COMMITTEE REPORT

March 8, 2017

**S. 173**

Introduced by Senators Sheheen and Turner

S. Printed 3/8/17--S.

Read the first time January 10, 2017.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 173) to amend Section 23‑23‑10 of the 1976 Code, relating to the purpose of the Law Enforcement Training Council and Criminal Justice Academy, to provide new definitions, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting therein the following:

/ SECTION 1. Chapter 23, Title 23 of the 1976 Code is amended by adding:

“Section 23‑23‑55. A law enforcement officer who is Class 1‑LE, Class 2-LCO, or Class 3-SLE certified in this State is required to complete Continuing Law Enforcement Education Credits (CLEEC) in mental health or addictive disorders over a three‑year recertification period. The number of required annual CLEEC hours in mental health or addictive disorders shall be determined by the council, but must be included in the forty CLEEC hours required over the three‑year recertification period. The training must be provided or approved by the academy and must include, but is not limited to, the following curriculum: crime scene response, crisis situation response in which an individual is experiencing a mental health or addictive disorder crisis, Fourth Amendment issues, incident report writing, determination of primary aggressors, dual arrests, victim and offender dynamics, victims’ resources, victims’ rights issues, interviewing techniques, mental health courts and mental health court programs, offender treatment programs, and recognition of special needs populations.”

SECTION 2. This act takes effect upon approval by the Governor.

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Renumber sections to conform.

Amend title to conform.

BRAD HUTTO for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on January 10, 2017**

**State Expenditure**

This bill, which relates to the Law Enforcement Training Council (LETC) and the Criminal Justice Academy, adds new definitions related to local crisis intervention teams and requires a Class 1-LE law enforcement officer to complete Continuing Law Enforcement Education Credits (CLEEC) in mental health or addictive disorders each year of a three-year recertification period. Such training must be provided or approved by the academy and the South Carolina Technical Assistance Center Council (TACC). The TACC will be established and maintained by the LETC in conjunction with the Department of Mental Health and the mental health courts. The TACC will consist of the eleven members serving as the LETC and three other members who are to be appointed by the LETC. Newly appointed members will begin serving on January 1, 2018. One of the three appointed members must be a consumer representative who has experienced a mental health or addiction disorder, and the other two appointed members must have at least ten years of experience in psychology, psychiatry, sociology, or social work. TACC members will not receive compensation for their service on the council.

The duties of the TACC will include identification of grants or monies that can be used to fund local law enforcement, local crisis intervention teams, and evaluation of crisis intervention team training; creation of a Statewide Crisis Intervention Team Advisory Committee; assisting rural counties in creating crisis intervention teams and team training; and providing each crisis intervention team with appropriate training, information, and technical assistance. Additionally, the bill requires every county sheriff’s department in the state to have at least one crisis intervention team.

**Judicial Department.** This bill authorizes the Law Enforcement Training Council to establish and maintain a crisis intervention training center and to govern and supervise crisis intervention team training. The department estimates the implementation of this bill will have no expenditure impact to the general fund, other funds, or federal funds.

**Law Enforcement Training Council.** This bill charges the department with additional responsibilities that the agency is able to accomplish with existing staff and appropriations. As such, the bill is not expected to impact expenditures for the department.

**Department of Mental Health.** The department indicates this bill will have no expenditure impact on the general fund, other funds, or federal funds. The agency will provide training and support as needed to each county’s crisis intervention team, as well as the Technical Assistance Center Council and the Statewide Crisis Intervention Team Advisory Committee. The department can accomplish these duties and responsibilities with their current resources.

**Local Expenditure**

The Revenue and Fiscal Affairs Office (RFA) contacted twenty-three county governments and the Municipal Association of South Carolina regarding the expenditure impact of this bill. In regard to the required training in crisis intervention for officers, Charleston County indicates that expenses will depend on how the required trainings are implemented by the South Carolina Technical Assistance Center Council (TACC). If the trainings are only held in Columbia, South Carolina, then travel expenses will be incurred to attend the training. However, if trainings are given virtually or if the TACC approves trainings that are given by a third party, then there would be no impact since the trainings could be attended locally. Charleston County currently requires deputies to attend a course offered by the National Alliance for Mental Illness that is free of charge. Lancaster County responded that they do not see an expenditure impact for attending trainings since the training may take the place of other currently required continuing education training.

