

119TH CONGRESS  
2D SESSION

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To require Federal, State, and local law enforcement agencies to report information related to allegations of misconduct of law enforcement officers to the Attorney General, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. KAINES introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To require Federal, State, and local law enforcement agencies to report information related to allegations of misconduct of law enforcement officers to the Attorney General, 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 “Cost of Police Mis-

5       conduct Act of 2026”.

6       **SEC. 2. REPORTING REQUIREMENT.**

7       (a) DEFINITIONS.—In this section:

22 (5) LAW ENFORCEMENT AGENCY.—The term  
23 “law enforcement agency” means an agency engaged  
24 in the prevention, detection, investigation, prosecu-

1       tion, or adjudication of violations of the law in the  
2       United States.

3               (6) MISCONDUCT.—The term “misconduct”  
4       means an instance in which a law enforcement offi-  
5       cer took an unlawful under State or Federal law,  
6       tortious, or otherwise inappropriate action in connec-  
7       tion with the official duties of the officer.

8               (7) PROFESSIONAL LAW ENFORCEMENT ASSO-  
9       CIATION.—The term “professional law enforcement  
10      association” means a law enforcement membership  
11      association that works for the needs of Federal,  
12      State, local, or Indian Tribal law enforcement agen-  
13      cies and with the civilian community on matters of  
14      common interest, such as the Hispanic American  
15      Police Command Officers Association (HAPCOA),  
16      the National Asian Pacific Officers Association  
17      (NAPOA), the National Black Police Association  
18      (NBPA), the National Latino Peace Officers Asso-  
19      ciation (NLPOA), the National Organization of  
20      Black Law Enforcement Executives (NOBLE),  
21      Women in Law Enforcement, the Native American  
22      Law Enforcement Association (NALEA), the Inter-  
23      national Association of Chiefs of Police (IACP), the  
24      National Sheriffs’ Association (NSA), the Fraternal

1       Order of Police (FOP), or the National Association  
2       of School Resource Officers.

3                   (8) SETTLEMENT.—The term “settlement”  
4       means an agreement that resolves—

5                   (A) a civil action prior to the entry of  
6       judgment; or

7                   (B) a legal dispute prior to the filing of a  
8       complaint or petition.

9                   (b) IDENTIFICATION REQUIREMENT.—

10                  (1) IN GENERAL.—Not later than 90 days after  
11       the date of enactment of this Act, and annually  
12       thereafter, the Attorney General shall identify—

13                  (A) the total number of Federal law en-  
14       forcement agencies in the Federal Government;  
15       and

16                  (B) the name of each Federal law enforce-  
17       ment agency in the Federal Government.

18                  (2) PUBLICATION.—Not later than 120 days  
19       after the date of enactment of this Act, and annually  
20       thereafter, the Attorney General shall make publicly  
21       available on the internet website of the Department  
22       of Justice the information under paragraph (1).

23                  (c) FEDERAL LAW ENFORCEMENT REQUIRE-  
24       MENTS.—

12 (A) The total number of judgments or set-  
13 tlements entered into during the year with re-  
14 spect to allegations of misconduct by a Federal  
15 law enforcement officer employed by such agen-  
16 cy.

17 (B) For each judgment or settlement with  
18 respect to allegations of misconduct identified  
19 in subparagraph (A):

20 (i) The race, ethnicity, sex, and age of  
21 each Federal law enforcement officer and  
22 civilian involved, if known.

23 (ii) The year in which the alleged mis-  
24 conduct took place.

1 (iii) The year in which the allegation  
2 was reported.

3 (iv) The type of allegation, which may  
4 include a body camera violation (whether a  
5 failure to wear or record), use of force (in-  
6 cluding the type of force), a collision, racial  
7 profiling, negligence, property damage, sex-  
8 ual harassment or assault, false testimony,  
9 wrongful death, failure of a duty to inter-  
10 vene, or wrongful imprisonment.

