



(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

To improve accountability and training for Immigration and Customs
Enforcement.

IN THE HOUSE OF REPRESENTATIVES

Mrs. BEATTY introduced the following bill; which was referred to the
Committee on _____

A BILL

To improve accountability and training for Immigration and
Customs Enforcement.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Protecting Our Communities Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Body cameras.

Sec. 3. Insignia and identification required for law enforcement officers and
agents engaged in border security or immigration enforcement.

Sec. 4. Deescalation training.

Sec. 5. Requiring notification for local law enforcement.

Sec. 6. Reporting Requirements.

1 **SEC. 2. BODY CAMERAS.**

2 (a) BODY AND VEHICLE CAMERA REQUIREMENTS.—

3 (1) IN GENERAL.—Not later than 90 days after
4 the date of enactment of this section, the Secretary
5 of Homeland Security shall develop and disseminate
6 a Department-wide directive requiring the use of—

7 (A) body-worn cameras by all Federal im-
8 migration enforcement personnel; and

9 (B) dashboard cameras for all vehicles
10 being used in Federal immigration enforcement
11 operations and associated recording protocols.

12 (2) REQUIREMENT FOR BODY CAMERA.—A
13 body camera required under paragraph (1) shall—

14 (A) have a field of view at least as broad
15 as the officer's vision; and

16 (B) be worn in a manner that maximizes
17 the camera's ability to capture video footage of
18 the officer's activities.

19 (3) REQUIREMENT TO ACTIVATE.—

20 (A) IN GENERAL.—Both the video and
21 audio recording functions of the body camera
22 shall be activated whenever a Federal immigra-
23 tion enforcement personnel is participating in a
24 Federal immigration enforcement operation, ex-

1 cept that when an immediate threat to the per-
2 son's life or safety makes activating the camera
3 impossible or dangerous the Federal immigra-
4 tion enforcement personnel shall activate the
5 camera at the first reasonable opportunity to do
6 so.

7 (B) ALLOWABLE DEACTIVATION.—The
8 body camera shall not be deactivated until the
9 Federal immigration enforcement operation
10 ceases and the Federal immigration enforce-
11 ment personnel leaves the scene.

12 (4) LIMITATIONS ON USE OF BODY CAMERA.—
13 Body cameras shall not be used to gather intel-
14 ligence information based on First Amendment pro-
15 tected speech, associations, or religion, or to record
16 activity that is unrelated to a Federal immigration
17 enforcement operation, and shall not be equipped
18 with or employ any facial recognition technologies.

19 (5) RETENTION OF FOOTAGE.—

20 (A) IN GENERAL.—Body camera and dash-
21 board camera video footage shall be retained by
22 the Department of Homeland Security for one
23 year after the date on which it was recorded,
24 after which time such footage shall be perma-
25 nently deleted.

1 (B) RIGHT TO INSPECT.—During the one
2 year retention period described in paragraph
3 (1), the following persons shall have the right
4 to inspect the body camera footage:

5 (i) Any person who is a subject of
6 body camera video footage, and their des-
7 ignated legal counsel.

8 (ii) A parent or legal guardian of a
9 minor subject of body camera video foot-
10 age, and their designated legal counsel.

11 (iii) The spouse, next of kin, or legally
12 authorized designee of a deceased subject
13 of body camera video footage, and their
14 designated legal counsel.

15 (iv) A Federal immigration enforce-
16 ment personnel whose body camera re-
17 corded the video footage, and their des-
18 ignated legal counsel, subject to the limita-
19 tions and restrictions in this Act.

20 (v) The superior officer of a Federal
21 immigration enforcement personnel whose
22 body camera recorded the video footage,
23 subject to the limitations and restrictions
24 in this Act.

1 (vi) Any defense counsel who claims,
2 pursuant to a written affidavit, to have a
3 reasonable basis for believing a video may
4 contain evidence that exculpates a client.

5 (6) PRINCIPLES.—In preparing the directive re-
6 quired under paragraph (1), the Secretary of Home-
7 land Security shall include the following:

8 (A) Benchmarks for implementation of the
9 use of body-worn cameras by Federal immigra-
10 tion enforcement personnel and dashboard cam-
11 eras for vehicles being used for Federal immi-
12 gration enforcement to conform with a standard
13 that cameras are on by default and may only be
14 turned off in certain circumstances.

15 (B) Training requirements, procedures,
16 and best practices for the use of body-worn
17 cameras and dashboard cameras.

18 (C) Plans to publicize the directive and the
19 requirements set forth in this section to ensure
20 Federal immigration enforcement personnel and
21 other impacted individuals are notified of new
22 policies.

