As Introduced

133rd General Assembly
Regular Session
2019-2020

Representatives Crawley, West

A BILL

To enact section 109.749 of the Revised Code to
require peace officers to complete training on
de-escalation techniques, implicit bias,
procedural justice, and mental health issues,
to
require information regarding mental health
resources and available support be provided to
peace officers annually, and to make an
appropriation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 109.749 of the Revised Code be
enacted to read as follows:

Sec. 109.749. (A) The attorney general shall adopt, in
accordance with Chapter 119. of the Revised Code or pursuant to
section 109.74 of the Revised Code, rules governing the training
of peace officers on de-escalation techniques, implicit bias,
procedural justice, and mental health issues, and the provision
of information regarding mental health resources and support
available for peace officers. The rules shall include all of the following:

(1) A requirement that all peace officers beginning employment one year after the effective date of this section successfully complete the training within the first fifteen months of employment. The attorney general shall set the date by which other peace officers shall successfully complete such training.

(2)(a) A requirement that peace officers annually receive continuing de-escalation training to practice their skills, update their knowledge and training, and learn about new legal requirements and de-escalation strategies;

(b) A requirement that peace officers annually receive continuing mental health issues training to update their knowledge about mental health issues and associated legal requirements, and to update and practice skills for interacting with people with mental health issues;

(c) A requirement that peace officers annually receive continuing training on implicit bias and procedural justice;

(d) A requirement that peace officers annually receive information regarding mental health resources and support available for peace officers.

(3) Training hour requirements, which shall total at least forty hours, and curriculum for initial training required under this section;

(4) Training hour requirements and curriculum for continuing training required under this section;

(5) Establish means by which peace officers will receive
training and information required under this section;

(6) A requirement to comply with this section's training requirements as a condition of obtaining and maintaining certification;

(7) A method for proving successful completion of the training required under this section.

(B) In developing curriculum, the attorney general shall consider including all of the following:

(1) De-escalation in patrol tactics and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence;

(2) Alternatives to jail booking, arrest, or citation in situations where appropriate;

(3) Implicit and explicit bias, cultural competency, and the historical intersection of race and policing;

(4) Skills including de-escalation techniques to effectively, safely, and respectfully interact with people with disabilities or behavioral health issues;

(5) "Shoot/don't shoot" scenario training;

(6) Alternatives to the use of physical or deadly force so that deadly force is used only when unavoidable and as a last resort;

(7) Mental health and policing, including bias and stigma;

(8) Using public service, including rendering of first aid, to provide a positive point of contact between peace officers and community members to increase trust and reduce
conflicts;

(9) The use of alternative nonlethal methods of applying force and techniques that prevent a peace officer from escalating any situation where force is likely to be used;

(10) Verbal and physical tactics to minimize the need for the use of force, with an emphasis on communication, negotiation, de-escalation techniques, and providing the time needed to resolve the incident safely for each individual involved;

(11) The use of the lowest level of force that is a possible and safe response to an identified threat and reevaluation of an identified threat as it progresses;

(12) Techniques that provide all peace officers with awareness and recognition of physical and mental disabilities, mental health issues, and substance abuse issues with an emphasis on communication strategies, and training peace officers simultaneously in teams on de-escalation and use of force to improve group dynamics and diminish excessive use of force during critical incidents;

(13) Principles of using distance, cover, and time when approaching and managing critical incidents, and elimination of other techniques in favor of using distance and cover to create a reaction gap;

(14) Crisis intervention strategies to appropriately identify and respond to an individual suffering from physical or mental disabilities, mental health issues, or substance abuse issues, with an emphasis on de-escalation techniques and promoting effective communication;

(15) Other evidence-based approaches, found to be
appropriate by the attorney general, that enhance de-escalation techniques and skills.

(C) An individual who completes an implicit bias training course offered by the United States department of justice satisfies the implicit bias component of the training required under this section.

(D) Not later than one year after the effective date of this section, each law enforcement agency in the state shall adopt a written policy stating that each of the peace officers it employs has an affirmative duty to utilize de-escalation techniques in the peace officer's interactions with citizens whenever possible. The attorney general shall publish a model written policy on its web site. A law enforcement agency may fulfill the requirement under this division by adopting the model written policy published by the attorney general.

(E) As used in this section:

"De-escalation techniques" means a method or methods for assessing and managing a situation in order to resolve it with the least use of force that is safe and practicable by a peace officer. Resolving the situation with minimized force or no force at all, which reduces the likelihood of injury to the public, increases peace officer safety and mitigates the immediacy of potential or ongoing threats.

"Implicit bias" means the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control. Residing deep in the subconscious, these biases are different
from known biases that individuals may choose to conceal for the purposes of social or political correctness. Rather, implicit biases are not accessible through introspection.

"Law enforcement agency" means a police department, the office of a sheriff, the state highway patrol, or a state or local governmental body that enforces criminal laws and that has employees who have a statutory power of arrest.

"Reaction gap" means the minimum amount of distance necessary to ensure that a law enforcement officer is able to react appropriately to a potential threat.

"Training on implicit bias" means an evidence-based program to provide fair and impartial law enforcement by increasing awareness of and improving response strategies to unconscious bias.

"Training on procedural justice" means a system of law enforcement that prioritizes legitimacy over deterrence in obtaining citizen compliance with law enforcement directions and emphasizes fair process and respectful two-way communication conveying the rationale behind directions given by a law enforcement officer to a citizen.

Section 2. Not later than one year after the effective date of this act, the Attorney General shall adopt rules as required under section 109.749 of the Revised Code as enacted by this act. The Attorney General shall seek input from law enforcement agencies, Indian tribes, and community stakeholders, including organizations advocating for: persons with disabilities; members of the lesbian, gay, bisexual, transgender, and queer community; persons of color; immigrants; non-citizens; native Americans; youth; and formerly incarcerated
persons.

Section 3. The intent of the General Assembly in enacting this act is to make our communities safer. This is accomplished by requiring peace officers to obtain violence de-escalation and mental health training, so that peace officers will have greater skills to resolve conflicts without the use of physical or deadly force.

Section 4. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this act, those in the first column are for fiscal year 2020 and those in the second column are for fiscal year 2021. The appropriations made in this act are in addition to any other appropriations made for the FY 2020-FY 2021 biennium.

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A  AGO ATTORNEY GENERAL

B  Dedicated Purpose Fund Group

C  5L50 055619 Law Enforcement Assistance $ 0 $ 28,000,000 Program

D  TOTAL DPF Dedicated Purpose Fund Group $ 0 $ 28,000,000

E  TOTAL ALL BUDGET FUND GROUPS $ 0 $ 28,000,000

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LAW
ENFORCEMENT ASSISTANCE FUND

Notwithstanding any provision of the Revised Code to the contrary, on the effective date of this section, or as soon as possible thereafter, the Director of Budget and Management shall transfer $28,000,000 cash from the General Revenue Fund to the Law Enforcement Assistance Fund (Fund 5L50). The transferred cash shall be used by the Attorney General to reimburse law enforcement agencies for the cost of the peace officer training required under section 109.749 of the Revised Code.

Section 5. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from appropriations contained in this act shall be accounted for as though made in H.B. 166 of the 133rd General Assembly.

The appropriations made in this act are subject to all provisions of H.B. 166 of the 133rd General Assembly that are generally applicable to such appropriations.