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117TH CONGRESS
2D SESSION

S. 4003

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for training on alternatives to use of force, de-escalation, and mental and behavioral health and suicidal crises.

IN THE SENATE OF THE UNITED STATES

APRIL 5, 2022

Mr. CORNYN (for himself, Mr. WHITEHOUSE, Mr. CASSIDY, Ms. HASSAN, Mr. SCOTT of South Carolina, Mr. COONS, Mrs. CAPITO, Ms. KLOBUCHAR, Mr. TILLIS, Mrs. FEINSTEIN, Mr. CRAMER, Mr. BLUMENTHAL, Mr. BLUNT, Ms. CORTEZ MASTO, Mr. LEAHY, Mr. DURBIN, Mr. CRUZ, Mr. OSSOFF, Mrs. BLACKBURN, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JUNE 14, 2022

Reported by Mr. DURBIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for training on alternatives to use of force, de-escalation, and mental and behavioral health and suicidal crises.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Law Enforcement De-
3 Escalation Training Act of 2022”.

4 **SEC. 2. TRAINING ON ALTERNATIVES TO USE OF FORCE,**
5 **DE-ESCALATION, AND MENTAL AND BEHAV-**
6 **IORAL HEALTH CRISES.**

7 (a) DEFINITIONS.—Section 901(a) of title I of the
8 Omnibus Crime Control and Safe Streets Act of 1968 (34
9 U.S.C. 10251(a)) is amended—

10 (1) in paragraph (27), by striking “and” at the
11 end;

12 (2) in paragraph (28), by striking the period at
13 the end and inserting a semicolon; and

14 (3) by adding at the end the following:

15 “(29) the term ‘de-escalation’ means taking ac-
16 tion or communicating verbally or non-verbally dur-
17 ing a potential force encounter in an attempt to sta-
18 bilize the situation and reduce the immediacy of the
19 threat so that more time, options, and resources can
20 be called upon to resolve the situation without the
21 use of force or with a reduction in the force nec-
22 essary;

23 “(30) the term ‘mental or behavioral health or
24 suicidal crisis’—

25 “(A) means a situation in which the behav-
26 ior of a person—

1 “(i) puts the person at risk of hurting
2 himself or herself or others; or

3 “(ii) impairs or prevents the person
4 from being able to care for himself or her-
5 self or function effectively in the commu-
6 nity; and

7 “(B) includes a situation in which a per-
8 son—

9 “(i) is under the influence of a drug
10 or alcohol; is suicidal; or experiences symp-
11 toms of a mental illness; or

12 “(ii) may exhibit symptoms, including
13 emotional reactions (such as fear or
14 anger), psychological impairments (such as
15 inability to focus, confusion, or psychosis);
16 and behavioral reactions (such as the trig-
17 ger of a freeze, fight, or flight response);

18 “(31) the term ‘disability’ has the meaning
19 given that term in section 3 of the Americans with
20 Disabilities Act of 1990 (42 U.S.C. 12102);

21 “(32) the term ‘crisis intervention team’ means
22 a collaborative, interdisciplinary team that brings to-
23 gether specially trained law enforcement officers,
24 mental health providers, and other community stake-
25 holders to respond to mental health-related calls; use

1 appropriate de-escalation techniques; and assess if
 2 referral to services or transport for mental health
 3 evaluation is appropriate; and

4 “(33) the term ‘covered mental health profes-
 5 sional’ means a mental health professional working
 6 on a crisis intervention team—

7 “(A) as an employee of a law enforcement
 8 agency; or

9 “(B) under a legal agreement with a law
 10 enforcement agency.”.

11 (b) COPS PROGRAM.—Section 1701 of title I of the
 12 Omnibus Crime Control and Safe Streets Act of 1968 (34
 13 U.S.C. 10381) is amended by adding at the end the fol-
 14 lowing:

15 “(n) TRAINING IN ALTERNATIVES TO USE OF
 16 FORCE, DE-ESCALATION TECHNIQUES, AND MENTAL
 17 AND BEHAVIORAL HEALTH CRISES.—

18 “(1) TRAINING CURRICULA.—

19 “(A) IN GENERAL.—Not later than 180
 20 days after the date of enactment of this sub-
 21 section, the Attorney General shall develop
 22 training curricula and identify effective existing
 23 training curricula for law enforcement officers
 24 and for covered mental health professionals re-
 25 garding—

1 “(i) alternatives to use of force and
2 de-escalation tactics;

3 “(ii) safely responding to an indi-
4 vidual experiencing a mental or behavioral
5 health or suicidal crisis or an individual
6 with a disability, including techniques and
7 strategies that are designed to protect the
8 safety of that individual, law enforcement
9 officers, mental health professionals, and
10 the public;

11 “(iii) successfully participating on a
12 crisis intervention team; and

13 “(iv) making referrals to community-
14 based mental and behavioral health serv-
15 ices and support, housing assistance pro-
16 grams, public benefits programs, the Na-
17 tional Suicide Prevention Lifeline, and
18 other services.

19 “(B) REQUIREMENTS.—The training cur-
20 ricula developed or identified under this para-
21 graph shall include—

22 “(i) scenario-based exercises;

23 “(ii) pre-training and post-training
24 tests to assess relevant knowledge and
25 skills covered in the training curricula; and

1 “(iii) follow-up evaluative assessments
 2 to determine the degree to which partici-
 3 pants in the training apply, in their jobs,
 4 the knowledge and skills gained in the
 5 training.

6 “(C) CONSULTATION.—The Attorney Gen-
 7 eral shall develop and identify training curricula
 8 under this paragraph in consultation with rel-
 9 evant law enforcement agencies of States and
 10 units of local government, associations that rep-
 11 resent individuals with mental or behavioral
 12 health diagnoses or individuals with disabilities,
 13 labor organizations, professional law enforce-
 14 ment organizations, local law enforcement labor
 15 and representative organizations, law enforce-
 16 ment trade associations, mental health and sui-
 17 cide prevention organizations, family advocacy
 18 organizations, and civil liberties groups.

19 “(2) CERTIFIED PROGRAMS.—

20 “(A) IN GENERAL.—Not later than 180
 21 days after the date of enactment of this sub-
 22 section, the Attorney General shall establish a
 23 process to—

24 “(i) certify public and private entities
 25 that offer courses to law enforcement offi-

cers or covered mental health professionals using 1 or more of the training curricula developed or identified under paragraph (1), or equivalents to such training curricula, which may include certifying an entity that was providing such a course on or before the date on which the Attorney General establishes the process; and

“(ii) terminate the certification of an entity if the courses offered by the entity fail to continue to meet the standards under the training curricula developed or identified under paragraph (1).

“(B) PARTNERSHIPS WITH MENTAL HEALTH ORGANIZATIONS AND EDUCATIONAL INSTITUTIONS.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall develop criteria to ensure that public and private entities certified under subparagraph (A) collaborate with local mental health organizations to—

“(i) enhance the training experience of law enforcement officers through consultation with and the participation of individuals with mental or behavioral health

1 diagnoses or disabilities, particularly such
 2 individuals who have interacted with law
 3 enforcement officers; and

4 “(ii) strengthen relationships between
 5 health care services and law enforcement
 6 agencies.

