

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 208

By Senator Caputo

[Introduced January 13, 2023; referred
to the Committee on 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 all law-enforcement officers and correction officers regarding
3 individuals with autism spectrum disorders; providing for development of course
4 instruction; defining terms; and requiring that all current law-enforcement officers receive
5 the course of basic training for appropriate interaction with and response to individuals with
6 autism spectrum disorders.

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 Professional Standards Subcommittee shall establish within the
2 basic 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 related dementias and shall develop guidelines for law
5 enforcement response to individuals on the autism spectrum, experience Alzheimer's and related
6 dementias 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 relating to Alzheimer's and dementia shall consist of
16 two hours and be based on evidence-informed research into the identification of persons with

17 Alzheimer's and other dementias, risks such as wandering or elder abuse, and the best practices
18 for law-enforcement officers interacting with such persons. The training course of instruction may
19 be delivered by any qualified entity, organization, or person approved by the Law-Enforcement
20 Professional Standards Subcommittee.

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

36 (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 (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 (e) The autism spectrum disorder course of basic training for law-enforcement officers and
41 correction officers may include at least three hours of instruction in the procedures and techniques
42 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 wellbeing 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 related dementias 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 effective
66 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 individual with Alzheimer's or
73 related dementias;

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

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

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

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

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

85 (i) All current law-enforcement officers shall receive the course of basic training for law-
86 enforcement officers, established in this section, as part of their mandated in-service training
87 requirement every three years.

88 (j) The Commissioner of the Division of Corrections and Rehabilitation periodically may
89 include within the in-service training curriculum a course of instruction on individuals with autism
90 spectrum disorder, Alzheimer's, and related dementias, consistent with this section.

91 (k) The Law-Enforcement Professional Standards Subcommittee periodically may include
92 within its in-service training curriculum, a course of instruction on individuals with autism spectrum
93 disorder, Alzheimer's, and related dementias, consistent with this section.

NOTE: The purpose of this bill is to require that all current law-enforcement officers receive the course of basic training for law-enforcement officers, established in this section, as part of their mandated in-service training requirement every three years.

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