

2017 DRAFTING REQUEST**Bill**For: **Chris Taylor (608) 266-5342**Drafter: **chanaman**By: **Kat**

Secondary Drafters:

Date: **1/5/2017**

May Contact:

Same as LRB:

Submit via email: **YES**Requester's email: **Rep.Taylor@legis.wisconsin.gov**

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Law enforcement training on de-escalation

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 1/5/2017	anienaja 1/6/2017			
/1	chanaman 3/22/2017	anienaja 3/23/2017	rmilford 1/6/2017		State
/2	chanaman 4/21/2017	anienaja 4/24/2017	hkohn 3/23/2017		State S&L
/3	chanaman 5/5/2017	anienaja 5/5/2017	rmilford 4/24/2017		State S&L
/4	chanaman 5/15/2017	anienaja 5/16/2017	lparisi 5/5/2017		State S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/5			rmilford 5/16/2017	hkohn 5/31/2017	State S&L

FE Sent For: ²
at
intro

<END>



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓
Xref ✓

on ~~the~~ de-escalation tactics

1 **AN ACT to renumber and amend** 66.0511 (2); and **to create** 66.0511 (2) (a), (b),
2 (c), (d) and (e), 165.85 (4) (em) and 165.85 (4m) of the statutes; **relating to:** law
3 enforcement training, law enforcement agency policies, and best practices
4 regarding the use of force by law enforcement.

Analysis by the Legislative Reference Bureau

This bill requires each law enforcement agency to ensure that its publicly available policy on the use of force contains the following: that the primary duty of law enforcement is to preserve the life of individuals; that deadly force is to be used only as the last resort; that the amount of force used is in proportion to the threat; that high priority must be given to de-escalating a situation; and that all law enforcement officers must take reasonable action to stop or prevent any unreasonable use of force.

This bill also requires the Law Enforcement Standards Board to establish criteria for annual training on techniques a law enforcement officer may use to de-escalate a potentially unstable situation. Under the bill, LESB must also develop best practices in certain areas of law enforcement including the following: reducing the use of force by law enforcement while ensuring their safety; treating arrests of individuals in a drug-induced state as a medical emergency; encouraging intervention in incidents involving an excessive use of force; and developing programs for law enforcement officers who experience traumatic events.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 66.0511 (2) of the statutes is renumbered 66.0511 (2) (intro.) and
2 amended to read:

3 66.0511 (2) **USE OF FORCE POLICY.** (intro.) Each person in charge of a law
4 enforcement agency shall prepare in writing and make available for public scrutiny
5 a policy or standard regulating the use of force by law enforcement officers in the
6 performance of their duties. Each policy or standard shall include the following:

7 **SECTION 2.** 66.0511 (2) (a), (b), (c), (d) and (e) of the statutes are created to read:

8 66.0511 (2) (a) *Duty to preserve life.* That the primary duty of all members of
9 law enforcement is to preserve the life of all individuals, including the lives of
10 individuals in the custody of law enforcement.

11 (b) *Necessity.* That deadly force is to be used only as a last resort and only when
12 all other available means of preventing immediate and grave danger to law
13 enforcement officers or other individuals have failed or would likely fail.

14 (c) *Proportionality.* That the agency seeks to accomplish the mission of law
15 enforcement with the cooperation of the public and with minimum reliance on the
16 use of force. If law enforcement must use force, the amount of force used shall be in
17 proportion to the threat posed.

18 (d) *De-escalation.* That high priority must be given to using tactics that
19 minimize the likelihood of the need to use force, that stabilize situations, and that
20 resolve or prevent the escalation of incidents.

1 (e) *Duty to intervene*. That all law enforcement officers shall take reasonable
2 action to stop or prevent any unreasonable use of force.

3 **SECTION 3.** 165.85 (4) (em) of the statutes is created to read:

4 165.85 (4) (em) *De-escalation tactics*. The board shall establish criteria for
5 training on actions and techniques law enforcement officers may use to minimize the
6 likelihood of the need to use force during an incident, encounter, or interaction and
7 to slow down or stabilize a potentially unstable situation to allow for more time,
8 options, and resources for resolution or prevention of an incident. Each law
9 enforcement officer shall receive at least 4 hours per year of training specified under
10 this paragraph. Notwithstanding s. 227.10 (1), the criteria under this paragraph
11 need not be promulgated as rules under ch. 227.

12 **SECTION 4.** 165.85 (4m) of the statutes is created to read:

13 165.85 (4m) **BEST PRACTICES**. The board shall develop best practices for law
14 enforcement in the following areas:

15 (a) How to reduce the use of force by law enforcement officers while increasing
16 the safety of law enforcement officers.

17 (b) Treating the arrest of an individual exhibiting symptoms of a drug-induced
18 state or psychotic episode as a medical emergency.

19 (c) Encouraging law enforcement officer intervention and accountability in
20 incidents involving the use of excessive force.

21 (d) Requiring a law enforcement officer to assess the situation after each
22 discharge of his or her firearm.

23 (e) Effective programs for law enforcement officers who experience traumatic
24 events.