7 “(3) TRANSITIONAL REGIONAL TRAINING PRO-
 8 GRAMS FOR STATE AND LOCAL AGENCY PER-
 9 SONNEL.—

10 “(A) IN GENERAL.—Until the date that is
 11 2 years after the date on which the Attorney
 12 General develops and identifies training cur-
 13 ricula under paragraph (1), the Attorney Gen-
 14 eral shall, and thereafter may, provide, in col-
 15 laboration with law enforcement training acad-
 16 emies of States and units of local government
 17 as appropriate, regional training to equip and
 18 certify personnel from law enforcement agencies
 19 of States and units of local government in a
 20 State to conduct training using 1 or more of
 21 the training curricula developed or identified
 22 under paragraph (1), or equivalents to such
 23 training curricula.

24 “(B) CONTINUING EDUCATION.—The At-
 25 torney General shall develop and implement

1 continuing education requirements for personnel
2 from law enforcement agencies of States and
3 units of local government certified under sub-
4 paragraph (A).

5 “(4) LIST.—Not later than 1 year after the At-
6 torney General completes the activities described in
7 paragraphs (1) and (2), the Attorney General shall
8 publish a list of law enforcement agencies of States
9 and units of local government employing law en-
10 forcement officers or using covered mental health
11 professionals who have successfully completed a
12 course using 1 or more of the training curricula de-
13 veloped or identified under paragraph (1), or equiva-
14 lents to such training curricula, which shall in-
15 clude—

16 “(A) the total number of law enforcement
17 officers that are employed by the agency;

18 “(B) the number of such law enforcement
19 officers who have completed such a course;

20 “(C) whether personnel from the law en-
21 forcement agency have been certified under
22 paragraph (3) to conduct the training;

23 “(D) the total number of covered mental
24 health professionals who work with the agency;
25 and

1 “(E) the number of such covered mental
2 health professionals who have completed such a
3 course.

4 “(5) AUTHORIZATION OF APPROPRIATIONS.—
5 There is authorized to be appropriated to carry out
6 this subsection \$20,000,000 for each of fiscal years
7 2022 through 2026.”.

8 (e) BYRNE JAG PROGRAM.—Subpart 1 of part E of
9 title I of the Omnibus Crime Control and Safe Streets Act
10 of 1968 (34 U.S.C. 10151 et seq.) is amended—

11 (1) by redesignating section 508 as section 509;
12 and

13 (2) by inserting after section 507 the following:
14 “SEC. 508. LAW ENFORCEMENT TRAINING PROGRAMS.

15 “(a) DEFINITIONS.—In this section—

16 “(1) the term ‘approved training course’ means
17 a course using 1 or more of the training curricula
18 developed or identified under section 1701(n)(1) or
19 equivalents to such training curricula—

20 “(A) provided by the Attorney General
21 under section 1701(n)(3); or

22 “(B) provided by a certified entity; and

23 “(2) the term ‘certified entity’ means a public
24 or private entity that has been certified by the At-
25 torney General under section 1701(n)(2), which may

1 include a law enforcement agency or law enforce-
 2 ment training academy of a State or unit of local
 3 government the personnel of which have been cer-
 4 tified to conduct training pursuant to section
 5 1701(n)(3).

6 “(b) AUTHORITY.—

7 “(1) IN GENERAL.—Not later than 90 days
 8 after the Attorney General completes the activities
 9 required by paragraphs (1) and (2) of section
 10 1701(n), the Attorney General shall, from amounts
 11 made available to fund training programs pursuant
 12 to subsection (g), make grants to States for use by
 13 the State or a unit of government located in the
 14 State to—

15 “(A) pay for—

16 “(i) costs associated with conducting
 17 the training or, subject to paragraph (2),
 18 continuing education; and

19 “(ii) attendance by law enforcement
 20 officers or covered mental health profes-
 21 sionals at an approved training course, in-
 22 cluding a course provided by a law enforce-
 23 ment training academy of a State or unit
 24 of local government;

1 “(B) procure training or, subject to para-
 2 graph (2), continuing education on 1 or more of
 3 the topics described in section 1701(n)(1)(A)
 4 from a certified entity;

5 “(C) in the case of a law enforcement
 6 agency of a unit of local government that em-
 7 ploys fewer than 50 employees (determined on
 8 a full-time equivalent basis), pay for the costs
 9 of overtime accrued as a result of the attend-
 10 ance of a law enforcement officer or covered
 11 mental health professional at an approved
 12 training course for which the costs associated
 13 with conducting the approved training course
 14 are paid using amounts provided under this sec-
 15 tion; and

16 “(D) pay for the costs of developing mech-
 17 anisms to comply with the reporting require-
 18 ments established under subsection (d), in an
 19 amount not to exceed 5 percent of the total
 20 amount of the grant award.

21 “(2) REQUIREMENTS FOR USE FOR CON-
 22 TINUING EDUCATION.—

23 “(A) DEFINITION.—In this paragraph, the
 24 term ‘covered topic’ means a topic covered
 25 under the curricula developed or identified

1 under clause (i), (ii), or (iv) of section
2 1701(n)(1)(A).

3 “(B) REQUIREMENT TO PROVIDE INITIAL
4 TRAINING.—A State or unit of local government
5 shall ensure that all officers who have been em-
6 ployed with the State or unit of local govern-
7 ment for at least 2 years have received training
8 on all covered topics before the State or unit of
9 local government uses amounts received under a
10 grant under paragraph (1) for continuing edu-
11 cation with respect to any covered topic.

12 “(C) START DATE OF AVAILABILITY OF
13 FUNDING.—

14 “(i) IN GENERAL.—Subject to clause
15 (ii), a State or unit of local government
16 may not use amounts received under a
17 grant under paragraph (1) for continuing
18 education with respect to a covered topic
19 until the date that is 2 years after the date
20 of enactment of the Law Enforcement De-
21 Escalation Training Act of 2022.

22 “(ii) EXCEPTION.—A State or unit of
23 local government may use amounts re-
24 ceived under a grant under paragraph (1)
25 for continuing education with respect to a

covered topic during the 2-year period beginning on the date of enactment of the Law Enforcement De-Escalation Training Act of 2022 if the State or unit of local government has complied with subparagraph (B) using amounts available to the State or unit of local government other than amounts received under a grant under paragraph (1).

“(3) MAINTAINING RELATIONSHIPS WITH LOCAL MENTAL HEALTH ORGANIZATIONS.—A State or unit of local government that receives funds under this section shall establish and maintain relationships between law enforcement officers and local mental health organizations and health care services.

“(c) ALLOCATION OF FUNDS.—

“(1) IN GENERAL.—Of the total amount appropriated to carry out this section for a fiscal year, the Attorney General shall allocate funds to each State in proportion to the total number of law enforcement officers in the State that are employed by the State or a unit of local government within the State, as compared to the total number of law enforcement officers in the United States.

1 ~~“(2) RETENTION OF FUNDS FOR TRAINING FOR~~
 2 ~~STATE LAW ENFORCEMENT OFFICERS PROPOR-~~
 3 ~~TIONAL TO NUMBER OF STATE OFFICERS.—Each~~
 4 ~~fiscal year, each State may retain, for use for the~~
 5 ~~purposes described in this section, from the total~~
 6 ~~amount of funds provided to the State under para-~~
 7 ~~graph (1) an amount that is not more than the~~
 8 ~~amount that bears the same ratio to such total~~
 9 ~~amount as the ratio of—~~

10 ~~“(A) the total number of law enforcement~~
 11 ~~officers employed by the State; to~~

12 ~~“(B) the total number of law enforcement~~
 13 ~~officers in the State that are employed by the~~
 14 ~~State or a unit of local government within the~~
 15 ~~State.~~

16 ~~“(3) PROVISION OF FUNDS FOR TRAINING FOR~~
 17 ~~LOCAL LAW ENFORCEMENT OFFICERS.—~~

18 ~~“(A) IN GENERAL.—A State shall make~~
 19 ~~available to units of local government in the~~
 20 ~~State for the purposes described in this section~~
 21 ~~the amounts remaining after a State retains~~
 22 ~~funds under paragraph (2).~~

23 ~~“(B) ADDITIONAL USES.—A State may,~~
 24 ~~with the approval of a unit of local government,~~

1 use the funds allocated to the unit of local gov-
2 ernment under subparagraph (A)—

3 “(i) to facilitate training or, subject to
4 subsection (b)(2), continuing education in
5 the 1 or more of the topics described in
6 section 1701(n)(1)(A) to law enforcement
7 officers employed by the unit of local gov-
8 ernment; or

9 “(ii) for the costs of training and cer-
10 tifying local law enforcement officers, in-
11 cluding through law enforcement training
12 academies of States and units of local gov-
13 ernment, to conduct training under section
14 1701(n)(3).

