

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 134

Representatives Crawley, West

Cosponsors: Representatives Miranda, Denson, Russo, Leland, Brent, Kelly, Boggs, Lepore-Hagan, Miller, A., Lightbody, Boyd, Weinstein, Howse, Blackshear, Brown, Sobecki, Galonski, Ingram, Smith, M., Liston, Sheehy

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, mental health issues, and
first aid and critical injuries, 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) 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 17
immediacy of potential or ongoing threats. 18

"Implicit bias" means the attitudes or stereotypes that 19
affect our understanding, actions, and decisions in an 20
unconscious manner. These biases, which encompass both favorable 21
and unfavorable assessments, are activated involuntarily and 22
without an individual's awareness or intentional control. 23
Residing deep in the subconscious, these biases are different 24
from known biases that individuals may choose to conceal for the 25
purposes of social or political correctness. Rather, implicit 26
biases are not accessible through introspection. 27

"Law enforcement agency" means a police department, the 28
office of a sheriff, the state highway patrol, or a state or 29
local governmental body that enforces criminal laws and that has 30
employees who have a statutory power of arrest. 31

"Reaction gap" means the minimum amount of distance 32
necessary to ensure that a law enforcement officer is able to 33
react appropriately to a potential threat. 34

"Training on implicit bias" means an evidence-based 35
program to provide fair and impartial law enforcement by 36
increasing awareness of and improving response strategies to 37
unconscious bias. 38

"Training on procedural justice" means a system of law 39
enforcement that prioritizes legitimacy over deterrence in 40
obtaining citizen compliance with law enforcement directions and 41
emphasizes fair process and respectful two-way communication 42
conveying the rationale behind directions given by a law 43
enforcement officer to a citizen. 44

(B) The attorney general shall adopt, in accordance with 45

Chapter 119. of the Revised Code or pursuant to section 109.74 46
of the Revised Code, rules governing the training of peace 47
officers on de-escalation techniques, implicit bias, procedural 48
justice, mental health issues, and first aid and critical 49
injuries, and the provision of information regarding mental 50
health resources and support available for peace officers. The 51
rules shall include all of the following: 52

(1) A requirement that all peace officers beginning 53
employment one year after the effective date of this section 54
successfully complete the training within the first fifteen 55
months of employment. The attorney general shall set the date by 56
which other peace officers shall successfully complete such 57
training. 58

(2) (a) A requirement that peace officers annually receive 59
continuing de-escalation training to practice their skills, 60
update their knowledge and training, and learn about new legal 61
requirements and de-escalation strategies; 62

(b) A requirement that peace officers annually receive 63
continuing mental health issues training to update their 64
knowledge about mental health issues and associated legal 65
requirements, and to update and practice skills for interacting 66
with people with mental health issues; 67

(c) A requirement that peace officers annually receive 68
continuing training on implicit bias and procedural justice; 69

(d) A requirement that peace officers annually receive 70
continuing training on first aid and critical injuries; 71

(e) A requirement that peace officers annually receive 72
information regarding mental health resources and support 73
available for peace officers. 74

<u>(3) Training hour requirements, which shall total at least</u>	75
<u>forty hours, and curriculum for initial training required under</u>	76
<u>this section;</u>	77
<u>(4) Training hour requirements and curriculum for</u>	78
<u>continuing training required under this section;</u>	79
<u>(5) Establish means by which peace officers will receive</u>	80
<u>training and information required under this section;</u>	81
<u>(6) A requirement to comply with this section's training</u>	82
<u>requirements as a condition of obtaining and maintaining</u>	83
<u>certification;</u>	84
<u>(7) A method for proving successful completion of the</u>	85
<u>training required under this section.</u>	86
<u>(C) In developing curriculum, the attorney general shall</u>	87
<u>consider including all of the following:</u>	88
<u>(1) De-escalation in patrol tactics and interpersonal</u>	89
<u>communication training, including tactical methods that use</u>	90
<u>time, distance, cover, and concealment, to avoid escalating</u>	91
<u>situations that lead to violence;</u>	92
<u>(2) Alternatives to jail booking, arrest, or citation in</u>	93
<u>situations where appropriate;</u>	94
<u>(3) Implicit and explicit bias, cultural competency, and</u>	95
<u>the historical intersection of race and policing;</u>	96
<u>(4) Skills including de-escalation techniques to</u>	97
<u>effectively, safely, and respectfully interact with people with</u>	98
<u>disabilities or behavioral health issues;</u>	99
<u>(5) "Shoot/don't shoot" scenario training;</u>	100
<u>(6) Alternatives to the use of physical or deadly force so</u>	101

