

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 436
Committee Substitute Favorable 4/20/21

Short Title: Support Law Enforcement Mental Health.

(Public)

Sponsors:

Referred to:

March 30, 2021

A BILL TO BE ENTITLED

AN ACT TO REQUIRE PSYCHOLOGICAL SCREENINGS OF LAW ENFORCEMENT OFFICERS PRIOR TO CERTIFICATION OR EMPLOYMENT, TO EDUCATE LAW ENFORCEMENT OFFICERS ON MAINTAINING GOOD MENTAL HEALTH, AND TO PROVIDE INFORMATION TO LAW ENFORCEMENT OFFICERS ON MENTAL HEALTH RESOURCES AVAILABLE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 17C-10(c) reads as rewritten:

"(c) In addition to the requirements of subsection (b) of this section, the Commission, by rules and regulations, shall fix other qualifications for the employment, training, and retention of criminal justice officers including minimum age, education, physical and mental standards, citizenship, good moral character, experience, and such other matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of criminal justice officers, ~~and the officers.~~ The Commission shall prescribe the means for presenting evidence of fulfillment of these requirements. The Commission shall require the administration of a psychological screening examination, including an in-person interview conducted by a licensed clinical psychologist, to determine the criminal justice officer's psychological suitability to properly fulfill the responsibilities of the criminal justice officer. The psychological screening examination shall be given (i) prior to the initial certification and (ii) before the criminal justice officer is employed by an agency.

Where minimum educational standards are not met, yet the individual shows potential and a willingness to achieve the standards by extra study, they may be waived by the Commission for the reasonable amount of time it will take to achieve the standards required. Such an educational waiver shall not exceed 12 months."

SECTION 2. G.S. 17E-7(c) reads as rewritten:

"(c) In addition to the requirements of subsection (b) of this section, the Commission, by rules and regulations, may fix other qualifications for the employment and retention of justice officers including minimum age, education, physical and mental standards, citizenship, good moral character, experience, and such other matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of the ~~office, and the office.~~ The Commission shall prescribe the means for presenting evidence of fulfillment of these requirements. The Commission shall require the administration of a psychological screening examination, including an in-person interview conducted by a licensed clinical psychologist, to determine the justice officer's psychological suitability to properly fulfill the responsibilities of the office. The psychological screening examination shall be given (i) prior to the initial certification and (ii) before the justice officer is employed by an agency.



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1 Where minimum educational standards are not met, yet the individual shows potential and a
 2 willingness to achieve the standards by extra study, they may be waived by the Commission for
 3 the reasonable amount of time it will take to achieve the standards required. Upon petition from
 4 a sheriff, the Commission may grant a waiver of any provisions of this section (17E-7) for any
 5 justice officer serving that sheriff."

6 **SECTION 3.** G.S. 17C-6(a) reads as rewritten:

7 "(a) In addition to powers conferred upon the Commission elsewhere in this Article, the
 8 Commission shall have the following powers, which shall be enforceable through its rules and
 9 regulations, certification procedures, or the provisions of G.S. 17C-10:

- 10 ...
- 11 (2) Establish minimum educational and training standards that must be met in
 12 order to qualify for entry level employment and retention as a criminal justice
 13 officer in temporary or probationary status or in a permanent position. The
 14 standards for entry level employment shall include all of the following:
- 15 a. Education and training in response to, and investigation of, domestic
 16 violence cases, as well as training in investigation for evidence-based
 17 prosecutions.
 - 18 b. Education and training on juvenile justice issues, including (i) the
 19 handling and processing of juvenile matters for referrals, diversion,
 20 arrests, and detention; (ii) best practices for handling incidents
 21 involving juveniles; (iii) adolescent development and psychology; and
 22 (iv) promoting relationship building with youth as a key to
 23 delinquency prevention.
 - 24 c. Education and training to develop knowledge and increase awareness
 25 of effective mental health and wellness strategies for criminal justice
 26 officers.

- 27 ...
- 28 (14) Establish minimum standards for in-service training for criminal justice
 29 officers. In-service training standards shall include all of the following:
- 30 a. Training in response to, and investigation of, domestic violence cases,
 31 as well as training investigation for evidence-based prosecutions.
 - 32 b. Training on juvenile justice issues, including (i) the handling and
 33 processing of juvenile matters for referrals, diversion, arrests, and
 34 detention; (ii) best practices for handling incidents involving juveniles;
 35 (iii) adolescent development and psychology; and (iv) promoting
 36 relationship building with youth as a key to delinquency prevention.
 - 37 c. Training to develop knowledge and increase awareness of effective
 38 mental health and wellness strategies for criminal justice officers. The
 39 standards established shall include two hours of training on this issue
 40 every three years.

