

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10000-MS-1 (12/14)

Short Title: Prohibit Discriminatory Profiling. (Public)

Sponsors: Representative R. Moore.

Referred to:

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"Article 18.

"Discriminatory Profiling.

§ 15A-306. Prohibition on discriminatory profiling.

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

- (1) Discriminatory profiling. – The practice of subjecting a person to investigation, detention, or arrest based on the person's real or perceived race, ethnicity, national origin, disability, religion, sexual orientation, or gender identity, rather than on the person's behavior or on information identifying the person as having engaged in criminal activity.
- (2) Law enforcement officer. – Any employee of the following agencies who is actively serving in a position with assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the State, and who possesses the power of arrest by virtue of an oath administered under the authority of the State:
 - a. Any duly accredited State or local government agency possessing authority to enforce the criminal laws of the State.
 - b. Any company police agency certified by the Attorney General pursuant to Chapter 74E of the General Statutes.
 - c. Any campus police agency certified by the Attorney General 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 in
3 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, correlate,
6 and maintain the following information regarding traffic law enforcement by law enforcement
7 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 immigration
11 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 or
18 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 in
21 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 considered
30 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 each
33 month. Any law enforcement agency that does not submit the information as required by this
34 subsection shall be ineligible to receive any law enforcement grants available by or through the
35 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 list
37 indicating the law enforcement agencies that will be subject to the provisions of this section during
38 the calendar year commencing on the following January 1.

39 (e) Availability to Public. – The Department shall make any report or summary analyzing
40 the information required in subsection (b) of this section available to the public, including posting
41 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, maintain,
44 and annually publish the ~~number of~~ following information regarding deaths, by law enforcement
45 agency, resulting from the use of deadly force by law enforcement officers in the course and scope
46 of their official ~~duties.~~ duties:

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

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

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

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

1 "§ 17C-2. Definitions.

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

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

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

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

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

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

23 ...
 24 (2) Establish minimum educational and training standards that must be met in order
 25 to qualify for entry level employment and retention as a criminal justice officer
 26 in temporary or probationary status or in a permanent position. The standards
 27 for entry level employment shall include the following:

- 28 a. ~~education~~Education and training in response to, and investigation of,
 29 domestic violence cases, as well as training in investigation for
 30 evidence-based prosecutions.
- 31 b. Education and training concerning the prohibition against
 32 discriminatory profiling.
- 33 c. Education and training concerning the proper techniques for recording
 34 and storing information, and completing reports, for the purpose of
 35 ensuring the accuracy and completeness of data required to be collected
 36 under G.S. 143B-903, 143B-904,-143B-904.1, and any other provision
 37 of law.

38 ...
 39 (14) Establish minimum standards for in-service training for criminal justice
 40 officers. In-service training standards shall include all of the following:

- 41 a. ~~training~~Training in response to, and investigation of, domestic violence
 42 cases, as well as training investigation for evidence-based prosecutions.
- 43 b. Training concerning the prohibition against discriminatory profiling.
- 44 c. Training concerning the proper techniques for recording and storing
 45 information, and completing reports, for the purpose of ensuring the
 46 accuracy and completeness of data required to be collected under
 47 G.S. 143B-903, 143B-904, 143B-904.1, and any other provision of law.

48"

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

50 "§ 17E-2. Definitions.

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

- 1 (1) ~~"Commission" means the~~Commission. – The North Carolina Sheriffs'
2 Education and Training Standards Commission.
- 3 (2) ~~"Office" or "department" means the~~Department or Office. – The sheriff of a
4 county, his deputies, his employees and such equipment, space, provisions and
5 quarters as are supplied for their use.
- 6 (2a) Discriminatory profiling. – As defined in G.S. 15A-306.
- 7 (3) ~~"Justice officer" means:~~Justice officer. – Means any of the following:
- 8 a. A person who, through the special trust and confidence of the sheriff,
9 has taken the oath of office prescribed by Chapter 11 of the General
10 Statutes as a peace officer in the office of the sheriff. This term includes
11 "deputy sheriffs", "reserve deputy sheriffs", and "special deputy
12 sheriffs", but does not include clerical and support personnel not
13 required to take an oath. The term "special deputy" means a person who,
14 through appointment by the sheriff, becomes an unpaid criminal justice
15 officer to perform a specific act directed by the ~~sheriff;~~ or sheriff.
- 16 b. A person who, through the special trust and confidence of the sheriff,
17 has been appointed as a detention officer by the ~~sheriff;~~ or sheriff.
- 18 c. A person who is either the administrator or other custodial personnel of
19 district confinement facilities as defined in G.S. 153A-219; however,
20 nothing in this Chapter transfers any supervisory or administrative
21 control over employees of district confinement facilities to the office of
22 the ~~sheriff;~~ or sheriff.
- 23 d. A person who, through the special trust and confidence of the sheriff, is
24 under the direct supervision and control of the sheriff and serves as a
25 telecommunicator, or who is presented to the Commission for
26 appointment as a telecommunicator by an employing entity other than
27 the sheriff for the purpose of obtaining certification from the
28 Commission as a telecommunicator."

