

DRAFT RECOMMENDATIONS

RECOMMENDATION 1: CREATE ADDITIONAL STATEWIDE LAW ENFORCEMENT TRAINING REQUIREMENTS AND PROVIDE ADDITIONAL EDUCATIONAL AND TRAINING RESOURCES

The Committee recommends that the General Assembly enact legislation to improve the quality and consistency of Basic Law Enforcement Training (BLET) offered throughout the state by requiring the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission to include forty (40) hour Crisis Intervention Training (CIT), civil unrest training, and more scenario-based training experiences across topic areas, into the mandatory BLET curriculum.

The Committee recommends that the General Assembly enact legislation standardizing law enforcement applicant requirements such as age, criminal history, mental health evaluation, and BLET completion for initial employment, and law enforcement certification by the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission.

The Committee recommends that the General Assembly enact legislation requiring the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission to include de-escalation tactics, crisis intervention, ethics, mental health for law enforcement, juvenile minority sensitivity, community interaction, implicit bias/racial equity, use of force, and duty to intervene and report, as mandatory in-service training topics.

The Committee recommends that the General Assembly enact legislation to enable the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission to respond to immediate or emerging needs in law enforcement training by modifying the administrative code process currently required.

The Committee further recommends that the General Assembly direct the North Carolina Criminal Justice Education and Training Standards Commission and the

North Carolina Sheriffs' Education and Training Standards Commission to jointly study and determine specific additional law enforcement training and educational resources that would be beneficial to law enforcement agencies across the state. The Committee recommends the results and recommendations of the study be reported to the Joint Legislative Oversight Committee on Justice and Public Safety no later than August 1, 2021.

RECOMMENDATION 2: CREATE REQUIREMENTS FOR LAW ENFORCEMENT AGENCIES TO REPORT DISCIPLINARY ACTIONS, RESIGNATIONS, TERMINATIONS, AND DE-CERTIFICATIONS

The Committee recommends that the General Assembly enact legislation requiring the following:

- That the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission create and maintain a statewide database of all disciplinary actions, resignations, terminations, Giglio violations, and de-certifications of law enforcement officers certified by those Commissions.
- That the information in the database be accessible to any law enforcement agency for employment purposes.
- That all agencies employing persons certified by either Commission report any disciplinary action, resignation, termination, or de-certification of a certified employee to the appropriate certifying Commission.
- That the Commissions investigate reports in a timely manner.
- That the Department of Justice in consultation with both Commissions, create a standardized Report of Separation Form to be used by all agencies employing persons certified by either Commission.
- That the information in the statewide database be made available to the FBI for inclusion in any similar national database.
- That the Commissions explore the creation of agreements to reciprocally share the information in the statewide database with similar certifying entities in other states.
- To the extent allowed by law, that information in the statewide database be made publicly accessible.

The Committee recommends that the General Assembly enable the increased accountability of law enforcement officers by enacting legislation to allow the release and sharing of law enforcement personnel records as follows:

- Require applicants for certification or transfer of certification to execute a waiver authorizing the release of all personnel records, including any investigative files, in the possession of an agency where the applicant has been employed.
- Create accountability processes to ensure agencies are requesting and providing personnel records as required.
- Provide relief from civil or criminal liability to law enforcement agencies who release personnel records in good faith.
- Modify employment statutes to clearly authorize release of personnel records.

The Committee recommends that the General Assembly enact legislation requiring all certified law enforcement officers applying to transfer to another agency be required to submit a new application to be reviewed by the appropriate Commission for disqualifying conditions.

The Committee further recommends that the General Assembly enact legislation to implement the Records of Arrest and Prosecution Background (RapBack) Program developed by the FBI to share criminal history record information regarding law enforcement officers throughout the United States, and make it applicable to all certified law enforcement agencies in the State.

RECOMMENDATION 3: CREATE WHISTLE-BLOWER PROTECTION FOR OFFICERS THAT REPORT MISCONDUCT

The Committee recommends that the General Assembly enact legislation creating protections from retaliation or other discriminatory action for law enforcement employees that report misconduct.

