

Kathy Manning co-sponsored and voted for legislation that would eliminate protections for police and make it harder for local police to keep our communities safe.

BACKUP:

Kathy Manning co-sponsored and voted for H.R. 1280, the George Floyd Justice in Policing Act of 2021, which would enact restrictions on policing practices, cost hundreds of millions of dollars each year, and eliminate protections for law enforcement:

- **Kathy Manning co-sponsored H.R. 1280, the George Floyd Justice in Policing Act of 2021.** ([H.R. 1280](#), Introduced 2/24/21)
- **Kathy Manning voted for H.R. 1280, which was passed 220 to 212.** (H.R. 1280, [Roll Call #60](#), Passed 220-212: R 1-210, D 219-2, Kathy Manning Voted Yea, 3/3/21)
- **H.R. 1280 would “establish reporting and oversight requirements” for policing data and “restrict the use of certain policing practices.”** “Passage of the bill that would establish reporting and oversight requirements related to policing data and restrict the use of certain policing practices by federal law enforcement agencies and state and local agencies receiving certain federal policing grants. It would restrict a number of policing practices by federal law enforcement agencies and state and local agencies that receive federal funding, including to prohibit the use of ‘no-knock warrants’ to execute searches in drug cases; the use of deadly force, including chokeholds, except as a ‘last resort’ to prevent imminent injury to an officer or another person; and the use of deadly or ‘less lethal’ force before exhausting reasonable alternatives, including deescalation tactics. It would prohibit racial profiling by law enforcement, authorize lawsuits regarding violations of the prohibition, and require agencies to implement racial profiling training and oversight procedures.” (“Policing Overhaul - Passage: House Roll Call Vote 60 - HR 1280: Description,” [CQ](#), 3/3/21)
- **H.R. 1280 would also “eliminate ‘qualified immunity’ protections for law enforcement officers,” among other things.** “It would eliminate ‘qualified immunity’ protections for law enforcement officers by prohibiting legal defenses based on an officer acting ‘in good faith’ or the purported absence of ‘clearly established’ law. It would require federal law enforcement officers to use body cameras and dashboard cameras and require state and local agencies to use certain grant funding to purchase body cameras and develop protocols for their use. It would make it a crime for an officer to engage in a sexual act with an individual under custody. It would require the Justice Department to establish a national police misconduct registry, and it would establish a number of reporting requirements for law enforcement agencies, including on use of force, racial profiling, officer misconduct records and routine policing practices ~ with data disaggregated by demographics of officers and civilians involved. Among other provisions, it would require the Justice Department to analyze and recommend updates to law enforcement agency accreditation standards. It

would authorize \$750 million annually through fiscal 2024 for grants to support independent investigations into police use of deadly force, including to create civilian review boards. It would authorize subpoenas by the Justice Department or state attorneys general for evidence related to potential violations of constitutional rights by law enforcement and authorize grants to states to support such investigations. It would authorize grant funding for activities related to community-based policing practices and non-police public safety initiatives. It would limit the transfer of military equipment from the Defense Department to state and local law enforcement agencies.” (“Policing Overhaul – Passage: House Roll Call Vote 60 – HR 1280: Description,” [CQ](#), 3/3/21)

Per the Congressional Budget Office, H.R. 1280 would cost hundreds of millions of dollars each year and eliminate protections for law enforcement, which could limit the ability of police officers to do their job:

- **Per the Congressional Budget Office, H.R. 1280 would incur costs on “more than 18,000 law enforcement agencies” and cost “several hundred million dollars annually.”** “More than 18,000 law enforcement agencies nationwide would be affected by the bill’s requirements. All would incur costs for training and for data collection, management, and reporting. Using information from the Federal Bureau of Investigation and law enforcement associations nationwide, CBO expects that more than 6,000 agencies would either need to upgrade or to invest in new technology to comply with the new reporting requirements. Also using information from the FBI and law enforcement experts, CBO estimates that the costs across all intergovernmental entities would total several hundred million dollars annually to collect, manage, and transmit data to DOJ. Those costs would be higher the first year after the bill was enacted, as agencies made significant investments in technology.” (Phillip L. Swagel, “Re: H.R. 1280, the George Floyd Justice in Policing Act of 2021,” [Congressional Budget Office](#), 3/9/21)
 - **H.R. 1280 would “cost local departments hundreds of millions of dollars in training, data collection and equipment costs.”** “A House Democrats’ bill to revamp policing and end racial profiling would cost local departments hundreds of millions of dollars in training, data collection and equipment costs, according to the nonpartisan Congressional Budget Office.” (Jonathan Nicholson, “Democratic policing bill would cost departments hundreds of millions to comply with, says CBO,” [MarketWatch](#), 3/11/21)
- **H.R. 1280 would eliminate qualified immunity for law enforcement.** “This legislation makes it easier for the federal government to successfully prosecute police misconduct cases, ends racial and religious profiling and eliminates qualified immunity for law enforcement.” ([House Committee on the Judiciary](#), “Issues: Justice in Policing Act,” Accessed 11/1/21)
 - **Qualified immunity protects police officers “from civil lawsuits so long as their conduct does not violate clearly established law or constitutional rights of which a reasonable officer would have known.”** “Qualified immunity provides police officers with protection from civil lawsuits so long as their conduct does not violate clearly established law or constitutional rights of which a reasonable officer would

have known. Further, qualified immunity does not prevent individuals from recovering damages from police officers who knowingly violate an individual's constitutional rights.” (International Association of Chiefs of Police, “[IACP Statement on Qualified Immunity](#),” Accessed 11/1/21)

- **Ending qualified immunity protections “would have a profoundly chilling effect on police officers and limit their ability and willingness to respond to critical incidents without hesitation.”** “Qualified immunity is an essential part of policing and American jurisprudence. It allows police officers to respond to incidents without pause, make split-second decisions, and rely on the current state of the law in making those decisions. This protection is essential because it ensures officers that good faith actions, based on their understanding of the law at the time of the action, will not later be found to be unconstitutional. The loss of this protection would have a profoundly chilling effect on police officers and limit their ability and willingness to respond to critical incidents without hesitation.” (International Association of Chiefs of Police, “[IACP Statement on Qualified Immunity](#),” Accessed 11/1/21)