15 “(C) CONSULTATION.—The Attorney Gen-
16 eral, in consultation with relevant law enforce-
17 ment agencies of States and units of local gov-
18 ernment, associations that represent individuals
19 with mental or behavioral health diagnoses or
20 individuals with disabilities, labor organizations,
21 professional law enforcement organizations,
22 local law enforcement labor and representative
23 organizations, law enforcement trade associa-
24 tions, mental health and suicide prevention or-
25 ganizations, family advocacy organizations, and

civil liberties groups, shall develop criteria governing the allocation of funds to units of local government under this paragraph, which shall ensure that the funds are distributed as widely as practicable in terms of geographical location and to both large and small law enforcement agencies of units of local government.

“(D) ANNOUNCEMENT OF ALLOCATIONS.—

Not later than 30 days after the date on which a State receives an award under paragraph (1), the State shall announce the allocations of funds to units of local government under subparagraph (A). A State shall submit to the Attorney General a report explaining any delays in the announcement of allocations under this subparagraph.

“(d) REPORTING.—

“(1) UNITS OF LOCAL GOVERNMENT.—Any unit of local government that receives funds from a State under subsection (c)(3) for a training program described in subsection (b) shall submit to the State or the Attorney General an annual report with respect to the first fiscal year during which the unit of local government receives such funds and each of the 2 fiscal years thereafter that shall include—

1 “(A) the number of law enforcement offi-
2 cers employed by the unit of local government
3 that have completed an approved training
4 course, including an approved training course
5 provided on or before the date on which the At-
6 torney General begins certifying entities under
7 section 1701(n)(2); the topics covered in those
8 courses; and the number of officers who re-
9 ceived training in each topic, including, at the
10 election of the unit of local government, an ap-
11 proved training course using funds provided
12 from a source other than the grants described
13 under subsection (b);

14 “(B) the total number of law enforcement
15 officers employed by the unit of local govern-
16 ment;

17 “(C) a description of any barriers to pro-
18 viding training on the topics described in sec-
19 tion 1701(n)(1)(A);

20 “(D) information gathered through—

21 “(i) pre-training and post-training
22 tests that assess relevant knowledge and
23 skills covered in the training curricula; as
24 specified in section 1701(n)(1); and

1 “(ii) follow-up evaluative assessments
 2 to determine the degree to which partici-
 3 pants in the training apply, in their jobs,
 4 the knowledge and skills gained in the
 5 training; and

6 “(E) the amount of funds received by the
 7 unit of local government under subsection
 8 (e)(3) and a tentative plan for training all law
 9 enforcement officers employed by the unit of
 10 local government using available and antici-
 11 pated funds.

12 “(2) STATES.—A State receiving funds under
 13 this section shall submit to the Attorney General—

14 “(A) any report the State receives from a
 15 unit of local government under paragraph (1);
 16 and

17 “(B) if the State retains funds under sub-
 18 section (e)(2) for a fiscal year, a report by the
 19 State for that fiscal year, and each of the 2 fis-
 20 cal years thereafter—

21 “(i) indicating the number of law en-
 22 forcement officers employed by the State
 23 that have completed an approved training
 24 course, including an approved training
 25 course provided on or before the date on

1 which the Attorney General begins certi-
2 fying entities under section 1701(n)(2), the
3 topics covered in those courses, and the
4 number of officers who received training in
5 each topic, including, at the election of the
6 State, an approved training course using
7 funds provided from a source other than
8 the grants described under subsection (b);

9 “(ii) indicating the total number of
10 law enforcement officers employed by the
11 State;

12 “(iii) providing information gathered
13 through—

14 “(I) pre-training and post-train-
15 ing tests that assess relevant knowl-
16 edge and skills covered in the training
17 curricula, as specified in section
18 1701(n)(1); and

19 “(II) follow-up evaluative assess-
20 ments to determine the degree to
21 which participants in the training
22 apply, in their jobs, the knowledge
23 and skills gained in the training;

1 “(iv) discussing any barriers to pro-
 2 viding training on the topics described in
 3 section 1701(n)(1)(A); and

4 “(v) indicating the amount of funding
 5 retained by the State under subsection
 6 (c)(2) and providing a tentative plan for
 7 training all law enforcement officers em-
 8 ployed by the State using available and an-
 9 ticipated funds.

10 “(3) REPORTING TOOLS.—Not later than 180
 11 days after the date of enactment of this section, the
 12 Attorney General shall develop a portal through
 13 which the data required under paragraphs (1) and
 14 (2) may be collected and submitted.

15 “(4) REPORTS ON THE USE OF DE-ESCALATION
 16 TACTICS AND OTHER TECHNIQUES.—

17 “(A) IN GENERAL.—The Attorney General,
 18 in consultation with the Director of the Federal
 19 Bureau of Investigation, relevant law enforce-
 20 ment agencies of States and units of local gov-
 21 ernment, associations that represent individuals
 22 with mental or behavioral health diagnoses or
 23 individuals with disabilities, labor organizations,
 24 professional law enforcement organizations,
 25 local law enforcement labor and representative

1 organizations, law enforcement trade associa-
 2 tions, mental health and suicide prevention or-
 3 ganizations, family advocacy organizations, and
 4 civil liberties groups shall establish—

5 “(i) reporting requirements on inter-
 6 actions in which de-escalation tactics and
 7 other techniques in curricula developed or
 8 identified under section 1701(n)(1) are
 9 used by each law enforcement agency that
 10 receives funding under this section; and

11 “(ii) mechanisms for each law enforce-
 12 ment agency to submit such reports to the
 13 Department of Justice.

14 “(B) REPORTING REQUIREMENTS.—The
 15 requirements developed under subparagraph (A)
 16 shall—

17 “(i) specify—

18 “(I) the circumstances under
 19 which an interaction shall be reported;
 20 considering—

21 “(aa) the cost of collecting
 22 and reporting the information;
 23 and

1 “(bb) the value of that infor-
2 mation for determining wheth-
3 er—

4 “(AA) the objectives of
5 the training have been met;
6 and

7 “(BB) the training re-
8 duced or eliminated the risk
9 of serious physical injury to
10 officers, subjects, and third
11 parties; and

12 “(H) the biographical and other
13 relevant information about the officer
14 and subjects involved in the inter-
15 action that shall be included in such a
16 report; and

17 “(ii) require such reporting be done in
18 a manner that—

19 “(I) is in compliance with all ap-
20 plicable Federal and State confiden-
21 tiality laws; and

22 “(H) does not disclose the identi-
23 ties of law enforcement officers, sub-
24 jects, or third parties.

