

117TH CONGRESS
2D SESSION

S. 4402

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

IN THE SENATE OF THE UNITED STATES

JUNE 14, 2022

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

A BILL

To direct the Attorney General to establish a grant program to establish, implement, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Violent Incident Clear-
5 ance and Technological Investigative Methods Act of
6 2022” or the “VICTIM Act of 2022”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

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

3 (A) investigative processes;

4 (B) detective capacities; and

5 (C) organizational oversight and super-
6 vision of investigations.

7 (2) When a law enforcement agency expends
8 additional investigative effort, the law enforcement
9 agency improves its success in gaining cooperation of
10 key witnesses and increases the amount of forensic
11 evidence collected.

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

14 (A) deterring retaliation; and

15 (B) providing interventions to individuals
16 who may continue to commit crimes or become
17 victims of retaliatory violence.

18 (4) Law enforcement agencies that demonstrate
19 higher rates of clearance for homicides and non-fatal
20 shootings—

21 (A) have more structured oversight and
22 formal interactions between investigative units
23 and agency leadership;

24 (B) are more likely to have investigative
25 units that have collaborative relationships and

1 robust information sharing with other units of
2 the law enforcement agency;

3 (C) have investigative units that have spe-
4 cific goals and performance metrics for both the
5 unit and for investigators within the unit;

6 (D) have investigators who more frequently
7 respond to the initial crime scene shortly after
8 crimes have been reported to collect evidence
9 and interview witnesses;

10 (E) have investigators who either have spe-
11 cialized experience before joining investigative
12 units or are trained in investigations once they
13 join those units;

14 (F) often have standard operating proce-
15 dures for investigations that establish policies
16 and evidence-based best practices for con-
17 ducting and completing homicide investigations;
18 and

19 (G) have better relationships with the com-
20 munities they serve, even if no specific commu-
21 nity-oriented campaign or initiative exists be-
22 tween investigative units and community
23 groups.

1 (5) Criminal justice agencies should collaborate
2 with each other and share best practices for solving
3 homicides and non-fatal shootings.

4 (6) A comprehensive community engagement
5 strategy concerning gun violence is essential to im-
6 proving clearance rates for homicides and non-fatal
7 shootings.

8 **SEC. 3. GRANT PROGRAM WITH RESPECT TO VIOLENT INCI-**
9 **DENT CLEARANCE AND TECHNOLOGICAL IN-**
10 **VESTIGATIVE METHODS.**

11 (a) DEFINITIONS.—In this section:

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

16 (A) has—

17 (i) arrested not less than 1 person for
18 the offense;

19 (ii) charged the person described in
20 subparagraph (A) with the commission of
21 the offense; and

22 (iii) referred the person described in
23 subparagraph (A) for prosecution for the
24 offense; or

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

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

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

12 (B) with respect to the suspect described
13 in subparagraph (A), has—

14 (i) gathered enough evidence to—

15 (I) support an arrest of the sus-
16 pect;

17 (II) make a charge against the
18 suspect; and

19 (III) refer the suspect for pros-
20 ecution;

21 (ii) identified the exact location of the
22 suspect so that the suspect could be taken
23 into custody immediately; and

24 (iii) encountered a circumstance out-
25 side the control of the law enforcement

1 agency that prohibits the agency from ar-
2 resting the suspect, charging the suspect,
3 or referring the suspect for prosecution, in-
4 cluding—

5 (I) the death of the suspect;

6 (II) the refusal of the victim to
7 cooperate with the prosecution after
8 the suspect has been identified; or

9 (III) the denial of extradition be-
10 cause the suspect committed an of-
11 fense in another jurisdiction and is
12 being prosecuted for that offense.

13 (3) CLEARANCE RATE.—The term “clearance
14 rate”, with respect to a law enforcement agency,
15 means—

16 (A) the number of offenses cleared by the
17 law enforcement agency, including through
18 clearance by arrest and clearance by exception,
19 divided by

20 (B) the total number of offenses reported
21 to the law enforcement agency.

22 (4) ELIGIBLE ENTITY.—The term “eligible enti-
23 ty” means a State, Tribal, or local law enforcement
24 agency or prosecuting office, or a group of Tribal

1 law enforcement agencies or Tribal prosecuting of-
2 fices.

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

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

15 (7) PROGRAM.—The term “Program” means
16 the grant program established under subsection
17 (b)(1).

18 (b) GRANT PROGRAM.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of enactment of this Act, the Attorney
21 General shall establish a grant program within the
22 Office of Justice Programs under which the Attor-
23 ney General awards grants to eligible entities to es-
24 tablish, implement, and administer violent incident
25 clearance and technological investigative methods.

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

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

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

9 (3) SELECTION OF GRANT RECIPIENTS.—The
10 Attorney General, in selecting a recipient of a grant
11 under the Program, shall consider the specific plan
12 and activities proposed by the applicant to improve
13 clearance rates for homicides and non-fatal shoot-
14 ings.

