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SENATE DRS45308-ML-5C* (01/07)

Short Title: Prohibit Discriminatory Profiling. (Public)

Sponsors: Senators McKissick and Bryant (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO (1) PROHIBIT THE USE OF DISCRIMINATORY PROFILING BY LAW
3 ENFORCEMENT OFFICERS IN THE PERFORMANCE OF THEIR DUTIES; (2)
4 AMEND THE TYPES OF INFORMATION REQUIRED TO BE REPORTED BY
5 CERTAIN LAW ENFORCEMENT AGENCIES CONCERNING TRAFFIC LAW
6 ENFORCEMENT; (3) REQUIRE CERTAIN LAW ENFORCEMENT AGENCIES TO
7 REPORT CERTAIN INFORMATION CONCERNING HOMICIDES; (4) REQUIRE
8 LAW ENFORCEMENT OFFICERS TO RECEIVE ANNUAL EDUCATION AND
9 TRAINING CONCERNING DISCRIMINATORY PROFILING; (5) AUTHORIZE THE
10 USE OF CITIZEN REVIEW BOARDS TO INVESTIGATE OR REVIEW
11 ALLEGATIONS OF CERTAIN POLICE MISCONDUCT; AND (6) REQUIRE THAT
12 CERTAIN TRAINING BE PROVIDED TO MEMBERS OF NEIGHBORHOOD CRIME
13 WATCH PROGRAMS ESTABLISHED BY COUNTIES AND CITIES.

14 The General Assembly of North Carolina enacts:

15 SECTION 1. Chapter 15A of the General Statutes is amended by adding a new
16 article to read:

17 "Article 18.

18 "Discriminatory Profiling.

19 "**§ 15A-306. Prohibition on discriminatory profiling.**

20 (a) Definitions. – The following definitions apply in this section:

21 (1) Discriminatory profiling. – The practice of subjecting a person to
22 investigation, detention, or arrest based on the person's real or perceived
23 race, ethnicity, national origin, disability, religion, sexual orientation, or
24 gender identity, rather than on the person's behavior or on information
25 identifying the person as having engaged in criminal activity.

26 (2) Law enforcement officer. – Any employee of the following agencies who is
27 actively serving in a position with assigned primary duties and
28 responsibilities for prevention and detection of crime or the general
29 enforcement of the criminal laws of the State, and who possesses the power
30 of arrest by virtue of an oath administered under the authority of the State:

31 a. Any duly accredited State or local government agency possessing
32 authority to enforce the criminal laws of the State.

33 b. Any company police agency certified by the Attorney General
34 pursuant to Chapter 74E of the General Statutes.

35 c. Any campus police agency certified by the Attorney General
36 pursuant to Chapter 74G of the General Statutes.



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1 d. Any special police agency created by the State.

2 (b) Prohibition. – No law enforcement officer shall engage in discriminatory profiling
3 in the performance of the officer's duties."

4 **SECTION 2.** G.S. 143B-903(a) reads as rewritten:

5 "(a) In addition to its other duties, the Department of Public Safety shall collect,
6 correlate, and maintain the following information regarding traffic law enforcement by law
7 enforcement officers:

8 ...

9 (3) The alleged traffic violation that led to the stop.

10 (3a) Whether the officers making the stop attempted to determine the
11 immigration status of the driver, passenger, or passengers.

12 (4) Whether a search was instituted as a result of the stop.

13 "

14 **SECTION 3.** Article 13 of Chapter 143B of the General Statutes is amended by
15 adding a new section to read:

16 "**§ 143B-904.1. Collection of homicide statistics.**

17 (a) Definition. – The term "law enforcement agency" means any duly accredited State
18 or local government agency possessing authority to enforce the criminal laws of the State.

19 (b) Additional Duties. – In addition to its other duties, the Department of Public Safety
20 shall collect, correlate, and maintain the following information regarding homicides committed
21 in the State:

22 (1) The number of homicides committed.

23 (2) The geographic location where the homicide was committed.

