney Gen-
11 eral may reasonably require; and

12 (B) a description of each eligible project
13 under paragraph (4) that the grant will fund.

14 (3) SELECTION OF GRANT RECIPIENTS.—The
15 Attorney General, in selecting a recipient of a grant
16 under the Program, shall consider the specific plan
17 and activities proposed by the applicant to improve
18 clearance rates for homicides, rapes, sexual assaults,
19 kidnappings, and non-fatal shootings.

20 (4) ELIGIBLE PROJECTS.—A grant recipient
21 shall use the grant for activities with the specific ob-
22 jective of improving clearance rates for homicides,
23 rapes, sexual assaults, kidnappings, and non-fatal
24 shootings, including—

1 (A) ensuring the retention of detectives
2 who are assigned to investigate homicides,
3 rapes, sexual assaults, kidnappings, and non-
4 fatal shootings as of the date of receipt of the
5 grant;

6 (B) hiring and training additional detec-
7 tives who will be dedicated to investigating
8 homicides, rapes, sexual assaults, kidnappings,
9 and non-fatal shootings;

10 (C) developing policies, procedures, and
11 training to improve the ability of detectives to
12 effectively investigate and solve homicides,
13 rapes, sexual assaults, kidnappings, and non-
14 fatal shootings, including implementing best
15 practices relating to—

16 (i) improving internal agency coopera-
17 tion, organizational oversight and account-
18 ability, and supervision of investigations;

19 (ii) developing specific goals and per-
20 formance metrics for both investigators
21 and investigative units;

22 (iii) establishing or improving rela-
23 tionships with the communities the agency
24 serves; and

1 (iv) collaboration with and among
2 other law enforcement agencies and criminal justice organizations;

3 (D) training personnel to address the
4 needs of victims and family members of victims
5 of homicides, rapes, sexual assaults,
6 kidnappings, or non-fatal shootings or collaborating with trained victim advocates and specialists to better meet victims' needs;

7 (E) acquiring, upgrading, or replacing investigative, evidence processing, or forensic testing technology or equipment;

8 (F) development and implementation of policies that safeguard civil rights and civil liberties during the collection, processing, and forensic testing of evidence;

9 (G) hiring or training personnel for collection, processing, and forensic testing of evidence;

10 (H) hiring and training of personnel to analyze violent crime and the temporal and geographic trends among homicides, rapes, sexual assaults, kidnappings, and nonfatal shootings;

11 (I) retaining experts to conduct a detailed analysis of homicides and shootings using Gun

1 Violence Problem Analysis (commonly known as
2 “GVPA”) or a similar research methodology;

3 (J) ensuring victims have appropriate ac-
4 cess to emergency food, housing, clothing, trav-
5 el, and transportation;

6 (K) developing competitive and evidence-
7 based programs to improve homicide and non-
8 fatal shooting clearance rates;

9 (L) developing best practices for improving
10 access to and acceptance of victim services, in-
11 cluding victim services that promote medical
12 and psychological wellness, ongoing counseling,
13 legal advice, and financial compensation;

14 (M) training investigators and detectives in
15 trauma-informed interview techniques;

16 (N) establishing programs to support offi-
17 cers who experience stress or trauma as a result
18 of responding to or investigating shootings or
19 other violent crime incidents; or

20 (O) ensuring language and disability access
21 supports are provided to victims, survivors, and
22 their families so that victims can exercise their
23 rights and participate in the criminal justice
24 process.

25 (c) FEDERAL SHARE.—

1 (1) IN GENERAL.—The Federal share of the
2 cost of a project assisted with a grant under the
3 Program shall not exceed—

4 (A) 100 percent if the grant is awarded on
5 or before December 31, 2032; or

6 (B) subject to paragraph (2), 50 percent if
7 the grant is awarded after December 31, 2032.

8 (2) WAIVER.—With respect to a grant awarded
9 under the Program after December 31, 2032, the
10 Attorney General may determine that the Federal
11 share of the cost of a project assisted with the grant
12 shall not exceed 100 percent.