1 ~~“(C) REVIEW OF REPORTING REQUIRE-~~
 2 ~~MENTS.—Not later than 2 years after the date~~
 3 ~~of enactment of this section, and every 2 years~~
 4 ~~thereafter, the Attorney General, in consulta-~~
 5 ~~tion with the entities specified under subpara-~~
 6 ~~graph (A), shall review and consider updates to~~
 7 ~~the reporting requirements.~~

8 ~~“(5) FAILURE TO REPORT.—~~

9 ~~“(A) IN GENERAL.—An entity receiving~~
 10 ~~funds under this section that fails to file a re-~~
 11 ~~port as required under paragraph (1) or (2), as~~
 12 ~~applicable and as determined by the Attorney~~
 13 ~~General, shall not be eligible to receive funds~~
 14 ~~under this section for a period of 2 fiscal years.~~

15 ~~“(B) RULE OF CONSTRUCTION.—Nothing~~
 16 ~~in subparagraph (A) shall be construed to pro-~~
 17 ~~hibit a State that fails to file a report as re-~~
 18 ~~quired under paragraph (2), and is not eligible~~
 19 ~~to receive funds under this section, from mak-~~
 20 ~~ing funding available to a unit of local govern-~~
 21 ~~ment of the State under subsection (c)(3), if~~
 22 ~~the unit of local government has complied with~~
 23 ~~the reporting requirements.~~

24 ~~“(e) ATTORNEY GENERAL REPORTS.—~~

1 “(1) IMPLEMENTATION REPORT.—Not later
 2 than 2 years after the date of enactment of this sec-
 3 tion, and each year thereafter in which grants are
 4 made under this section, the Attorney General shall
 5 submit a report to Congress on the implementation
 6 of activities carried out under this section.

7 “(2) CONTENTS.—Each report under para-
 8 graph (1) shall include, at a minimum, information
 9 on—

10 “(A) the number, amounts, and recipients
 11 of awards the Attorney General has made or in-
 12 tends to make using funds authorized under
 13 this section;

14 “(B) the selection criteria the Attorney
 15 General has used or intends to use to select re-
 16 cipients of awards using funds authorized under
 17 this section;

18 “(C) the number of law enforcement offi-
 19 cers of a State or unit of local government who
 20 were not able to receive training on the topics
 21 described in section 1701(n)(1)(A) due to un-
 22 availability of funds and the amount of funds
 23 that would be required to complete the training;
 24 and

1 ~~“(D) the nature, frequency, and amount of~~
 2 ~~information that the Attorney General has col-~~
 3 ~~lected or intends to collect under subsection (d).~~

4 ~~“(3) PRIVACY PROTECTIONS.—A report under~~
 5 ~~paragraph (1) shall not disclose the identities of in-~~
 6 ~~dividual law enforcement officers who received, or~~
 7 ~~did not receive, training under section 1701(n).~~

8 ~~“(f) NATIONAL INSTITUTE OF JUSTICE STUDY.—~~

9 ~~“(1) STUDY AND REPORT.—Not later than 2~~
 10 ~~years after the first grant award using funds author-~~
 11 ~~ized under this section, the National Institute of~~
 12 ~~Justice shall conduct a study of the implementation~~
 13 ~~of the training under section 1701(n) in at least 6~~
 14 ~~jurisdictions representing an array of agency sizes~~
 15 ~~and geographic locations, which shall include—~~

16 ~~“(A) a process evaluation of training im-~~
 17 ~~plementation, which shall include an analysis of~~
 18 ~~the share of officers who participated in the~~
 19 ~~training, the degree to which the training was~~
 20 ~~administered in accordance with the curriculum,~~
 21 ~~and the fidelity with which the training was ap-~~
 22 ~~plied in the field; and~~

23 ~~“(B) an impact evaluation of the training,~~
 24 ~~which shall include an analysis of the impact of~~
 25 ~~the training on interactions between law en-~~

1 enforcement officers and the public; any factors
 2 that prevent or preclude law enforcement offi-
 3 cers from successfully de-escalating law enforce-
 4 ment interactions; and any recommendations on
 5 modifications to the training curricula and
 6 methods that could improve outcomes.

7 ~~“(2) NATIONAL INSTITUTE OF JUSTICE ACCESS~~
 8 ~~TO PORTAL.—~~For the purposes of preparing the re-
 9 port under paragraph (1), the National Institute of
 10 Justice shall have direct access to the portal devel-
 11 oped under subsection (d)(3).

12 ~~“(3) PRIVACY PROTECTIONS.—~~The study under
 13 paragraph (1) shall not disclose the identities of in-
 14 dividual law enforcement officers who received, or
 15 did not receive, training under section 1701(n).

16 ~~“(4) FUNDING.—~~Not more than 1 percent of
 17 the amount appropriated to carry out this section
 18 during any fiscal year shall be made available to
 19 conduct the study under paragraph (1).

20 ~~“(g) GAO REPORT.—~~

21 ~~“(1) STUDY AND REPORT.—~~Not later than 3
 22 years after the first grant award using funds author-
 23 ized under this section, the Comptroller General of
 24 the United States shall review the grant program

1 under this section and submit to Congress a report
2 assessing the grant program, including—

3 “(A) the process for developing and identi-
4 fying curricula under section 1701(n)(1), in-
5 cluding the effectiveness of the consultation by
6 the Attorney General with the agencies, associa-
7 tions, and organizations identified under section
8 1701(n)(1)(C);

9 “(B) the certification of programs under
10 section 1701(n)(2), including the development
11 of the process for certification and its imple-
12 mentation;

13 “(C) the training of law enforcement per-
14 sonnel under section 1701(n)(3), including the
15 geographic distribution of the agencies that em-
16 ploy the personnel receiving the training and
17 the sizes of those agencies;

18 “(D) the allocation of funds under sub-
19 section (c), including the geographic distribu-
20 tion of the agencies that receive funds and the
21 degree to which both large and small agencies
22 receive funds; and

23 “(E) the amount of funding distributed to
24 agencies compared with the amount appro-
25 priated under this section, the amount spent for

1 training, and whether plans have been put in
 2 place by the recipient agencies to use unspent
 3 available funds.

4 “(2) GAO ACCESS TO PORTAL.—For the pur-
 5 poses of preparing the report under paragraph (1),
 6 the Comptroller General of the United States shall
 7 have direct access to the portal developed under sub-
 8 section (d)(3).

9 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
 10 is authorized to be appropriated to carry out this section
 11 \$70,000,000 for each of fiscal years 2022 through 2026.”.

12 **SECTION 1. SHORT TITLE.**

13 *This Act may be cited as the “Law Enforcement De-
 14 Escalation Training Act of 2022”.*

15 **SEC. 2. TRAINING ON ALTERNATIVES TO USE OF FORCE,
 16 DE-ESCALATION, AND MENTAL AND BEHAV-
 17 IORAL HEALTH CRISES.**

18 (a) *DEFINITIONS.*—Section 901(a) of title I of the Om-
 19 nibus Crime Control and Safe Streets Act of 1968 (34
 20 U.S.C. 10251(a)) is amended—

21 (1) in paragraph (27), by striking “and” at the
 22 end;

23 (2) in paragraph (28), by striking the period at
 24 the end and inserting a semicolon; and

25 (3) by adding at the end the following:

1 “(29) the term ‘de-escalation’ means taking ac-
 2 tion or communicating verbally or non-verbally dur-
 3 ing a potential force encounter in an attempt to sta-
 4 bilize the situation and reduce the immediacy of the
 5 threat so that more time, options, and resources can
 6 be called upon to resolve the situation without the use
 7 of force or with a reduction in the force necessary;

