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## BILL ANALYSIS



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Senate Bill 482 (as introduced 5-25-21)  
Sponsor: Senator Jeff Irwin  
Committee: Judiciary and Public Safety

Date Completed: 5-26-21

**CONTENT**

**The bill would amend the Michigan Commission on Law Enforcement Standards Act to do the following:**

- Require the Michigan Commission on Law Enforcement Standards (MCOLES) to promulgate, within one year after the bill's effective date and in consultation with behavior health experts, rules establishing minimum standards for training in de-escalation techniques, crisis response techniques, and behavior health resources and support.**
- Require each law enforcement agency in Michigan to adopt within 18 months after the bill's effective date, a written policy stating that its officers would have to use de-escalation techniques and crisis response techniques whenever possible and require MCOLES to make a model written policy available on its website.**
- Require, subject to appropriation, a law enforcement officer licensed under the Act to complete at least 12 hours of continuing education in subjects related to de-escalation techniques, crisis response techniques, and behavioral health on or after January 1, 2023, and before January 1, 2024; and annually thereafter, at least 24 hours of continuing education in subjects related to de-escalation techniques, crisis response techniques, and behavioral health.**

**De-Escalation & Other Training; Law Enforcement**

Sections 9, 9b, 9c, and 9d of the Act govern the licensure of the following categories of law enforcement officers, respectively: law enforcement officers except individuals to whom Sections 9a (sheriffs) through 9d apply, Michigan tribal law enforcement officers authorized to enforce State law, fire arson investigators from fire departments within local units of government, and private college security officers. Employment of each category of law enforcement officer is subject to the licensing requirements and procedures of its respective section and Section 9e. (Section 9e requires a law enforcement officer licensed under Section 9, 9b, 9c, or 9d to complete active violence training). Under the bill, employment also would be subject to the requirements of Section 9f, which the bill would add.

In addition, Sections 9, 9b, 9c, and 9d require MCOLES to promulgate rules governing licensing standards and procedures pertaining to training requirements, among other things. The promulgated rules are subject to Section 9e, which requires MCOLES to promulgate rules establishing minimum standards for active violence response training. Under the bill, rules promulgated for training requirements also would be subject to Section 9f.

Under Section 9f, within one year after the bill's effective date, MCOLES, in consultation with behavioral health experts, would have to establish minimum standards for training in all of the following areas:

- De-escalation techniques.
- Crisis response techniques.
- Behavioral health resources and support available for individuals in the State, including law enforcement officers.

"De-escalation technique" would mean a range of integrated strategies and tactics used by a law enforcement officer to diffuse a potentially volatile or violent situation with the aim to reduce the level of force required for resolution while ensuring the safety of the law enforcement officer and public.

"Crisis response technique" would mean a method of responding to an individual or a situation involving an individual experiencing a crisis that includes any of the following:

- Mental disability.
- Mental health disorder.
- Substance use disorder.

"Behavioral health" would mean the treatment of a mental disability, mental health disorder, or substance use disorder, and the support of individuals who experience or are in recovery from a mental disability, mental health disorder, or substance use disorder.

The minimum standards for training would have to include all of the following:

- The use of alternative nonlethal methods of applying force and techniques that prevented a law enforcement officer from escalating a situation where force was likely to be used.
- Verbal and physical tactics to minimize the need for the use of force, with an emphasis on using communication, negotiation, and 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 was a possible and safe response to an identified threat and reevaluation of an identified threat as it progressed.
- Techniques that provided law enforcement officers with awareness and recognition of indicators of physical and mental disabilities, mental health disorder issues, developmental disabilities, and substance use disorder issues, with an emphasis on effective communication strategies, and training officers simultaneously in teams on de-escalation and use of force to improve group dynamics and diminish excessive use of force during critical incidents.
- Crisis intervention strategies to appropriately identify and respond to an individual experiencing a mental disability, mental health disorder, or substance use disorder, with emphasis on de-escalation techniques and promoting effective communication.
- Methods to divert individuals with mental disabilities, mental health disorders, or substance use disorders from involvement in the criminal justice system.
- Information about the State's behavioral health system including its history and resources.
- Other evidence-based approaches that enhanced de-escalation and crisis response techniques and skills and promoted diversion from the criminal justice system.

Within 18 months after the bill's effective date, each law enforcement agency in the State would have to adopt a written policy stating that each of the law enforcement officers in its employ would have to use de-escalation and crisis response techniques in his or her interactions with the public to the extent that was as reasonable and safe as possible.

The Commission would have to make available on its website a model written policy that met the bill's requirements. A law enforcement agency could fulfill its duty under the bill by adopting the written policy made available.

### Continuing Education

The bill also would add Section 9g to the Act. Under Section 9g, subject to appropriation, a law enforcement officer licensed under the Act would have to complete at least 12 hours of continuing education in subjects related to de-escalation techniques, crisis response techniques, and behavioral health on or after January 1, 2023, and before January 1, 2024.

Subject to appropriation, beginning January 1, 2024, a law enforcement officer licensed under the Act would have to complete at least 24 hours of continuing education annually in subjects related to de-escalation techniques, crisis response techniques, and behavioral health.

MCL 28.609 et al.

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

The bill's provisions could result in required training costs of tens of millions of dollars annually for State and local law enforcement, without the included caveat "subject to appropriation" attached to the bill's training requirements.

The bill would require MCOLES to establish training standards for de-escalation techniques, crisis response techniques, and behavioral health resources and support available for individuals, including law enforcement officers. These could be used in law enforcement officer academy training and in continuing education. Both MCOLES and local law enforcement agencies would have to adopt a written policy on de-escalation and crisis response techniques; a local agency would be free to adopt the MCOLES model policy as its own.

The potential costs associated with the bill's provisions mostly are found in its requirement that licensed law enforcement officers complete at least 12 hours of continuing education in subjects related to de-escalation and crisis response techniques and behavioral health during the calendar year of 2023. The following year, and every year thereafter, licensed law enforcement officers would have to complete at least 24 hours of continuing education related to those subjects.

The Commission estimates that the bill's training requirements would cost approximately \$50 per hour of training per FTE. To provide the required 12 hours of training in 2023 to the State's 19,000 licensed law enforcement officers, the cost would be approximately \$11.4 million. In the following years, with a requirement of 24 hours of training, the annual cost could double to \$22.8 million. The bill does not indicate to whom funds would be appropriated to pay for the training; however, in the past, appropriations have been made to MCOLES to administer training on certain trending topics to local law enforcement. The estimated cost of the training would be subject to appropriation.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.