13 (d) REPORT BY GRANT RECIPIENT.—Not later than
14 1 year after receiving a grant under the Program, and
15 each year thereafter, a grant recipient shall submit to the
16 Attorney General a report on the activities carried out
17 using the grant, including, if applicable—

18 (1) the number of homicide and non-fatal
19 shooting detectives hired by the grant recipient;

20 (2) the number of evidence processing personnel
21 hired by the grant recipient;

22 (3) a description of any training that is—

23 (A) provided to existing (as of the date on
24 which the grant was awarded) or newly hired
25 homicide and non-fatal shooting detectives; and

1 (B) designed to assist in the solving of
2 crimes and improve clearance rates;

3 (4) any new evidence processing technology or
4 equipment purchased or any upgrades made to exist-
5 ing (as of the date on which the grant was awarded)
6 evidence technology or equipment, and the associ-
7 ated cost;

8 (5) any assessments of evidence processing
9 technology or equipment purchased with grant funds
10 to determine whether such technology or equipment
11 satisfies the objectives of the use of the technology
12 or equipment in increasing clearance rates, and any
13 policies in place to govern the use of the technology
14 or equipment;

15 (6) the internal policies and oversight used to
16 ensure that any technology purchased through the
17 grant for the purposes of improving clearance rates
18 does not violate the civil rights and civil liberties of
19 individuals;

20 (7) data regarding clearance rates for homi-
21 cides, rapes, other aggravated felonies, and non-fatal
22 shootings, including the rate of clearances by arrest
23 and clearances by exception, and crime trends from
24 within each jurisdiction in which the grant recipient
25 carried out activities supported by the grant;

1 (8) whether the grant recipient has provided
2 grant funds to any victim services organizations, and
3 if so, which organizations;

4 (9) the demographic information for victims of
5 homicides, rapes, other aggravated felonies, and non-
6 fatal shootings, and the length and outcomes of each
7 investigation, including whether the investigation
8 was cleared by arrest or exception;

9 (10) the demographic information for each vic-
10 tim or family member of a victim who received vic-
11 tim-related services provided by the grant recipient;
12 and

13 (11) identification of the services most used by
14 victims and their families and identification of addi-
15 tional services needed.

16 (e) NATIONAL INSTITUTE OF JUSTICE EVALUATION
17 AND REPORT TO CONGRESS.—

18 (1) EVALUATION.—Not later than 2 years after
19 the date of enactment of this Act, and every 2 years
20 thereafter, the Director of the National Institute of
21 Justice shall conduct an evaluation of—

22 (A) the practices deployed by grant recipi-
23 ents to identify policies and procedures that
24 have successfully improved clearance rates for

1 homicides, rapes, sexual assaults, kidnappings,
2 and non-fatal shootings; and

3 (B) the efficacy of any services provided to
4 victims and family members of victims of homi-
5 cides, rapes, sexual assaults, kidnappings, and
6 non-fatal shootings.

7 (2) REPORT TO CONGRESS.—Not later than 30
8 days after completion of an evaluation by the Na-
9 tional Institute of Justice under paragraph (1), the
10 Attorney General shall submit to Congress a report
11 including—

12 (A) the results of the evaluation; and

13 (B) information reported by each grant re-
14 cipient under subsection (d).

15 (f) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—There are authorized to be
17 appropriated to carry out this section \$100,000,000
18 for each of fiscal years 2023 through 2032.

19 (2) PERCENT FOR CERTAIN ELIGIBLE ENTI-
20 TIES.—The Attorney General shall use 10 percent of
21 the amount made available under paragraph (1) for
22 a fiscal year to award grants under the Program to

1 Tribal law enforcement agencies or prosecuting of-
2 fices, or groups of such agencies or offices.

Passed the House of Representatives September 22,
2022.

Attest: CHERYL L. JOHNSON,
Clerk.

By KEVIN F. McCUMBER,
Deputy Clerk.