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

30 **"§ 17E-4. Powers and duties of the Commission.**

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

- 34 (1) Promulgate rules and regulations for the administration of this Chapter, which
35 rules may require (i) the submission by any agency of information with respect
36 to the employment, education, and training of its justice officers, and (ii) the
37 submission by any training school of information with respect to its programs
38 that are required by this ~~Chapter;~~ Chapter.
- 39 (2) Establish minimum educational and training standards that may be met in order
40 to qualify for entry level employment as an officer in temporary or probationary
41 status or in a permanent position. The standards for entry level employment of
42 officers shall include all of the following:
- 43 a. ~~training~~Training in response to, and investigation of, domestic violence
44 cases, as well as training in investigation for evidence-based
45 prosecutions. For purposes of the domestic violence training
46 requirement, the term "officers" shall include justice officers as defined
47 in G.S. 17E-2(3)a., except that the term shall not include "special deputy
48 sheriffs" as defined in ~~G.S. 17E-2(3)a.;~~ G.S. 17E-2(3)a.
- 49 b. Training concerning the prohibition against discriminatory profiling.
- 50 c. Training concerning the proper techniques for recording and storing
51 information, and completing reports, for the purpose of ensuring the

- 1 accuracy and completeness of data required to be collected under
2 G.S. 143B-903, 143B-904, 143B-904.1, and any other provision of law.
- 3 (3) Certify, pursuant to the standards that it may establish for the purpose, persons
4 as qualified under the provisions of this Chapter who may be employed at entry
5 level as ~~officers;~~officers.
- 6 (4) Establish minimum standards for the certification of training schools and
7 programs or courses of instruction that are required by this ~~Chapter;~~Chapter.
- 8 (5) Certify, pursuant to the standards that it has established for the purpose, training
9 schools and programs or courses of instruction that are required by this
10 ~~Chapter;~~Chapter.
- 11 (6) Establish standards and levels of education or equivalent experience for
12 teachers who participate in programs or courses of instruction that are required
13 by this ~~Chapter;~~Chapter.
- 14 (7) Certify, pursuant to the standards that it has established for the purpose,
15 teachers who participate in programs or courses of instruction that are required
16 by this ~~Chapter;~~Chapter.
- 17 (8) Investigate and make such evaluations as may be necessary to determine if
18 agencies are complying with the provision of this ~~Chapter;~~Chapter.
- 19 (9) Adopt and amend bylaws, consistent with law, for its internal management and
20 ~~control;~~control.
- 21 (10) Enter into contracts incident to the administration of its authority pursuant to
22 this ~~Chapter;~~Chapter.
- 23 (11) Establish minimum standards for in-service training for justice officers.
24 In-service training standards shall include the following:
- 25 a. ~~training~~Training in response to, and investigation of, domestic violence
26 cases, as well as training in investigation for evidence-based
27 prosecutions. For purposes of the domestic violence training
28 requirement, the term "justice officer" shall include those defined in
29 G.S. 17E-2(3)a., except that the term shall not include "special deputy
30 sheriffs" as defined in ~~G.S. 17E-2(3)a.;~~G.S. 17E-2(3)a.
- 31 b. Training concerning the prohibition against discriminatory profiling.
- 32 c. Training concerning the proper techniques for recording and storing
33 information, and completing reports, for the purpose of ensuring the
34 accuracy and completeness of data required to be collected under
35 G.S. 143B-903, 143B-904, 143B-904.1, and any other provision of law.
- 36 (12) Establish minimum standards and levels of training for certification of
37 instructors for the domestic violence training required by subdivisions (2) and
38 (11) of this subsection.
- 39 ...
- 40 (b) The Commission shall have the following powers, which shall be advisory in nature
41 and for which the Commission is not authorized to undertake any enforcement actions:
- 42 (1) Certify, pursuant to the standards that it has established for the purpose, justice
43 officers for those law-enforcement agencies that elect to comply with the
44 minimum education, training, and experience standards established by the
45 Commission for positions for which advanced or specialized training,
46 education, and experience are ~~appropriate;~~appropriate.
- 47 (2) Consult and cooperate with counties, agencies of this State, other governmental
48 agencies, and with universities, colleges, junior colleges, and other institutions,
49 public or private, concerning the development of training schools and programs
50 or courses of ~~instruction;~~instruction.