1 **SEC. 3. INSIGNIA AND IDENTIFICATION REQUIRED FOR**
2 **LAW ENFORCEMENT OFFICERS AND AGENTS**
3 **ENGAGED IN BORDER SECURITY OR IMMI-**
4 **GRATION ENFORCEMENT.**

5 (a) IN GENERAL.—Title VII of the Homeland Secu-
6 rity Act of 2002 (6 U.S.C. 341 et seq.) is amended by
7 adding at the end the following new section:

8 **“SEC. 714. INSIGNIA AND IDENTIFICATION REQUIRED FOR**
9 **LAW ENFORCEMENT OFFICERS AND AGENTS**
10 **ENGAGED IN BORDER SECURITY OR IMMI-**
11 **GRATION ENFORCEMENT.**

12 “(a) REQUIREMENTS.—

13 “(1) IN GENERAL.—If a law enforcement offi-
14 cer or agent of the Department detains or arrests an
15 individual in connection with a border security or
16 immigration enforcement function of such officer or
17 agent, during such detention or arrest, as the case
18 may be, such officer or agent—

19 “(A) shall—

20 “(i) provide such individual with an
21 identification of the component of the De-
22 partment that employs such officer or
23 agent; and

24 “(ii) display or wear the official insig-
25 nia or uniform of such officer or agent in

1 a manner that is visible to individuals
2 other than such officer or agent; and

3 “(B) may not wear a face covering or any
4 other item that conceals the face of such officer
5 or agent.

6 “(2) RULE OF CONSTRUCTION.—Nothing in
7 this subsection may be construed to limit or prohibit
8 the use of tactical gear by law enforcement officers
9 and agents consistent with the policies and proce-
10 dures of the Department.

11 “(3) REPORTS.—

12 “(A) INITIAL REPORT.—Not later than 30
13 days after the date of enactment of this section,
14 the Secretary shall submit to the Committee on
15 Homeland Security of the House of Representa-
16 tives and the Committee on Homeland Security
17 and Governmental Affairs of the Senate a re-
18 port on the policies and procedures of the De-
19 partment regarding the use of tactical gear by
20 law enforcement officers and agents of the De-
21 partment.

22 “(B) UPDATES.—If the Secretary modifies
23 the policies or procedures of the Department re-
24 garding the use of tactical gear by law enforce-
25 ment officers or agents of the Department, not

1 later than 30 days after any such modification,
2 the Secretary shall submit to the Committee on
3 Homeland Security of the House of Representa-
4 tives and the Committee on Homeland Security
5 and Governmental Affairs of the Senate a re-
6 port relating thereto.

7 “(b) RESEARCH AND DEVELOPMENT.—The Sec-
8 retary, acting through the Under Secretary for Science
9 and Technology, and in coordination with the heads of
10 components of the Department that employ law enforce-
11 ment officers or agents, shall carry out research and devel-
12 opment of technology to maximize the visibility of the offi-
13 cial insignia or uniform of such an officer or agent to be
14 utilized during detentions or arrests, including technology
15 to maximize such visibility in response to certain factors
16 in connection with such detentions or arrests, including
17 the following:

18 “(1) Location.

19 “(2) Time of day.

20 “(3) Weather.

21 “(c) DEFINITIONS.—In this section:

22 “(1) LAW ENFORCEMENT OFFICER OR
23 AGENT.—The term ‘law enforcement officer or
24 agent’ means a law enforcement officer or agent of
25 the Department, including U.S. Immigration and

1 Customs Enforcement and U.S. Customs and Bor-
2 der Protection.

3 “(2) OFFICIAL INSIGNIA OR UNIFORM.—The
4 term ‘official insignia or uniform’ has the meaning
5 given such term in section 716 of title 18, United
6 States Code.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 for such Act is amended by inserting after the item per-
9 taining to section 713 the following:

“714. Insignia and identification required for law enforcement officers and
agents engaged in border security or immigration enforce-
ment.”.

10 **SEC. 4. DEESCALATION TRAINING.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of enactment of this Act, the Secretary of Homeland
13 Security shall develop training curricula or identify effec-
14 tive existing training curricula for Federal immigration
15 enforcement personnel regarding—

16 (1) deescalation tactics; and

17 (2) alternatives to use of force.

18 (b) PARTICULAR INCLUSIONS.—The training cur-
19 ricula developed or identified under subsection (a) shall
20 include—

21 (1) scenario-based exercises;

22 (2) pretraining and posttraining tests to assess
23 relevant knowledge and skills covered in the training
24 curricula; and

1 the criteria Federal immigration enforcement personnel
2 use to determine whether an immigrant poses a public
3 safety or national security threat:

4 (1) The Secretary of Homeland Security shall
5 submit to Congress a report every 6 months detail-
6 ing—

7 (A) instances where nondeadly force was
8 used;

9 (B) the level of public safety or national
10 security threat the target posed;

11 (C) for what reason nondeadly force was
12 administered;

13 (D) specific instances where nondeadly
14 force was improperly administered; and

15 (E) the measures the Department took to
16 ensure accountability for improper use of force.

17 (2) The Secretary of Homeland Security shall
18 submit to Congress a report every 6 months detail-
19 ing instances of assaults against Federal immigra-
20 tion enforcement personnel. The report shall in-
21 clude—

22 (A) the total number of personnel involved
23 in immigration enforcement operations;

24 (B) the number of assaults against Federal
25 immigration enforcement personnel; and

1 (C) details on the severity of those in-
2 stances.

3 (3) The Secretary of Homeland Security shall
4 send a report to Congress every 6 months detailing
5 all instances in which Federal immigration enforce-
6 ment personnel operated without displaying or wear-
7 ing the official insignia or uniform.