

117TH CONGRESS
2D SESSION

S. 5107

To strengthen the collection of data regarding interactions between law enforcement officers and individuals with disabilities.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 2022

Mr. CASEY (for himself, Ms. BALDWIN, Ms. WARREN, Ms. DUCKWORTH, Mr. SANDERS, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To strengthen the collection of data regarding interactions between law enforcement officers and individuals with disabilities.

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 “Data on Interactions
5 and Accountability for Law Enforcement with Individuals
6 with Disabilities Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) DISABILITY.—The term “disability” has the
2 meaning given the term in section 3 of the Ameri-
3 cans with Disabilities Act of 1990 (42 U.S.C.
4 12102).

5 (2) INSTITUTION OF HIGHER EDUCATION.—The
6 term “institution of higher education” has the
7 meaning given the term in section 101 of the Higher
8 Education Act of 1965 (20 U.S.C. 1001).

9 **SEC. 3. ADVISORY COUNCIL ON DISABILITY STATUS AND**
10 **LAW ENFORCEMENT INTERACTION DATA**
11 **COLLECTION.**

12 (a) DEFINITION.—In this section, the term “Sec-
13 retary” means the Secretary of Health and Human Serv-
14 ices.

15 (b) ESTABLISHMENT.—Not later than 120 days after
16 the date of enactment of this Act, the Secretary shall es-
17 tablish the Advisory Council on Disability Status and Law
18 Enforcement Interaction Data Collection (in this section
19 referred to as the “Advisory Council”).

20 (c) MEMBERSHIP.—

21 (1) CONSIDERATIONS.—The Secretary shall ap-
22 point the members of the Advisory Council in a
23 manner that—

24 (A) provides diverse representation of pop-
25 ulations underrepresented on advisory commit-

tees, such as underrepresented racial and ethnic populations; and

(B) ensures that more than 50 percent of the members are individuals with disabilities.

(2) COMPOSITION.—The members of the Advisory Council shall include representatives of—

(A) individuals with disabilities;

(B) individuals aged 65 and older;

(C) law enforcement organizations, including representatives of rank and file law enforcement officers;

(D) faculty or researchers, at institutions of higher education or other research institutions, with expertise in disability research;

(E) faculty or researchers, at institutions of higher education or other research institutions, with expertise in criminal justice research and statistics;

(F) States, including State surveying agencies;

(G) State and local public safety agencies;

(H) nonprofit organizations led by and serving the disability population;

(I) the National Quality Forum or other quality measurement entity; and

1 (J) the Bureau of Justice Statistics of the
2 Department of Justice.

3 (d) CHAIRPERSON; VICE-CHAIRPERSON.—The Sec-
4 retary shall select—

5 (1) a member of the Advisory Council who is an
6 individual with a disability to be the chairperson of
7 the Advisory Council; and

8 (2) a member of the Advisory Council who is a
9 representative of a law enforcement agency to be the
10 vice-chairperson of the Advisory Council.

11 (e) DUTIES.—

12 (1) DATA COLLECTION AND REPORTING DEVEL-
13 OPMENT.—The Advisory Council shall—

14 (A) develop a valid and reliable data collec-
15 tion and reporting methodology on interactions
16 between law enforcement officers and individ-
17 uals with disabilities; and

18 (B) provide recommendations to the Attor-
19 ney General on best practices to collect dis-
20 ability status data in instances where a death,
21 a shooting, or an injury has occurred as a re-
22 sult of an interaction with a law enforcement
23 officer.

24 (2) RECOMMENDATIONS.—Not later than 2
25 years after the date of enactment of this Act, the

1 Advisory Council shall submit to the Secretary, the
2 Attorney General, the Committee on Finance and
3 the Special Committee on Aging of the Senate, and
4 the Committee on Ways and Means and the Com-
5 mittee on Energy and Commerce of the House of
6 Representatives, the recommended data collection
7 and reporting methodology and other recommenda-
8 tions developed under paragraph (1).

9 (f) INDEPENDENT STUDY.—

10 (1) GRANT AUTHORIZED.—After receiving the
11 recommendations under subsection (e)(2), the Sec-
12 retary shall award a grant, to an independent re-
13 search organization or institution of higher edu-
14 cation, to conduct an independent study to test the
15 validity and reliability of the data collection and re-
16 porting methodology developed under such sub-
17 section.

18 (2) REVIEW BY ADVISORY COUNCIL.—The Sec-
19 retary shall share the results of the study conducted
20 under paragraph (1) with the Advisory Council as
21 soon as practicable.

