

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Enrolled

Senate Bill 570

BY SENATORS STOLLINGS, TAKUBO, BALDWIN, BEACH,
BOLEY, BROWN, CAPUTO, CLEMENTS, GRADY, JEFFRIES,
KARNES, LINDSAY, MAYNARD, PHILLIPS, PLYMALE,
ROBERTS, SMITH, STOVER, SYPOLT, TARR, TRUMP,
WELD, WOELFEL, WOODRUM, HAMILTON, SWOPE, AND
NELSON

[Passed March 11, 2022; in effect 90 days from passage]

FILED

2022 MAR 23 P 5:20

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SB 570

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[Passed March 11, 2022; in effect 90 days from passage]

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2022 MAR 23 P 5:21

FILED

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

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.

(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 related dementias 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;

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
75 or 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.

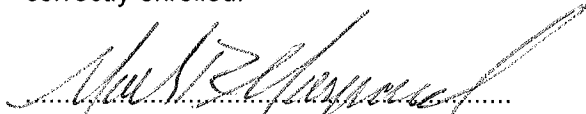
79 (g) All law-enforcement recruits may receive the course of basic training for law-
80 enforcement officers, established in this section, as part of their required certification process.
81 The course of basic training for law-enforcement officers may be taught as part of the "crisis
82 intervention 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) The Commissioner of the Division of Corrections and Rehabilitation periodically may
86 include within the in-service training curriculum a course of instruction on individuals with autism
87 spectrum disorder, Alzheimer's, and related dementias, consistent with this section.

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

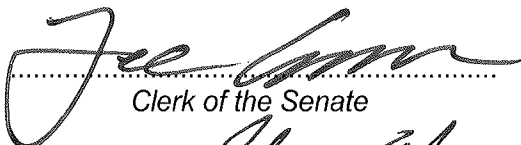
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman, Senate Committee

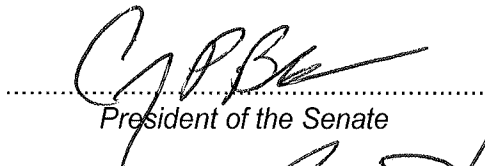

Chairman, House Committee


Originated in the Senate.

In effect 90 days from passage.

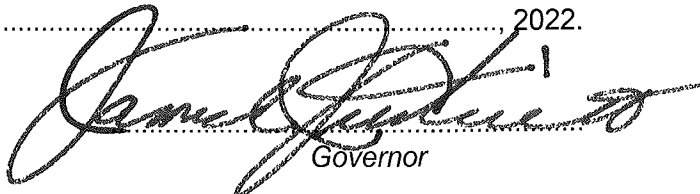

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 23rd
Day of March, 2022.


Governor

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2022 MAR 23 P 5:21

FILED

PRESENTED TO THE GOVERNOR

MAR 15 2022

Time 4:11 pm