**A** **BILL**

TO AMEND CHAPTER 23, TITLE 23 OF THE 1976 CODE, RELATING TO THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, BY ADDING SECTION 23-23-160, TO REQUIRE THAT LAW ENFORCEMENT AGENCIES DEVELOP A USE OF FORCE POLICY, TO REQUIRE THAT THE SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL DEVELOP A MODEL USE OF FORCE POLICY THAT MAY BE ADOPTED BY LAW ENFORCEMENT AGENCIES, TO MANDATE USE OF FORCE TRAINING AT THE CRIMINAL JUSTICE ACADEMY, TO PROVIDE THAT A LAW ENFORCEMENT AGENCY THAT DOES NOT IMPLEMENT A USE OF FORCE POLICY LOSES QUALIFIED IMMUNITY FOR ITS OFFICERS, AND TO PROVIDE THAT LAW ENFORCEMENT OFFICERS IN A DEPARTMENT THAT DOES NOT ADOPT AN APPROVED USE OF FORCE POLICY ARE NOT SUBJECT TO QUALIFIED IMMUNITY FOR ANY INCIDENT THAT OCCURS WHICH WOULD BE ADDRESSED BY THE MODEL USE OF FORCE POLICY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 23, Title 23 of the 1976 code is amended by adding:

“Section 23-23-160. (A) All law enforcement agencies in the State must adopt a use of force policy.

(B) The Law Enforcement Training Council shall develop a model use of force policy that includes, but is not limited to:

(1) minimal reliance on physical force, such that law enforcement officers may use physical force only when no other viable options are available and when all non-physical options are exhausted;

(2) alternatives to use of physical force, including, but not limited to:

(a) employing de-escalation techniques designed to reduce potential conflict;

(b) placing barriers between an uncooperative individual and a law enforcement officer;

(c) moving from a position that exposes law enforcement officers to potential threats to a safer position, creating distance between the officer and the individual;

(d) communicating from a safe position with the intention to gain the individual’s compliance using advisements and warnings;

(e) slowing down the pace of an incident;

(f) waiting out the individual;

(g) allowing the individual to move if it is safe to do so;

(h) allowing the individual to make statements or ask questions; and

(3) verbal techniques designed to calm an agitated individual and promote rational decision-making;

(4) avoidance of physical confrontation unless immediately necessary to protect the safety of the officer or bystanders, as well as determination of the level of threat or resistance that the individual poses to the officer or bystanders;

(5) methods for understanding when an individual is experiencing a mental health crisis, a medical emergency, a drug interaction, or a language barrier and how to respond to each situation appropriately;

(6) means of determining when it is appropriate to call for extra assistance from other officers or health care professionals; and

(7) other tactics that the department deems appropriate and necessary to gain compliance of an individual through non-lethal means.

(C) The Criminal Justice Academy shall include training based on the model policy for all recruits undergoing training. The academy must also offer training for departments adopting a use of force policy.

(D) A department may adopt a use of force policy other than the model policy. If a department chooses to adopt its own policy, then the Law Enforcement Training Council must first approve the alternate policy. As part of the approval process, the department seeking its own policy must explain why it requires a policy that differs from the model policy.

(E) Law enforcement officers in a department that does not adopt a use of force policy as required in this Section shall not be entitled to qualified immunity for any incident that occurs which would be addressed by the model use of force policy adopted by the Law Enforcement Training Council.”

SECTION 2. The Law Enforcement Training Council shall adopt the model use of force policy no later than ninety days after the effective date of this act. Individual law enforcement agencies must adopt a use of force policy no later than one hundred twenty days after the effective date of this act.

SECTION 3. This act takes effect upon approval by the Governor.

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