Additionally the bill requires all counties establish at least one crisis intervention team through the sheriff’s department. Charleston’s response did not address the creation of local crisis intervention teams (LCITs). Lancaster County responded that the implementation of LCITs may impact expenditures but are unable to provide an estimated cost to implementing the LCITs. Based upon the limited responses received and lack of data, the expenditure impact for local governments is undetermined.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 23‑23‑10 OF THE 1976 CODE, RELATING TO THE PURPOSE OF THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, TO PROVIDE NEW DEFINITIONS; TO AMEND CHAPTER 23, TITLE 23 OF THE 1976 CODE, RELATING TO LAW ENFORCEMENT AND PUBLIC SAFETY, BY ADDING SECTION 23‑23‑55 TO PROVIDE THAT A CLASS 1‑LE LAW ENFORCEMENT OFFICER MUST COMPLETE CONTINUING LAW ENFORCEMENT EDUCATION CREDITS IN MENTAL HEALTH OR ADDICTIVE DISORDERS; TO AMEND SECTION 23‑23‑80 OF THE 1976 CODE, RELATING TO THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, TO PROVIDE THAT THE LAW ENFORCEMENT TRAINING COUNCIL IS AUTHORIZED TO ESTABLISH AND MAINTAIN A CRISIS INTERVENTION TRAINING CENTER AND TO GOVERN AND SUPERVISE CRISIS INTERVENTION TEAM TRAINING; TO AMEND TITLE 23 OF THE 1976 CODE, RELATING TO LAW ENFORCEMENT AND PUBLIC SAFETY, BY ADDING CHAPTER 52 TO CREATE A CRISIS INTERVENTION TRAINING COUNCIL, TO PROVIDE FOR THE COUNCIL’S DUTIES, AND TO PROVIDE THAT EVERY COUNTY SHALL ESTABLISH AT LEAST ONE CRISIS INTERVENTION TEAM.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 23‑23‑10(E) of the 1976 Code is amended by adding two appropriately numbered items:

“( ) ‘Crisis intervention team’ means a local coalition formed to improve the manner in which law enforcement and the community respond to crisis situations in which an individual is experiencing a mental health or addictive disorder crisis.

( ) ‘Technical Assistance Center Council’ means the council established by the Law Enforcement Training Council in conjunction with the mental health courts and the Department of Mental Health to support the development and sustainability of local crisis intervention teams.”

SECTION 2. Chapter 23, Title 23 of the 1976 Code is amended by adding:

“Section 23‑23‑55. (A) A law enforcement officer who is Class 1‑LE certified in this State is required to complete Continuing Law Enforcement Education Credits (CLEEC) in mental health or addictive disorders each year of a three‑year recertification period. The number of required annual CLEEC hours in mental health or addictive disorders shall be determined by the council, but must be included in the forty CLEEC hours required over the three‑year recertification period. The training must be provided or approved by the academy and the Technical Assistance Training Council and must include, but is not limited to, the following curriculum: crime scene response, crisis situation response in which an individual is experiencing a mental health or addictive disorder crisis, Fourth Amendment issues, incident report writing, determination of primary aggressors, dual arrests, victim and offender dynamics, victims’ resources, victims’ rights issues, interviewing techniques, mental health courts and mental health court programs, offender treatment programs, and recognition of special needs populations.

(B) The council shall develop guidelines to provide for an exemption from the requirement of certain Class 1‑LE certified law enforcement officers whose job responsibilities may not include responding to mental health or addictive disorder crisis cases from completing CLEEC hours in mental health or addictive disorders each year. The request for an exemption must be made by the chief executive officer of the law enforcement officer’s employing agency. A waiver or exemption from mental health or addictive disorders training must not reduce the forty CLEEC hours required over the three‑year period.”

SECTION 3. Section 23‑23‑80 of the 1976 Code is amended by adding appropriately numbered subsections:

“( ) establish and maintain, in conjunction with the mental health courts and the Department of Mental Health, the Technical Assistance Center Council; and

( ) govern and supervise crisis intervention teams and crisis intervention team training.”

SECTION 4. Title 23 of the 1976 Code is amended by adding:

“Chapter 52

Section 23‑52‑10. As used in this chapter:

(1) ‘Academy’ means the South Carolina Criminal Justice Academy.

(2) ‘Council’ means the South Carolina Technical Assistance Center Council.

(3) ‘Crisis intervention team trained officer’ means a law enforcement officer who has received training from a local crisis intervention team regarding how to respond to an individual in crisis.

