

114TH CONGRESS
2D SESSION

H. R. 5221

To require that States and localities receiving grants under the Edward Byrne Memorial Justice Assistance Grant Program require law enforcement officers to undergo training on and thereafter employ de-escalation techniques to assist in reducing the need for the use of force by such officers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2016

Ms. MOORE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require that States and localities receiving grants under the Edward Byrne Memorial Justice Assistance Grant Program require law enforcement officers to undergo training on and thereafter employ de-escalation techniques to assist in reducing the need for the use of force by such officers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preventing Tragedies
5 Between Police and Communities Act of 2016”.

1 **SEC. 2. TRAINING ON DE-ESCALATION FOR LAW ENFORCE-**
2 **MENT.**

3 (a) TRAINING REQUIREMENT.—For each fiscal year
4 after the expiration of the period specified in subsection
5 (d) in which a State or unit of local government receives
6 a grant under part E of title I of the Omnibus Crime Con-
7 trol and Safe Streets Act of 1968 (42 U.S.C. 3750 et
8 seq.), the State or unit of local government shall require
9 that all individuals enrolled in an academy of a law en-
10 forcement agency of the State or unit of local government
11 and all law enforcement officers of the State or unit of
12 local government fulfill a training session on de-escalation
13 techniques each fiscal year, including—

14 (1) the use of alternative non-lethal methods of
15 applying force and techniques that prevent the offi-
16 cer from escalating any situation where force is like-
17 ly to be used;

18 (2) verbal and physical tactics to minimize the
19 need for the use of force, with an emphasis on com-
20 munication, negotiation, de-escalation techniques,
21 providing the time needed to resolve the incident
22 safely for everyone;

23 (3) the use of the lowest level of force that is
24 a possible and safe response to an identified threat,
25 then re-evaluating the threat as it progresses;

1 (4) techniques that provide all officers with
2 awareness and recognition of mental health and sub-
3 stance abuse issues with an emphasis on commu-
4 nication strategies, training officers simultaneously
5 in teams on de-escalation and use of force to im-
6 prove group dynamics and diminish excessive use of
7 force during critical incidents;

8 (5) principles of using distance, cover, and time
9 when approaching and managing critical incidents,
10 and elimination of the use of concepts like the “21-
11 foot rule” and “drawing a line in the sand” in favor
12 of using distance and cover to create a “reaction
13 gap”;

14 (6) crisis intervention strategies to appro-
15 priately identify and respond to individuals suffering
16 from mental health or substance abuse issues, with
17 an emphasis on de-escalation tactics and promoting
18 effective communication; and

19 (7) other evidence-based approaches, found to
20 be appropriate by the Attorney General, that en-
21 hance de-escalation skills and tactics, such as the
22 Critical Decision-Making Model and scenario based
23 trainings.

24 In the case of individuals attending an academy, such
25 training session shall be for such an appropriate amount

1 of time as to ensure academy participants receive effective
2 training under this subsection and in the case of all other
3 law enforcement officers, the training session shall be for
4 an appropriate amount of time as to ensure officers receive
5 effective training under this subsection. The State or unit
6 of local government shall certify to the Attorney General
7 of the United States that such training sessions have been
8 completed.

9 (b) SCENARIO-BASED TRAINING.—Training de-
10 scribed in subsection (a) shall be conducted with an em-
11 phasis on training that employs theories of de-escalation
12 techniques and applies them to practical on-the-job sce-
13 narios that regularly face law enforcement officers.

14 (c) CROSS-TRAINING.—To the extent practicable,
15 principles of training as described in subsection (a) shall
16 be applied to other training conducted at the academy.

17 (d) COMPLIANCE AND INELIGIBILITY.—

18 (1) COMPLIANCE DATE.—Beginning not later
19 than 1 year after the date of this Act, each State
20 or unit of local government receiving a grant shall
21 comply with subsection (a), except that the Attorney
22 General may grant an additional 6 months to a
23 State or unit of local government that is making
24 good faith efforts to comply with such subsection.

1 (2) INELIGIBILITY FOR FUNDS.—For any fiscal
2 year after the expiration of the period specified in
3 paragraph (1), a State or unit of local government
4 that fails to comply with subsection (a), shall, at the
5 discretion of the Attorney General, be subject to not
6 more than a 20-percent reduction of the funds that
7 would otherwise be allocated for that fiscal year to
8 the State or unit of local government under subpart
9 1 of part E of title I of the Omnibus Crime Control
10 and Safe Streets Act of 1968 (42 U.S.C. 3750 et
11 seq.), whether characterized as the Edward Byrne
12 Memorial State and Local Law Enforcement Assist-
13 ance Programs, the Local Government Law Enforce-
14 ment Block Grants Program, the Edward Byrne Me-
15 morial Justice Assistance Grant Program, or other-
16 wise.

17 (e) REALLOCATION.—Amounts not allocated under a
18 program referred to in subsection (b)(2) to a State or unit
19 of local government for failure to fully comply with sub-
20 section (a) shall be reallocated under that program to
21 States and units of local government that have not failed
22 to comply with such subsection.

23 (f) EVIDENCE-BASED PRACTICES.—For purposes of
24 subsection (a)(4), the Attorney General shall maintain a
25 list of evidence-based practices it determines is successful

1 in enhancing de-escalation skills of law enforcement offi-
2 cers. The Attorney General shall regularly update this list
3 as needed and shall publish the list to the public on a year-
4 ly basis.

5 **SEC. 3. DATA COLLECTION.**

6 The Attorney General shall collect data on efforts un-
7 dertaken by Federal fund recipients to enhance de-esca-
8 lation training for law enforcement officers.

9 **SEC. 4. AFFIRMATIVE DUTY TO USE DE-ESCALATION TAC-**
10 **TICS WHEN AVAILABLE.**

11 (a) IN GENERAL.—In the case of a State or unit of
12 local government that received a grant award under sub-
13 part 1 of part E of title I of the Omnibus Crime Control
14 and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.),
15 if that State or unit of local government fails by the end
16 of a fiscal year to enact or have in effect laws, policies,
17 or procedures that sets forth an affirmative duty on a law
18 enforcement officer of that State or unit of local govern-
19 ment, whenever possible, to employ de-escalation tech-
20 niques in which the officer has received training required
21 under section 2(a), the Attorney General shall reduce the
22 amount that would otherwise be awarded to that State or
23 unit of local government under such grant program in the
24 following fiscal year by 15 percent.

1 (b) REALLOCATION.—Amounts not allocated under a
2 program referred to in subsection (a) to a State or unit
3 of local government for failure to be in compliance with
4 this section shall be reallocated under that program to
5 States and units of local government that are in compli-
6 ance with this section.

7 **SEC. 5. ATTORNEY GENERAL GUIDANCE.**

8 Not later than 180 days after the date of enactment
9 of this Act, the Attorney General shall issue guidance, for
10 the benefit of States and units of local government, on
11 compliance with the requirements of this Act.

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