25 (END)



SA

2017 BILL

Regen.

and making an appropriation
INS 1-4

1 AN ACT *to create* 165.85 (4) (em) of the statutes; **relating to:** law enforcement
2 training on de-escalation tactics.

Analysis by the Legislative Reference Bureau

This bill requires the Law Enforcement Standards Board to establish criteria for annual training on techniques a law enforcement officer may use to de-escalate a potentially unstable situation.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

INS 1-3

3 SECTION 1. 165.85 (4) (em) of the statutes is created to read:

4 165.85 (4) (em) *De-escalation tactics.* The board shall establish criteria for
5 training on actions and techniques law enforcement officers may use to minimize the
6 likelihood of the need to use force during an incident, encounter, or interaction and
7 to slow down or stabilize a potentially unstable situation to allow for more time,
8 options, and resources for resolution or prevention of an incident. Each law

de-escalation tactics

BILL

as part of

8

1 enforcement officer shall receive at least 4 hours per year of training specified under
 2 this ^{subdivision} paragraph. Notwithstanding s. 227.10 (1), the criteria under this paragraph
 3 need not be promulgated as rules under ch. 227. *subdivision*

4

(END)

INS 2-2

[Faint handwritten notes and signatures]

SA
Xref

2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1454/2ins
CMH:...
am

1 Insert A

This bill also provides \$500,000 in each fiscal year in the 2017-19 fiscal biennium for the Department of Justice to reimburse law enforcement agencies for costs of the training.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

2

3 Insert 1-3

4 SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
5 the following amounts for the purposes indicated:

2017-18 2018-19

*

20.455 Justice, Department of

(2) LAW ENFORCEMENT SERVICES

(aq) De-escalation tactics training	GPR	A	500,000	500,000
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6 SECTION 2. 20.455 (2) (aq) of the statutes is created to read:

7 ~~20.455 (2) (aq) De-escalation tactics training.~~ The amounts in the schedule to
8 reimburse law enforcement agencies for training costs under s. 165.85 (4) (em).

9

10 Insert 1-4

11 1. In this paragraph, "de-escalation tactics" means actions and techniques
12 used by law enforcement officers to minimize the likelihood of the need to use force
13 during an event, encounter, or interaction and to slow down or stabilize a potentially
14 unstable situation to allow for more time, options, and resources for resolution or
15 prevention of an incident.

16 2.

1

2 Insert 2-2

3 Hours of training completed under this subdivision count toward the hours of
4 training under par. (a) ⁷ a.



2017 BILL

SA

Regen

1 AN ACT to create 20.455 (2) (aq) and 165.85 (4) (em) of the statutes; relating to:
2 law enforcement training on de-escalation tactics and making an
3 appropriation.

Analysis by the Legislative Reference Bureau ^{each} law enforcement officer to ^{annually} complete at least eight hours of

This bill requires the Law Enforcement Standards Board to establish criteria for annual training on tactics a law enforcement officer may use to de-escalate a potentially unstable situation.

12091

This bill also provides \$500,000 in each fiscal year in the 2017-19 fiscal biennium for the Department of Justice to reimburse law enforcement agencies for costs of the training.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
5 the following amounts for the purposes indicated:

BILL

SECTION 1

2017-18

2018-19

20.455 Justice, department of

(2) LAW ENFORCEMENT SERVICES

(aq)	De-escalation tactics training	GPR	A	500,000	500,000
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1 **SECTION 2.** 20.455 (2) (aq) of the statutes is created to read:

2 20.455 (2) (aq) *De-escalation tactics training*. The amounts in the schedule to
3 reimburse law enforcement agencies for training costs under s. 165.85 (4) (em).

4 **SECTION 3.** 165.85 (4) (em) of the statutes is created to read:

5 165.85 (4) (em) *De-escalation tactics*. 1. In this paragraph, "de-escalation
6 tactics" means actions and techniques used by law enforcement officers to minimize
7 the likelihood of the need to use force during an event, encounter, or interaction and
8 to slow down or stabilize a potentially unstable situation to allow for more time,
9 options, and resources for resolution or prevention of an incident.

10 2. The board shall establish criteria for training on de-escalation tactics. Each
11 law enforcement officer shall receive at least 8 hours per year of training specified
12 under this subdivision. Hours of training completed under this subdivision count
13 toward the hours of training under par. (a) 7. a. Notwithstanding s. 227.10 (1), the
14 criteria under this subdivision need not be promulgated as rules under ch. 227.

15 (END)

INS 2-15

SA
ref

**2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1454/3ins
CMH... *amr*

1 Insert 2-15

2 **SECTION 1.** 165.85 (4) (a) 7. d. of the statutes is created to read:

3 165.85 (4) (a) 7. d. Each officer who is subject to this subdivision shall annually

4 complete at least 8 hours of training on de-escalation tactics. In this subdivision ^{7. d.}

5 paragraph, "de-escalation tactics" are actions and techniques used by law

6 enforcement officers to minimize the likelihood of the need to use force during an

7 event, encounter, or interaction and to slow down or stabilize a potentially unstable

8 situation to allow for more time, options, and resources for resolution or prevention

9 of an incident. Hours of training completed under this subd. 7. d. shall count toward

10 the hours of training required under subd. 7. a.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1454/3
CMH:amn

2017 BILL

SA

Regen.