24 (3) Identifying characteristics of offenders and victims, including the race or
25 ethnicity, approximate age, gender identity, and sex.

26 (4) The number of homicide cases solved and the number of homicide cases that
27 remain unsolved.

28 (5) For homicide cases that were solved, the time required to solve the case,
29 including the date the investigation began and the date the case was
30 considered solved by the law enforcement agency.

31 (c) Reporting Requirement. – Law enforcement agencies shall submit the information
32 required under subsection (b) of this section to the Department within 60 days of the close of
33 each month. Any law enforcement agency that does not submit the information as required by
34 this subsection shall be ineligible to receive any law enforcement grants available by or through
35 the State until the information that is reasonably available is submitted.

36 (d) List. – The Department shall publish and distribute by December 1 of each year a
37 list indicating the law enforcement agencies that will be subject to the provisions of this section
38 during the calendar year commencing on the following January 1.

39 (e) Availability to Public. – The Department shall make any report or summary
40 analyzing the information required in subsection (b) of this section available to the public,
41 including posting the report or summary on the Web site maintained by the Department."

42 **SECTION 4.** G.S. 143B-904(a) reads as rewritten:

43 "(a) In addition to its other duties, the Department of Public Safety shall collect,
44 maintain, and annually publish the ~~number of~~ following information regarding deaths, by law
45 enforcement agency, resulting from the use of deadly force by law enforcement officers in the
46 course and scope of their official ~~duties.~~ duties:

47 (1) The number of deaths, including any homicides that were justified or
48 excused.

49 (2) The geographic location where the death occurred.

50 (3) Identifying characteristics of the law enforcement officers and the victims,
51 including the race or ethnicity, approximate age, gender identity, and sex."

1 **SECTION 5.** G.S. 17C-2 reads as rewritten:

2 "**§ 17C-2. Definitions.**

3 Unless the context clearly otherwise requires, the following definitions apply in this
4 Chapter:

5 ...

6 (3) Criminal justice officers. – The administrative and subordinate personnel of
7 all the departments, agencies, units or entities comprising the criminal justice
8 agencies who are sworn law-enforcement officers, both State and local, with
9 the power of arrest; State correctional officers; State probation/parole
10 officers; State probation/parole officers-surveillance; officers, supervisory
11 and administrative personnel of local confinement facilities; State juvenile
12 justice officers; chief court counselors; and juvenile court counselors.

13 (4) Discriminatory profiling. – As defined in G.S. 15A-306.

14 (4)(5) Entry level. – The initial appointment or employment of any person by a
15 criminal justice agency, or any appointment or employment of a person
16 previously employed by a criminal justice agency who has not been
17 employed by a criminal justice agency for the 12-month period preceding
18 this appointment or employment, or any appointment or employment of a
19 previously certified criminal justice officer to a position which requires a
20 different type of certification."

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

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

25 ...

26 (2) Establish minimum educational and training standards that must be met in
27 order to qualify for entry level employment and retention as a criminal
28 justice officer in temporary or probationary status or in a permanent position.
29 The standards for entry level employment shall include the following:

30 a. ~~education~~Education and training in response to, and investigation of,
31 domestic violence cases, as well as training in investigation for
32 evidence-based prosecutions.

33 b. Education and training concerning the prohibition against
34 discriminatory profiling.

35 c. Education and training concerning the proper techniques for
36 recording and storing information, and completing reports, for the
37 purpose of ensuring the accuracy and completeness of data required
38 to be collected under G.S. 143B-903, 143B-904,–143B-904.1, and
39 any other provision of law.

40 ...

41 (14) Establish minimum standards for in-service training for criminal justice
42 officers. In-service training standards shall include all of the following:

43 a. ~~training~~Training in response to, and investigation of, domestic
44 violence cases, as well as training investigation for evidence-based
45 prosecutions.

46 b. Training concerning the prohibition against discriminatory profiling.

47 c. Training concerning the proper techniques for recording and storing
48 information, and completing reports, for the purpose of ensuring the
49 accuracy and completeness of data required to be collected under
50 G.S. 143B-903, 143B-904, 143B-904.1, and any other provision of
51 law.

