

Public Law 117–325
117th Congress

An Act

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.

Dec. 27, 2022
[S. 4003]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

Law Enforcement
De-Escalation
Training Act of
2022.
State and local
governments.
34 USC 10101
note.

SEC. 2. TRAINING ON ALTERNATIVES TO USE OF FORCE, DE-ESCALATION, AND MENTAL AND BEHAVIORAL HEALTH CRISES.

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

- (1) in paragraph (27), by striking “and” at the end;
- (2) in paragraph (28), by striking the period at the end and inserting a semicolon; and
- (3) by adding at the end the following:

“(29) the term ‘de-escalation’ means taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary;

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

“(A) means a situation in which the behavior of a person—

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

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

“(B) includes a situation in which a person—

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

“(ii) may exhibit symptoms, including emotional reactions (such as fear or anger), psychological impairments (such as inability to focus, confusion, or psychosis), and behavioral reactions (such as the trigger of a freeze, fight, or flight response);

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

“(32) the term ‘crisis intervention team’ means a collaborative, interdisciplinary team that brings together specially trained law enforcement officers, mental health providers, and other community stakeholders to respond to mental health-related calls, use appropriate de-escalation techniques, and assess if referral to services or transport for mental health evaluation is appropriate; and

“(33) the term ‘covered mental health professional’ means a mental health professional working on a crisis intervention team—

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

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

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

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

“(1) TRAINING CURRICULA.—

Deadline.

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall develop training curricula or identify effective existing training curricula for law enforcement officers and for covered mental health professionals regarding—

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

“(ii) safely responding to an individual experiencing a mental or behavioral health or suicidal crisis or an individual with a disability, including techniques and strategies that are designed to protect the safety of that individual, law enforcement officers, mental health professionals, and the public;

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

“(iv) making referrals to community-based mental and behavioral health services and support, housing assistance programs, public benefits programs, the National Suicide Prevention Lifeline, and other services.

Assessments.

“(B) REQUIREMENTS.—The training curricula developed or identified under this paragraph shall include—

“(i) scenario-based exercises;

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

“(iii) follow-up evaluative assessments to determine the degree to which participants in the training apply, in their jobs, the knowledge and skills gained in the training.

“(C) CONSULTATION.—The Attorney General shall develop and identify training curricula under this paragraph in consultation with relevant law enforcement agencies of States and units of local government, associations

that represent individuals with mental or behavioral health diagnoses or individuals with disabilities, labor organizations, 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.

“(2) CERTIFIED PROGRAMS AND COURSES.—

Deadlines.

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

“(i) certify training programs and courses offered by public and private entities to law enforcement officers 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 a training program or course that an entity began offering on or before the date on which the Attorney General establishes the process; and

“(ii) terminate the certification of a training program or course if the program or course fails 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 on which training curricula are developed or identified under paragraph (1)(A), the Attorney General shall develop criteria to ensure that public and private entities that offer training programs or courses that are certified under subparagraph (A) collaborate with local mental health organizations to—

Criteria.

“(i) enhance the training experience of law enforcement officers through consultation with and the participation of individuals with mental or behavioral health diagnoses or disabilities, particularly such individuals who have interacted with law enforcement officers; and

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

“(3) TRANSITIONAL REGIONAL TRAINING PROGRAMS FOR STATE AND LOCAL AGENCY PERSONNEL.—

“(A) IN GENERAL.—During the period beginning on the date on which the Attorney General establishes the process required under paragraph (2)(A) and ending on the date that is 18 months after that date, the Attorney General shall, and thereafter the Attorney General may, provide, in collaboration with law enforcement training academies of States and units of local government as appropriate, regional training to equip personnel from law enforcement agencies of States and units of local government in a State to offer training programs or courses certified under paragraph (2)(A).

Time period.