- 1 (3) Study and make reports and recommendations concerning justice education and
 2 training in North ~~Carolina;~~Carolina.
- 3 (4) Conduct and stimulate research by public and private agencies which shall be
 4 designed to improve education and training in the administration of
 5 ~~justice;~~justice.
- 6 (5) Study, obtain data, statistics, and information and make reports concerning the
 7 recruitment, selection, education and training of persons serving justice
 8 agencies in this State; to make recommendations for improvement in methods
 9 of recruitment, selection, education and training of persons serving sheriffs'
 10 ~~departments;~~departments.
- 11 (6) Study and make reports and recommendations to the Governor, Attorney
 12 General, Chief Justice, President of the Senate and Speaker of the House,
 13 concerning the manpower, salary and equipment needs of the sheriffs of the
 14 ~~State;~~State.
- 15 (7) Make recommendations concerning any matters within its purview pursuant to
 16 this ~~Chapter;~~Chapter.
- 17 (8) Appoint such advisory committees as it may deem ~~necessary;~~necessary.
- 18 (9) Do such things as may be necessary and incidental to the administration of its
 19 authority pursuant to this ~~Chapter;~~Chapter.
- 20 (10) Formulate basic plans for and promote the development and improvement of a
 21 comprehensive system of education and training for the officers and employees
 22 of agencies consistent with its rules and ~~regulations;~~regulations.
- 23 (11) Maintain liaison among municipal, State and federal agencies with respect to
 24 education and ~~training;~~training.
- 25 (12) Promote the planning and development of a systematic career development
 26 program for sheriffs' department personnel."

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

29 "**§ 153A-212.3. Citizen review boards.**

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

- 31 (1) Disciplinary action. – An oral or written reprimand, suspension, demotion, or
 32 termination.
- 33 (2) Discriminatory profiling. – As defined in G.S. 15A-306.
- 34 (3) Head. – As defined in G.S. 160A-288.
- 35 (4) Law enforcement agency. – A county police department or sheriff's department.
 36 If a joint citizen review board is established under subsection (l) of this section,
 37 this term includes a city police department. This term does not include company
 38 police agencies certified by the Attorney General pursuant to Chapter 74E of
 39 the General Statutes, campus police agencies certified by the Attorney General
 40 pursuant to Chapter 74G of the General Statutes, or any special police agency
 41 created by the State.
- 42 (5) Law enforcement officer. – Any employee of a law enforcement agency who is
 43 actively serving in a position with assigned primary duties and responsibilities
 44 for prevention and detection of crime or the general enforcement of the criminal
 45 laws of the State, and who possesses the power of arrest by virtue of an oath
 46 administered under the authority of the State.
- 47 (6) Misconduct. – Limited to excessive use of force, abuse of power, and
 48 discriminatory profiling.

49 (b) Creation. – A county may by ordinance establish a citizen review board, or may use an
 50 existing citizen review board, to investigate or review allegations of misconduct by law

1 enforcement officers employed by a law enforcement agency located within the county that
2 established the citizen review board. The ordinance shall specify at least all of the following:

- 3 (1) The composition of the citizen review board.
- 4 (2) The minimum qualifications to serve on the citizen review board.
- 5 (3) The procedure for appointing persons to the citizen review board.
- 6 (4) The duration of the terms of members on the citizen review board.
- 7 (5) The manner in which hearings of the citizen review board are to be held.

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

- 10 (1) Receive and investigate complaints by members of the general public against
11 law enforcement officers that allege misconduct.
- 12 (2) Review an internal investigation and discipline of a law enforcement officer
13 who is alleged to have committed misconduct.
- 14 (3) Subpoena witnesses, administer oaths, and compel the production of evidence.
- 15 (4) Make findings and decisions on disciplinary action of a law enforcement officer
16 alleged to have committed misconduct.
- 17 (5) Recommend changes in policy to the board of county commissioners and the
18 head of the law enforcement agency within the county that established the
19 citizen review board.
- 20 (6) Exercise any other power deemed necessary by the governing body of the
21 county to the discharge of its duties.