<u>that deadly force is used only when unavoidable and as a last</u>	102
<u>resort;</u>	103
<u>(7) Mental health and policing, including bias and stigma;</u>	104
<u>(8) Using public service, including rendering of first</u>	105
<u>aid, to provide a positive point of contact between peace</u>	106
<u>officers and community members to increase trust and reduce</u>	107
<u>conflicts;</u>	108
<u>(9) The use of alternative nonlethal methods of applying</u>	109
<u>force and techniques that prevent a peace officer from</u>	110
<u>escalating any situation where force is likely to be used;</u>	111
<u>(10) Verbal and physical tactics to minimize the need for</u>	112
<u>the use of force, with an emphasis on communication,</u>	113
<u>negotiation, de-escalation techniques, and providing the time</u>	114
<u>needed to resolve the incident safely for each individual</u>	115
<u>involved;</u>	116
<u>(11) The use of the lowest level of force that is a</u>	117
<u>possible and safe response to an identified threat and</u>	118
<u>reevaluation of an identified threat as it progresses;</u>	119
<u>(12) Techniques that provide all peace officers with</u>	120
<u>awareness and recognition of physical and mental disabilities,</u>	121
<u>mental health issues, and substance abuse issues with an</u>	122
<u>emphasis on communication strategies, and training peace</u>	123
<u>officers simultaneously in teams on de-escalation and use of</u>	124
<u>force to improve group dynamics and diminish excessive use of</u>	125
<u>force during critical incidents;</u>	126
<u>(13) Principles of using distance, cover, and time when</u>	127
<u>approaching and managing critical incidents, and elimination of</u>	128
<u>other techniques in favor of using distance and cover to create</u>	129
<u>a reaction gap;</u>	130

(14) Crisis intervention strategies to appropriately 131
identify and respond to an individual suffering from physical or 132
mental disabilities, mental health issues, or substance abuse 133
issues, with an emphasis on de-escalation techniques and 134
promoting effective communication; 135

(15) Other evidence-based approaches, found to be 136
appropriate by the attorney general, that enhance de-escalation 137
techniques and skills. 138

(D) An individual who completes an implicit bias training 139
course offered by the United States department of justice 140
satisfies the implicit bias component of the training required 141
under this section. 142

(E) Not later than one year after the effective date of 143
this section, each law enforcement agency in the state shall 144
adopt a written policy stating that each of the peace officers 145
it employs has an affirmative duty to utilize de-escalation 146
techniques in the peace officer's interactions with citizens 147
whenever possible. The attorney general shall publish a model 148
written policy on its web site. A law enforcement agency may 149
fulfill the requirement under this division by adopting the 150
model written policy published by the attorney general. 151

(F) The intent of the general assembly in enacting this 152
act is to make our communities safer. This is accomplished by 153
requiring peace officers to obtain violence de-escalation and 154
mental health training, so that peace officers will have greater 155
skills to resolve conflicts without the use of physical or 156
deadly force. 157

Section 2. Not later than one year after the effective 158
date of this section, the Attorney General shall adopt rules as 159

required under section 109.749 of the Revised Code as enacted by 160
 this act. The Attorney General shall seek input from law 161
 enforcement agencies, Indian tribes, and community stakeholders, 162
 including organizations advocating for: persons with 163
 disabilities; members of the lesbian, gay, bisexual, 164
 transgender, and queer community; persons of color; immigrants; 165
 noncitizens; native Americans; youth; and formerly incarcerated 166
 persons. 167

Section 3. All items in this act are hereby appropriated 168
 as designated out of any moneys in the state treasury to the 169
 credit of the designated fund. For all operating appropriations 170
 made in this act, those in the first column are for fiscal year 171
 2022 and those in the second column are for fiscal year 2023. 172
 The operating appropriations made in this act are in addition to 173
 any other operating appropriations made for the FY 2022-FY 2023 174
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Section 4. 176

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	1	2	3	4	5
A	AGO ATTORNEY GENERAL				
B	Dedicated Purpose Fund Group				
C	5L50 055619	Law Enforcement		\$28,000,000	\$0
		Assistance Program			
D	TOTAL DPF Dedicated Purpose Fund			\$28,000,000	\$0
	Group				

E	TOTAL ALL BUDGET FUND GROUPS	\$28,000,000	\$0
	LAW ENFORCEMENT ASSISTANCE PROGRAM		178
	Notwithstanding any provision of law to the contrary, on		179
	the effective date of this section, or as soon as possible		180
	thereafter, the Director of Budget and Management shall transfer		181
	\$28,000,000 cash from the General Revenue Fund to the Law		182
	Enforcement Assistance Fund (Fund 5L50) to support the		183
	appropriations made in this act.		184
	The foregoing appropriation item 055619, Law Enforcement		185
	Assistance Program, shall be used by the Attorney General to		186
	reimburse law enforcement agencies for the cost of the peace		187
	officer training required under section 109.749 of the Revised		188
	Code. An amount equal to the unexpended, unencumbered portion of		189
	the foregoing appropriation item 055619, Law Enforcement		190
	Assistance Program, at the end of fiscal year 2022 is hereby		191
	reappropriated to fiscal year 2023 for the same purpose.		192
	Section 5. Within the limits set forth in this act, the		193
	Director of Budget and Management shall establish accounts		194
	indicating the source and amount of funds for each appropriation		195
	made in this act, and shall determine the form and manner in		196
	which appropriation accounts shall be maintained. Expenditures		197
	from operating appropriations contained in this act shall be		198
	accounted for as though made in the main operating		199
	appropriations act of the 134th General Assembly. The operating		200
	appropriations made in this act are subject to all provisions of		201
	the main operating appropriations act of the 134th General		202
	Assembly that are generally applicable to such appropriations.		203