RECOMMENDATION 4: PROVIDE LAW ENFORCEMENT WITH ADDITIONAL RESOURCES WHEN ENCOUNTERING MENTAL HEALTH ISSUES IN THE FIELD

The Committee recommends that the General Assembly enact legislation providing additional resources, including any necessary funding, to aid law enforcement officers encountering individuals with mental health issues during the course of their duties.

RECOMMENDATION 5: PROVIDE LAW ENFORCEMENT WITH ADDITIONAL RESOURCES TO RECEIVE MENTAL HEALTH TREATMENT

The Committee recommends that the General Assembly enact legislation providing additional resources, including any necessary funding, to make mental health consultants and treatment available to law enforcement personnel.

RECOMMENDATION 6: EXAMINE THE CLASSIFICATION OF SOME LOWER LEVEL OFFENSES

The Committee recommends that the General Assembly review the classification of criminal offenses in North Carolina and consider the reclassification of some lower level criminal offenses such as traffic offenses, regulatory offenses, and low level Schedule VI controlled substance offenses to offenses resulting only in civil consequences.

RECOMMENDATION 7: INCREASE THE AVAILABILITY OF SPECIALTY COURTS

The Committee recommends that the General Assembly enact legislation directing the Administrative Office of the Courts to examine each judicial district to determine whether the availability of a drug treatment court, Veterans' court, or other specialty court would be beneficial to that particular judicial district, and make recommendations to the General Assembly on where additional specialty courts should be created, along with information on the cost or cost savings of creating those additional courts.

RECOMMENDATION 8: BAN THE USE OF CHOKEHOLDS

The Committee recommends that the General Assembly enact legislation prohibiting law enforcement from restraining an individual in a manner intended to restrict the person's ability to breathe such as compressing the windpipe or the carotid arteries on each side of the neck, or sitting, kneeling, or standing on the chest or back in a manner that compresses the diaphragm.

RECOMMENDATION 9: REQUIRE PSYCHOLOGICAL EVALUATIONS FOR ALL PUBLIC SAFETY OFFICERS

The Committee recommends that the General Assembly enact legislation requiring that all public safety officers pass psychological evaluations as follows:

- Within one year prior to certification or employment by an agency
- At least once every three years after initial certification or employment screening
- After any critical incident before returning to active duty

RECOMMENDATION 10: REQUIRE LAW ENFORCEMENT TO REPORT USE OF FORCE INCIDENTS

The Committee recommends that the General Assembly enact legislation requiring the following:

- That the North Carolina Attorney General, in consultation with the North Carolina Sheriffs' Association and the North Carolina Association of Chiefs of Police, develop a uniform definition of use of force and a model policy on use of force.
- That law enforcement agencies report all use of force incidents and additional information regarding the use of force, to the Department of Public Safety.
- The Department of Public Safety report the information to the General Assembly annually, no later than August 1st.

- That all agencies employing persons certified by either Commission participate in the Federal Bureau of Investigation's National Use-of-Force Data Collection.

RECOMMENDATION 11: MANDATE THE DUTY TO INTERVENE AND THE DUTY TO REPORT MISCONDUCT

The Committee recommends that the General Assembly enact legislation requiring all publicly funded law enforcement agencies to establish and promote the following policies requiring employees to:

- Report any misconduct the employee witnesses or becomes aware of.
- Intervene to prevent the continuation of any misconduct the employee witnesses, when possible.

RECOMMENDATION 12: FUND A PILOT PROGRAM FOR STUDENT LAW ENFORCEMENT CAREER EXPLORATION

The Committee recommends that the General Assembly enact legislation creating and funding a pilot program for high school students to explore law enforcement careers, in at least one location. The Committee recommends the General Assembly allow the North Carolina Sheriffs' Association to develop and administer the pilot program in consultation with the Department of Public Instruction.

