

118TH CONGRESS
2D SESSION

S. 3763

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2024

Mr. BOOKER (for himself, Mr. KENNEDY, Mr. DURBIN, and Mr. TILLIS) 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 violent incident clearance and technology investigative methods, 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 2024” or the “VICTIM Act of 2024”.

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 homicides, shoot-
13 ings, and other firearm-related violent crimes can
14 prevent subsequent related violence by—

15 (A) deterring retaliation; and

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

19 (4) Law enforcement agencies that demonstrate
20 higher rates of clearance for homicides and firearm-
21 related violent crimes—

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

1 (B) are more likely to have investigative
2 units that have collaborative relationships and
3 robust information sharing with other units of
4 the law enforcement agency;

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

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

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

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

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

1 (5) Criminal justice agencies should collaborate
2 with each other and share best practices for solving
3 homicides and firearm-related violent crimes.

4 (6) A comprehensive community engagement
5 strategy concerning gun violence is essential to im-
6 proving clearance rates for homicides and firearm-
7 related violent crimes.

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 clause (i) with the commission of the of-
21 fense; and

22 (iii) referred the person described in
23 clause (i) for prosecution for the offense;

24 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 location of the sus-
22 pect 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 the quotient obtained by dividing—

16 (A) the number of offenses cleared by the
 17 law enforcement agency, including through
 18 clearance by arrest and clearance by exception;
 19 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 such law
 25 enforcement agencies or prosecuting offices.

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

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

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

16 (b) GRANT PROGRAM.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of enactment of this Act, the Attorney
19 General shall establish a grant program within the
20 Office of Community Oriented Policing Services
21 under which the Attorney General awards grants to
22 eligible entities to establish, implement, and admin-
23 ister violent incident clearance and technological in-
24 vestigative 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—

12 (A) consider the specific plan and activities
13 proposed by the applicant to improve clearance
14 rates for homicides and firearm-related violent
15 crimes; and

16 (B) prioritize the award of grants to eligi-
17 ble entities that—

18 (i) contribute use of force data to the
19 National Use-of-Force Data Collection of
20 the Federal Bureau of Investigation; or

21 (ii) contribute use of force data to or
22 publish use of force data on a publicly ac-
23 cessible website, including a database
24 maintained by a State, county, municipal,
25 or Tribal agency.

1 (4) ELIGIBLE PROJECTS.—A grant recipient
2 shall use the grant for activities with the specific ob-
3 jective of improving clearance rates for homicides
4 and firearm-related violent crimes, including—

5 (A) ensuring the retention of personnel
6 who are assigned to investigate homicides and
7 firearm-related violent crimes as of the date of
8 receipt of the grant;

9 (B) hiring and training additional per-
10 sonnel who will be assigned to investigate homi-
11 cides and firearm-related violent crimes;

12 (C) developing policies, procedures, and
13 training to improve clearance rates for homi-
14 cides and firearm-related violent crimes, includ-
15 ing implementing best practices relating to—

16 (i) improving internal agency coopera-
17 tion, organizational oversight and account-
18 ability, and supervision of investigations;

19 (ii) developing specific goals and per-
20 formance metrics for both investigators
21 and investigative units;

22 (iii) establishing or improving rela-
23 tionships with the communities the agency
24 serves; and

1 (iv) collaboration with and among
2 other law enforcement agencies and crimi-
3 nal justice organizations;

4 (D) training to address the needs of vic-
5 tims and family members of victims of homi-
6 cides and firearm-related violent crimes or col-
7 laborating with trained victim advocates and
8 specialists to better meet the needs of victims
9 and family members of victims;

10 (E) acquiring, upgrading, or replacing in-
11 vestigative, evidence-processing, or forensic test-
12 ing technology or equipment;

13 (F) development and implementation of
14 policies that safeguard civil rights and civil lib-
15 erties during the collection, processing, and fo-
16 rensic testing of evidence;

17 (G) hiring or training personnel for collec-
18 tion, processing, and forensic testing of evi-
19 dence;

20 (H) hiring and training of personnel to
21 analyze violent crime and the temporal and geo-
22 graphic trends among homicides and firearm-re-
23 lated violent crimes;