...."

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

"§ 17E-2. Definitions.

Unless the context clearly requires otherwise, the following definitions apply to this Chapter:

- (1) ~~"Commission" means the~~Commission. – The North Carolina Sheriffs' Education and Training Standards Commission.
- (2) ~~"Office" or "department" means the~~Department or Office. – The sheriff of a county, his deputies, his employees and such equipment, space, provisions and quarters as are supplied for their use.
- (2a) Discriminatory profiling. – As defined in G.S. 15A-306.
- (3) ~~"Justice officer" means:~~Justice officer. – Means any of the following:
 - a. A person who, through the special trust and confidence of the sheriff, has taken the oath of office prescribed by Chapter 11 of the General Statutes as a peace officer in the office of the sheriff. This term includes "deputy sheriffs", "reserve deputy sheriffs", and "special deputy sheriffs", but does not include clerical and support personnel not required to take an oath. The term "special deputy" means a person who, through appointment by the sheriff, becomes an unpaid criminal justice officer to perform a specific act directed by the ~~sheriff; or~~sheriff.
 - b. A person who, through the special trust and confidence of the sheriff, has been appointed as a detention officer by the ~~sheriff; or~~sheriff.
 - c. A person who is either the administrator or other custodial personnel of district confinement facilities as defined in G.S. 153A-219; however, nothing in this Chapter transfers any supervisory or administrative control over employees of district confinement facilities to the office of the ~~sheriff; or~~sheriff.
 - d. A person who, through the special trust and confidence of the sheriff, is under the direct supervision and control of the sheriff and serves as a telecommunicator, or who is presented to the Commission for appointment as a telecommunicator by an employing entity other than the sheriff for the purpose of obtaining certification from the Commission as a telecommunicator."

SECTION 8. G.S. 17E-4 reads as rewritten:

"§ 17E-4. Powers and duties of the Commission.

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

- (1) Promulgate rules and regulations for the administration of this Chapter, which rules may require (i) the submission by any agency of information with respect to the employment, education, and training of its justice officers, and (ii) the submission by any training school of information with respect to its programs that are required by this ~~Chapter;~~Chapter.
- (2) Establish minimum educational and training standards that may be met in order to qualify for entry level employment as an officer in temporary or probationary status or in a permanent position. The standards for entry level employment of officers shall include all of the following:
 - a. ~~training~~Training in response to, and investigation of, domestic violence cases, as well as training in investigation for evidence-based prosecutions. For purposes of the domestic violence training

1 requirement, the term "officers" shall include justice officers as
2 defined in G.S. 17E-2(3)a., except that the term shall not include
3 "special deputy sheriffs" as defined in
4 ~~G.S. 17E-2(3)a.;~~G.S. 17E-2(3)a.

5 b. Training concerning the prohibition against discriminatory profiling.

6 c. Training concerning the proper techniques for recording and storing
7 information, and completing reports, for the purpose of ensuring the
8 accuracy and completeness of data required to be collected under
9 G.S. 143B-903, 143B-904, 143B-904.1, and any other provision of
10 law.

11 (3) Certify, pursuant to the standards that it may establish for the purpose,
12 persons as qualified under the provisions of this Chapter who may be
13 employed at entry level as ~~officers;~~officers.

14 (4) Establish minimum standards for the certification of training schools and
15 programs or courses of instruction that are required by this ~~Chapter;~~Chapter.

16 (5) Certify, pursuant to the standards that it has established for the purpose,
17 training schools and programs or courses of instruction that are required by
18 this ~~Chapter;~~Chapter.

19 (6) Establish standards and levels of education or equivalent experience for
20 teachers who participate in programs or courses of instruction that are
21 required by this ~~Chapter;~~Chapter.

22 (7) Certify, pursuant to the standards that it has established for the purpose,
23 teachers who participate in programs or courses of instruction that are
24 required by this ~~Chapter;~~Chapter.

