

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 706**

**Representatives Crawley, West**

**Cosponsors: Representatives Miranda, Kent, Crossman, Boyd, Brown, Lightbody, Sheehy, Sobecki, Holmes, A., Brent, Kelly, Denson, Miller, J., Boggs, Smith, K., Lepore-Hagan, Skindell, Russo, Sykes, Robinson, Blair, Sweeney, Galonski, Upchurch, Howse, Hicks-Hudson, Ingram, Strahorn, Weinstein**

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**A BILL**

To enact section 109.749 of the Revised Code to 1  
require peace officers to complete training on 2  
de-escalation techniques, implicit bias, 3  
procedural justice, and mental health issues, to 4  
require information regarding mental health 5  
resources and available support be provided to 6  
peace officers annually, and to make an 7  
appropriation. 8

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

**Section 1.** That section 109.749 of the Revised Code be 9  
enacted to read as follows: 10

**Sec. 109.749.** (A) The attorney general shall adopt, in 11  
accordance with Chapter 119. of the Revised Code or pursuant to 12  
section 109.74 of the Revised Code, rules governing the training 13  
of peace officers on de-escalation techniques, implicit bias, 14  
procedural justice, and mental health issues, and the provision 15  
of information regarding mental health resources and support 16

available for peace officers. The rules shall include all of the 17  
following: 18

(1) A requirement that all peace officers beginning 19  
employment one year after the effective date of this section 20  
successfully complete the training within the first fifteen 21  
months of employment. The attorney general shall set the date by 22  
which other peace officers shall successfully complete such 23  
training. 24

(2) (a) A requirement that peace officers annually receive 25  
continuing de-escalation training to practice their skills, 26  
update their knowledge and training, and learn about new legal 27  
requirements and de-escalation strategies; 28

(b) A requirement that peace officers annually receive 29  
continuing mental health issues training to update their 30  
knowledge about mental health issues and associated legal 31  
requirements, and to update and practice skills for interacting 32  
with people with mental health issues; 33

(c) A requirement that peace officers annually receive 34  
continuing training on implicit bias and procedural justice; 35

(d) A requirement that peace officers annually receive 36  
information regarding mental health resources and support 37  
available for peace officers. 38

(3) Training hour requirements, which shall total at least 39  
forty hours, and curriculum for initial training required under 40  
this section; 41

(4) Training hour requirements and curriculum for 42  
continuing training required under this section; 43

(5) Establish means by which peace officers will receive 44

<u>training and information required under this section;</u>	45
<u>(6) A requirement to comply with this section's training requirements as a condition of obtaining and maintaining certification;</u>	46
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<u>(7) A method for proving successful completion of the training required under this section.</u>	49
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<u>(B) In developing curriculum, the attorney general shall consider including all of the following:</u>	51
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<u>(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;</u>	53
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<u>(2) Alternatives to jail booking, arrest, or citation in situations where appropriate;</u>	57
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<u>(3) Implicit and explicit bias, cultural competency, and the historical intersection of race and policing;</u>	59
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<u>(4) Skills including de-escalation techniques to effectively, safely, and respectfully interact with people with disabilities or behavioral health issues;</u>	61
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<u>(5) "Shoot/don't shoot" scenario training;</u>	64
<u>(6) Alternatives to the use of physical or deadly force so that deadly force is used only when unavoidable and as a last resort;</u>	65
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<u>(7) Mental health and policing, including bias and stigma;</u>	68
<u>(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</u>	69
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<u>conflicts;</u>	72
<u>(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;</u>	73 74 75
<u>(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;</u>	76 77 78 79 80
<u>(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;</u>	81 82 83
<u>(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;</u>	84 85 86 87 88 89 90
<u>(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;</u>	91 92 93 94
<u>(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;</u>	95 96 97 98 99
<u>(15) Other evidence-based approaches, found to be</u>	100

appropriate by the attorney general, that enhance de-escalation 101  
techniques and skills. 102

