

JULY 25, 2022

RULES COMMITTEE PRINT 117-62
TEXT OF H.R. 5768, VIOLENT INCIDENT CLEAR-
ANCE AND TECHNOLOGICAL INVESTIGATIVE
METHODS ACT OF 2022

[Showing the text of H.R. 5768 as ordered reported by the
Committee on the Judiciary.]

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

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

9 (A) investigative processes;

10 (B) detective capacities; and

11 (C) organizational oversight and super-
12 vision of investigations.

13 (2) When a law enforcement agency expends
14 additional investigative effort, the law enforcement
15 agency improves its success in gaining cooperation of
16 key witnesses and increases the amount of forensic
17 evidence collected.

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

3 (A) deterring retaliation; and

4 (B) providing interventions to individuals
5 who may continue to commit crimes or become
6 victims of retaliatory violence.

7 (4) Law enforcement agencies that demonstrate
8 higher rates of clearance for homicides and non-fatal
9 shootings—

10 (A) have more structured oversight and
11 formal interactions between investigative units
12 and agency leadership;

13 (B) are more likely to have investigative
14 units that have collaborative relationships and
15 robust information sharing with other units of
16 the law enforcement agency;

17 (C) have investigative units that have spe-
18 cific goals and performance metrics for both the
19 unit and for investigators within the unit;

20 (D) have investigators who more frequently
21 respond to the initial crime scene shortly after
22 crimes have been reported to collect evidence
23 and interview witnesses;

24 (E) have investigators who either have spe-
25 cialized experience before joining investigative

1 units or are trained in investigations once they
2 join those units;

3 (F) often have standard operating proce-
4 dures for investigations that establish policies
5 and evidence-based best practices for con-
6 ducting and completing homicide investigations;
7 and

8 (G) have better relationships with the com-
9 munities they serve, even if no specific commu-
10 nity-oriented campaign or initiative exists be-
11 tween investigative units and community
12 groups.

13 (5) Criminal justice agencies should collaborate
14 with each other and share best practices for solving
15 homicides and non-fatal shootings.

16 (6) A comprehensive community engagement
17 strategy concerning gun violence is essential to im-
18 proving clearance rates for homicides and non-fatal
19 shootings.

20 **SEC. 3. GRANT PROGRAM WITH RESPECT TO VIOLENT INCI-**
21 **DENT CLEARANCE AND TECHNOLOGICAL IN-**
22 **VESTIGATIVE METHODS.**

23 (a) DEFINITIONS.—In this section:

24 (1) CLEARANCE BY ARREST.—The term “clear-
25 ance by arrest”, with respect to an offense reported

1 to a law enforcement agency, means the law enforce-
2 ment agency—

3 (A) has—

4 (i) arrested not less than 1 person for
5 the offense;

6 (ii) charged the person described in
7 subparagraph (A) with the commission of
8 the offense; and

9 (iii) referred the person described in
10 subparagraph (A) for prosecution for the
11 offense; or

12 (B) has cited an individual under the age
13 of 18 to appear in juvenile court or before an-
14 other juvenile authority with respect to the of-
15 fense, regardless of whether a physical arrest
16 occurred.

17 (2) CLEARANCE BY EXCEPTION.—The term
18 “clearance by exception”, with respect to an offense
19 reported to a law enforcement agency, means the
20 law enforcement agency—

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

23 (B) with respect to the suspect described
24 in subparagraph (A), has—

25 (i) gathered enough evidence to—

1 (I) support an arrest of the sus-
2 pect;

3 (II) make a charge against the
4 suspect; and

5 (III) refer the suspect for pros-
6 ecution;

7 (ii) identified the exact location of the
8 suspect so that the suspect could be taken
9 into custody immediately; and

10 (iii) encountered a circumstance out-
11 side the control of the law enforcement
12 agency that prohibits the agency from ar-
13 resting the suspect, charging the suspect,
14 or referring the suspect for prosecution, in-
15 cluding—

16 (I) the death of the suspect;

17 (II) the refusal of the victim to
18 cooperate with the prosecution after
19 the suspect has been identified; or

20 (III) the denial of extradition be-
21 cause the suspect committed an of-
22 fense in another jurisdiction and is
23 being prosecuted for that offense.

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

4 (A) the number of offenses cleared by the
5 law enforcement agency, including through
6 clearance by arrest and clearance by exception,
7 divided by

8 (B) the total number of offenses reported
9 to the law enforcement agency.

10 (4) ELIGIBLE ENTITY.—The term “eligible enti-
11 ty” means a State, Tribal, or local law enforcement
12 agency or prosecuting office, or a group of Tribal
13 law enforcement agencies or Tribal prosecuting of-
14 fices.

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

18 (6) LAW ENFORCEMENT AGENCY.—The term
19 “law enforcement agency” means a public agency
20 charged with policing functions, including any com-
21 ponent bureau of the agency (such as a govern-
22 mental victim services program or village public
23 safety officer program), including an agency com-
24 posed of officers or persons referred to in subpara-

1 graph (B) or (C) of section 2(10) of the Indian Law
2 Enforcement Reform Act (25 U.S.C. 2801(10)).

3 (7) PROGRAM.—The term “Program” means
4 the grant program established under subsection
5 (b)(1).

6 (b) GRANT PROGRAM.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of enactment of this Act, the Attorney
9 General shall establish a grant program within the
10 Office of Justice Programs under which the Attor-
11 ney General awards grants to eligible entities to es-
12 tablish, implement, and administer violent incident
13 clearance and technological investigative methods.

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

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

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

22 (3) SELECTION OF GRANT RECIPIENTS.—The
23 Attorney General, in selecting a recipient of a grant
24 under the Program, shall consider the specific plan
25 and activities proposed by the applicant to improve

1 clearance rates for homicides, rapes, other aggra-
2 vated felonies, and non-fatal shootings.