25 (8) Investigate and make such evaluations as may be necessary to determine if
26 agencies are complying with the provision of this ~~Chapter;~~Chapter.

27 (9) Adopt and amend bylaws, consistent with law, for its internal management
28 and ~~control;~~control.

29 (10) Enter into contracts incident to the administration of its authority pursuant to
30 this ~~Chapter;~~Chapter.

31 (11) Establish minimum standards for in-service training for justice officers.
32 In-service training standards shall include the following:

33 a. ~~training~~Training in response to, and investigation of, domestic
34 violence cases, as well as training in investigation for evidence-based
35 prosecutions. For purposes of the domestic violence training
36 requirement, the term "justice officer" shall include those defined in
37 G.S. 17E-2(3)a., except that the term shall not include "special
38 deputy sheriffs" as defined in ~~G.S. 17E-2(3)a.;~~G.S. 17E-2(3)a.

39 b. Training concerning the prohibition against discriminatory profiling.

40 c. Training concerning the proper techniques for recording and storing
41 information, and completing reports, for the purpose of ensuring the
42 accuracy and completeness of data required to be collected under
43 G.S. 143B-903, 143B-904, 143B-904.1, and any other provision of
44 law.

45 (12) Establish minimum standards and levels of training for certification of
46 instructors for the domestic violence training required by subdivisions (2)
47 and (11) of this subsection.

48 ...
49 (b) The Commission shall have the following powers, which shall be advisory in nature
50 and for which the Commission is not authorized to undertake any enforcement actions:

- 1 (1) Certify, pursuant to the standards that it has established for the purpose,
2 justice officers for those law-enforcement agencies that elect to comply with
3 the minimum education, training, and experience standards established by
4 the Commission for positions for which advanced or specialized training,
5 education, and experience are ~~appropriate~~;appropriate.
- 6 (2) Consult and cooperate with counties, agencies of this State, other
7 governmental agencies, and with universities, colleges, junior colleges, and
8 other institutions, public or private, concerning the development of training
9 schools and programs or courses of ~~instruction~~;instruction.
- 10 (3) Study and make reports and recommendations concerning justice education
11 and training in North ~~Carolina~~;Carolina.
- 12 (4) Conduct and stimulate research by public and private agencies which shall
13 be designed to improve education and training in the administration of
14 ~~justice~~;justice.
- 15 (5) Study, obtain data, statistics, and information and make reports concerning
16 the recruitment, selection, education and training of persons serving justice
17 agencies in this State; to make recommendations for improvement in
18 methods of recruitment, selection, education and training of persons serving
19 sheriffs' ~~departments~~;departments.
- 20 (6) Study and make reports and recommendations to the Governor, Attorney
21 General, Chief Justice, President of the Senate and Speaker of the House,
22 concerning the manpower, salary and equipment needs of the sheriffs of the
23 ~~State~~;State.
- 24 (7) Make recommendations concerning any matters within its purview pursuant
25 to this ~~Chapter~~;Chapter.
- 26 (8) Appoint such advisory committees as it may deem ~~necessary~~;necessary.
- 27 (9) Do such things as may be necessary and incidental to the administration of
28 its authority pursuant to this ~~Chapter~~;Chapter.
- 29 (10) Formulate basic plans for and promote the development and improvement of
30 a comprehensive system of education and training for the officers and
31 employees of agencies consistent with its rules and ~~regulations~~;regulations.
- 32 (11) Maintain liaison among municipal, State and federal agencies with respect to
33 education and ~~training~~;training.
- 34 (12) Promote the planning and development of a systematic career development
35 program for sheriffs' department personnel."

36 **SECTION 9.** Article 10 of Chapter 153A of the General Statutes is amended by
37 adding a new section to read:

38 "**§ 153A-212.3. Citizen review boards.**

39 (a) Definitions. – The following definitions apply in this section:

- 40 (1) Disciplinary action. – An oral or written reprimand, suspension, demotion,
41 or termination.
- 42 (2) Discriminatory profiling. – As defined in G.S. 15A-306.
- 43 (3) Head. – As defined in G.S. 160A-288.
- 44 (4) Law enforcement agency. – A county police department or sheriff's
45 department. If a joint citizen review board is established under subsection (1)
46 of this section, this term includes a city police department. This term does
47 not include company police agencies certified by the Attorney General
48 pursuant to Chapter 74E of the General Statutes, campus police agencies
49 certified by the Attorney General pursuant to Chapter 74G of the General
50 Statutes, or any special police agency created by the State.