“(B) CONTINUING EDUCATION.—The Attorney General shall develop and implement continuing education requirements for personnel from law enforcement agencies of

	States and units of local government who receive training to offer training programs or courses under subparagraph (A).
Deadline. Publication.	“(4) LIST.—Not later than 1 year after the Attorney General completes the activities described in paragraphs (1) and (2), the Attorney General shall publish a list of law enforcement agencies of States and units of local government employing law enforcement officers or using covered mental health professionals who have successfully completed a course using 1 or more of the training curricula developed or identified under paragraph (1), or equivalents to such training curricula, which shall include— “(A) the total number of law enforcement officers that are employed by the agency; “(B) the number of such law enforcement officers who have completed such a course; “(C) whether personnel from the law enforcement agency have been trained to offer training programs or courses under paragraph (3); “(D) the total number of covered mental health professionals who work with the agency; and “(E) the number of such covered mental health professionals who have completed such a course.
Time periods.	“(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection— “(A) \$3,000,000 for fiscal year 2023; “(B) \$20,000,000 for fiscal year 2024; “(C) \$10,000,000 for fiscal year 2025; and “(D) \$1,000,000 for fiscal year 2026.”.
	(c) BYRNE JAG PROGRAM.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.) is amended—
42 USC 3758.	(1) by redesignating section 508 as section 509; and (2) by inserting after section 507 the following:
34 USC 10159.	“SEC. 508. LAW ENFORCEMENT TRAINING PROGRAMS. “(a) DEFINITION.—In this section, the term ‘certified training program or course’ means a program or course using 1 or more of the training curricula developed or identified under section 1701(n)(1), or equivalents to such training curricula— “(1) that is provided by the Attorney General under section 1701(n)(3); or “(2) that is— “(A) provided by a public or private entity, including the personnel of a law enforcement agency or law enforcement training academy of a State or unit of local government who have been trained to offer training programs or courses under section 1701(n)(3); and “(B) certified by the Attorney General under section 1701(n)(2). “(b) AUTHORITY.— “(1) IN GENERAL.—Not later than 90 days after the Attorney General completes the activities required by paragraphs (1) and (2) of section 1701(n), the Attorney General shall, from amounts made available to fund training programs pursuant to subsection (h), make grants to States for use by the State or a unit of government located in the State to—
Deadline. Grants.	

“(A) pay for—

“(i) costs associated with conducting a certified training program or course or, subject to paragraph (2), a certified training program or course that provides continuing education; and

“(ii) attendance by law enforcement officers or covered mental health professionals at a certified training program or course, including a course provided by a law enforcement training academy of a State or unit of local government;

“(B) procure a certified training program or course or, subject to paragraph (2), a certified training program or course that provides continuing education on 1 or more of the topics described in section 1701(n)(1)(A);

Contracts.

“(C) in the case of a law enforcement agency of a unit of local government that employs fewer than 50 employees (determined on a full-time equivalent basis), pay for the costs of overtime accrued as a result of the attendance of a law enforcement officer or covered mental health professional at a certified training program or course for which the costs associated with conducting the certified training program or course are paid using amounts provided under this section;

“(D) pay for the costs of developing mechanisms to comply with the reporting requirements established under subsection (d), in an amount not to exceed 5 percent of the total amount of the grant award; and

“(E) pay for the costs associated with participation in the voluntary National Use-of-Force Data Collection of the Federal Bureau of Investigation, in an amount not to exceed 5 percent of the total amount of the grant award, if a law enforcement agency of the State or unit of local government is not already reporting to the National Use-of-Force Data Collection.

“(2) REQUIREMENTS FOR USE FOR CONTINUING EDUCATION.—

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

“(B) REQUIREMENT TO PROVIDE INITIAL TRAINING.—A State or unit of local government shall ensure that all officers who have been employed with the State or unit of local government for at least 2 years have received training as part of a certified training program or course on all covered topics before the State or unit of local government uses amounts received under a grant under paragraph (1) for continuing education with respect to any covered topic.

Time period.

