

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

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]

1 A BILL to amend and reenact §30-29-5a of the Code of West Virginia, 1931, as amended, relating
2 to criminal justice training for law-enforcement officers and correction officers regarding
3 individuals with Alzheimer's and dementias; development of course instruction; defining
4 terms; providing for training in appropriate interactions with individuals with Alzheimer's
5 and dementias; and authorizing the Law-Enforcement Professional Standards
6 Subcommittee to develop guidelines for law-enforcement and correction officer response
7 to individuals experiencing Alzheimer's and dementias who are victims or witnesses to
8 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.

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

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

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

21 ~~(e)~~ (d) As used in this section:

22 (1) "Agency" means the ability to make independent decisions and act in one's own best
23 interests;

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

27 ~~(2)~~ (3) "Autism spectrum disorder" means a developmental disability characterized by
28 persistent and significant deficits in social communication, social interaction, communication, and
29 behavior, and may include the diagnosis of pervasive developmental disorder, not otherwise
30 specified, autistic disorder, and Asperger's Syndrome as defined in the Diagnostic and Statistical
31 Manual of Mental Disorders of the American Psychiatric Association;

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

36 ~~(3)~~ (5) "Law-enforcement officer" means any officer of any West Virginia law-enforcement
37 agency, or any state institution of higher education as defined in §30-29-1(6) of this code; and

38 ~~(4)~~ (6) "Training instructors" means professional experts, autistic adults, and/or the family
39 member or primary caregiver of an autistic individual who deliver instruction and information.

40 ~~(d)~~ (e) The autism spectrum disorder course of basic training for law-enforcement officers

41 and correction officers may include at least three hours of instruction in the procedures and
42 techniques described in this subsection:

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

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

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

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

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

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

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

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

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

63 (1) Dementia, psychiatric and behavioral symptoms;

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

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

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

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

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

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

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

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

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

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

87 ~~(h)~~ (j) The Law-Enforcement Professional Standards Subcommittee periodically may
88 include within its in-service training curriculum, a course of instruction on individuals with autism
89 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.