1 (5) Law enforcement officer. – Any employee of a law enforcement agency who
2 is actively serving in a position with assigned primary duties and
3 responsibilities for prevention and detection of crime or the general
4 enforcement of the criminal laws of the State, and who possesses the power
5 of arrest by virtue of an oath administered under the authority of the State.

6 (6) Misconduct. – Limited to excessive use of force, abuse of power, and
7 discriminatory profiling.

8 (b) Creation. – A county may by ordinance establish a citizen review board, or may use
9 an existing citizen review board, to investigate or review allegations of misconduct by law
10 enforcement officers employed by a law enforcement agency located within the county that
11 established the citizen review board. The ordinance shall specify at least all of the following:

12 (1) The composition of the citizen review board.

13 (2) The minimum qualifications to serve on the citizen review board.

14 (3) The procedure for appointing persons to the citizen review board.

15 (4) The duration of the terms of members on the citizen review board.

16 (5) The manner in which hearings of the citizen review board are to be held.

17 (c) Powers and Duties. – A citizen review board shall have the following powers and
18 duties:

19 (1) Receive and investigate complaints by members of the general public against
20 law enforcement officers that allege misconduct.

21 (2) Review an internal investigation and discipline of a law enforcement officer
22 who is alleged to have committed misconduct.

23 (3) Subpoena witnesses, administer oaths, and compel the production of
24 evidence.

25 (4) Make findings and decisions on disciplinary action of a law enforcement
26 officer alleged to have committed misconduct.

27 (5) Recommend changes in policy to the board of county commissioners and the
28 head of the law enforcement agency within the county that established the
29 citizen review board.

30 (6) Exercise any other power deemed necessary by the governing body of the
31 county to the discharge of its duties.

32 (d) Notice and Opportunity to be Heard. – When investigating a complaint or reviewing
33 an internal investigation and discipline of a law enforcement officer alleged to have committed
34 misconduct, the citizen review board shall provide the law enforcement officer with reasonable
35 notice and an opportunity to be heard. A law enforcement officer and any other person involved
36 in a hearing before the citizen review board may be represented by an attorney or attorneys at
37 the hearing.

38 (e) Subpoena Power. – If a person fails or refuses to obey a subpoena issued pursuant to
39 this section, the citizen review board may apply to the General Court of Justice located in the
40 county that established the citizen review board for an order requiring that its order be obeyed,
41 and the court shall have jurisdiction to issue these orders after notice to all proper parties. The
42 court shall authorize subpoenas under this section if the court determines the subpoenas are
43 necessary for the citizen review board to complete its investigation or review. No testimony of
44 any witness before the citizen review board pursuant to a subpoena issued in exercise of the
45 power conferred by this section may be used against that witness in any civil or criminal action.
46 Subpoenas issued under this section shall be enforceable by the court through contempt powers.

47 (f) Personnel Records. – Notwithstanding G.S. 153A-98, but subject to any federal law
48 restricting access, the head of the law enforcement agency that employs the law enforcement
49 officer alleged to have committed misconduct shall make available to the citizen review board
50 the personnel file of the law enforcement officer and any other material deemed necessary by
51 the governing body of the county for the citizen review board to complete its investigation or

1 review. The citizen review board shall maintain the confidentiality of any information provided
2 to it under this subsection.

3 (g) Findings and Decisions. – Unless otherwise declared confidential by State or federal
4 law, the findings and decisions of a citizen review board are public records. Notwithstanding
5 G.S. 153A-103 or any other State law to the contrary, any decision by a citizen review board as
6 to disciplinary action of a law enforcement officer found to have committed misconduct shall
7 be binding on the head of the law enforcement agency that employs the law enforcement
8 officer or the city or county that employs the law enforcement officer.