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

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

“(ii) EXCEPTION.—A State or unit of local government may use amounts received under a grant under paragraph (1) 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.

“(2) RETENTION OF FUNDS FOR TRAINING FOR STATE LAW ENFORCEMENT OFFICERS PROPORTIONAL TO NUMBER OF STATE OFFICERS.—Each fiscal year, each State may retain, for use for the purposes described in this section, from the total amount of funds provided to the State under paragraph (1) an amount that is not more than the amount that bears the same ratio to such total amount as the ratio of—

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

“(B) 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.

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

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

“(B) ADDITIONAL USES.—A State may, with the approval of a unit of local government, use the funds allocated to the unit of local government under subparagraph (A)—

“(i) to facilitate offering a certified training program or course or, subject to subsection (b)(2), a certified training program or course that provide continuing education in 1 or more of the topics described in section 1701(n)(1)(A) to law enforcement officers employed by the unit of local government; or

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

“(C) CONSULTATION.—The Attorney General, in consultation with relevant law enforcement agencies of States

and units of local government, associations that represent individuals with mental or behavioral health diagnoses or individuals with disabilities, labor organizations, 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 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.

Deadline.

Reports.

“(d) REPORTING.—

“(1) UNITS OF LOCAL GOVERNMENT.—Any unit of local government that receives funds from a State under subsection (c)(3) for a certified training program or course 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—

“(A) shall include the number of law enforcement officers employed by the unit of local government that have completed a certified training program or course, including a certified training program or course provided on or before the date on which the Attorney General begins certifying training programs and courses under section 1701(n)(2), the topics covered in those courses, and the number of officers who received training in each topic;

“(B) may, at the election of the unit of local government, include the number of law enforcement officers employed by the unit of local government that have completed a certified training program or course using funds provided from a source other than the grants described under subsection (b), the topics covered in those courses, and the number of officers who received training in each topic;

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

“(D) shall include a description of any barriers to providing training on the topics described in section 1701(n)(1)(A);

“(E) shall include information gathered through—

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

“(ii) follow-up evaluative assessments to determine the degree to which participants in the training apply, in their jobs, the knowledge and skills gained in the training; and

Assessments.

Plan.

“(F) shall include the amount of funds received by the unit of local government under subsection (c)(3) and a tentative plan for training all law enforcement officers employed by the unit of local government using available and anticipated funds.

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

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

“(B) if the State retains funds under subsection (c)(2) for a fiscal year, a report by the State for that fiscal year, and each of the 2 fiscal years thereafter—

“(i) indicating the number of law enforcement officers employed by the State that have completed a certified training program or course, including a certified training program or course provided on or before the date on which the Attorney General begins certifying training programs or courses under section 1701(n)(2), the topics covered in those courses, and the number of officers who received training in each topic, including, at the election of the State, a certified training program or course using funds provided from a source other than the grants described under subsection (b);

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

“(iii) providing information gathered through—

“(I) pre-training and post-training tests that assess relevant knowledge and skills covered in the training curricula, as specified in section 1701(n)(1); and

Assessments.

“(II) follow-up evaluative assessments to determine the degree to which participants in the training apply, in their jobs, the knowledge and skills gained in the training;

“(iv) discussing any barriers to providing training on the topics described in section 1701(n)(1)(A); and

Plan.

“(v) indicating the amount of funding retained by the State under subsection (c)(2) and providing a tentative plan for training all law enforcement officers employed by the State using available and anticipated funds.

Portal.

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

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

“(A) IN GENERAL.—The Attorney General, in consultation with the Director of the Federal Bureau of Investigation, relevant law enforcement agencies of States and units of local government, associations that represent individuals with mental or behavioral health diagnoses or individuals with disabilities, labor organizations, 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—

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

“(bb) the value of that information for determining whether—

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

“(BB) the training reduced or eliminated the risk of serious physical injury to officers, subjects, and third parties; and

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

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

“(I) is in compliance with all applicable Federal and State confidentiality laws; and

“(II) does not disclose the identities of law enforcement officers, subjects, or third parties.

