Senate Bill 1092 (as introduced 11-13-24)
Sponsor: Senator Jeff Irwin
Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 12-3-24

## CONTENT

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

-- **Require the Michigan Commission on Law Enforcement Standards (MCOLES) to research and establish curriculum standards for training in de-escalation techniques, implicit bias, procedural justice, crisis intervention, and behavioral health resources and support.**
-- **Beginning July 1, 2025, require an individual seeking to become licensed as a law enforcement officer, Tribal law enforcement officer, fire arson investigator, or private college security officer to complete the training.**
-- **By July 1, 2026, require already-licensed law enforcement officers to complete the training.**
-- **Prescribe continuing education requirements for the curriculum standards.**
-- **Require MCOLES to adopt a model policy for training standards and make the policy available within six months of the bill's effective date.**
-- **Require each law enforcement agency to adopt a written policy stating that each of its law enforcement officers would have to use de-escalation techniques to the extent reasonable and as safely as possible.**
-- **Require MCOLES to promulgate rules to ensure compliance with the bill.**

Generally, 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 (appointed or elected 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, which requires a law enforcement officer licensed under Section 9, 9b, 9c, or 9d to complete active violence response 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, beginning July 1, 2025, an individual who was seeking to become licensed as a law enforcement officer under section 9, 9b, 9c, or 9d would have to complete training that met the standards described below. A law enforcement officer who was licensed under

section 9, 9b, 9c, or 9d on July 1, 2025, and who had not previously completed the training would have to complete training that met the standards by July 1, 2026.

By October 1, 2024, MCOLES would have to conduct or contract for research and analysis to identify training gaps and begin to adapt, adopt, or develop curriculum standards for training in the following areas or other areas MCOLES determined to be substantially similar:

-- De-escalation techniques, which would mean a method or methods intended to defuse a potentially volatile or violent situation with the goal to reduce the level of subject control required to resolve the situation in an objectively reasonable and safe manner.
-- Implicit bias training, which would mean evidence-based training that provides instruction regarding the bias implicit in all human beings and how to help ensure subconscious bias does not inhibit fair and impartial law enforcement.
-- Procedural justice training, which would mean training based on the principles of treating people with dignity and respect, giving citizens a voice during encounters, being neutral in decision making, and conveying trustworthy motives while emphasizing law enforcement's role in the context of the larger criminal justice system.
-- Behavioral health resources and support available for law enforcement officers.
-- Crisis intervention techniques, which would mean a method of immediate response to an individual or a situation involving an individual experiencing a crisis that included mental disability, mental health disorder, substance use disorder, or acute emotional distress.

"Training gap" would mean identified behavioral or performance deficiencies caused by a lack of skill or knowledge. "Curriculum" would mean a structure of educational standards that identifies behavioral objectives and outcomes. "Behavioral health" would mean the treatment of a mental disability, mental health disorder, or substance use disorder, and the support of an individual who experiences or is in recovery from a mental disability, mental health disorder, or substance use disorder.

Between July 1, 2026, and July 1, 2027, a law enforcement officer licensed under the Act would have to complete at least 12 hours of continuing education in the areas described above. After July 1, 2027, a law enforcement officer licensed under the Act would have to annually complete at least 24 hours of continuing education in these areas.

The bill specifies that an individual seeking to become a law enforcement officer license under the Act or a law enforcement officer who was already licensed could meet the standards for implicit bias training by completing an implicit bias training course approved by MCOLES.

Additionally, the curriculum standards for training on de-escalation techniques would have to include all the following:

-- The employment of verbal and physical tactics to defuse volatile or potentially violent situations, including when they were safe and feasible, with an emphasis on using communication, negotiation, and de-escalation techniques.
-- The level of force that was an objectively reasonable response to an identified and articulable threat or resistance that was based on information available at the time of the incident and that required contact reevaluation as circumstances dictated and allowed.
-- Training that provided law enforcement officers with awareness and recognition of indicators of physical disabilities, intellectual disabilities, developmental disabilities, other mental health issues, and substance use disorders with an emphasis on effective communication and de-escalation techniques.
-- As appropriate with the nature and immediacy of the threat to public safety, the use of distance, cover, and time when approaching and managing critical incidents, to help create

a safety zone between the law enforcement officer and subject to afford the law enforcement officer more time to react to the circumstances.
-- A law enforcement officer's responsibility to intervene in a situation if another law enforcement officer's actions indicated that the other law enforcement officer had lost self-control or use of force was not objectively reasonable to the level of resistance encountered.
-- 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 found to be appropriate by MCOLES that enhanced de-escalation techniques and skills.

Within six months of the bill's effective date, each law enforcement agency in the State would have to adopt a written policy that stated that each of the law enforcement officers in its employ would have to use de-escalation techniques in the law enforcement officer's interactions with citizens to the extent that was reasonable and as safe as possible. The bill would require MCOLES to make a model written policy available on its website. A law enforcement agency could fulfill its duty to adopt a written policy within six months of the bill's effective date by adopting the MCOLES model written policy.

Additionally, MCOLES would have to promulgate rules pursuant to the Administrative Procedures Act to ensure compliance, including a tiered system of license sanctions up to license revocation for a law enforcement officer licensed under section 9, 9b, 9c, or 9d who refused to comply with the training requirements. The rules promulgated by MCOLES pertaining to the revocation of a license would have to incorporate the requirements and procedures in the same manner as applicable to that type of law enforcement officer.

MCL 28.609 et al.                                                              Legislative Analyst: Eleni Lionas

## FISCAL IMPACT

The bill's provisions could result in additional training costs at an amount difficult to determine at this time for State and local law enforcement. The bill would require MCOLES to research and identify any gaps in officer training and develop training standards and curriculum for those training gaps, including training in de-escalation techniques, implicit bias, procedural justice, behavioral health resources and support available, and crisis intervention techniques. All licensed officers would be required to meet those standards as developed and approved by MCOLES, by July 1, 2026. The bill also would require MCOLES and local and State law enforcement agencies to adopt a written policy that each law enforcement officer would have to use as de-escalation techniques. Potential costs associated with the bill's provisions would be mostly found in its requirement that licensed law enforcement officers complete at least 12 hours of continuing education in the identified subjects prior to July 1, 2027, and the requirement that beginning July 1, 2027, all 18,600 licensed law enforcement officers in the State complete at least 24 hours of continuing education related to those subjects. The bill also would require MCOLES to promulgate rules to implement its provisions. For most of the State's 573 law enforcement agencies, there could be costs related in complying with the bill's requirements, including costs related to filling positions that could be temporarily vacated due to employee training requirements.

While there is no appropriation attached to the bill, MCOLES already addresses training needs in the training subjects required under the bill, though perhaps not to the precise extent and time frame the bill would require. In-service training, Continuing Professional Education (CPE), has also been established and is being administered by MCOLES. This effort received

a $20.0 million General Fund/General Purpose (GF/GP) one-time start-up funding under supplemental appropriations from Public Act 1 of 2023. Subsequently, $18.3 million GF/GP under Fiscal Year (FY) 2023-24 and FY 2024-25 annual appropriations has been appropriated for this purpose, and MCOLES is also operating a CPE pilot program based upon research and law enforcement job task analysis, a program similar to the provisions outlined in the bill. It should be noted that the appropriations made to MCOLES for officer training and CPE over the last two years are designated for all law enforcement training needs as identified by MCOLES and not just the training subjects outlined in the bill. The extent that the bill would exceed training requirements already under current MCOLES priorities and procedures would determine the additional cost of the bill.

Fiscal Analyst: Bruce R. Baker