(C) An individual who completes an implicit bias training 103  
course offered by the United States department of justice 104  
satisfies the implicit bias component of the training required 105  
under this section. 106

(D) Not later than one year after the effective date of 107  
this section, each law enforcement agency in the state shall 108  
adopt a written policy stating that each of the peace officers 109  
it employs has an affirmative duty to utilize de-escalation 110  
techniques in the peace officer's interactions with citizens 111  
whenever possible. The attorney general shall publish a model 112  
written policy on its web site. A law enforcement agency may 113  
fulfill the requirement under this division by adopting the 114  
model written policy published by the attorney general. 115

(E) As used in this section: 116

"De-escalation techniques" means a method or methods for 117  
assessing and managing a situation in order to resolve it with 118  
the least use of force that is safe and practicable by a peace 119  
officer. Resolving the situation with minimized force or no 120  
force at all, which reduces the likelihood of injury to the 121  
public, increases peace officer safety and mitigates the 122  
immediacy of potential or ongoing threats. 123

"Implicit bias" means the attitudes or stereotypes that 124  
affect our understanding, actions, and decisions in an 125  
unconscious manner. These biases, which encompass both favorable 126  
and unfavorable assessments, are activated involuntarily and 127  
without an individual's awareness or intentional control. 128  
Residing deep in the subconscious, these biases are different 129

from known biases that individuals may choose to conceal for the 130  
purposes of social or political correctness. Rather, implicit 131  
biases are not accessible through introspection. 132

"Law enforcement agency" means a police department, the 133  
office of a sheriff, the state highway patrol, or a state or 134  
local governmental body that enforces criminal laws and that has 135  
employees who have a statutory power of arrest. 136

"Reaction gap" means the minimum amount of distance 137  
necessary to ensure that a law enforcement officer is able to 138  
react appropriately to a potential threat. 139

"Training on implicit bias" means an evidence-based 140  
program to provide fair and impartial law enforcement by 141  
increasing awareness of and improving response strategies to 142  
unconscious bias. 143

"Training on procedural justice" means a system of law 144  
enforcement that prioritizes legitimacy over deterrence in 145  
obtaining citizen compliance with law enforcement directions and 146  
emphasizes fair process and respectful two-way communication 147  
conveying the rationale behind directions given by a law 148  
enforcement officer to a citizen. 149

**Section 2.** Not later than one year after the effective 150  
date of this act, the Attorney General shall adopt rules as 151  
required under section 109.749 of the Revised Code as enacted by 152  
this act. The Attorney General shall seek input from law 153  
enforcement agencies, Indian tribes, and community stakeholders, 154  
including organizations advocating for: persons with 155  
disabilities; members of the lesbian, gay, bisexual, 156  
transgender, and queer community; persons of color; immigrants; 157  
non-citizens; native Americans; youth; and formerly incarcerated 158



ENFORCEMENT ASSISTANCE FUND	176
Notwithstanding any provision of the Revised Code to the	177
contrary, on the effective date of this section, or as soon as	178
possible thereafter, the Director of Budget and Management shall	179
transfer \$28,000,000 cash from the General Revenue Fund to the	180
Law Enforcement Assistance Fund (Fund 5L50). The transferred	181
cash shall be used by the Attorney General to reimburse law	182
enforcement agencies for the cost of the peace officer training	183
required under section 109.749 of the Revised Code.	184
<b>Section 5.</b> Within the limits set forth in this act, the	185
Director of Budget and Management shall establish accounts	186
indicating the source and amount of funds for each appropriation	187
made in this act, and shall determine the form and manner in	188
which appropriation accounts shall be maintained. Expenditures	189
from appropriations contained in this act shall be accounted for	190
as though made in H.B. 166 of the 133rd General Assembly.	191
The appropriations made in this act are subject to all	192
provisions of H.B. 166 of the 133rd General Assembly that are	193
generally applicable to such appropriations.	194