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Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Crawley and West

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SUMMARY

- Requires peace officers to receive training in de-escalation techniques, implicit bias, procedural justice, and mental health issues to obtain certification – and on a continuing basis to maintain certification – and dictates parameters for and scope of the required training.
- Requires peace officers to receive information annually regarding mental health support and resources available for peace officers.
- Requires the Attorney General to adopt rules under the Administrative Procedure Act to effectuate the required training and the dissemination of mental health related information to peace officers.
- Appropriates \$28 million in FY 2021 from the General Revenue Fund to the Law Enforcement Assistance Fund to reimburse law enforcement agencies for the cost of the required training.

DETAILED ANALYSIS

Overview

The bill requires peace officers to successfully complete training on de-escalation techniques, implicit bias, procedural justice, and mental health issues; the Attorney General must establish the training protocol in accordance with the bill's specifications. The bill appropriates \$28 million in FY 2021 from the General Revenue Fund to the Attorney General to reimburse law enforcement agencies for the cost of the required training. Continuing law

requires peace officers to complete training on various topics, such as crisis intervention and handling domestic violence offenses.¹

The bill also requires law enforcement agencies to adopt a policy regarding a peace officer's duty to utilize de-escalation techniques when possible, and requires the Attorney General to establish a means of providing peace officers information about mental health resources and support options available to them.

Training

Not later than one year after the bill takes effect, the Attorney General must adopt rules governing peace officer training on the following: de-escalation techniques, implicit bias,² procedural justice, and mental health issues. These are defined as follows:

- “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 immediacy of potential or ongoing threats.
- “Implicit bias” means the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control. Residing deep in the subconscious, these biases are different from known biases that individuals may choose to conceal for the purposes of social or political correctness. Rather, implicit biases are not accessible through introspection.
- “Training on implicit bias” means an evidence-based program to provide fair and impartial law enforcement by increasing awareness of and improving response strategies to unconscious bias.
- “Training on procedural justice” means a system of law enforcement that prioritizes legitimacy over deterrence in obtaining citizen compliance with law enforcement directions and emphasizes fair process and respectful two-way communication conveying the rationale behind directions given by a law enforcement officer to a citizen.

Peace officers who begin their employment one year after the bill takes effect must complete 40 hours of training within the first 15 months of employment; the Attorney General must set the date by which all other peace officers must complete the initial 40-hour training. After completing the initial 40-hour training, all peace officers must complete an annual

¹ R.C. 109.71 *et seq.*, not in the bill.

² The bill specifies that an individual who completes an implicit bias training course offered by the U.S. Department of Justice satisfies the implicit bias component of the training required under the bill.

continuing training, for which the Attorney General must establish training hour requirements. The annual continuing training requires peace officers to update and practice their skills, update their knowledge and training, and learn about new legal requirements and strategies. The trainings are required as a condition of a peace officer obtaining and maintaining certification.

The Attorney General must establish the curriculum for the initial training and the annual continuing training. The bill requires the Attorney General to consider including the following in the curriculum:

- 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;
- Alternatives to jail booking, arrest, or citation in situations where appropriate;
- Implicit and explicit bias, cultural competency, and the historical intersection of race and policing;
- Skills including de-escalation techniques to effectively, safely, and respectfully interact with people with disabilities or behavioral health issues;
- “Shoot/don’t shoot” scenario training;
- Alternatives to the use of physical or deadly force so that deadly force is used only when unavoidable and as a last resort;
- Mental health and policing, including bias and stigma;
- 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 conflicts;
- 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;
- 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;
- 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;
- 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;
- 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 (the minimum amount of distance necessary to ensure that a law enforcement officer is able to react appropriately to a potential threat);

- 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;
- Other evidence-based approaches, found to be appropriate by the Attorney General, that enhance de-escalation techniques and skills.³

In developing the training, the Attorney General must seek input from law enforcement agencies, Indian tribes, and community stakeholders, including organizations advocating for: persons with disabilities; members of the lesbian, gay, bisexual, transgender, and queer community; persons of color; immigrants; noncitizens; native Americans; youth; and formerly incarcerated persons.⁴

The Attorney General must establish means by which peace officers will receive the required trainings and a method for proving successful completion of the trainings.⁵ The bill appropriates \$28 million in FY 2021 from the General Revenue Fund to the Attorney General to reimburse law enforcement agencies for the cost of the required training.⁶

Mental health resources

The bill also requires the Attorney General to establish a means by which peace officers annually will receive information regarding mental health resources and support available to peace officers.⁷

De-escalation policy

Finally, the bill requires each law enforcement agency⁸ to adopt a written policy stating that each peace officer the agency employs has an affirmative duty to utilize de-escalation techniques when interacting with citizens when possible. The Attorney General must publish a model written policy on its website. A law enforcement agency must adopt the required policy

³ R.C. 109.749.

⁴ Section 2.

⁵ R.C. 109.749.

⁶ Sections 4 and 5.

⁷ R.C. 109.749(A)(1)(d).

⁸ This includes a police department, the office of a sheriff, the State Highway Patrol, or any state or local governmental body that enforces criminal laws and that has employees who have a statutory power of arrest.

within one year after the bill's effective date, and may satisfy the requirement by adopting the Attorney General's model policy.⁹

Intent statement

The bill specifies the intent of the General Assembly in enacting the bill is to make Ohio's communities safer, which is accomplished by requiring peace officers to obtain de-escalation and mental health training so that peace officers will have greater skills to resolve conflicts without the use of physical or deadly force.¹⁰

HISTORY

Action	Date
Introduced	06-23-20

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⁹ R.C. 109.749(D).

¹⁰ Section 3.