8 “(30) the term ‘mental or behavioral health or
 9 suicidal crisis’—

10 “(A) means a situation in which the behav-
 11 ior of a person—

12 “(i) puts the person at risk of hurting
 13 himself or herself or others; or

14 “(ii) impairs or prevents the person
 15 from being able to care for himself or herself
 16 or function effectively in the community;
 17 and

18 “(B) includes a situation in which a per-
 19 son—

20 “(i) is under the influence of a drug or
 21 alcohol, is suicidal, or experiences symptoms
 22 of a mental illness; or

23 “(ii) may exhibit symptoms, including
 24 emotional reactions (such as fear or anger),
 25 psychological impairments (such as inabil-

1 *ity to focus, confusion, or psychosis), and*
 2 *behavioral reactions (such as the trigger of*
 3 *a freeze, fight, or flight response);*

4 *“(31) the term ‘disability’ has the meaning given*
 5 *that term in section 3 of the Americans with Disabil-*
 6 *ities Act of 1990 (42 U.S.C. 12102);*

7 *“(32) the term ‘crisis intervention team’ means*
 8 *a collaborative, interdisciplinary team that brings to-*
 9 *gether specially trained law enforcement officers, men-*
 10 *tal health providers, and other community stake-*
 11 *holders to respond to mental health-related calls, use*
 12 *appropriate de-escalation techniques, and assess if re-*
 13 *ferral to services or transport for mental health eval-*
 14 *uation is appropriate; and*

15 *“(33) the term ‘covered mental health profes-*
 16 *sional’ means a mental health professional working*
 17 *on a crisis intervention team—*

18 *“(A) as an employee of a law enforcement*
 19 *agency; or*

20 *“(B) under a legal agreement with a law*
 21 *enforcement agency.”.*

22 *(b) COPS PROGRAM.—Section 1701 of title I of the*
 23 *Omnibus Crime Control and Safe Streets Act of 1968 (34*
 24 *U.S.C. 10381) is amended by adding at the end the fol-*
 25 *lowing:*

1 “(n) *TRAINING IN ALTERNATIVES TO USE OF FORCE,*
 2 *DE-ESCALATION TECHNIQUES, AND MENTAL AND BEHAV-*
 3 *IORAL HEALTH CRISES.*—

4 “(1) *TRAINING CURRICULA.*—

5 “(A) *IN GENERAL.*—*Not later than 180*
 6 *days after the date of enactment of this sub-*
 7 *section, the Attorney General shall develop train-*
 8 *ing curricula or identify effective existing train-*
 9 *ing curricula for law enforcement officers and for*
 10 *covered mental health professionals regarding—*

11 “(i) *de-escalation tactics and alter-*
 12 *natives to use of force;*

13 “(ii) *safely responding to an indi-*
 14 *vidual experiencing a mental or behavioral*
 15 *health or suicidal crisis or an individual*
 16 *with a disability, including techniques and*
 17 *strategies that are designed to protect the*
 18 *safety of that individual, law enforcement*
 19 *officers, mental health professionals, and the*
 20 *public;*

21 “(iii) *successfully participating on a*
 22 *crisis intervention team; and*

23 “(iv) *making referrals to community-*
 24 *based mental and behavioral health services*
 25 *and support, housing assistance programs,*

1 *public benefits programs, the National Sui-*
2 *cide Prevention Lifeline, and other services.*

3 “(B) *REQUIREMENTS.*—*The training cur-*
4 *ricula developed or identified under this para-*
5 *graph shall include—*

6 “(i) *scenario-based exercises;*

7 “(ii) *pre-training and post-training*
8 *tests to assess relevant knowledge and skills*
9 *covered in the training curricula; and*

10 “(iii) *follow-up evaluative assessments*
11 *to determine the degree to which partici-*
12 *pants in the training apply, in their jobs,*
13 *the knowledge and skills gained in the*
14 *training.*

15 “(C) *CONSULTATION.*—*The Attorney Gen-*
16 *eral shall develop and identify training cur-*
17 *ricula under this paragraph in consultation with*
18 *relevant law enforcement agencies of States and*
19 *units of local government, associations that rep-*
20 *resent individuals with mental or behavioral*
21 *health diagnoses or individuals with disabilities,*
22 *labor organizations, professional law enforcement*
23 *organizations, local law enforcement labor and*
24 *representative organizations, law enforcement*
25 *trade associations, mental health and suicide*

1 *prevention organizations, family advocacy orga-*
2 *nizations, and civil rights and civil liberties*
3 *groups.*

4 *“(2) CERTIFIED PROGRAMS AND COURSES.—*

5 *“(A) IN GENERAL.—Not later than 180*
6 *days after the date on which training curricula*
7 *are developed or identified under paragraph*
8 *(1)(A), the Attorney General shall establish a*
9 *process to—*

10 *“(i) certify training programs and*
11 *courses offered by public and private enti-*
12 *ties to law enforcement officers or covered*
13 *mental health professionals using 1 or more*
14 *of the training curricula developed or iden-*
15 *tified under paragraph (1), or equivalents*
16 *to such training curricula, which may in-*
17 *clude certifying a training program or*
18 *course that an entity began offering on or*
19 *before the date on which the Attorney Gen-*
20 *eral establishes the process; and*

21 *“(ii) terminate the certification of a*
22 *training program or course if the program*
23 *or course fails to continue to meet the*
24 *standards under the training curricula de-*
25 *veloped or identified under paragraph (1).*

1 “(B) *PARTNERSHIPS WITH MENTAL HEALTH*
2 *ORGANIZATIONS AND EDUCATIONAL INSTITU-*
3 *TIONS.—Not later than 180 days after the date*
4 *on which training curricula are developed or*
5 *identified under paragraph (1)(A), the Attorney*
6 *General shall develop criteria to ensure that pub-*
7 *lic and private entities that offer training pro-*
8 *grams or courses that are certified under sub-*
9 *paragraph (A) collaborate with local mental*
10 *health organizations to—*

11 “(i) *enhance the training experience of*
12 *law enforcement officers through consulta-*
13 *tion with and the participation of individ-*
14 *uals with mental or behavioral health diag-*
15 *noses or disabilities, particularly such indi-*
16 *viduals who have interacted with law en-*
17 *forcement officers; and*

18 “(ii) *strengthen relationships between*
19 *health care services and law enforcement*
20 *agencies.*

21 “(3) *TRANSITIONAL REGIONAL TRAINING PRO-*
22 *GRAMS FOR STATE AND LOCAL AGENCY PERSONNEL.—*

23 “(A) *IN GENERAL.—During the period be-*
24 *ginning on the date on which the Attorney Gen-*
25 *eral establishes the process required under para-*

1 *graph (2)(A) and ending on the date that is 18*
2 *months after that date, the Attorney General*
3 *shall, and thereafter the Attorney General may,*
4 *provide, in collaboration with law enforcement*
5 *training academies of States and units of local*
6 *government as appropriate, regional training to*
7 *equip personnel from law enforcement agencies of*
8 *States and units of local government in a State*
9 *to offer training programs or courses certified*
10 *under paragraph (2)(A).*

11 “(B) *CONTINUING EDUCATION.*—*The Attor-*
12 *ney General shall develop and implement con-*
13 *tinuing education requirements for personnel*
14 *from law enforcement agencies of States and*
15 *units of local government who receive training to*
16 *offer training programs or courses under sub-*
17 *paragraph (A).*

18 “(4) *LIST.*—*Not later than 1 year after the At-*
19 *torney General completes the activities described in*
20 *paragraphs (1) and (2), the Attorney General shall*
21 *publish a list of law enforcement agencies of States*
22 *and units of local government employing law enforce-*
23 *ment officers or using covered mental health profes-*
24 *sionals who have successfully completed a course*
25 *using 1 or more of the training curricula developed*

1 or identified under paragraph (1), or equivalents to
2 such training curricula, which shall include—

3 “(A) the total number of law enforcement
4 officers that are employed by the agency;

5 “(B) the number of such law enforcement of-
6 ficers who have completed such a course;

7 “(C) whether personnel from the law en-
8 forcement agency have been trained to offer
9 training programs or courses under paragraph
10 (3);

11 “(D) the total number of covered mental
12 health professionals who work with the agency;
13 and

14 “(E) the number of such covered mental
15 health professionals who have completed such a
16 course.