9 (h) Appeals. – A county that establishes a citizen review board under this section shall
10 establish an appeals process under which a law enforcement officer may appeal any decision by
11 a citizen review board as to disciplinary action of a law enforcement officer. An appeals
12 process established under this subsection shall provide the law enforcement officer with a
13 reasonable period of time to request an appeal, afford an opportunity for a hearing, and require
14 the hearing officer or body to expeditiously provide a written disposition. If the hearing officer
15 or body overturns the decision of the citizen review board, the law enforcement officer shall be
16 entitled to all relief necessary to make the law enforcement officer whole.

17 (i) Judicial Review. – Any law enforcement officer aggrieved by a decision of a citizen
18 review board, and who has exhausted the appeals processes established under subsection (h) of
19 this section, is entitled to judicial review of the decision by the citizen review board in the same
20 manner as a party or person aggrieved by the final decision of an agency in a contested case is
21 entitled to judicial review of the decision under Article 4 of Chapter 150B of the General
22 Statutes. Judicial review under this subsection shall be conducted in accordance with Article 4
23 of Chapter 150B of the General Statutes.

24 (j) Reports. – A citizen review board shall make a semiannual and an annual report of
25 its actions for each preceding year to the head of the law enforcement agency in the county that
26 established the citizen review board and the governing body of the county that established the
27 citizen review board. The specific content of the reports shall be prescribed by the governing
28 body of the county. Any report made by the citizen review board shall be public record.

29 (k) Funding. – No State funds shall be used to establish or operate a citizen review
30 board established under this section.

31 (l) Joint Citizen Review Board. – A county and one or more cities in the county may
32 establish a joint citizen review board.

33 (m) Exceptions to General Authority. – A citizen review board established by a county
34 under this section shall have no authority to investigate or review allegations of misconduct by
35 any of the following:

36 (1) A law enforcement officer employed by a city police department located
37 within a city that has established a citizen review board pursuant to
38 G.S. 160A-289.3, unless the county and city have established a joint citizen
39 review board.

40 (2) A law enforcement officer employed by a company police agency certified
41 by the Attorney General pursuant to Chapter 74E of the General Statutes.

42 (3) A law enforcement officer employed by a campus police agency certified by
43 the Attorney General pursuant to Chapter 74G of the General Statutes.

44 (4) A law enforcement officer employed by a special police agency created by
45 the State.

46 (n) Local Acts. – To the extent that any provisions of a local act may be inconsistent
47 with the provisions of this section, the provisions of this section shall control."

48 **SECTION 10.** Article 13 of Chapter 160A of the General Statutes is amended by
49 adding a new section to read:

50 **"§ 160A-289.3. Citizen review boards.**

51 (a) Definitions. – The following definitions apply in this section:

1 (1) Disciplinary action. – As defined in G.S. 153A-212.3.

2 (2) Discriminatory profiling. – As defined in G.S. 15A-306.

3 (3) Head. – As defined in G.S. 160A-288.

4 (4) Law enforcement agency. – A city police department. If a joint citizen
5 review board is established under subsection (1) of this section, this term
6 includes a county police department or sheriff's department. This term does
7 not include company police agencies certified by the Attorney General
8 pursuant to Chapter 74E of the General Statutes, campus police agencies
9 certified by the Attorney General pursuant to Chapter 74G of the General
10 Statutes, or any special police agency created by the State.

11 (5) Law enforcement officer. – As defined in G.S. 153A-212.3.

12 (6) Misconduct. – As defined in G.S. 153A-212.3.

13 (b) Creation. – A city may by ordinance establish a citizen review board, or may use an
14 existing citizen review board, to investigate or review allegations of misconduct by law
15 enforcement officers employed by a law enforcement agency located within the city that
16 established the citizen review board. The ordinance shall specify at least all of the following:

17 (1) The composition of the citizen review board.