22 (g) REPORT.—

23 (1) IN GENERAL.—Not later than 180 days
24 after receiving the results of the study conducted
25 under subsection (f), the Advisory Council shall re-

1 convene and prepare and submit a report to the Sec-
2 retary, the Attorney General, the Committee on Fi-
3 nance and the Special Committee on Aging of the
4 Senate, and the Committee on Ways and Means and
5 the Committee on Energy and Commerce of the
6 House of Representatives, with final recommenda-
7 tions on best practices to collect data on the inter-
8 actions between law enforcement officers and indi-
9 viduals with disabilities.

10 (2) PUBLIC AVAILABILITY.—Upon receiving the
11 report described in paragraph (1), the Secretary
12 shall make the report available to the public.

13 (h) ADOPTION OF BEST PRACTICES BY ATTORNEY
14 GENERAL.—The Attorney General shall review the best
15 practices recommended in the report under subsection
16 (g)(1) and, to the extent that the Attorney General deter-
17 mines appropriate, implement the best practices within the
18 Department of Justice.

19 (i) TERMINATION.—The Advisory Council shall ter-
20minate by not later than 30 days after the submission of
21 the report to the Secretary under subsection (g)(1).

22 **SEC. 4. BUREAU OF JUSTICE STATISTICS SURVEY.**

23 (a) DEFINITION.—In this section, the term “Direc-
24 tor” means the Director of the Bureau of Justice Statis-
25 tics.

1 (b) INCLUSION OF DISABILITY STATUS IN POLICE-
 2 PUBLIC CONTACT SURVEY.—The Director, in conducting
 3 the Police-Public Contact Survey, shall collect data on the
 4 disability status of individuals who have had contact with
 5 law enforcement officers.

6 (c) STATISTIC ANALYSIS BY THIRD-PARTY ORGANI-
 7 ZATION.—

8 (1) GRANT.—The Director shall award a grant
 9 to a single, independent third-party organization,
 10 which may be an institution of higher education or
 11 other research institution, to conduct a statistical
 12 analysis of data collected in the Police-Public Con-
 13 tact Survey to identify trends in reports of violence
 14 committed by law enforcement officers against indi-
 15 viduals with disabilities.

16 (2) DEADLINE.—The Director shall require the
 17 third-party organization that receives the grant
 18 under paragraph (1) to complete the statistical anal-
 19 ysis not later than 1 year after the date on which
 20 the Director begins collecting data on disability sta-
 21 tus under subsection (b).

22 **SEC. 5. DEATH IN CUSTODY REPORTING ACT.**

23 (a) DISABILITY STATUS.—Section 2 of the Death in
 24 Custody Reporting Act of 2013 (34 U.S.C. 60105) is
 25 amended—

1 (1) in subsection (b)(1), by inserting “disability
2 status,” after “ethnicity,”;

3 (2) in subsection (f), in the heading, by striking
4 “STUDY AND REPORT” and inserting “INITIAL
5 STUDY AND REPORT”; and

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

7 “(g) ANNUAL REPORT.—

8 “(1) IN GENERAL.—Each year, the Attorney
9 General shall publish a report on the information re-
10 ported under subsection (b) and section 3(a).

11 “(2) LOCAL DISAGGREGATION.—The Attorney
12 General shall disaggregate the information published
13 under paragraph (1) by the locality in which the
14 death occurred.”.

15 (b) FBI USE-OF-FORCE DATA COLLECTION PRO-
16 GRAM.—The Death in Custody Reporting Act of 2013
17 (Public Law 113–242; 128 Stat. 2860) is amended—

18 (1) in section 2(c) (34 U.S.C. 60105(c)), by
19 adding at the end the following:

20 “(3) COMPLIANCE THROUGH PARTICIPATION IN
21 NATIONAL USE-OF-FORCE DATA COLLECTION.—A
22 State may satisfy the requirement under subsection
23 (a) by—

1 “(A) participating in the National Use-of-
 2 Force Data Collection of the Federal Bureau of
 3 Investigation; and

4 “(B) including with the information re-
 5 ported for the National Use-of-Force Data Col-
 6 lection the disability status of of each subject of
 7 the use of force.”; and

8 (2) in section 3 (18 U.S.C. 4001 note)—

9 (A) by redesignating subsection (c) as sub-
 10 section (d); and

11 (B) by inserting after subsection (b) the
 12 following:

13 “(c) COMPLIANCE THROUGH PARTICIPATION IN NA-
 14 TIONAL USE-OF-FORCE DATA COLLECTION.—A Federal
 15 law enforcement agency may satisfy the requirement
 16 under subsection (a) by—

17 “(1) participating in the National Use-of-Force
 18 Data Collection of the Federal Bureau of Investiga-
 19 tion; and

20 “(2) including with the information reported for
 21 the National Use-of-Force Data Collection the dis-
 22 ability status of each subject of the use of force.”.

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