

116TH CONGRESS  
2D SESSION

# S. 4064

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 behavioral health crises.

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## IN THE SENATE OF THE UNITED STATES

JUNE 24, 2020

Mr. CORNYN (for himself and Mr. CASSIDY) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## 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 behavioral health crises.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Law Enforcement De-  
5 Escalation Training Act of 2020”.

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

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

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

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

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

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

20 “(30) the term ‘behavioral health crisis’ means  
21 a situation in which the behavior of a person puts  
22 the person at risk of hurting himself or herself or  
23 others or prevents the person from being able to  
24 care for himself or herself or function effectively in  
25 the community, including a situation in which a per-  
26 son is under the influence of a drug or alcohol, is

1 suicidal, or experiences symptoms of a mental ill-  
2 ness.”.

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

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

10 “(1) TRAINING CURRICULA.—The Attorney  
11 General, in consultation with relevant law enforce-  
12 ment agencies of States and units of local govern-  
13 ment, labor organizations, professional law enforce-  
14 ment organizations, and mental health organiza-  
15 tions, shall develop training curricula in—

16 “(A) alternatives to use of force and de-es-  
17 calation tactics; and

18 “(B) safely responding to a person experi-  
19 encing a behavioral health crisis, including tech-  
20 niques and strategies that are designed to pro-  
21 tect the safety of the person experiencing the  
22 behavioral health crisis, law enforcement offi-  
23 cers, and the public.

24 “(2) CERTIFIED PROGRAMS.—The Attorney  
25 General shall establish a process to certify public

1 and private entities that offer courses in alternatives  
2 to use of force, de-escalation tactics, and techniques  
3 and strategies for responding to a behavioral health  
4 crisis using the training curricula established under  
5 paragraph (1) or equivalents to the training cur-  
6 ricula established under paragraph (1).

7 “(3) TRANSITIONAL REGIONAL TRAINING PRO-  
8 GRAMS FOR STATE AND LOCAL AGENCY PER-  
9 SONNEL.—Until the end of fiscal year 2023, the At-  
10 torney General shall, and thereafter may, provide re-  
11 gional training to equip and certify personnel from  
12 law enforcement agencies of States and units of local  
13 government in a State to conduct training using the  
14 training curricula established under paragraph (1).

15 “(4) LIST.—The Attorney General shall publish  
16 a list of law enforcement agencies of States and  
17 units of local government that employ officers who  
18 have successfully completed a course described under  
19 paragraph (2) or (3), which shall include—

20 “(A) the total number of law enforcement  
21 officers employed by the agency;

22 “(B) the number of officers who have com-  
23 pleted the course; and

1           “(C) whether personnel from the law en-  
 2           forcement agency are certified to conduct train-  
 3           ing.

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           2021 through 2025.”.

8           (c) 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 course in alternatives  
 17           to use of force, de-escalation tactics, or techniques  
 18           and strategies for responding to a behavioral health  
 19           crisis’ means a course using the training curricula  
 20           established under section 1701(n)(1) or equivalents  
 21           to such training curricula—

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

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

1 “(2) the term ‘certified entity’ means a public  
2 or private entity that has been certified by the At-  
3 torney General under section 1701(n)(2).

4 “(b) AUTHORITY.—The Attorney General shall, from  
5 amounts made available to fund law enforcement training  
6 programs pursuant to subsection (e), make grants to  
7 States for use by the State or a unit of government located  
8 in the State to—

9 “(1) pay for costs associated with conducting  
10 the training and for attendance by law enforcement  
11 personnel at an approved course in alternatives to  
12 use of force, de-escalation tactics, or techniques and  
13 strategies for responding to a behavioral health cri-  
14 sis; and

15 “(2) procure training in alternatives to use of  
16 force, de-escalation tactics, or techniques and strate-  
17 gies for responding to a behavioral health crisis from  
18 a certified entity.

19 “(c) ALLOCATION OF FUNDS.—

20 “(1) IN GENERAL.—Of the total amount appro-  
21 priated to carry out this section for a fiscal year, the  
22 Attorney General shall allocate funds to each State  
23 in proportion to the total number of law enforcement  
24 officers in the State as compared to the total num-  
25 ber of law enforcement officers in the United States.

1           “(2) TRAINING FOR STATE LAW ENFORCEMENT  
2           OFFICERS.—Each State may retain from the total  
3           amount of funds provided to the State for the pur-  
4           poses described in this section an amount that is not  
5           more than the amount that bears the same ratio to  
6           the total amount of funds as the ratio of—

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

9                   “(B) the total number of law enforcement  
10                  officers employed by the State and units of  
11                  local government within the State.

12           “(3) TRAINING FOR LOCAL LAW ENFORCEMENT  
13           OFFICERS.—A State shall make available to units of  
14           local government in the State for the purposes de-  
15           scribed in this section the amounts remaining after  
16           a State retains funds under paragraph (2). At the  
17           request of a unit of local government, the State may  
18           use an amount of the funds allocated to the unit of  
19           local government under this paragraph to facilitate  
20           training in alternatives to use of force, de-escalation  
21           tactics, or techniques and strategies for responding  
22           to a behavioral health crisis to law enforcement offi-  
23           cers employed by the unit of local government.

24           “(d) REPORTING.—

1           “(1) UNITS OF LOCAL GOVERNMENT.—Any  
 2           unit of local government that receives funds from a  
 3           State under subsection (c)(3) shall submit to the  
 4           State a report indicating—

5                   “(A) the number of law enforcement offi-  
 6                   cers that have completed training described in  
 7                   this section;

8                   “(B) the total number of law enforcement  
 9                   officers employed by the unit of local govern-  
 10                  ment; and

11                  “(C) any barriers to providing the training.

12           “(2) STATES.—Any State that receives funds  
 13           under subsection (c)(2) shall, after receiving the re-  
 14           ports described in paragraph (1), submit to the At-  
 15           torney General—

16                   “(A) such reports; and

17                   “(B) a report by the State indicating—

18                           “(i) the number of law enforcement  
 19                           officers employed by the State that have  
 20                           completed training described in this sec-  
 21                           tion;

22                           “(ii) the total number of law enforce-  
 23                           ment officers employed by the State; and

24                           “(iii) any barriers to providing the  
 25                           training.



1       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
2 is authorized to be appropriated to carry out this section  
3 \$50,000,000 for each of fiscal years 2021 through 2025.”.

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