41"

42 **SECTION 4.** G.S. 17E-4(a) reads as rewritten:

43 "(a) The Commission shall have the following powers, duties, and responsibilities, which
 44 are enforceable through its rules and regulations, certification procedures, or the provisions of
 45 G.S. 17E-8 and G.S. 17E-9:

- 46 ...
- 47 (2) Establish minimum educational and training standards that may be met in
 48 order to qualify for entry level employment as an officer in temporary or
 49 probationary status or in a permanent position. The standards for entry level
 50 employment of officers shall include all of the following:

- 1 a. Training in response to, and investigation of, domestic violence cases,
- 2 as well as training in investigation for evidence-based prosecutions.
- 3 For purposes of the domestic violence training requirement, the term
- 4 "officers" shall include justice officers as defined in G.S. 17E-2(3)a.,
- 5 except that the term shall not include "special deputy sheriffs" as
- 6 defined in G.S. 17E-2(3)a.
- 7 b. Training on juvenile justice issues, including (i) the handling and
- 8 processing of juvenile matters for referrals, diversion, arrests, and
- 9 detention; (ii) best practices for handling incidents involving juveniles;
- 10 (iii) adolescent development and psychology; and (iv) promoting
- 11 relationship building with youth as a key to delinquency prevention.
- 12 c. Education and training to develop knowledge and increase awareness
- 13 of effective mental health and wellness strategies for justice officers.

- 14 ...
- 15 (11) Establish minimum standards for in-service training for justice officers.
- 16 In-service training standards shall include all of the following:
- 17 a. Training in response to, and investigation of, domestic violence cases,
- 18 as well as training in investigation for evidence-based prosecutions.
- 19 For purposes of the domestic violence training requirement, the term
- 20 "justice officer" shall include those defined in G.S. 17E-2(3)a., except
- 21 that the term shall not include "special deputy sheriffs" as defined in
- 22 G.S. 17E-2(3)a.
- 23 b. Training on juvenile justice issues, including (i) the handling and
- 24 processing of juvenile matters for referrals, diversion, arrests, and
- 25 detention; (ii) best practices for handling incidents involving juveniles;
- 26 (iii) adolescent development and psychology; and (iv) promoting
- 27 relationship building with youth as a key to delinquency prevention.
- 28 c. Training to develop knowledge and increase awareness of effective
- 29 mental health and wellness strategies for justice officers. The
- 30 standards established shall include two hours of training on this issue
- 31 every three years.

32 ...

33 The Commission may certify, and no additional certification shall be required from it, programs,

34 courses and teachers certified by the North Carolina Criminal Justice Education and Training

35 Standards Commission. Where the Commission determines that a program, course, instructor or

36 teacher is required for an area which is unique to the office of sheriff, the Commission may certify

37 such program, course, instructor, or teacher under such standards and procedures as it may

38 establish."

39 **SECTION 5.** In developing the standards and training required by Sections 3 and 4

40 of this act, the North Carolina Criminal Justice Education and Training Standards Commission

41 and the North Carolina Sheriffs' Education and Training Standards Commission are encouraged

42 to adopt standards that provide training conducted by mental health professionals and through

43 in-person instruction.

44 **SECTION 6.** The North Carolina Criminal Justice Education and Training Standards

45 Commission and the North Carolina Sheriffs' Education and Training Standards Commission

46 shall regularly provide information on any statewide mental health resources specifically

47 available to criminal justice officers or justice officers to all criminal justice agencies or

48 departments in the State that employ officers certified by either Commission.

49 **SECTION 7.** All criminal justice agencies or departments in the State that employ

50 criminal justice officers certified by the North Carolina Criminal Justice Education and Training

51 Standards Commission or justice officers certified by the North Carolina Sheriffs' Education and

1 Training Standards Commission shall coordinate with the appropriate local management
2 entity/managed care organization (LME/MCO) or prepaid health plan, as defined under
3 G.S. 108D-1, to make information on State and local mental health resources and programs easily
4 available to all employees and develop policies to encourage employees to utilize the resources
5 available.

6 **SECTION 8.** The North Carolina Criminal Justice Education and Training Standards
7 Commission and the North Carolina Sheriffs' Education and Training Standards Commission
8 shall implement the requirements of Sections 1 through 4 of this act no later than January 1, 2022.
9 The requirements of Sections 1 and 2 of this act shall apply to certifications issued and employees
10 entering employment on or after the implementation date of those requirements.

11 **SECTION 9.** This act is effective when it becomes law.