# R Street

**Free markets. Real solutions.**

**April 2024**

## R Sheet On
# The Law Enforcement De-escalation Training Act of 2022: Purpose, Implementation, and Next Steps

## Background

During the summer of 2020, public voices calling for police system changes grew louder. At the end of 2022, Congress finally reached consensus on one substantive piece of change to policing with potential to make a dramatic impact on police use-of-force incidents: de-escalation training. They passed, and President Joe Biden signed into law the Law Enforcement De-Escalation Training Act (LEDTA), which is currently in the midst of its implementation phase.

Sponsored by the bipartisan duo of Sens. John Cornyn (R-Texas) and Sheldon Whitehouse (D-R.I.), the bill enjoyed unanimous consent in the Senate and wide support in the House. By creating a new grant program for agencies to use federal funding for de-escalation training, the new law is intended to develop federal standards for the preferred types of de-escalation trainings available to law enforcement and to ensure the success of these funds in allowing agencies to accomplish the goals of the trainings themselves: improved interactions between law enforcement and the communities they serve.

## Current Debate

Judging by the list of those who voted "no" on the legislation in the House—primarily members of the House Freedom Caucus and other "hard-line" Republicans—the opposition more than likely comes from a philosophical opposition to a new federal grant program, not from opposition to the merits of improving de-escalation training.

Such concern is rooted in the fact that our national debt, which currently sits above $34 trillion, has more than doubled in the past decade and grown at a more rapid rate since the beginning of the COVID-19 pandemic. Further, critics of federal grant programs generally point out their encroachment on the proper dynamics of federalism and their potential for inefficiency, as localities most in need of funding may struggle to access the dollars while already well-funded localities may reap the benefits.

The Government Accountability Office (GAO) also notes this, outlining that many communities may find funds difficult to access due to barriers in simply navigating the grant application process or finding programs they are eligible for in the first instance. The International Association of Chiefs of Police identifies these as challenges for law enforcement as well.

Proponents of LEDTA will be wise to acknowledge that these challenges and concerns exist and have caused problems for other programs supporting de-escalation training.

## Summary

- At the end of 2022, Congress reached consensus to pass legislation providing for improved police de-escalation training.

- As the legislation establishes a new grant program, it is important for proponents of its success to ensure that communities in need are able to access the funds and that the funds are used in a way that accomplishes the change that the program seeks.

- Focusing on providing needed technical assistance to agencies in their applications, ensuring accurate and honest evaluation of the impact of use of funds, and encouraging agencies to use successes of this funding to look toward establishing their own long-term programs within their own budgets can help LEDTA see success and lead to the most positive outcomes for the law enforcement community and the communities they serve.

**R Sheet On**

R Sheet on the Law Enforcement
De-escalation Training Act of 2022:
Purpose, Implementation, and Next Steps

**April 2024**

Currently, there are other active streams of federal funding that support de-escalation training. Those streams include the well-known Edward Byrne Memorial Justice Assistance Grant Program ("Byrne-JAG") and the Community Oriented Policing Service (COPS) Program, but reports also indicate that law enforcement agencies have been able to use recent temporary streams of federal dollars— including funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the American Rescue Plan Act, and the Opioid Settlement Fund—to meet needs, which could include de-escalation training.

Now, since the recently passed Commerce, Justice, Science, and Related Agencies Appropriations bill for the 2024 fiscal year includes funding for LEDTA, there will be a new, dedicated stream of federal dollars available for the explicit purpose of law enforcement de-escalation. Those who wish to see its full success will turn their attention toward ensuring that the new program proves impactful in communities.

## Action Items

In order for the new program established by LEDTA to have maximum impact, it is imperative that law enforcement agencies and the communities most in need of funds are fully able to gain access.

During the implementation of LEDTA, those at the Department of Justice tasked with developing the training curriculum and launching the program for agencies to apply for must seek direct input from agencies that:

1. Are most in need of de-escalation training programs;
2. Are already working with or toward a meaningful de-escalation training program of their own;
3. Have experienced challenges with federal grant funding in the past.

In order for the funding to prosper and avoid the fate of other grant programs that are phased out, these discussions are critical to get a full sense of the existing challenges, the successes, and the additional needs of the communites and agencies seeking this funding.

Furthermore, because the vast majority of state and local spending on police is funded by state and local governments—as it should be—and federal grants account for a very small portion of these budgets, agencies applying for funding through LEDTA should approach this with an eye toward eventually shifting programming established through LEDTA funds to find permanence in their own departments by transitioning it into their own long-term budgets. Highlighting the successes they see from LEDTA-supported programs can help make this case.

Finally, Congress can support this initiative and ensure its success by carrying out the important role it holds to exercise oversight—through hearings and other mechanisms—of the executive branch's implementation of the laws that Congress passes.

There will be a new, dedicated stream of federal dollars available for the explicit purpose of law enforcement de-escalation.

## Contact Us

For more information on this subject, contact:
R Street Institute
1411 K St NW Ste 900,
Washington, D.C. 20005
(202) 525-5717
www.rstreet.org

**Sarah Anderson**
Associate Director
Criminal Justice
and Civil Liberties
(703) 939-7047
sanderson@rstreet.org

**Jillian Snider**
Policy Director
Criminal Justice
and Civil Liberties
(239) 476-0812
jsnider@rstreet.org