3 (4) ELIGIBLE PROJECTS.—A grant recipient
4 shall use the grant for activities with the specific ob-
5 jective of improving clearance rates for homicides,
6 rapes, other aggravated felonies, and non-fatal
7 shootings, including—

8 (A) ensuring the retention of detectives
9 who are assigned to investigate homicides,
10 rapes, other aggravated felonies, and non-fatal
11 shootings as of the date of receipt of the grant;

12 (B) hiring and training additional detec-
13 tives who will be dedicated to investigating
14 homicides, rapes, other aggravated felonies, and
15 non-fatal shootings;

16 (C) developing policies, procedures, and
17 training to improve the ability of detectives to
18 effectively investigate and solve homicides,
19 rapes, other aggravated felonies, and non-fatal
20 shootings, including implementing best practices
21 relating to—

22 (i) improving internal agency coopera-
23 tion, organizational oversight and account-
24 ability, and supervision of investigations;

1 (ii) developing specific goals and per-
2 formance metrics for both investigators
3 and investigative units;

4 (iii) establishing or improving rela-
5 tionships with the communities the agency
6 serves; and

7 (iv) collaboration with and among
8 other law enforcement agencies and crimi-
9 nal justice organizations;

10 (D) training personnel to address the
11 needs of victims and family members of victims
12 of homicides, rapes, other aggravated felonies,
13 and non-fatal shootings or collaborating with
14 trained victim advocates and specialists to bet-
15 ter meet victims' needs;

16 (E) acquiring, upgrading, or replacing in-
17 vestigative, evidence processing, or forensic test-
18 ing technology or equipment;

19 (F) development and implementation of
20 policies that safeguard civil rights and civil lib-
21 erties during the collection, processing, and fo-
22 rensic testing of evidence;

23 (G) hiring or training personnel for collec-
24 tion, processing, and forensic testing of evi-
25 dence;

1 (H) hiring and training of personnel to
2 analyze violent crime and the temporal and geo-
3 graphic trends among homicides, rapes, other
4 aggravated felonies, and shootings;

5 (I) retaining experts to conduct a detailed
6 analysis of homicides, rapes, other aggravated
7 felonies, and shootings using Gun Violence
8 Problem Analysis (commonly known as
9 “GVPA”) or a similar research methodology;

10 (J) ensuring victims have appropriate ac-
11 cess to emergency food, housing, clothing, trav-
12 el, and transportation;

13 (K) developing competitive and evidence-
14 based programs to improve homicide and non-
15 fatal shooting clearance rates;

16 (L) developing best practices for improving
17 access to and acceptance of victim services, in-
18 cluding victim services that promote medical
19 and psychological wellness, ongoing counseling,
20 legal advice, and financial compensation;

21 (M) training investigators and detectives in
22 trauma-informed interview techniques;

23 (N) establishing programs to support offi-
24 cers who experience stress or trauma as a result

1 of responding to or investigating shootings or
2 other violent crime incidents; or

3 (O) ensuring language and disability access
4 supports are provided to victims, survivors, and
5 their families so that victims can exercise their
6 rights and participate in the criminal justice
7 process.

8 (c) FEDERAL SHARE.—

9 (1) IN GENERAL.—The Federal share of the
10 cost of a project assisted with a grant under the
11 Program shall not exceed—

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

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

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

21 (d) REPORT BY GRANT RECIPIENT.—Not later than
22 1 year after receiving a grant under the Program, and
23 each year thereafter, a grant recipient shall submit to the
24 Attorney General a report on the activities carried out
25 using the grant, including, if applicable—

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

3 (2) the number of evidence processing personnel
4 hired by the grant recipient;

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

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

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

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

16 (5) any assessments of evidence processing
17 technology or equipment purchased with grant funds
18 to determine whether such technology or equipment
19 satisfies the objectives of the use of the technology
20 or equipment in increasing clearance rates, and any
21 policies in place to govern the use of the technology
22 or equipment;

23 (6) the internal policies and oversight used to
24 ensure that any technology purchased through the
25 grant for the purposes of improving clearance rates

1 does not violate the civil rights and civil liberties of
2 individuals;

3 (7) data regarding clearance rates for homi-
4 cides, rapes, other aggravated felonies, and non-fatal
5 shootings, including the rate of clearances by arrest
6 and clearances by exception, and crime trends from
7 within each jurisdiction in which the grant recipient
8 carried out activities supported by the grant;

9 (8) whether the grant recipient has provided
10 grant funds to any victim services organizations, and
11 if so, which organizations;

12 (9) the demographic information for victims of
13 homicides, rapes, other aggravated felonies, and non-
14 fatal shootings, and the length and outcomes of each
15 investigation, including whether the investigation
16 was cleared by arrest or exception;

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

21 (11) identification of the services most used by
22 victims and their families and identification of addi-
23 tional services needed.

24 (e) NATIONAL INSTITUTE OF JUSTICE EVALUATION
25 AND REPORT TO CONGRESS.—

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

5 (A) the practices deployed by grant recipi-
6 ents to identify policies and procedures that
7 have successfully improved clearance rates for
8 homicides, rapes, other aggravated felonies, and
9 non-fatal shootings; and

10 (B) the efficacy of any services provided to
11 victims and family members of victims of homi-
12 cides, rapes, other aggravated felonies, and non-
13 fatal shootings.

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

19 (A) the results of the evaluation; and

20 (B) information reported by each grant re-
21 cipient under subsection (d).

22 (f) AUTHORIZATION OF APPROPRIATIONS.—

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

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