17 “(5) *AUTHORIZATION OF APPROPRIATIONS.*—
18 *There is authorized to be appropriated to carry out*
19 *this subsection—*

20 “(A) \$3,000,000 for fiscal year 2023;

21 “(B) \$20,000,000 for fiscal year 2024;

22 “(C) \$10,000,000 for fiscal year 2025; and

23 “(D) \$1,000,000 for fiscal year 2026.”.

1 (c) *BYRNE JAG PROGRAM*.—Subpart 1 of part E of
 2 title I of the Omnibus Crime Control and Safe Streets Act
 3 of 1968 (34 U.S.C. 10151 et seq.) is amended—

4 (1) by redesignating section 508 as section 509;
 5 and

6 (2) by inserting after section 507 the following:

7 **“SEC. 508. LAW ENFORCEMENT TRAINING PROGRAMS.**

8 “(a) *DEFINITION*.—In this section, the term ‘certified
 9 training program or course’ means a program or course
 10 using 1 or more of the training curricula developed or iden-
 11 tified under section 1701(n)(1), or equivalents to such
 12 training curricula—

13 “(1) that is provided by the Attorney General
 14 under section 1701(n)(3); or

15 “(2) that is—

16 “(A) provided by a public or private entity,
 17 including the personnel of a law enforcement
 18 agency or law enforcement training academy of
 19 a State or unit of local government who have
 20 been trained to offer training programs or
 21 courses under section 1701(n)(3); and

22 “(B) certified by the Attorney General
 23 under section 1701(n)(2).

24 “(b) *AUTHORITY*.—

1 “(1) *IN GENERAL.*—Not later than 90 days after
2 the Attorney General completes the activities required
3 by paragraphs (1) and (2) of section 1701(n), the At-
4 torney General shall, from amounts made available to
5 fund training programs pursuant to subsection (h),
6 make grants to States for use by the State or a unit
7 of government located in the State to—

8 “(A) pay for—

9 “(i) costs associated with conducting a
10 certified training program or course or,
11 subject to paragraph (2), a certified train-
12 ing program or course that provides con-
13 tinuing education; and

14 “(ii) attendance by law enforcement of-
15 ficers or covered mental health professionals
16 at a certified training program or course,
17 including a course provided by a law en-
18 forcement training academy of a State or
19 unit of local government;

20 “(B) procure a certified training program
21 or course or, subject to paragraph (2), a certified
22 training program or course that provides con-
23 tinuing education on 1 or more of the topics de-
24 scribed in section 1701(n)(1)(A);

1 “(C) *in the case of a law enforcement agen-*
 2 *cy of a unit of local government that employs*
 3 *fewer than 50 employees (determined on a full-*
 4 *time equivalent basis), pay for the costs of over-*
 5 *time accrued as a result of the attendance of a*
 6 *law enforcement officer or covered mental health*
 7 *professional at a certified training program or*
 8 *course for which the costs associated with con-*
 9 *ducting the certified training program or course*
 10 *are paid using amounts provided under this sec-*
 11 *tion; and*

12 “(D) *pay for the costs of developing mecha-*
 13 *nisms to comply with the reporting requirements*
 14 *established under subsection (d), in an amount*
 15 *not to exceed 5 percent of the total amount of the*
 16 *grant award.*

17 “(2) *REQUIREMENTS FOR USE FOR CONTINUING*
 18 *EDUCATION.—*

19 “(A) *DEFINITION.—In this paragraph, the*
 20 *term ‘covered topic’ means a topic covered under*
 21 *the curricula developed or identified under clause*
 22 *(i), (ii), or (iv) of section 1701(n)(1)(A).*

23 “(B) *REQUIREMENT TO PROVIDE INITIAL*
 24 *TRAINING.—A State or unit of local government*
 25 *shall ensure that all officers who have been em-*

1 *ployed with the State or unit of local government*
 2 *for at least 2 years have received training as*
 3 *part of a certified training program or course on*
 4 *all covered topics before the State or unit of local*
 5 *government uses amounts received under a grant*
 6 *under paragraph (1) for continuing education*
 7 *with respect to any covered topic.*

8 *“(C) START DATE OF AVAILABILITY OF*
 9 *FUNDING.—*

10 *“(i) IN GENERAL.—Subject to clause*
 11 *(ii), a State or unit of local government*
 12 *may not use amounts received under a*
 13 *grant under paragraph (1) for continuing*
 14 *education with respect to a covered topic*
 15 *until the date that is 2 years after the date*
 16 *of enactment of the Law Enforcement De-*
 17 *Escalation Training Act of 2022.*

18 *“(ii) EXCEPTION.—A State or unit of*
 19 *local government may use amounts received*
 20 *under a grant under paragraph (1) for con-*
 21 *tinuing education with respect to a covered*
 22 *topic during the 2-year period beginning on*
 23 *the date of enactment of the Law Enforce-*
 24 *ment De-Escalation Training Act of 2022 if*
 25 *the State or unit of local government has*

1 *complied with subparagraph (B) using*
2 *amounts available to the State or unit of*
3 *local government other than amounts re-*
4 *ceived under a grant under paragraph (1).*

5 “(3) *MAINTAINING RELATIONSHIPS WITH LOCAL*
6 *MENTAL HEALTH ORGANIZATIONS.—A State or unit*
7 *of local government that receives funds under this sec-*
8 *tion shall establish and maintain relationships be-*
9 *tween law enforcement officers and local mental*
10 *health organizations and health care services.*

11 “(c) *ALLOCATION OF FUNDS.—*

12 “(1) *IN GENERAL.—Of the total amount appro-*
13 *priated to carry out this section for a fiscal year, the*
14 *Attorney General shall allocate funds to each State in*
15 *proportion to the total number of law enforcement of-*
16 *ficers in the State that are employed by the State or*
17 *a unit of local government within the State, as com-*
18 *pared to the total number of law enforcement officers*
19 *in the United States.*

20 “(2) *RETENTION OF FUNDS FOR TRAINING FOR*
21 *STATE LAW ENFORCEMENT OFFICERS PROPORTIONAL*
22 *TO NUMBER OF STATE OFFICERS.—Each fiscal year,*
23 *each State may retain, for use for the purposes de-*
24 *scribed in this section, from the total amount of funds*
25 *provided to the State under paragraph (1) an amount*

1 *that is not more than the amount that bears the same*
 2 *ratio to such total amount as the ratio of—*

3 “(A) *the total number of law enforcement*
 4 *officers employed by the State; to*

5 “(B) *the total number of law enforcement*
 6 *officers in the State that are employed by the*
 7 *State or a unit of local government within the*
 8 *State.*

