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Introduced

House Bill 4521

By Delegates Rohrbach, Rowan, Sypolt, Zukoff, Graves, Mandt, Forsht, Toney, Haynes, and Boggs

Introduced February 02, 2022; Referred to the Committee on Health and Human Resources then the Judiciary]

A BILL to amend and reenact §30-29-5a of the Code of West Virginia, 1931, as amended, relating to criminal justice training for law-enforcement officers and correction officers regarding individuals with Alzheimer’s and dementias; development of course instruction; defining terms; providing for training in appropriate interactions with individuals with Alzheimer’s and dementias; and authorizing the Law-Enforcement Professional Standards Subcommittee to develop guidelines for law-enforcement and correction officer response to individuals experiencing Alzheimer’s and dementias who are victims or witnesses to a crime, or suspected or convicted of a crime.

Be it enacted by the Legislature of West Virginia:

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-5a. Criminal justice training regarding individuals with autism spectrum disorders; Alzheimer’s and dementia.

(a) The Law-Enforcement Special Standards Subcommittee may establish within the basic training curriculum, a course for law-enforcement training programs for the training of law-enforcement officers and correction officers in appropriate interactions with individuals with autism spectrum disorders, Alzheimer’s and dementias and may develop guidelines for law enforcement response to individuals on the autism spectrum, experience Alzheimer’s and other dementia who are victims or witnesses to a crime, or suspected or convicted of a crime.

(b) The course of instruction and the guidelines relating to autism spectrum disorders shall be developed and delivered by the West Virginia Autism Training Center, located at Marshall University. This course of instruction may stress positive responses to such individuals, de-escalate potentially dangerous situations, provide an understanding of the different manner in which such individuals process sensory stimuli and language, social communication, and language difficulties likely to affect interaction, and appropriate methods of interrogation. Training instructors shall always include adults with autism spectrum disorders and/or a parent or primary caretaker of an individual diagnosed with autism spectrum disorder.

(c) The training course of instruction and the guidelines relating to Alzheimer’s and dementia shall consist of two hours and be developed and delivered by, and in cooperation with the West Virginia Bureau of Senior Services and the West Virginia Alzheimer’s Association. This course of instruction must include instruction on the identification of people with Alzheimer’s and other dementia, risks such as wandering, elder abuse, and the best practices for interacting with them.

~~(c)~~ (d) As used in this section:

(1) “Agency” means the ability to make independent decisions and act in one’s own best interests;

(2) “Alzheimer’s” means a medical condition diagnosis of the most common type of dementia which is a gradually progressive type of brain disorder that causes problems with memory, thinking and behavior.

~~(2)~~ (3) “Autism spectrum disorder” means a developmental disability characterized by persistent and significant deficits in social communication, social interaction, communication, and behavior, and may include the diagnosis of pervasive developmental disorder, not otherwise specified, autistic disorder, and Asperger’s Syndrome as defined in the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association;

(4) “Dementia” means a major neurocognitive disorder resulting in the loss of cognitive functioning, thinking, remembering, and reasoning to such an extent that it interferes with a person’s daily life and activities, including, but not limited to, inability to control emotions, and change of personalities.

~~(3)~~ (5) “Law-enforcement officer” means any officer of any West Virginia law-enforcement agency, or any state institution of higher education as defined in §30-29-1(6) of this code; and

~~(4)~~ (6) “Training instructors” means professional experts, autistic adults, and/or the family member or primary caregiver of an autistic individual who deliver instruction and information.

~~(d)~~ (e*)* The autism spectrum disorder course of basic training for law-enforcement officers and correction officers may include at least three hours of instruction in the procedures and techniques described in this subsection:

(1) The nature and manifestation of autism spectrum disorders;

(2) Appropriate techniques for interviewing or interrogating an individual on the autism spectrum, including techniques to ensure the legality of statements made, and techniques to protect the rights of the interviewee;

(3) Techniques for locating an individual on the autism spectrum who runs away and is in danger, and returning the individual while causing as little stress as possible to the individual;

(4) Techniques for recognizing an autistic individual’s agency while identifying potential abusive or coercive situations;

(5) Techniques for de-escalating a potentially dangerous situation to maximize the safety of both the law-enforcement officer or correction officer and the autistic individual;

(6) Techniques for differentiating between an individual on the autism spectrum from an individual who is belligerent, uncooperative, or otherwise displaying traits similar to the characteristics of an autistic individual;

(7) Procedures to identify and address challenges related to the safety and well-being of autistic individuals in a correctional facility; and

(8) The impact of interaction with law-enforcement officers or correction officers on autistic individuals.

(f) The Alzheimer’s and other dementia course of basic training for law-enforcement officers and correction officers may include at least two hours of instruction in the procedures and techniques described in this subsection:

(1) Dementia, psychiatric and behavioral symptoms;

(2) Communication issues, including how to communicate respectfully and effectively with the individual who has dementia in order to determine the most appropriate response and effective communication techniques to enhance collaboration with caregivers;

(3) Techniques for understanding and approaching behavioral symptoms and identify alternatives to physical restraints;

(4) Identifying and reporting incidents of abuse, neglect, and exploitation to Adult Protective Services (APS) at West Virginia Department of Health and Human Services;

(5) Techniques for de-escalating a potentially dangerous situation to maximize the safety of both the law-enforcement officer or correction officer and the autistic individual;

(6) Protocols for contacting caregivers when a person with dementia is found wandering, or during emergency or crisis situations;

(7) Local caregiving resources that are available for people living with dementia; and

(8) The impact of interaction with law-enforcement officers or correction officers on Alzheimer’s and dementia individuals.

~~(e)~~ (g) All law-enforcement recruits may receive the course of basic training for law-enforcement officers, established in this section, as part of their required certification process. The course of basic training for law-enforcement officers may be taught as part of the “crisis intervention and conflict resolution” and “people with special needs” components of the training.

~~(f)~~ (h) All correction officer recruits may receive the course of basic training for correction officers, established in this section, as part of their required certification process.

~~(g)~~ (i) The Commissioner of the Division of Corrections and Rehabilitation periodically may include within the in-service training curriculum a course of instruction on individuals with autism spectrum disorder, Alzheimer’s, and other dementias, consistent with this section.

~~(h)~~ (j) The Law-Enforcement Professional Standards Subcommittee periodically may include within its in-service training curriculum, a course of instruction on individuals with autism spectrum disorder, Alzheimer’s, and other dementias, consistent with this section.

NOTE: The purpose of this bill is to establish minimum training requirements for law enforcement officials on interacting effectively with people with Alzheimer’s or other dementias.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.