(4) ‘Crisis intervention team training’ means training provided by a crisis intervention team to law enforcement officers regarding:

(i) signs and symptoms of mental health crisis;

(ii) mental health treatment options in the local community; and

(iii) de‑escalation and crisis intervention techniques to facilitate interaction and referrals to treatment.

(5) ‘Individual in crisis’ means an individual with mental illness, a substance addiction disorder, or both.

(6) ‘Technical assistance center council’ means a council established and maintained by the Law Enforcement Training Council in conjunction with the mental health courts and the Department of Mental Health to support the development and sustainability of local crisis intervention teams.

Section 23‑52‑20. (A) There is hereby created the South Carolina Technical Assistance Center Council consisting of the eleven members serving as the South Carolina Law Enforcement Training Council, as defined in Section 23‑23‑30, and three other members appointed by the Law Enforcement Training Council (LETC). One of the three members appointed by the Law Enforcement Training Council must be a consumer representative who has dealt with a mental health or addictive disorder. Two of the three members appointed by the LETC must have at least ten years of training and experience in one or more of the following fields:

(1) psychology;

(2) psychiatry;

(3) sociology; or

(4) social work.

(B) The Law Enforcement Training Council shall fill any vacancy by appointment on the basis of the criteria defined in Chapter 52, Title 23.

(C) Members of the council shall serve without compensation.

Section 23‑52‑30. The Technical Assistance Center Council shall:

(1) identify grants and other funds that may be used to fund local crisis intervention teams, law enforcement agencies, and evaluations of the effectiveness of crisis intervention team training;

(2) create and support a Statewide Crisis Intervention Team Advisory Committee that includes representatives from:

(a) local crisis intervention teams;

(b) state agencies or political subdivisions, including the Department of Mental Health and the academy and other appropriate agencies; and

(c) advocacy organizations, including organizations representing persons affected by mental illnesses and substance addiction disorders and other appropriate organizations;

(3) assist rural counties in creating crisis intervention teams and crisis intervention team training;

(4) provide each crisis intervention team with appropriate training, information, and technical assistance to:

(a) assist law enforcement agencies and law enforcement officers in providing appropriate caution and care in crisis situations to an individual in crisis;

(b) identify underserved populations with mental illness, substance addiction disorders, or both and link the populations to appropriate care;

(c) build partnerships and encourage formal agreements amongst local law enforcement, mental health providers, individuals and families affected by mental illness and substance addiction disorders, and other community stakeholders to improve system prevention and response to mental health and substance addiction disorder crises;

(d) develop and communicate a recommended best practices crisis intervention team training curriculum, consistent with recommended standards developed by CIT International; and

(e) identify and improve awareness of existing crisis response resources;

(5) recognize local crisis intervention teams and law enforcement officers trained in crisis intervention; and

(6) maintain records concerning:

(a) the overall operation of crisis intervention teams;

(b) problems crisis intervention teams encounter and proposed solutions, as identified by the advisory committee referenced in subsection (B) above;

(c) an evaluation of outcomes and best practices to achieve crisis intervention team goals, including:

(i) reduction in the amount of time law enforcement officers spend out of service awaiting assessment and disposition of individuals in crisis;

(ii) reduction in injuries to law enforcement officers during crisis events;

(iii) reduction of the use of force when responding to individuals in crisis;

(iv) reduction in inappropriate arrests of individuals in crisis;

(v) reduction in the need for mental health treatment in jails; and

(vi) other goals identified by the Technical Assistance Center Council;

(d) information regarding the number of crisis intervention trained officers in each county;

(e) the addresses and directors of the crisis intervention teams and whether each crisis intervention team:

(i) is an established team meeting regularly to address local needs and host crisis intervention team training as needed;

(ii) is a developing team consisting of community stakeholders planning for future crisis intervention team training, although training has not yet taken place; or

(iii) is an inactive team, in which law enforcement officers were previously trained for crisis intervention teams but there are no future plans for crisis intervention team training; and

(f) an analysis of costs and cost savings associated with crisis intervention teams.

Section 23‑52‑40. There shall be at least one crisis intervention team created per county through the county sheriff’s department.”

SECTION 5. (A) The eleven original members of the South Carolina Technical Assistance Council, concurrently serving as the South Carolina Law Enforcement Training Council, shall appoint three additional members to begin serving on January 1, 2018.

(B) The South Carolina Technical Assistance Council shall meet for the first time within ninety days after January 1, 2018, and the chairperson and vice chairperson shall be those selected pursuant to Section 23‑23‑30(C).

SECTION 6. This act takes effect upon approval by the Governor.

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