15 (4) ELIGIBLE PROJECTS.—A grant recipient
16 shall use the grant for activities with the specific ob-
17 jective of improving clearance rates for homicides
18 and non-fatal shootings, including—

19 (A) ensuring the retention of detectives
20 who are assigned to investigate homicides and
21 non-fatal shootings as of the date of receipt of
22 the grant;

23 (B) hiring and training additional detec-
24 tives who will be dedicated to investigating
25 homicides and non-fatal shootings;

1 (C) developing policies, procedures, and
2 training to improve the ability of detectives to
3 effectively investigate and solve homicides and
4 non-fatal shootings, including implementing
5 best practices relating to—

6 (i) improving internal agency coopera-
7 tion, organizational oversight and account-
8 ability, and supervision of investigations;

9 (ii) developing specific goals and per-
10 formance metrics for both investigators
11 and investigative units;

12 (iii) establishing or improving rela-
13 tionships with the communities the agency
14 serves; and

15 (iv) collaboration with and among
16 other law enforcement agencies and crimi-
17 nal justice organizations;

18 (D) training personnel to address the
19 needs of victims and family members of victims
20 of homicides and non-fatal shootings or collabo-
21 rating with trained victim advocates and spe-
22 cialists to better meet the needs of victims;

23 (E) acquiring, upgrading, or replacing in-
24 vestigative, evidence processing, or forensic test-
25 ing technology or equipment;

1 (F) development and implementation of
2 policies that safeguard civil rights and civil lib-
3 erties during the collection, processing, and fo-
4 rensic testing of evidence;

5 (G) hiring or training personnel for collec-
6 tion, processing, and forensic testing of evi-
7 dence;

8 (H) hiring and training of personnel to
9 analyze violent crime and the temporal and geo-
10 graphic trends among homicides and shootings;

11 (I) retaining experts to conduct a detailed
12 analysis of homicides and shootings using Gun
13 Violence Problem Analysis (commonly known as
14 “GVPA”) or a similar research methodology;

15 (J) ensuring victims have appropriate ac-
16 cess to emergency food, housing, clothing, trav-
17 el, and transportation;

18 (K) developing competitive and evidence-
19 based programs to improve homicide and non-
20 fatal shooting clearance rates;

21 (L) developing best practices for improving
22 access to and acceptance of victim services, in-
23 cluding victim services that promote medical
24 and psychological wellness, ongoing counseling,
25 legal advice, and financial compensation;

1 (M) training investigators and detectives in
2 trauma-informed interview techniques;

3 (N) establishing programs to support offi-
4 cers who experience stress or trauma as a result
5 of responding to or investigating shootings or
6 other violent crime incidents; or

7 (O) ensuring language and disability access
8 supports are provided to victims and their fami-
9 lies so that victims can exercise their rights and
10 participate in the criminal justice process.

11 (c) FEDERAL SHARE.—

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

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

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

19 (2) WAIVER.—With respect to a grant awarded
20 under the Program after December 31, 2032, the
21 Attorney General may determine that the Federal
22 share of the cost of a project assisted with the grant
23 shall not exceed 100 percent.

24 (d) REPORT BY GRANT RECIPIENT.—Not later than
25 1 year after receiving a grant under the Program, and

1 each year thereafter, a grant recipient shall submit to the
2 Attorney General a report on the activities carried out
3 using the grant, including, if applicable—

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

6 (2) the number of evidence processing personnel
7 hired by the grant recipient;

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

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

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

14 (4) any new evidence processing technology or
15 equipment purchased or any upgrades made to exist-
16 ing (as of the date on which the grant was awarded)
17 evidence technology or equipment, and the associ-
18 ated cost;

19 (5) any assessments of evidence processing
20 technology or equipment purchased with the grant to
21 determine whether the technology or equipment sat-
22 isfies the objectives of the use of the technology or
23 equipment in increasing clearance rates, and any
24 policies in place to govern the use of the technology
25 or equipment;

1 (6) the internal policies and oversight used to
2 ensure that any technology purchased through the
3 grant for the purposes of improving clearance rates
4 does not violate the civil rights and civil liberties of
5 individuals;

6 (7) data regarding clearance rates for homicides
7 and non-fatal shootings, including the rate of clear-
8 ances by arrest and clearances by exception, and
9 crime trends from within each jurisdiction in which
10 the grant recipient carried out activities supported
11 by the grant;

12 (8) whether the grant recipient has provided
13 grant funds to any victim services organizations, and
14 if so, which organizations;

15 (9) the demographic information for victims of
16 homicides and non-fatal shootings, and the length
17 and outcomes of each investigation, including wheth-
18 er the investigation was cleared by arrest or excep-
19 tion;

20 (10) the demographic information for each vic-
21 tim or family member of a victim who received vic-
22 tim-related services provided by the grant recipient;
23 and

1 (11) identification of the services most used by
2 victims and their families and identification of addi-
3 tional services needed.

4 (e) NATIONAL INSTITUTE OF JUSTICE EVALUATION
5 AND REPORT TO CONGRESS.—

6 (1) EVALUATION.—Not later than 2 years after
7 the date of enactment of this Act, and every 2 years
8 thereafter, the Director of the National Institute of
9 Justice shall conduct an evaluation of—

10 (A) the practices deployed by grant recipi-
11 ents to identify policies and procedures that
12 have successfully improved clearance rates for
13 homicides and non-fatal shootings; and

14 (B) the efficacy of any services provided to
15 victims and family members of victims of homi-
16 cides and non-fatal shootings.

17 (2) REPORT TO CONGRESS.—Not later than 30
18 days after completion of an evaluation by the Na-
19 tional Institute of Justice under paragraph (1), the
20 Attorney General shall submit to Congress a report
21 including—

22 (A) the results of the evaluation; and

23 (B) information reported by each grant re-
24 cipient under subsection (d).

25 (f) AUTHORIZATION OF APPROPRIATIONS.—

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

4 (2) PERCENT FOR CERTAIN ELIGIBLE ENTI-
5 TIES.—The Attorney General shall use 10 percent of
6 the amount made available under paragraph (1) for
7 a fiscal year to award grants under the Program to
8 Tribal law enforcement agencies or prosecuting of-
9 fices, or groups of such agencies or offices.

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