24 (I) retaining experts to conduct a detailed
25 analysis of homicides and firearm-related vio-

1 lent crimes using Gun Violence Problem Anal-
2 ysis (commonly known as “GVPA”) or a similar
3 research methodology;

4 (J) ensuring victims have appropriate ac-
5 cess to emergency food, housing, clothing, trav-
6 el, and transportation;

7 (K) developing competitive and evidence-
8 based programs to improve clearance rates for
9 homicides and firearm-related violent crimes;

10 (L) developing best practices for improving
11 access to and acceptance of victim services, in-
12 cluding victim services that promote medical
13 and psychological wellness, ongoing counseling,
14 legal advice, and financial compensation;

15 (M) training investigators and personnel in
16 trauma-informed interview techniques;

17 (N) establishing programs to support offi-
18 cers who experience stress or trauma as a result
19 of responding to or investigating homicides or
20 other violent crime incidents; or

21 (O) ensuring language and disability access
22 supports are provided to victims and their fami-
23 lies so that victims can exercise their rights and
24 participate in the criminal justice process.

1 (c) SUPPLEMENT, NOT SUPPLANT.—Grant funds
2 made available under this section shall be used to supple-
3 ment, not supplant, Federal and non-Federal funds avail-
4 able for carrying out the activities described in this sec-
5 tion.

6 (d) HIRING.—A grant recipient using funds for hir-
7 ing personnel under subsection (b)(4)(B) shall make a
8 good faith effort to determine whether an applicant with
9 prior law enforcement experience has a disciplinary record
10 or internal investigation record by—

11 (1) conducting a search of the National Decer-
12 tification Index and, if available, the National Law
13 Enforcement Accountability Database; or

14 (2) requesting the personnel record of the appli-
15 cant from each law enforcement agency that em-
16 ployed the applicant.

17 (e) REPORT BY GRANT RECIPIENT.—Not later than
18 1 year after receiving a grant under the Program, and
19 each year thereafter until a final report is submitted re-
20 garding fiscal year 2029, a grant recipient shall submit
21 to the Attorney General a report on the activities carried
22 out using the grant during the preceding fiscal year, in-
23 cluding, if applicable—

1 (1) the number of personnel assigned to inves-
2 tigate homicides and firearm-related violent crimes
3 hired by the grant recipient;

4 (2) the number of personnel hired for collecting,
5 processing, and forensic testing of evidence by the
6 grant recipient;

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

8 (A) provided to existing (as of the date on
9 which the grant was awarded) or newly hired
10 personnel assigned to investigate homicides and
11 firearm-related violent crimes; and

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

14 (4) any new investigative, evidence-processing,
15 or forensic technology or equipment purchased or
16 any upgrades made to existing (as of the date on
17 which the grant was awarded) investigative, evi-
18 dence-processing, or forensic technology or equip-
19 ment, and the associated cost;

20 (5) an assessment of investigative, evidence-
21 processing, or forensic technology or equipment pur-
22 chased with the grant to determine whether the
23 technology or equipment satisfies the objectives of
24 the use of the technology or equipment in increasing

1 clearance rates, and any policies in place to govern
2 the use of the technology or equipment;

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

8 (7) a description of the good faith efforts em-
9 ployed to comply with subsection (d);

10 (8) data regarding clearance rates for homicides
11 and firearm-related violent crimes, including the rate
12 of clearances by arrest and clearances by exception,
13 and crime trends from within each jurisdiction in
14 which the grant recipient carried out activities sup-
15 ported by the grant;

16 (9) whether the grant recipient has provided
17 grant funds to any victim services organizations, and
18 if so, which organizations;

19 (10) the demographic information for victims of
20 homicides and firearm-related violent crimes, and
21 the length and outcomes of each investigation, in-
22 cluding whether the investigation was cleared by ar-
23 rest or exception;

24 (11) the demographic information for each vic-
25 tim or family member of a victim who received vic-

1 tim-related services provided by the grant recipient;
2 and

3 (12) to the extent reasonably available, identi-
4 fication of the services most used by victims and
5 their families and identification of additional services
6 needed.