RECOMMENDATION 13: ESTABLISH A SYSTEM TO ALLOW INDIVIDUALS TO RECEIVE ADDITIONAL NOTIFICATION OF COURT DATES

The Committee recommends that the General Assembly enact legislation directing the Administrative Office of the Courts to develop a system that allows members of the public to choose to receive additional notifications of court dates and other court actions through electronic means, including through text messages on portable devices, and that the General Assembly provide the funding necessary to develop and maintain that system.

RECOMMENDATION 14: CONTINUE TO CONSIDER STRATEGIES TO IMPROVE RELATIONS BETWEEN LAW ENFORCEMENT AND THE COMMUNITY

The Committee recommends that the General Assembly continue to study and consider additional strategies to improve relations between law enforcement and the communities they serve. The Committee recommends that the General Assembly further explore the following suggested strategies, which were received by the Committee but were unable to be fully examined due to time constraints:

- Requiring citation in lieu of arrest for low level offenses.
- Increasing re-entry resources for individuals recently released from incarceration.
- Creating an additional over-arching criminal justice standards' commission.
- Ending qualified immunity which may protect officer misconduct from civil liability.
- Eliminating or modifying cash bail.
- Creating statewide uniform pre-trial release procedures.
- Requiring first appearances for misdemeanors.
- Increasing mental health and drug addiction resources for prisoners.
- Requiring law enforcement agencies to report more detailed traffic stop and encounter information.
- Requiring law enforcement to use body cameras.
- Creating a third-party review body with subpoena authority such as a citizen review board.
- Requiring that mental health evaluations for law enforcement include racial bias testing.
- Creating public service announcements regarding traffic stops.
- Requiring that officers educate drivers' education classes on traffic stops.
- Designating offenses that relate to mental health or addiction.
- Digitizing court records.
- Increasing funding for defense attorneys, Prisoner Legal Services, and juror compensation.
- Requiring law enforcement training in situational awareness.

- Requiring training for law enforcement on providing all evidence to district attorneys.
- Requiring law enforcement agencies to compile information and maintain reports on no-knock warrants.
- Making body camera footage publicly accessible.
- Creating a legislative oversight committee on policing.
- Requiring written consent for searches incident to a traffic stop.
- Increasing the hiring of minority officers.
- Providing for use of a risk assessment tool in pre-trial condition determinations.
- Reviewing sovereign and qualified immunity with regard to misconduct by law enforcement and public officials.
- Reviewing the role and supervision of magistrates.
- Ending employment-at-will which might allow prejudicial terminations.
- Eliminating the use of law enforcement for intervention in truancy.
- Requiring the compilation and report of referrals from schools and school resource officers to juvenile justice.
- Increasing judicial discretion in setting bail following a failure to appear.
- Requiring additional training for correctional officers.
- Eliminating mandatory minimum sentences.
- Ending partnerships between local law enforcement and U.S. Immigration and Customs Enforcement.
- Reviewing interview and interrogation procedures.
- Eliminating school resource officers.
- Eliminating felony murder.
- Making grand jury proceedings a matter of record with a transcript.
- Removing notice requirement for judges to waive monetary obligations.
- Allowing non-citizens to obtain a drivers' license.
- Increasing law enforcement reporting requirements.
- Creating a civilian complaint process to a third party.
- Eliminating law enforcement participation in the federal Equitable Sharing Program for forfeited assets.
- Reducing the use of the juvenile justice system for intervention in bullying.

- Establishing an independent trial coordinator to calendar trials and hearings in consultation with the court, the defense, and the prosecution.
- Providing additional COVID-19 testing for individuals in custody.
- Mandating community forums involving law enforcement leadership.
- Expanding existing double jeopardy protections by prohibiting multiple charges based on the same conduct.
- Allowing Indigent Defense Services to fill vacancies by appointing Public Defenders.
- Reviewing statutes regarding treatment of biological evidence.
- Authorizing additional discretion throughout the criminal justice process to respond to the pandemic.