

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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BILL DRAFT 2015-ML-5 [v.7] (01/07)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

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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 CIVILIAN REVIEW BOARDS TO INVESTIGATE OR REVIEW ALLEGATIONS OF CERTAIN POLICE MISCONDUCT; AND 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 solely on the person's race, ethnicity, national origin, or sexual orientation 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.



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- 1 c. Any campus police agency certified by the Attorney General
2 pursuant to Chapter 74G of the General Statutes.
3 d. Any special police agency created by the State."
4 (b) Prohibition. – No law enforcement officer shall engage in discriminatory profiling
5 in the performance of the officer's duties."

6 **SECTION 2.** G.S. 114-10.01(a) reads as rewritten:

7 (a) In addition to the duties set forth in G.S. 114-10, the Division of Criminal
8 Information shall collect, correlate, and maintain the following information regarding traffic
9 law enforcement by law enforcement officers:

10 ...

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

12 (3a) Whether the officers making the stop attempted to determine the
13 immigration status of the driver, passenger, or passengers.

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

15 "

16 **SECTION 3.** Article 3 of Chapter 114 of the General Statutes is amended by
17 adding a new section to read:

18 "**§ 114-10.03. Collection of homicide statistics.**

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

21 (b) Additional Duties. – In addition to the duties set forth in G.S. 114-10, the Division
22 of Criminal Information shall collect, correlate, and maintain the following information
23 regarding homicides committed in the State:

24 (1) The number of homicides committed.

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

26 (3) Identifying characteristics of offenders and victims, including the race or
27 ethnicity, approximate age, and sex.

28 (4) The number of homicide cases solved and the number of homicide cases that
29 remain unsolved.

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

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

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

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

44 **SECTION 4.** G.S. 17C-2 reads as rewritten:

45 "**§ 17C-2. Definitions.**

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

48 ...

49 (3) Criminal justice officers. – The administrative and subordinate personnel of
50 all the departments, agencies, units or entities comprising the criminal justice
51 agencies who are sworn law-enforcement officers, both State and local, with

the power of arrest; State correctional officers; State probation/parole officers; State probation/parole officers-surveillance; officers, supervisory and administrative personnel of local confinement facilities; State juvenile justice officers; chief court counselors; and juvenile court counselors.

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

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

SECTION 5. G.S. 17C-6(a) reads as rewritten:

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

...

(2) Establish minimum educational and training standards that must be met in order to qualify for entry level employment and retention as a criminal justice officer in temporary or probationary status or in a permanent position.

The standards for entry level employment shall include the following:

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

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

...

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

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

b. Training concerning the prohibition against discriminatory profiling.

...."

SECTION 6. 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

1 person who, through appointment by the sheriff, becomes an unpaid
 2 criminal justice officer to perform a specific act directed by the
 3 ~~sheriff; or~~ sheriff.

4 b. A person who, through the special trust and confidence of the sheriff,
 5 has been appointed as a detention officer by the ~~sheriff; or~~ sheriff.

6 c. A person who is either the administrator or other custodial personnel
 7 of district confinement facilities as defined in G.S. 153A-219;
 8 however, nothing in this Chapter transfers any supervisory or
 9 administrative control over employees of district confinement
 10 facilities to the office of the ~~sheriff; or~~ sheriff.

11 d. A person who, through the special trust and confidence of the sheriff,
 12 is under the direct supervision and control of the sheriff and serves as
 13 a telecommunicator, or who is presented to the Commission for
 14 appointment as a telecommunicator by an employing entity other
 15 than the sheriff for the purpose of obtaining certification from the
 16 Commission as a telecommunicator."

17 **SECTION 7.** G.S. 17E-4 reads as rewritten:

18 **"§ 17E-4. Powers and duties of the Commission.**

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

22 (1) Promulgate rules and regulations for the administration of this Chapter,
 23 which rules may require (i) the submission by any agency of information
 24 with respect to the employment, education, and training of its justice
 25 officers, and (ii) the submission by any training school of information with
 26 respect to its programs that are required by this ~~Chapter;~~ Chapter.

27 (2) Establish minimum educational and training standards that may be met in
 28 order to qualify for entry level employment as an officer in temporary or
 29 probationary status or in a permanent position. The standards for entry level
 30 employment of officers shall include the following:

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

38 b. Training concerning the prohibition against discriminatory profiling.

