

Stop Excessive Force in Immigration Act



Sec. 3A- Limitations for Federal Immigration Enforcement

- **Section 1 Use of Force:** Brings Federal immigration enforcement personnel in line with current DOJ standards on the use of force by allowing force to be used only if “no reasonably effective, safe, and feasible alternative appears to exist.” The section also implements additional standards for personnel by requiring them to make all reasonable efforts to de-escalate situations and minimize risk to third parties, use force proportionally to the level of threat encountered, intervene and report if they witness other personnel using excessive force, and render medical aid as necessary.
 - Sets a definition for reasonableness based on *Graham v Conner*, 490 U.S. 386 (1989). The section also includes a no-retreat standard, similar to that in the California Penal Code, to provide clear guidance to personnel handling resistance when making an arrest.
- **Section 1 Masks and Uniforms:** Limits the use of masks and requires clear uniforms in operations not targeting national security threats, with additional exceptions for personnel facing environmental hazards, likely to work in future covert operations, and when not wearing identification is necessary to safely target a public safety threat.
- **Sec 2:** Prohibits Federal immigration enforcement personnel from being equipped with restricted equipment such as tear gas, pepper balls, and flash bangs for interior enforcement operations, unless,
 - They receive pre-approval from a supervisory officer for operations targeting a specified national security or public safety threat, and,
 - The personnel are trained and certified for the use of that particular equipment.
- **Section 3:** Immigration enforcement may maintain a backup team trained and certified for the use of restricted equipment that can be deployed if the safety of immigration enforcement or other people is at risk. These backup teams will still be subject to the additional standards for the use of force outlined in section 3. Clarifies that lawful First Amendment activities are not enough to deem the safety of personnel at risk.
- **Section 4:** Requires The Department of Homeland Security's Office for Civil Rights and Civil Liberties and the Department of Justice Office of the Inspector General to investigate, and if necessary, discipline any personnel who violate the restrictions in Section 3.

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Section 3B- Body Camera Requirements

- Requires the DHS Secretary to develop and disseminate guidance requiring the use of body cameras by all Federal immigration enforcement personnel and for all vehicles being used in Federal immigration enforcement operations with the default being that cameras are always on and only allowed to be turned off in certain situations. Exceptions are made for areas where recording is duplicative.
- Requires all footage to be held by DHS for at least one year. Specifically requires footage to be retained for at least three years if the footage captures a use of force or an encounter involving a registered complaint. The policy also allows footage to be retained for at least three years if requested by Federal immigration enforcement personnel or a supervisor if they believe the footage has evidentiary or exculpatory value. Requires that footage not be discarded until the conclusion of any investigation or lawsuit to which the footage is relevant.
- Allows members of the public, parents or guardians of minors, or a spouse of someone subject to the footage to request its retention for at least three years.
- Sets rules for who can inspect footage, including individuals or personnel who are subjects of the footage, their counsel, and members of Congress representing the district in which the operation took place or on a committee of jurisdiction.

Section 3C- Training Requirements

- Requires annual training for Federal immigration enforcement personnel on the appropriate use of force, using de-escalation, complying with the First and Fourth Amendments, reinforcing the illegality of enforcement primarily based on race, applying the affirmative duty to intervene to stop excessive force, and rendering medical aid.

Section 3D- Requiring Notification for Local Law Enforcement

- Requires Federal immigration enforcement to notify local law enforcement of impending operations in their jurisdiction.

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Section 3E and 3F- Reporting Requirements

- Creates biannual DHS and DOJ reporting requirements on the use of nondeadly force, assaults against Federal immigration enforcement personnel, instances where Federal immigration enforcement personnel operate without a uniform or with a mask, and impersonations of immigration enforcement personnel.

Section 3G- Database

- Requires DHS to maintain a database with proof of training and certification for the use of restricted equipment by Federal immigration enforcement personnel.
 - Requires accountability for supervisors of Federal immigration enforcement personnel who improperly allow the personnel they supervise to use restricted equipment.
- Commissions the creation of a database documenting uses of force, significant incidents, and allegations of civil rights abuses that can be reviewed by specified members of Congress, and a desensitized version available to the public.

Section 3H- Definition of Key Terms

- Defines Federal immigration enforcement personnel and provides guidance for the definition of public safety and national security threats.

Section 4- Rules of Construction

- Clarifies that the bill provides no additional authority for Federal immigration enforcement personnel to exercise deadly force.
- Reaffirms that nothing in the bill shall prevent Federal immigration enforcement personnel from ensuring the safety of themselves or others.
- Reaffirms that nothing in the bill shall require state and local law enforcement to be involved in Federal immigration enforcement operations.