7 (f) CLEARANCE RATE REPORTING.—If 2 or more law
8 enforcement agencies collaborate on a criminal investiga-
9 tion that results in a clearance, only the agency that initi-
10 ated the investigation shall include that clearance in the
11 report submitted under subsection (e).

12 (g) GRANT OVERSIGHT.—All grants awarded by the
13 Attorney General under this section shall be subject to the
14 following accountability provisions:

15 (1) AUDIT REQUIREMENT.—

16 (A) DEFINITION.—In this paragraph, the
17 term “unresolved audit finding” means a find-
18 ing in the final audit report of the Inspector
19 General of the Department of Justice that the
20 audited grant recipient has used grant funds
21 for an unauthorized expenditure or otherwise
22 unallowable cost that is not closed or resolved
23 within 12 months from the date when the final
24 audit report is issued.

25 (B) AUDITS.—

1 (i) IN GENERAL.—Not later than the
2 first fiscal year after the date of establish-
3 ment of the Program, and in each fiscal
4 year thereafter, the Inspector General of
5 the Department of Justice shall conduct
6 audits of grant recipients under this sec-
7 tion to prevent waste, fraud, and abuse of
8 funds by grant recipients.

9 (ii) SELECTION OF GRANT RECIPI-
10 ENTS FOR AUDIT.—The Inspector General
11 of the Department of Justice shall deter-
12 mine the appropriate number of grant re-
13 cipients to be audited each year.

14 (C) MANDATORY EXCLUSION.—A grant re-
15 cipient that is found to have an unresolved
16 audit finding shall not be eligible to receive
17 grant funds under this section during the fiscal
18 year following the 12-month period after the
19 final audit report has been issued.

20 (2) ANNUAL CERTIFICATION.—Not later than
21 the end of the fiscal year during which audits com-
22 mence under paragraph (1)(B)(i), and each fiscal
23 year thereafter, the Attorney General shall submit to
24 the Committee on the Judiciary and the Committee
25 on Appropriations of the Senate and the Committee

1 on the Judiciary and the Committee on Appropria-
2 tions of the House of Representatives a certification,
3 including—

4 (A) whether—

5 (i) all audits conducted by the Office
6 of the Inspector General of the Depart-
7 ment of Justice under paragraph (1) have
8 been completed and reviewed by the appro-
9 priate Assistant Attorney General; and

10 (ii) all mandatory exclusions required
11 under paragraph (1)(C) have been issued;
12 and

13 (B) a list of any grant recipients excluded
14 from receiving grant funds under paragraph
15 (1)(C) from the previous fiscal year.

16 (h) NATIONAL INSTITUTE OF JUSTICE EVALUATION
17 AND REPORT TO CONGRESS.—

18 (1) EVALUATION.—Not later than 2 years after
19 the date of enactment of this Act, and every 2 years
20 thereafter, the Director of the National Institute of
21 Justice shall conduct an evaluation of—

22 (A) the practices deployed by grant recipi-
23 ents to identify policies and procedures that
24 have successfully improved clearance rates for

1 homicides and firearm-related violent crimes;
2 and

3 (B) the efficacy of any services provided to
4 victims and family members of victims of homi-
5 cides and firearm-related violent crimes.

6 (2) REPORT TO CONGRESS.—Not later than 30
7 days after completion of an evaluation by the Na-
8 tional Institute of Justice under paragraph (1), the
9 Attorney General shall submit to Congress a report
10 including—

11 (A) the results of the evaluation; and

12 (B) information reported by each grant re-
13 cipient under subsection (e).

14 (i) AUTHORIZATION OF APPROPRIATIONS.—

15 (1) IN GENERAL.—There are authorized to be
16 appropriated to carry out this section \$60,000,000
17 for each of fiscal years 2024 through 2029.

18 (2) PERCENT FOR CERTAIN ELIGIBLE ENTI-
19 TIES.—The Attorney General shall use 5 percent of
20 the amount made available under paragraph (1) for
21 a fiscal year to award grants under the Program to
22 Tribal law enforcement agencies or Tribal pros-
23 ecuting offices, or groups of such agencies or offices.

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