18 (2) The minimum qualifications to serve on the citizen review board.

19 (3) The procedure for appointing persons to the citizen review board.

20 (4) The duration of the terms of members on the citizen review board.

21 (5) The manner in which hearings of the citizen review board are to be held.

22 (c) Powers and Duties. – A citizen review board shall have the following powers and
23 duties:

24 (1) Receive and investigate complaints by members of the general public against
25 law enforcement officers that allege misconduct.

26 (2) Review an internal investigation and discipline of a law enforcement officer
27 who is alleged to have committed misconduct.

28 (3) Subpoena witnesses, administer oaths, and compel the production of
29 evidence.

30 (4) Make findings and decisions on disciplinary action of a law enforcement
31 officer alleged to have committed misconduct.

32 (5) Recommend changes in policy to the council and the head of the law
33 enforcement agency within the city that established the citizen review board.

34 (6) Exercise any other power deemed necessary by the governing body of the
35 city to the discharge of its duties.

36 (d) Notice and Opportunity to be Heard. – When investigating a complaint or reviewing
37 an internal investigation and discipline of a law enforcement officer alleged to have committed
38 misconduct, the citizen review board shall provide the law enforcement officer with reasonable
39 notice and an opportunity to be heard. A law enforcement officer and any other person involved
40 in a hearing before the citizen review board may be represented by an attorney or attorneys at
41 the hearing.

42 (e) Subpoena Power. – If a person fails or refuses to obey a subpoena issued pursuant to
43 this section, the citizen review board may apply to the General Court of Justice located in the
44 county in which the city that established the citizen review board is located for an order
45 requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders
46 after notice to all proper parties. The court shall authorize subpoenas under this section if the
47 court determines the subpoenas are necessary for the citizen review board to complete its
48 investigation or review. No testimony of any witness before the citizen review board pursuant
49 to a subpoena issued in exercise of the power conferred by this section may be used against that
50 witness in any civil or criminal action. Subpoenas issued under this section shall be enforceable
51 by the court through contempt powers.

1 (f) Personnel Records. – Notwithstanding G.S. 160A-168, but subject to any federal
2 law restricting access, the head of the law enforcement agency that employs the law
3 enforcement officer alleged to have committed misconduct shall make available to the citizen
4 review board the personnel file of the law enforcement officer and any other material deemed
5 necessary by the governing body of the city for the citizen review board to complete its
6 investigation or review. The citizen review board shall maintain the confidentiality of any
7 information provided to it under this subsection.

8 (g) Findings and Decisions. – Unless otherwise declared confidential by State or federal
9 law, the findings and decisions of a citizen review board are public records. Notwithstanding
10 G.S. 153A-103 or any other State law to the contrary, any decision by a citizen review board as
11 to disciplinary action of a law enforcement officer found to have committed misconduct shall
12 be binding on the head of the law enforcement agency that employs the law enforcement
13 officer or the city or county that employs the law enforcement officer.

14 (h) Appeals. – A city that establishes a citizen review board under this section shall
15 establish an appeals process under which a law enforcement officer may appeal any decision by
16 a citizen review board as to disciplinary action of a law enforcement officer. An appeals
17 process established under this subsection shall provide the law enforcement officer with a
18 reasonable period of time to request an appeal, afford an opportunity for a hearing, and require
19 the hearing officer or body to expeditiously provide a written disposition. If the hearing officer
20 or body overturns the decision of the citizen review board, the law enforcement officer shall be
21 entitled to all relief necessary to make the law enforcement officer whole.

22 (i) Judicial Review. – Any law enforcement officer aggrieved by a decision of a citizen
23 review board, and who has exhausted the appeals processes established under subsection (h) of
24 this section, is entitled to judicial review of the decision by the citizen review board in the same
25 manner as a party or person aggrieved by the final decision of an agency in a contested case is
26 entitled to judicial review of the decision under Article 4 of Chapter 150B of the General
27 Statutes. Judicial review under this subsection shall be conducted in accordance with Article 4
28 of Chapter 150B of the General Statutes.