9 “(3) *PROVISION OF FUNDS FOR TRAINING FOR*
 10 *LOCAL LAW ENFORCEMENT OFFICERS.—*

11 “(A) *IN GENERAL.—A State shall make*
 12 *available to units of local government in the*
 13 *State for the purposes described in this section*
 14 *the amounts remaining after a State retains*
 15 *funds under paragraph (2).*

16 “(B) *ADDITIONAL USES.—A State may,*
 17 *with the approval of a unit of local government,*
 18 *use the funds allocated to the unit of local gov-*
 19 *ernment under subparagraph (A)—*

20 “(i) *to facilitate offering a certified*
 21 *training program or course or, subject to*
 22 *subsection (b)(2), a certified training pro-*
 23 *gram or course that provide continuing edu-*
 24 *cation in 1 or more of the topics described*
 25 *in section 1701(n)(1)(A) to law enforcement*

1 *officers employed by the unit of local gov-*
2 *ernment; or*

3 “(ii) *for the costs of training local law*
4 *enforcement officers, including through law*
5 *enforcement training academies of States*
6 *and units of local government, to conduct a*
7 *certified training program or course.*

8 “(C) *CONSULTATION.—The Attorney Gen-*
9 *eral, in consultation with relevant law enforce-*
10 *ment agencies of States and units of local gov-*
11 *ernment, associations that represent individuals*
12 *with mental or behavioral health diagnoses or*
13 *individuals with disabilities, labor organiza-*
14 *tions, professional law enforcement organiza-*
15 *tions, local law enforcement labor and represent-*
16 *ative organizations, law enforcement trade asso-*
17 *ciations, mental health and suicide prevention*
18 *organizations, family advocacy organizations,*
19 *and civil rights and civil liberties groups, shall*
20 *develop criteria governing the allocation of funds*
21 *to units of local government under this para-*
22 *graph, which shall ensure that the funds are dis-*
23 *tributed as widely as practicable in terms of geo-*
24 *graphical location and to both large and small*

1 *law enforcement agencies of units of local govern-*
 2 *ment.*

3 “(D) *ANNOUNCEMENT OF ALLOCATIONS.*—
 4 *Not later than 30 days after the date on which*
 5 *a State receives an award under paragraph (1),*
 6 *the State shall announce the allocations of funds*
 7 *to units of local government under subparagraph*
 8 *(A). A State shall submit to the Attorney Gen-*
 9 *eral a report explaining any delays in the an-*
 10 *nouncement of allocations under this subpara-*
 11 *graph.*

12 “(d) *REPORTING.*—

13 “(1) *UNITS OF LOCAL GOVERNMENT.*—*Any unit*
 14 *of local government that receives funds from a State*
 15 *under subsection (c)(3) for a certified training pro-*
 16 *gram or course shall submit to the State or the Attor-*
 17 *ney General an annual report with respect to the first*
 18 *fiscal year during which the unit of local government*
 19 *receives such funds and each of the 2 fiscal years*
 20 *thereafter that—*

21 “(A) *shall include the number of law en-*
 22 *forcement officers employed by the unit of local*
 23 *government that have completed a certified*
 24 *training program or course, including a certified*
 25 *training program or course provided on or before*

1 *the date on which the Attorney General begins*
2 *certifying training programs and courses under*
3 *section 1701(n)(2), the topics covered in those*
4 *courses, and the number of officers who received*
5 *training in each topic;*

6 *“(B) may, at the election of the unit of local*
7 *government, include the number of law enforce-*
8 *ment officers employed by the unit of local gov-*
9 *ernment that have completed a certified training*
10 *program or course using funds provided from a*
11 *source other than the grants described under sub-*
12 *section (b), the topics covered in those courses,*
13 *and the number of officers who received training*
14 *in each topic;*

15 *“(C) shall include the total number of law*
16 *enforcement officers employed by the unit of local*
17 *government;*

18 *“(D) shall include a description of any bar-*
19 *riers to providing training on the topics de-*
20 *scribed in section 1701(n)(1)(A);*

21 *“(E) shall include information gathered*
22 *through—*

23 *“(i) pre-training and post-training*
24 *tests that assess relevant knowledge and*

1 *skills covered in the training curricula, as*
 2 *specified in section 1701(n)(1); and*

3 “(ii) *follow-up evaluative assessments*
 4 *to determine the degree to which partici-*
 5 *pants in the training apply, in their jobs,*
 6 *the knowledge and skills gained in the*
 7 *training; and*

8 “(F) *shall include the amount of funds re-*
 9 *ceived by the unit of local government under sub-*
 10 *section (c)(3) and a tentative plan for training*
 11 *all law enforcement officers employed by the unit*
 12 *of local government using available and antici-*
 13 *pated funds.*

14 “(2) *STATES.—A State receiving funds under*
 15 *this section shall submit to the Attorney General—*

16 “(A) *any report the State receives from a*
 17 *unit of local government under paragraph (1);*
 18 *and*

19 “(B) *if the State retains funds under sub-*
 20 *section (c)(2) for a fiscal year, a report by the*
 21 *State for that fiscal year, and each of the 2 fiscal*
 22 *years thereafter—*

23 “(i) *indicating the number of law en-*
 24 *forcement officers employed by the State*
 25 *that have completed a certified training*

1 *program or course, including a certified*
2 *training program or course provided on or*
3 *before the date on which the Attorney Gen-*
4 *eral begins certifying training programs or*
5 *courses under section 1701(n)(2), the topics*
6 *covered in those courses, and the number of*
7 *officers who received training in each topic,*
8 *including, at the election of the State, a cer-*
9 *tified training program or course using*
10 *funds provided from a source other than the*
11 *grants described under subsection (b);*

12 *“(ii) indicating the total number of*
13 *law enforcement officers employed by the*
14 *State;*

15 *“(iii) providing information gathered*
16 *through—*

17 *“(I) pre-training and post-train-*
18 *ing tests that assess relevant knowledge*
19 *and skills covered in the training cur-*
20 *ricula, as specified in section*
21 *1701(n)(1); and*

22 *“(II) follow-up evaluative assess-*
23 *ments to determine the degree to which*
24 *participants in the training apply, in*

1 *their jobs, the knowledge and skills*
 2 *gained in the training;*

3 “(iv) *discussing any barriers to pro-*
 4 *viding training on the topics described in*
 5 *section 1701(n)(1)(A); and*

6 “(v) *indicating the amount of funding*
 7 *retained by the State under subsection*
 8 *(c)(2) and providing a tentative plan for*
 9 *training all law enforcement officers em-*
 10 *ployed by the State using available and an-*
 11 *ticipated funds.*

12 “(3) *REPORTING TOOLS.—Not later than 180*
 13 *days after the date of enactment of this section, the*
 14 *Attorney General shall develop a portal through which*
 15 *the data required under paragraphs (1) and (2) may*
 16 *be collected and submitted.*

17 “(4) *REPORTS ON THE USE OF DE-ESCALATION*
 18 *TACTICS AND OTHER TECHNIQUES.—*

19 “(A) *IN GENERAL.—The Attorney General,*
 20 *in consultation with the Director of the Federal*
 21 *Bureau of Investigation, relevant law enforce-*
 22 *ment agencies of States and units of local gov-*
 23 *ernment, associations that represent individuals*
 24 *with mental or behavioral health diagnoses or*
 25 *individuals with disabilities, labor organiza-*

tions, professional law enforcement organizations, local law enforcement labor and representative organizations, law enforcement trade associations, mental health and suicide prevention organizations, family advocacy organizations, and civil rights and civil liberties groups, shall establish—

“(i) reporting requirements on interactions in which de-escalation tactics and other techniques in curricula developed or identified under section 1701(n)(1) are used by each law enforcement agency that receives funding under this section; and

“(ii) mechanisms for each law enforcement agency to submit such reports to the Department of Justice.