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

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

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

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

- 1 (7) Certify, pursuant to the standards that it has established for the purpose,
2 teachers who participate in programs or courses of instruction that are
3 required by this ~~Chapter;~~Chapter.
- 4 (8) Investigate and make such evaluations as may be necessary to determine if
5 agencies are complying with the provision of this ~~Chapter;~~Chapter.
- 6 (9) Adopt and amend bylaws, consistent with law, for its internal management
7 and ~~control;~~control.
- 8 (10) Enter into contracts incident to the administration of its authority pursuant to
9 this ~~Chapter;~~Chapter.
- 10 (11) Establish minimum standards for in-service training for justice officers.
11 In-service training standards shall include the following:
- 12 a. ~~training~~Training in response to, and investigation of, domestic
13 violence cases, as well as training in investigation for evidence-based
14 prosecutions. For purposes of the domestic violence training
15 requirement, the term "justice officer" shall include those defined in
16 G.S. 17E-2(3)a., except that the term shall not include "special
17 deputy sheriffs" as defined in ~~G.S. 17E-2(3)a.;~~G.S. 17E-2(3)a.
- 18 b. Training concerning the prohibition against discriminatory profiling.
- 19 (12) Establish minimum standards and levels of training for certification of
20 instructors for the domestic violence training required by subdivisions (2)
21 and (11) of this subsection.
- 22 ...
- 23 (b) The Commission shall have the following powers, which shall be advisory in nature
24 and for which the Commission is not authorized to undertake any enforcement actions:
- 25 (1) Certify, pursuant to the standards that it has established for the purpose,
26 justice officers for those law-enforcement agencies that elect to comply with
27 the minimum education, training, and experience standards established by
28 the Commission for positions for which advanced or specialized training,
29 education, and experience are ~~appropriate;~~appropriate.
- 30 (2) Consult and cooperate with counties, agencies of this State, other
31 governmental agencies, and with universities, colleges, junior colleges, and
32 other institutions, public or private, concerning the development of training
33 schools and programs or courses of ~~instruction;~~instruction.
- 34 (3) Study and make reports and recommendations concerning justice education
35 and training in North ~~Carolina;~~Carolina.
- 36 (4) Conduct and stimulate research by public and private agencies which shall
37 be designed to improve education and training in the administration of
38 ~~justice;~~justice.
- 39 (5) Study, obtain data, statistics, and information and make reports concerning
40 the recruitment, selection, education and training of persons serving justice
41 agencies in this State; to make recommendations for improvement in
42 methods of recruitment, selection, education and training of persons serving
43 sheriffs' ~~departments;~~departments.
- 44 (6) Study and make reports and recommendations to the Governor, Attorney
45 General, Chief Justice, President of the Senate and Speaker of the House,
46 concerning the manpower, salary and equipment needs of the sheriffs of the
47 ~~State;~~State.
- 48 (7) Make recommendations concerning any matters within its purview pursuant
49 to this ~~Chapter;~~Chapter.
- 50 (8) Appoint such advisory committees as it may deem ~~necessary;~~necessary.

- 1 (9) Do such things as may be necessary and incidental to the administration of
2 its authority pursuant to this ~~Chapter~~;Chapter.
- 3 (10) Formulate basic plans for and promote the development and improvement of
4 a comprehensive system of education and training for the officers and
5 employees of agencies consistent with its rules and ~~regulations~~;regulations.
- 6 (11) Maintain liaison among municipal, State and federal agencies with respect to
7 education and ~~training~~;training.
- 8 (12) Promote the planning and development of a systematic career development
9 program for sheriffs' department personnel."