11 (v) Any personnel action taken by the  
12 officer involved, which may include res-  
13 ignation or retirement.

14 (vi) Any personnel action taken by the  
15 Federal law enforcement agency involved,  
16 which may include termination, demotion,  
17 or relocation of the officer involved.

18 (vii) The total amount paid to satisfy  
19 the judgment or settlement (and related  
20 court fees), regardless of the source of the  
21 payment.

22 (viii) The source of money used to pay  
23 the judgment or settlement (and related  
24 court fees), including whether the money  
25 came from amounts appropriated under

1 section 1304 of title 31, United States  
2 Code (commonly known as the “Judgment  
3 Fund”), amounts appropriated to the Fed-  
4 eral law enforcement agency, or another  
5 source.

6 (ix) Any injunctive or declaratory re-  
7 lief awarded, or any comparable terms in  
8 any settlement agreement.

9 (C) The total amount paid pursuant to  
10 such judgments and settlements (and related  
11 court fees) by the Federal law enforcement  
12 agency.

13 (3) REPORTS REQUIRED.—

14 (A) IN GENERAL.—Not later than 60 days  
15 after the last day of each year that begins after  
16 the date of enactment of this Act, a Federal law  
17 enforcement agency identified under subsection  
18 (b)(1) shall report to the Attorney General,  
19 pursuant to guidelines established by the Attorney  
20 General, the information collected pursuant  
21 to paragraph (1) for the preceding year.

22 (B) EXTENSION.—The Attorney General  
23 may extend the deadline under subparagraph  
24 (A) by not more than 60 days for a Federal law  
25 enforcement agency that the Attorney General

1           determines is making good faith efforts to com-  
2           ply with the requirement under such subpara-  
3           graph.

4 (C) SCOPE OF INITIAL REPORT.—The first  
5 report submitted by a Federal law enforcement  
6 agency under subparagraph (A) shall include  
7 data collected prior to the year covered by the  
8 report, if the data collection requirement under  
9 paragraph (1) applies to any period prior to  
10 that year.

11 (d) STATE AND LOCAL LAW ENFORCEMENT RE-  
12 QUIREMENTS.—

## 13 (1) REQUIREMENTS.—

14 (A) NOTIFICATION.—Not later than 30  
15 days after the date of enactment of this Act,  
16 the Attorney General shall notify each State or  
17 unit of local government that receives funds  
18 under the Byrne JAG program of the require-  
19 ment under subparagraph (B).

20 (B) DATA COLLECTION.—On and after the  
21 date that is 120 days after the date of enact-  
22 ment of this Act, each State or unit of local  
23 government that receives funds under the  
24 Byrne JAG program shall collect information  
25 relating to any judgments or settlements with

1 respect to any allegations of misconduct that is  
2 substantially similar to the information de-  
3 scribed in subsection (c)(2).

4 (C) DATA REPORTING.—

5 (i) IN GENERAL.—Not later than 60  
6 days after the last day of each year that  
7 begins after the date of enactment of this  
8 Act, a State or unit of local government  
9 that receives funds under the Byrne JAG  
10 program shall submit to the Attorney Gen-  
11 eral, pursuant to guidelines established by  
12 the Attorney General, for the preceding  
13 year and with respect to each law enforce-  
14 ment agency of the State or unit of local  
15 government, respectively, the information  
16 collected under subparagraph (B).

17 (ii) EXTENSION.—The Attorney Gen-  
18 eral may extend the deadline under clause  
19 (i) by 60 days for a State or local govern-  
20 ment that is making good faith efforts to  
21 comply with the requirement under that  
22 clause.

