

115TH CONGRESS
1ST SESSION

H. R. 3060

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

JUNE 26, 2017

Ms. MOORE (for herself, Mr. CLYBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON LEE, Ms. SEWELL of Alabama, Mr. LEWIS of Georgia, Mr. THOMPSON of Mississippi, Mr. JOHNSON of Georgia, Mr. RICHMOND, Mr. BEYER, Mr. BISHOP of Georgia, Ms. CASTOR of Florida, Mr. CUMMINGS, Mr. GRIJALVA, Ms. NORTON, Mr. MCNERNEY, Mr. MEEKS, Mr. TAKANO, Mr. EVANS, Ms. JAYAPAL, Mr. RASKIN, Ms. KELLY of Illinois, Mr. HASTINGS, and Mrs. WATSON COLEMAN) 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Preventing Tragedies
3 Between Police and Communities Act of 2017”.

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

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

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

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

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

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

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

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

22 (7) other evidence-based approaches, found to
23 be appropriate by the Attorney General, that en-
24 hance de-escalation skills and tactics, such as the

1 Critical Decision-Making Model and scenario-based
2 trainings.

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

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

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

21 (d) COMPLIANCE AND INELIGIBILITY.—

22 (1) COMPLIANCE DATE.—Beginning not later
23 than 1 year after the date of this Act, each State
24 or unit of local government receiving a grant shall
25 comply with subsection (a), except that the Attorney

1 General may grant an additional 6 months to a
2 State or unit of local government that is making
3 good faith efforts to comply with such subsection.

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

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

1 (f) EVIDENCE-BASED PRACTICES.—For purposes of
 2 subsection (a)(4), the Attorney General shall maintain a
 3 list of evidence-based practices it determines is successful
 4 in enhancing de-escalation skills of law enforcement offi-
 5 cers. The Attorney General shall regularly update this list
 6 as needed and shall publish the list to the public on a year-
 7 ly basis.

8 **SEC. 3. DATA COLLECTION.**

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

12 **SEC. 4. AFFIRMATIVE DUTY TO USE DE-ESCALATION TAC-**
 13 **TICS WHEN AVAILABLE.**

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

1 unit of local government under such grant program in the
2 following fiscal year by 15 percent.

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

9 **SEC. 5. ATTORNEY GENERAL GUIDANCE.**

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

○