10 **SECTION 8.** Article 10 of Chapter 153A of the General Statutes is amended by
11 adding a new section to read:

12 **"§ 153A-212.3. Citizen review boards.**

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

- 14 (1) Disciplinary action. – An oral or written reprimand, suspension, demotion,
15 or termination.
- 16 (2) Discriminatory profiling. – As defined in G.S. 15A-306.
- 17 (3) Head. – As defined in G.S. 160A-288.
- 18 (4) Law enforcement agency. – A county police department or sheriff's
19 department. If a joint civilian review board is established under subsection
20 (1) of this section, this term includes a city police department. This term does
21 not include company police agencies certified by the Attorney General
22 pursuant to Chapter 74E of the General Statutes, campus police agencies
23 certified by the Attorney General pursuant to Chapter 74G of the General
24 Statutes, or any special police agency created by the State.
- 25 (5) Law enforcement officer. – Any employee of a law enforcement agency who
26 is actively serving in a position with assigned primary duties and
27 responsibilities for prevention and detection of crime or the general
28 enforcement of the criminal laws of the State, and who possesses the power
29 of arrest by virtue of an oath administered under the authority of the State.
- 30 (6) Misconduct. – Limited to excessive use of force, abuse of power, and
31 discriminatory profiling.

32 (b) Creation. – A county may by ordinance establish a civilian review board, or may use
33 an existing civilian review board, to investigate or review allegations of misconduct by law
34 enforcement officers employed by a law enforcement agency located within the county that
35 established the civilian review board. The ordinance shall specify the composition of the
36 civilian review board and the manner in which hearings of the civilian review board are to be
37 held.

38 (c) Powers and Duties. – A civilian review board shall have the following powers and
39 duties:

- 40 (1) Receive and investigate complaints by members of the general public against
41 law enforcement officers that allege misconduct.
- 42 (2) Review an internal investigation and discipline of a law enforcement officer
43 who is alleged to have committed misconduct.
- 44 (3) Subpoena witnesses, administer oaths, and compel the production of
45 evidence.
- 46 (4) Make findings and decisions on disciplinary action of a law enforcement
47 officer alleged to have committed misconduct.
- 48 (5) Recommend changes in policy to the head of the law enforcement agency
49 within the county that established the civilian review board.
- 50 (6) Exercise any other power deemed necessary by the governing body of the
51 county to the discharge of its duties.

1 (d) Notice and Opportunity to be Heard. – When investigating a complaint or reviewing
2 an internal investigation and discipline of a law enforcement officer alleged to have committed
3 misconduct, the civilian review board shall provide the law enforcement officer with
4 reasonable notice and an opportunity to be heard. A law enforcement officer and any other
5 person involved in a hearing before the civilian review board may be represented by an
6 attorney or attorneys at the hearing.

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

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

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

28 (h) Appeals. – A county that establishes a citizen review board under this section shall
29 establish an appeals process under which a law enforcement officer may appeal any decision by
30 a civilian review board as to disciplinary action of a law enforcement officer. An appeals
31 process established under this subsection shall provide the law enforcement officer with a
32 reasonable period of time to request an appeal, afford an opportunity for a hearing, and require
33 the hearing officer or body to expeditiously provide a written disposition. If the hearing officer
34 or body overturns the decision of the civilian review board, the law enforcement officer shall be
35 entitled to all relief necessary to make the law enforcement officer whole.

36 (i) Judicial Review. – Any law enforcement officer aggrieved by a decision of a
37 civilian review board, and who has exhausted the appeals processes established under
38 subsection (h) of this section, is entitled to judicial review of the decision by the civilian review
39 board in the same manner as a party or person aggrieved by the final decision of an agency in a
40 contested case is entitled to judicial review of the decision under Article 4 of Chapter 150B.
41 Judicial review under this subsection shall be conducted in accordance with Article 4 of
42 Chapter 150B.

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

48 (k) Funding. – No State funds shall be used to establish or operate a civilian review
49 board established under this section.

50 (l) Joint Civilian Review Board. – A county and one or more cities in the county may
51 establish a joint civilian review board.

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

4 (1) A law enforcement officer employed by a city police department located
5 within a city that has established a civilian review board pursuant to
6 G.S. 160A-289.3, unless the county and city have established a joint civilian
7 review board.

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

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

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

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

16 **SECTION 9.** Article 13 of Chapter 160A of the General Statutes is amended by
17 adding a new section to read:

18 **"§ 160A-289.3. Citizen review boards.**

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

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

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

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

23 (4) Law enforcement agency. – A city police department. If a joint civilian
24 review board is established under subsection (l) of this section, this term
25 includes a county police department or sheriff's department. This term does
26 not include company police agencies certified by the Attorney General
27 pursuant to Chapter 74E of the General Statutes, campus police agencies
28 certified by the Attorney General pursuant to Chapter 74G of the General
29 Statutes, or any special police agency created by the State.