23 (iii) SOURCE OF MONEY FOR JUDG-  
24 MENTS AND SETTLEMENTS.—For purposes  
25 of clause (i), in reporting the source of

1 money used to pay a judgment or settle-  
2 ment (and related court fees), as described  
3 in subsection (c)(2)(B)(viii), a State or  
4 unit of local government shall disclose the  
5 portion of the judgment or settlement pay-  
6 ment that came from a general operating  
7 budget, State or local law enforcement  
8 agency budget, bonds, liability insurance, a  
9 central risk management fund or pool, or  
10 other source.

11 (iv) INSURANCE, BONDS, AND RISK  
12 MANAGEMENT FUNDS.—For purposes of  
13 clause (i), a State or unit of local govern-  
14 ment shall disclose—

15 (I) the total amount, if any,  
16 spent on any insurance premiums  
17 paid by the State or unit of local gov-  
18 ernment for insurance against law en-  
19 forcement misconduct;

20 (II) if any portion of a settlement  
21 is paid with bonds, the amount of the  
22 bond, as well as the total future cost  
23 of the bond, including any interest  
24 and fees; and

14 (vi) PUBLICATION.—Not later than 30  
15 days after the date on which a State or  
16 unit of local government submits to the At-  
17 torney General the information collected  
18 under subparagraph (B) in accordance  
19 with the requirements of this subpara-  
20 graph, the State or unit of local govern-  
21 ment shall publish such information on the  
22 respective website of the State or unit of  
23 local government.

24 (2) INELIGIBILITY FOR FUNDS.—

1 (A) IN GENERAL.—A State or unit of local  
2 government that fails to comply with the re-  
3 quirements under paragraph (1) shall be sub-  
4 ject to not more than a 10-percent reduction of  
5 the funds that would otherwise be allocated to  
6 the State or unit of local government under the  
7 Byrne JAG program, not more than a 10-per-  
8 cent reduction of the funds that would other-  
9 wise be allocated to the State or unit of local  
10 government under the “Cops on the Beat” pro-  
11 gram under part Q of title I of the Omnibus  
12 Crime Control and Safe Streets Act of 1968  
13 (34 U.S.C. 10381 et seq.), or both, for—

14 (i) the fiscal year in which the failure  
15 to comply occurs; or

16 (ii) the subsequent fiscal year.

17 (B) REALLOCATION.—Amounts not allo-  
18 cated under the Byrne JAG program or the  
19 “Cops on the Beat” program under part Q of  
20 title I of the Omnibus Crime Control and Safe  
21 Streets Act of 1968 (34 U.S.C. 10381 et seq.)  
22 to a State or unit of local government for fail-  
23 ure to fully comply with paragraph (1) shall be  
24 reallocated under the relevant program to

1           States or units of local government that have  
2           complied with such paragraph.

3           (3) OPEN-SOURCE DATA.—Not later than 30  
4           days after each date on which the Attorney General  
5           receives information reported under paragraph (1)  
6           from a State or unit of local government, the Attor-  
7           ney General shall verify such information reported  
8           using open-source data, as practicable, including  
9           using data from newspaper and court records.

10          (e) STUDY AND REPORTS REQUIRED.—

11           (1) GAO STUDY AND REPORT.—

12           (A) STUDY.—After data has been collected  
13           and reported under subsections (c) and (d) for  
14           2 full years, the Comptroller General of the  
15           United States shall carry out a study on such  
16           data, including—

17           (i) the number of Federal, State, and  
18           local law enforcement agencies reporting  
19           such data to the Attorney General;

20           (ii) a determination of the leading  
21           cause of judgments and settlements  
22           against Federal, State, and local law en-  
23           forcement agencies;

24           (iii) an analysis of any relationship  
25           between the number of judgments and set-

1 tlements and the actions taken by Federal,  
2 State, or local law enforcement agencies,  
3 including the process of the agency to en-  
4 force the law, the culture of the agency,  
5 and any new programs established by the  
6 Federal, State, or local law enforcement  
7 agency to enforce the law;

8 (iv) recommendations with respect to  
9 how a Federal, State, or local law enforce-  
10 ment agency may reduce misconduct lead-  
11 ing to judgments or settlements;