29 (j) Reports. – A citizen review board shall make a semiannual and an annual report of
30 its actions for each preceding year to the head of the law enforcement agency or agencies in the
31 city that established the citizen review board and the governing body of the city that established
32 the citizen review board. The specific content of the reports shall be prescribed by the
33 governing body of the county. Any report made by the citizen review board shall be public
34 record.

35 (k) Funding. – No State funds shall be used to establish or operate a citizen review
36 board established under this section.

37 (l) Joint Citizen Review Board. – A county and one or more cities in the county may
38 establish a joint citizen review board.

39 (m) Exceptions to General Authority. – A citizen review board established by a city
40 under this section shall have no authority to investigate or review allegations of misconduct by
41 any of the following:

42 (1) A law enforcement officer employed by a county police department or
43 sheriff's department located in a county that has established a citizen review
44 board pursuant to G.S. 153A-212.3, unless the county and city have
45 established a joint citizen review board.

46 (2) A law enforcement officer employed by a company police agency certified
47 by the Attorney General pursuant to Chapter 74E of the General Statutes.

48 (3) A law enforcement officer employed by a campus police agency certified by
49 the Attorney General pursuant to Chapter 74G of the General Statutes.

50 (4) A law enforcement officer employed by a special police agency created by
51 the State.

1 (n) Local Acts. – To the extent that any provisions of a local act may be inconsistent
2 with the provisions of this section, the provisions of this section shall control."

3 **SECTION 11.** G.S. 153A-212.2 reads as rewritten:

4 "**§ 153A-212.2. Neighborhood crime watch programs.**

5 (a) Creation. – A county may establish neighborhood crime watch programs within the
6 county to encourage residents and business owners to promote citizen involvement in securing
7 homes, businesses, and personal property against criminal activity and to report suspicious
8 activities to law enforcement officials.

9 (b) Required Training. – A county shall provide training that does all of the following
10 to any member of a neighborhood crime watch program established pursuant to subsection (a)
11 of this section:

12 (1) Emphasizes the role of a neighborhood crime watch program is to observe
13 and watch the community and report suspicious activities to law
14 enforcement officials.

15 (2) Develops effective methods for maintaining a visible presence in the
16 community without engaging persons suspected of committing criminal
17 activities.

18 (3) Emphasizes that members of the neighborhood crime watch program are to
19 adhere to the instructions given to them by law enforcement officials.

20 (4) Educates members of the neighborhood crime watch program about
21 discriminatory profiling, as defined in G.S. 15A-306, and develops effective
22 methods for ensuring that members of the neighborhood crime watch
23 program perform their duties without engaging in discriminatory profiling."

24 **SECTION 12.** G.S. 160A-289.2 reads as rewritten:

25 "**§ 160A-289.2. Neighborhood crime watch programs.**

26 (a) Creation. – A city may establish neighborhood crime watch programs within the
27 city to encourage residents and business owners to promote citizen involvement in securing
28 homes, businesses, and personal property against criminal activity and to report suspicious
29 activities to law enforcement officials.

30 (b) Required Training. – A city shall provide training that does all of the following to
31 any member of a neighborhood crime watch program established pursuant to subsection (a) of
32 this section:

33 (1) Emphasizes the role of a neighborhood crime watch program is to observe
34 and watch the community and report suspicious activities to law
35 enforcement officials.

36 (2) Develops effective methods for maintaining a visible presence in the
37 community without engaging persons suspected of committing criminal
38 activities.

39 (3) Emphasizes that members of the neighborhood crime watch program are to
40 adhere to the instructions given to them by law enforcement officials.

41 (4) Educates members of the neighborhood crime watch program about
42 discriminatory profiling, as defined in G.S. 15A-306, and develops effective
43 methods for ensuring that members of the neighborhood crime watch
44 program perform their duties without engaging in discriminatory profiling."

45 **SECTION 13.** Section 1 of this act is effective when this act becomes law. The
46 remainder of this act becomes effective December 1, 2015, and applies to any misconduct
47 committed on or after that date.