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

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

32 (b) Creation. – A city may by ordinance establish a civilian review board, or may use an
33 existing civilian review board, to investigate or review allegations of misconduct by law
34 enforcement officers employed by a law enforcement agency located within the city that
35 established the civilian review board. The ordinance shall specify the composition of the
36 civilian review board, any training required of members, and the manner in which hearings of
37 the civilian review board are to be held.

38 (c) Powers and Duties. – A civilian review board shall have the following powers and
39 duties:

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

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

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

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

48 (5) Recommend changes in policy to the head of the law enforcement agency
49 within the city that established the civilian review board.

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

1 (d) Notice and Opportunity to be Heard. – When investigating a complaint or reviewing
2 an internal investigation and discipline of a law enforcement officer alleged to have committed
3 misconduct, the civilian review board shall provide the law enforcement officer with
4 reasonable notice and an opportunity to be heard. A law enforcement officer and any other
5 person involved in a hearing before the civilian review board may be represented by an
6 attorney or attorneys at the hearing.

7 (e) Subpoena Power. – If a person fails or refuses to obey a subpoena issued pursuant to
8 this section, the civilian review board may apply to the General Court of Justice located in the
9 county in which the city that established the civilian review board is located for an order
10 requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders
11 after notice to all proper parties. The court shall authorize subpoenas under this section if the
12 court determines the subpoenas are necessary for the civilian review board to complete its
13 investigation or review. No testimony of any witness before the civilian review board pursuant
14 to a subpoena issued in exercise of the power conferred by this section may be used against that
15 witness in any civil or criminal action. Subpoenas issued under this section shall be enforceable
16 by the court through contempt powers.

17 (f) Personnel Records. – Notwithstanding G.S. 160A-168, but subject to any federal
18 law restricting access, the head of the law enforcement agency that employs the law
19 enforcement officer alleged to have committed misconduct shall make available to the civilian
20 review board the personnel file of the law enforcement officer and any other material deemed
21 necessary by the governing body of the city for the civilian review board to complete its
22 investigation or review.

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

29 (h) Appeals. – A city that establishes a citizen review board under this section shall
30 establish an appeals process under which a law enforcement officer may appeal any decision by
31 a civilian review board as to disciplinary action of a law enforcement officer. An appeals
32 process established under this subsection shall provide the law enforcement officer with a
33 reasonable period of time to request an appeal, afford an opportunity for a hearing, and require
34 the hearing officer or body to expeditiously provide a written disposition. If the hearing officer
35 or body overturns the decision of the civilian review board, the law enforcement officer shall be
36 entitled to all relief necessary to make the law enforcement officer whole.

37 (i) Judicial Review. – Any law enforcement officer aggrieved by a decision of a
38 civilian review board, and who has exhausted the appeals processes established under
39 subsection (h) of this section, is entitled to judicial review of the decision by the civilian review
40 board in the same manner as a party or person aggrieved by the final decision of an agency in a
41 contested case is entitled to judicial review of the decision under Article 4 of Chapter 150B.
42 Judicial review under this subsection shall be conducted in accordance with Article 4 of
43 Chapter 150B.

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

50 (k) Funding. – No State funds shall be used to establish or operate a civilian review
51 board established under this section.

1 (l) Joint Civilian Review Board. – A county and one or more cities in the county may
2 establish a joint civilian review board.

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

6 (1) A law enforcement officer employed by a county police department or
7 sheriff's department located in a county that has established a civilian review
8 board pursuant to G.S. 153A-212.3, unless the county and city have
9 established a joint civilian review board.

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

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

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

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

18 **SECTION 10.** G.S. 153A-212.2 reads as rewritten:

19 **"§ 153A-212.2. Neighborhood crime watch programs.**

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

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

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

30 (2) Develops effective methods for maintaining a visible presence in the
31 community without engaging persons suspected of committing criminal
32 activities.

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

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

39 **SECTION 11.** G.S. 160A-289.2 reads as rewritten:

40 **"§ 160A-289.2. Neighborhood crime watch programs.**

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

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

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

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

10 **SECTION 12.** Section 1 of this act is effective when this act becomes law. The
11 remainder of this act is effective December 1, 2015, and applies to any misconduct committed
12 on or after that date.