12 (v) identification of Federal, State,  
13 local law enforcement agencies that have  
14 spent the most money with respect to judg-  
15 ments and settlements (and related court  
16 fees);

17 (vi) the total amount of money spent  
18 by Federal, State, and local law enforce-  
19 ment agencies on judgments or settlements  
20 (and related court fees), disaggregated by  
21 State;

22 (vii) the average amount of money  
23 spent on judgments or settlements (and re-  
24 lated court fees) by—

1 (I) Federal law enforcement  
2 agencies;

3 (II) State law enforcement agen-  
4 cies; and

5 (III) local law enforcement agen-  
6 cies;

7 (viii) an assessment of—

8 (I) how efficiently and effectively  
9 the Attorney General collects and dis-  
0 seminates data collected under sub-  
1 sections (c) and (d); and

12 (II) how the Attorney General  
13 may improve coordination with State  
14 and local law enforcement agencies re-  
15 garding any review process for allega-  
16 tions of misconduct, including how the  
17 agencies implement consent decrees  
18 and initiate pattern and practice in-  
19 vestigations relating to allegations of  
20 misconduct; and

21 (ix) a review by the Attorney General  
22 of the data collection practices carried out  
23 pursuant to subsections (c) and (d) and  
24 recommendations relating to how such  
25 practices may be improved.

1 (B) REPORT.—Not later than 120 days  
2 after the last day of the third year that begins  
3 after the date of enactment of this Act, the  
4 Comptroller General, in consultation with the  
5 Attorney General, shall—

6 (i) prepare and submit to the Com-  
7 mittee on the Judiciary of the Senate and  
8 the Committee on the Judiciary of the  
9 House of Representatives a report that  
10 contains the findings of the study under  
11 subparagraph (A); and

12 (ii) make the report described in  
13 clause (i) available to the public.

14 (2) DEPARTMENT OF JUSTICE REPORT.—

20 (i) prepare and submit to the Com-  
21 mittee on the Judiciary of the Senate and  
22 the Committee on the Judiciary of the  
23 House of Representatives a report that in-  
24 cludes the information described in sub-  
25 paragraph (B); and

1 (ii) subject to subsection (f) and not-  
2 withstanding any other provision of Fed-  
3 eral law relating to privacy, make the re-  
4 port described in clause (i) available to the  
5 public.

6 (B) CONTENTS.—The report submitted  
7 under subparagraph (A) shall include—

8 (i) recommendations for law enforce-  
9 ment agencies relating to the use of force;

10 (ii) best practices, created in consulta-  
11 tion with law enforcement organizations,  
12 professional law enforcement associations,  
13 and civil rights organizations, for methods  
14 by which law enforcement agencies may re-  
15 duce instances of misconduct;

16 (iii) an analysis of data relating to  
17 judgments and settlements reported by  
18 State and local law enforcement agencies  
19 under subsection (d); and

20 (iv) any other relevant information re-  
21 lating to data and information collected  
22 under subsections (c) and (d).

### 23 (3) DATABASE.—

24 (A) IN GENERAL.—Not later than 1 year  
25 after the date of enactment of this Act, the At-

1           torney General shall create and maintain on the  
2           internet website of the Department of Justice a  
3           public, searchable database containing all data  
4           reported under subsections (c) and (d), subject  
5           to any otherwise applicable confidentiality re-  
6           quirements. Such publication shall not include  
7           any personally identifiable information of any  
8           law enforcement officer.

9           (B) DATABASE UPDATES.—The Attorney  
10          General shall update the database created  
11          under subparagraph (A) on an annual basis  
12          with data reported under subsections (c) and  
13          (d).

14          (f) RULE OF CONSTRUCTION.—Nothing in this sec-  
15          tion shall be construed to supersede the requirements or  
16          limitations under section 552a of title 5, United States  
17          Code (commonly known as the “Privacy Act of 1974”).