“(C) REVIEW OF REPORTING REQUIREMENTS.—Not later than 2 years after the date of enactment of this section, and every 2 years thereafter, the Attorney General, in consultation with the entities specified under subparagraph (A), shall review and consider updates to the reporting requirements.

“(5) FAILURE TO REPORT.—

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

Determination.

“(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to prohibit a State that fails to file a report as required under paragraph (2), and is not eligible to receive funds under this section, from making funding available to a unit of local government of the State under subsection (c)(3), if the unit of local government has complied with the reporting requirements.

“(e) ATTORNEY GENERAL REPORTS.—

“(1) IMPLEMENTATION REPORT.—Not later than 2 years after the date of enactment of this section, and each year thereafter in which grants are made under this section, the Attorney

General shall submit a report to Congress on the implementation of activities carried out under this section.

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

“(A) the number, amounts, and recipients of awards the Attorney General has made or intends to make using funds authorized under this section;

“(B) the selection criteria the Attorney General has used or intends to use to select recipients of awards using funds authorized under this section;

“(C) the number of law enforcement officers of a State or unit of local government who were not able to receive training on the topics described in section 1701(n)(1)(A) due to unavailability of funds and the amount of funds that would be required to complete the training; and

“(D) the nature, frequency, and amount of information that the Attorney General has collected or intends to collect under subsection (d).

“(3) PRIVACY PROTECTIONS.—A report under paragraph (1) shall not disclose the identities of individual law enforcement officers who received, or did not receive, training under a certified training program or course.

“(f) NATIONAL INSTITUTE OF JUSTICE STUDY.—

Evaluations.

“(1) STUDY AND REPORT.—Not later than 2 years after the first grant award using funds authorized under this section, the National Institute of Justice shall conduct a study of the implementation of training under a certified training program or course in at least 6 jurisdictions representing an array of agency sizes and geographic locations, which shall include—

“(A) a process evaluation of training implementation, which shall include an analysis of the share of officers who participated in the training, the degree to which the training was administered in accordance with the curriculum, and the fidelity with which the training was applied in the field; and

Analysis.
Recommendations.

“(B) an impact evaluation of the training, which shall include an analysis of the impact of the training on interactions between law enforcement officers and the public, any factors that prevent or preclude law enforcement officers from successfully de-escalating law enforcement interactions, and any recommendations on modifications to the training curricula and methods that could improve outcomes.

“(2) NATIONAL INSTITUTE OF JUSTICE ACCESS TO PORTAL.—For the purposes of preparing the report under paragraph (1), the National Institute of Justice shall have direct access to the portal developed under subsection (d)(3).

“(3) PRIVACY PROTECTIONS.—The study under paragraph (1) shall not disclose the identities of individual law enforcement officers who received, or did not receive, training under a certified training program or course.

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

“(g) GAO REPORT.—

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

Review.

“(A) the process for developing and identifying curricula under section 1701(n)(1), including the effectiveness of the consultation by the Attorney General with the agencies, associations, and organizations identified under section 1701(n)(1)(C);

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

“(C) the training of law enforcement personnel under section 1701(n)(3), including the geographic distribution of the agencies that employ the personnel receiving the training and the sizes of those agencies;

“(D) the allocation of funds under subsection (c), including the geographic distribution of the agencies that receive funds and the degree to which both large and small agencies receive funds; and

“(E) the amount of funding distributed to agencies compared with the amount appropriated under this section, the amount spent for training, and whether plans have been put in place by the recipient agencies to use unspent available funds.

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

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

Time periods.

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

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

Approved December 27, 2022.

LEGISLATIVE HISTORY—S. 4003:

CONGRESSIONAL RECORD, Vol. 168 (2022):

Aug. 1, considered and passed Senate.

Nov. 29, considered and failed House.

Dec. 14, considered and passed House.