

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3221

To provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agencies are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 19 (legislative day, SEPTEMBER 22), 2000

Mr. EDWARDS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agencies are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer.

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 “Law Enforcement Offi-  
5       cers Due Process Act of 2000”.

1 **SEC. 2. PROTECTION FOR LAW ENFORCEMENT OFFICERS.**

2 (a) PROGRAM AUTHORIZED.—The Attorney General  
3 is authorized to provide grants to law enforcement agen-  
4 cies that are eligible under subsection (b).

5 (b) ELIGIBILITY.—To be eligible to receive a grant  
6 under this section, a law enforcement agency shall—

7 (1) have in effect an administrative process that  
8 complies with the requirements of subsection (c) or  
9 an existing procedure described in subsection (e); or

10 (2) certify that it will establish, not later than  
11 2 years after the date of enactment of this Act, an  
12 administrative process that complies with the re-  
13 quirements of subsection (c).

14 (c) OFFICER RIGHTS.—The administrative process  
15 referred to in subsection (b) shall require that a law en-  
16 forcement agency that investigates a law enforcement offi-  
17 cer for matters which could reasonably lead to disciplinary  
18 action against such officer, including dismissal, demotion,  
19 suspension, or transfer provide recourse for the officer  
20 that, at a minimum, includes the following:

21 (1) ACCESS TO ADMINISTRATIVE PROCESS.—  
22 The agency has written procedures to ensure that  
23 any law enforcement officer is afforded access to any  
24 existing administrative process established by the  
25 employing agency prior to the imposition of any such  
26 disciplinary action against the officer.

1           (2) SPECIFIC PROCEDURES.—The procedures  
2 used under paragraph (1) include, the right of a law  
3 enforcement officer under investigation—

4           (A) to a hearing before a fair and impar-  
5 tial board or hearing officer;

6           (B) to be represented by an attorney or  
7 other officer at the expense of such officer;

8           (C) to confront any witness testifying  
9 against such officer; and

10          (D) to record all meetings in which such  
11 officer attends.

12          (d) IMMEDIATE SUSPENSION.—Nothing in this sec-  
13 tion shall prevent the immediate suspension with pay of  
14 a law enforcement officer—

15           (1) whose continued presence on the job is con-  
16 sidered to be a substantial and immediate threat to  
17 the welfare of the law enforcement agency or the  
18 public;

19           (2) who refuses to obey a direct order issued in  
20 conformance with the agency's written and dissemi-  
21 nated rules and regulations; or

22           (3) who is accused of committing an illegal act.

23          (e) EXISTING PROCEDURES.—The provisions of this  
24 section shall not apply to a law enforcement agency if the  
25 Attorney General determines that such agency has in ef-

1 fect an established civil service system, agency review  
2 board, grievance procedure or personnel board, which  
3 meets or exceeds the minimum standards of subsection  
4 (c).

5 (f) DISTRIBUTION OF FUNDS.—From the amount  
6 made available to carry out this section, the Attorney Gen-  
7 eral shall allocate—

8 (1) 50 percent for law enforcement agencies  
9 that are eligible under paragraph (1) of subsection  
10 (b); and

11 (2) 50 percent for law enforcement agencies  
12 that are eligible under paragraph (2) of subsection  
13 (b).

14 (g) REGULATIONS.—The Attorney General may pre-  
15 scribe such regulations as may be necessary to carry out  
16 this section.

17 (h) DEFINITIONS.—For purposes of this section—

18 (1) the term “law enforcement agency” means  
19 any State or unit of local government within the  
20 State that employs law enforcement officers; and

21 (2) the term “law enforcement officer” means  
22 an officer with the powers of arrest as defined by  
23 the laws of each State and required to be certified  
24 under the laws of such State.

1       (i) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this section  
3 \$10,000,000 for fiscal year 2001 and such sums as may  
4 be necessary for each of the 4 succeeding fiscal years.

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