“(B) REPORTING REQUIREMENTS.—The requirements developed under subparagraph (A) shall—

“(i) specify—

“(I) the circumstances under which an interaction shall be reported, considering—

1 “(aa) the cost of collecting
2 and reporting the information;
3 and

4 “(bb) the value of that infor-
5 mation for determining whether—

6 “(AA) the objectives of
7 the training have been met;
8 and

9 “(BB) the training re-
10 duced or eliminated the risk
11 of serious physical injury to
12 officers, subjects, and third
13 parties; and

14 “(II) the demographic and other
15 relevant information about the officer
16 and subjects involved in the interaction
17 that shall be included in such a report;
18 and

19 “(ii) require such reporting be done in
20 a manner that—

21 “(I) is in compliance with all ap-
22 plicable Federal and State confiden-
23 tiality laws; and

1 “(II) does not disclose the identi-
2 ties of law enforcement officers, sub-
3 jects, or third parties.

4 “(C) *REVIEW OF REPORTING REQUIRE-*
5 *MENTS.—Not later than 2 years after the date of*
6 *enactment of this section, and every 2 years*
7 *thereafter, the Attorney General, in consultation*
8 *with the entities specified under subparagraph*
9 *(A), shall review and consider updates to the re-*
10 *porting requirements.*

11 “(5) *FAILURE TO REPORT.—*

12 “(A) *IN GENERAL.—An entity receiving*
13 *funds under this section that fails to file a report*
14 *as required under paragraph (1) or (2), as ap-*
15 *plicable and as determined by the Attorney Gen-*
16 *eral, shall not be eligible to receive funds under*
17 *this section for a period of 2 fiscal years.*

18 “(B) *RULE OF CONSTRUCTION.—Nothing in*
19 *subparagraph (A) shall be construed to prohibit*
20 *a State that fails to file a report as required*
21 *under paragraph (2), and is not eligible to re-*
22 *ceive funds under this section, from making*
23 *funding available to a unit of local government*
24 *of the State under subsection (c)(3), if the unit*

1 *of local government has complied with the re-*
 2 *porting requirements.*

3 “(e) *ATTORNEY GENERAL REPORTS.*—

4 “(1) *IMPLEMENTATION REPORT.*—*Not later than*
 5 *2 years after the date of enactment of this section,*
 6 *and each year thereafter in which grants are made*
 7 *under this section, the Attorney General shall submit*
 8 *a report to Congress on the implementation of activi-*
 9 *ties carried out under this section.*

10 “(2) *CONTENTS.*—*Each report under paragraph*
 11 *(1) shall include, at a minimum, information on—*

12 “(A) *the number, amounts, and recipients*
 13 *of awards the Attorney General has made or in-*
 14 *tends to make using funds authorized under this*
 15 *section;*

16 “(B) *the selection criteria the Attorney Gen-*
 17 *eral has used or intends to use to select recipients*
 18 *of awards using funds authorized under this sec-*
 19 *tion;*

20 “(C) *the number of law enforcement officers*
 21 *of a State or unit of local government who were*
 22 *not able to receive training on the topics de-*
 23 *scribed in section 1701(n)(1)(A) due to unavail-*
 24 *ability of funds and the amount of funds that*
 25 *would be required to complete the training; and*

1 “(D) the nature, frequency, and amount of
2 information that the Attorney General has col-
3 lected or intends to collect under subsection (d).

4 “(3) *PRIVACY PROTECTIONS.*—A report under
5 paragraph (1) shall not disclose the identities of indi-
6 vidual law enforcement officers who received, or did
7 not receive, training under a certified training pro-
8 gram or course.

9 “(f) *NATIONAL INSTITUTE OF JUSTICE STUDY.*—

10 “(1) *STUDY AND REPORT.*—Not later than 2
11 years after the first grant award using funds author-
12 ized under this section, the National Institute of Jus-
13 tice shall conduct a study of the implementation of
14 training under a certified training program or course
15 in at least 6 jurisdictions representing an array of
16 agency sizes and geographic locations, which shall in-
17 clude—

18 “(A) a process evaluation of training imple-
19 mentation, which shall include an analysis of the
20 share of officers who participated in the train-
21 ing, the degree to which the training was admin-
22 istered in accordance with the curriculum, and
23 the fidelity with which the training was applied
24 in the field; and

1 “(B) *an impact evaluation of the training,*
2 *which shall include an analysis of the impact of*
3 *the training on interactions between law enforce-*
4 *ment officers and the public, any factors that*
5 *prevent or preclude law enforcement officers from*
6 *successfully de-escalating law enforcement inter-*
7 *actions, and any recommendations on modifica-*
8 *tions to the training curricula and methods that*
9 *could improve outcomes.*

10 “(2) *NATIONAL INSTITUTE OF JUSTICE ACCESS*
11 *TO PORTAL.—For the purposes of preparing the re-*
12 *port under paragraph (1), the National Institute of*
13 *Justice shall have direct access to the portal developed*
14 *under subsection (d)(3).*

15 “(3) *PRIVACY PROTECTIONS.—The study under*
16 *paragraph (1) shall not disclose the identities of indi-*
17 *vidual law enforcement officers who received, or did*
18 *not receive, training under a certified training pro-*
19 *gram or course.*

20 “(4) *FUNDING.—Not more than 1 percent of the*
21 *amount appropriated to carry out this section during*
22 *any fiscal year shall be made available to conduct the*
23 *study under paragraph (1).*

24 “(g) *GAO REPORT.—*

1 “(1) *STUDY AND REPORT.*—Not later than 3
2 years after the first grant award using funds author-
3 ized under this section, the Comptroller General of the
4 United States shall review the grant program under
5 this section and submit to Congress a report assessing
6 the grant program, including—

7 “(A) the process for developing and identi-
8 fying curricula under section 1701(n)(1), includ-
9 ing the effectiveness of the consultation by the At-
10 torney General with the agencies, associations,
11 and organizations identified under section
12 1701(n)(1)(C);

13 “(B) the certification of training programs
14 and courses under section 1701(n)(2), including
15 the development of the process for certification
16 and its implementation;

17 “(C) the training of law enforcement per-
18 sonnel under section 1701(n)(3), including the
19 geographic distribution of the agencies that em-
20 ploy the personnel receiving the training and the
21 sizes of those agencies;

22 “(D) the allocation of funds under sub-
23 section (c), including the geographic distribution
24 of the agencies that receive funds and the degree

1 *to which both large and small agencies receive*
2 *funds; and*

3 “(E) *the amount of funding distributed to*
4 *agencies compared with the amount appro-*
5 *priated under this section, the amount spent for*
6 *training, and whether plans have been put in*
7 *place by the recipient agencies to use unspent*
8 *available funds.*

9 “(2) *GAO ACCESS TO PORTAL.—For the purposes*
10 *of preparing the report under paragraph (1), the*
11 *Comptroller General of the United States shall have*
12 *direct access to the portal developed under subsection*
13 *(d)(3).*

14 “(h) *AUTHORIZATION OF APPROPRIATIONS.—There is*
15 *authorized to be appropriated to carry out this section—*

16 “(1) *\$40,000,000 for fiscal year 2025; and*

17 “(2) *\$50,000,000 for fiscal year 2026.”.*

Calendar No. 422

117TH CONGRESS
2^D Session

S. 4003

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for training on alternatives to use of force, de-escalation, and mental and behavioral health and suicidal crises.

JUNE 14, 2022

Reported with an amendment