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

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

37 (f) Personnel Records. – Notwithstanding G.S. 153A-98, but subject to any federal law
38 restricting access, the head of the law enforcement agency that employs the law enforcement
39 officer alleged to have committed misconduct shall make available to the citizen review board the
40 personnel file of the law enforcement officer and any other material deemed necessary by the
41 governing body of the county for the citizen review board to complete its investigation or review.
42 The citizen review board shall maintain the confidentiality of any information provided to it under
43 this subsection.

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

50 (h) Appeals. – A county that establishes a citizen review board under this section shall
51 establish an appeals process under which a law enforcement officer may appeal any decision by a

1 citizen review board as to disciplinary action of a law enforcement officer. An appeals process
2 established under this subsection shall provide the law enforcement officer with a reasonable
3 period of time to request an appeal, afford an opportunity for a hearing, and require the hearing
4 officer or body to expeditiously provide a written disposition. If the hearing officer or body
5 overturns the decision of the citizen review board, the law enforcement officer shall be entitled to
6 all relief necessary to make the law enforcement officer whole.

7 (i) Judicial Review. – Any law enforcement officer aggrieved by a decision of a citizen
8 review board, and who has exhausted the appeals processes established under subsection (h) of
9 this section, is entitled to judicial review of the decision by the citizen review board in the same
10 manner as a party or person aggrieved by the final decision of an agency in a contested case is
11 entitled to judicial review of the decision under Article 4 of Chapter 150B of the General Statutes.
12 Judicial review under this subsection shall be conducted in accordance with Article 4 of Chapter
13 150B of the General Statutes.

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

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

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

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

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

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

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

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

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

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

39 **"§ 160A-289.3. Citizen review boards.**

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

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

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 city police department. If a joint citizen review
45 board is established under subsection (l) of this section, this term includes a
46 county police department or sheriff's department. This term does not include
47 company police agencies certified by the Attorney General pursuant to Chapter
48 74E of the General Statutes, campus police agencies certified by the Attorney
49 General pursuant to Chapter 74G of the General Statutes, or any special police
50 agency created by the State.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 (g) Findings and Decisions. – Unless otherwise declared confidential by State or federal
48 law, the findings and decisions of a citizen review board are public records. Notwithstanding
49 G.S. 153A-103 or any other State law to the contrary, any decision by a citizen review board as to
50 disciplinary action of a law enforcement officer found to have committed misconduct shall be

1 binding on the head of the law enforcement agency that employs the law enforcement officer or
2 the city or county that employs the law enforcement officer.

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

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

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

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

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

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

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

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

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

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

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

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

43 **"§ 153A-212.2. Neighborhood crime watch programs.**

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

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

- 1 (1) Emphasizes the role of a neighborhood crime watch program is to observe and
2 watch the community and report suspicious activities to law enforcement
3 officials.
4 (2) Develops effective methods for maintaining a visible presence in the
5 community without engaging persons suspected of committing criminal
6 activities.
7 (3) Emphasizes that members of the neighborhood crime watch program are to
8 adhere to the instructions given to them by law enforcement officials.
9 (4) Educates members of the neighborhood crime watch program about
10 discriminatory profiling, as defined in G.S. 15A-306, and develops effective
11 methods for ensuring that members of the neighborhood crime watch program
12 perform their duties without engaging in discriminatory profiling."

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

14 "**§ 160A-289.2. Neighborhood crime watch programs.**

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

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

- 22 (1) Emphasizes the role of a neighborhood crime watch program is to observe and
23 watch the community and report suspicious activities to law enforcement
24 officials.
25 (2) Develops effective methods for maintaining a visible presence in the
26 community without engaging persons suspected of committing criminal
27 activities.
28 (3) Emphasizes that members of the neighborhood crime watch program are to
29 adhere to the instructions given to them by law enforcement officials.
30 (4) Educates members of the neighborhood crime watch program about
31 discriminatory profiling, as defined in G.S. 15A-306, and develops effective
32 methods for ensuring that members of the neighborhood crime watch program
33 perform their duties without engaging in discriminatory profiling."

34 **SECTION 13.** Section 1 of this act is effective when this act becomes law. The
35 remainder of this act becomes effective December 1, 2017, and applies to any misconduct
36 committed on or after that date.