1 AN ACT *to create* 20.455 (2) (aq) and 165.85 (4) (a) 7. d. of the statutes; **relating**
2 **to:** law enforcement training on de-escalation tactics and making an
3 appropriation.

Analysis by the Legislative Reference Bureau

\$250,000

This bill requires each law enforcement officer to annually complete at least eight hours of training on tactics a law enforcement officer may use to de-escalate a potentially unstable situation. This bill also provides ~~\$500,000~~ in each fiscal year in the 2017-19 fiscal biennium for the Department of Justice to reimburse law enforcement agencies for costs of the training.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
5 the following amounts for the purposes indicated:

BILL

2017-18

2018-19

1 **20.455 Justice, department of**

2 (2) LAW ENFORCEMENT SERVICES

3	(aq) De-escalation tactics training	GPR	A	250,000 500,000	250,000 500,000
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4 **SECTION 2.** 20.455 (2) (aq) of the statutes is created to read:

5 20.455 (2) (aq) *De-escalation tactics training*. The amounts in the schedule to
6 reimburse law enforcement agencies for training costs under s. 165.85 (4) (a) 7. d.

7 **SECTION 3.** 165.85 (4) (a) 7. d. of the statutes is created to read:

8 165.85 (4) (a) 7. d. Each officer who is subject to this subdivision shall annually
9 complete at least 8 hours of training on de-escalation tactics. In this subd. 7. d.,
10 “de-escalation tactics” are actions and techniques used by law enforcement officers
11 to minimize the likelihood of the need to use force during an event, encounter, or
12 interaction and to slow down or stabilize a potentially unstable situation to allow for
13 more time, options, and resources for resolution or prevention of an incident. Hours
14 of training completed under this subd. 7. d. shall count toward the hours of training
15 required under subd. 7. a.

16 (END)

Hanaman, Cathlene

From: Domina, Katherine
Sent: Friday, May 12, 2017 2:44 PM
To: Hanaman, Cathlene
Subject: LRB 1454/4

Hi Cathlene,

I should really stop promising that it's the last round of edits on these bills!

A couple edits to LRB 1454/4:

Page 2, line 5: Change the title from "De-escalation tactics training" to "Use of force options training"

Page 2, line 9: delete "de-escalation tactics" and insert "scenario-based training on use of force options, focusing on skills and tactics that minimize the likelihood of using force, including de-escalation tactics"

We're having a press event on Wednesday morning introducing this bill, so we'll need the updated draft back early next week.

Thanks so much for all of your help!

Katie Domina

Office of Representative Chris Taylor

PO Box 8953

Madison, WI 53708

(608) 266-5342

[Twitter.com/christaylorwi](https://twitter.com/christaylorwi)

[Facebook.com/representative.taylor](https://facebook.com/representative.taylor)





State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1454/4
CMH:amn

5

2017 BILL

SA

Regu.

use of force options

1 AN ACT *to create* 20.455 (2) (aq) and 165.85 (4) (a) 7. d. of the statutes; **relating**
2 **to:** law enforcement training on de-escalation tactics and making an
3 appropriation.

Analysis by the Legislative Reference Bureau

use of force options and techniques

This bill requires each law enforcement officer to annually complete at least eight hours of training on tactics a law enforcement officer may use to de-escalate a potentially unstable situation. This bill also provides \$250,000 in each fiscal year in the 2017-19 fiscal biennium for the Department of Justice to reimburse law enforcement agencies for costs of the training.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
5 the following amounts for the purposes indicated:

BILL

2017-18

2018-19

1 **20.455 Justice, department of**

2 (2) **LAW ENFORCEMENT SERVICES**

3 (aq) De-escalation tactics training GPR A 250,000 250,000

4 **SECTION 2.** 20.455 (2) (aq) of the statutes is created to read:

5 20.455 (2) (aq) De-escalation tactics ^{Use-of-force options} training. The amounts in the schedule to
6 reimburse law enforcement agencies for training costs under s. 165.85 (4) (a) 7. d.

7 **SECTION 3.** 165.85 (4) (a) 7. d. of the statutes is created to read:

8 165.85 (4) (a) 7. d. Each officer who is subject to this subdivision shall annually
9 complete at least 8 hours of training on de-escalation tactics. In this subd. 7. d.,
10 "de-escalation tactics" are actions and techniques used by law enforcement officers
11 to minimize the likelihood of the need to use force during an event, encounter, or
12 interaction and to slow down or stabilize a potentially unstable situation to allow for
13 more time, options, and resources for resolution or prevention of an incident. Hours
14 of training completed under this subd. 7. d. shall count toward the hours of training
15 required under subd. 7. a.

16 (END)

*of scenario-based training on use-
of-force options, focusing on skills
and tactics that minimize the
likelihood of using force, including*

Kohn, Hanna

From: Domina, Katherine
Sent: Wednesday, May 31, 2017 10:53 AM
To: LRB.Legal
Subject: Draft Review: LRB -1454/5

Please Jacket LRB -1454/5 for the ASSEMBLY.