

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 208

BY SENATORS CAPUTO, WOELFEL, OLIVERIO, RUCKER,

HAMILTON, HUNT, CHAPMAN, STUART, AND DEEDS

[Originating in the Committee on the Judiciary;

reported on January 20, 2023]

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, Alzheimer's, and related dementias and
4 requiring that all current law-enforcement officers receive the course of basic training for
5 appropriate interaction with and response to individuals with autism spectrum disorders,
6 Alzheimer's, and related dementias every three years.

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~~ individuals with
6 Alzheimer's, ~~and~~ or individuals with related dementias who are victims or witnesses to a crime, or
7 suspected or convicted of a crime.

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

17 (c) The training course of instruction relating to Alzheimer's and dementia shall ~~consist of~~
18 be two hours long and ~~be~~ based on evidence-informed research into the identification of persons
19 with Alzheimer's and other dementias, risks such as wandering or elder abuse, and the best
20 practices for law-enforcement officers interacting with such persons. The training course of
21 instruction may be delivered by any qualified entity, organization, or person approved by the Law-
22 Enforcement Professional Standards Subcommittee.

23 (d) As used in this section:

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

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

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

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

38 ~~(5) (4)~~ (4) "Law-enforcement officer" means any officer of any West Virginia law-enforcement
39 agency, or any state institution of higher education as defined in §30-29-1(6) of this code;

40 (5) "Related dementias" means a major neurocognitive disorder resulting in the loss of
41 cognitive functioning, thinking, remembering, and reasoning to such an extent that it interferes

42 with a person's daily life and activities, including, but not limited to, inability to control emotions
43 and changes of personality; and

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

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

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

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

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

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

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

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

62 (7) Procedures to identify and address challenges related to the safety and wellbeing of
63 autistic individuals in a correctional facility; and

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

66 (f) The Alzheimer's and related dementias course of basic training for law-enforcement
67 officers and correction officers may include at least two hours of instruction in the procedures and
68 techniques described in this subsection:

69 (1) Dementia, psychiatric, and behavioral symptoms;

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

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

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

77 (5) Techniques for de-escalating a potentially dangerous situation to maximize the safety
78 of both the law-enforcement officer or correction officer and the individual with Alzheimer's or
79 related dementias;

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

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

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

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

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

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

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

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