

**SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_**

1 A BILL to amend and reenact § 9.1-102 of the Code of Virginia, relating to the Department of Criminal  
2 Justice Services; training standards and model policies for law enforcement; persons  
3 experiencing behavioral health or substance abuse crises.

4 **Be it enacted by the General Assembly of Virginia:**

5 **1. That § 9.1-102 of the Code of Virginia is amended and reenacted as follows:**

6 **§ 9.1-102. Powers and duties of the Board and the Department.**

7 The Department, under the direction of the Board, which shall be the policy-making body for  
8 carrying out the duties and powers hereunder, shall have the power and duty to:

9 1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the  
10 administration of this chapter including the authority to require the submission of reports and  
11 information by law-enforcement officers within the Commonwealth. Any proposed regulations  
12 concerning the privacy, confidentiality, and security of criminal justice information shall be submitted  
13 for review and comment to any board, commission, or committee or other body which may be  
14 established by the General Assembly to regulate the privacy, confidentiality, and security of information  
15 collected and maintained by the Commonwealth or any political subdivision thereof;

16 2. Establish compulsory minimum training standards subsequent to employment as a law-  
17 enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish  
18 the time required for completion of such training;

19 3. Establish minimum training standards and qualifications for certification and recertification  
20 for law-enforcement officers serving as field training officers;

21 4. Establish compulsory minimum curriculum requirements for in-service and advanced courses  
22 and programs for schools, whether located in or outside the Commonwealth, which are operated for the  
23 specific purpose of training law-enforcement officers;

24 5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize  
25 radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in §

26 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum  
27 qualifications for certification and recertification of instructors who provide such training;

28 6. [Repealed];

29 7. Establish compulsory minimum entry-level, in-service and advanced training standards for  
30 those persons designated to provide courthouse and courtroom security pursuant to the provisions of §  
31 53.1-120, and to establish the time required for completion of such training;

32 8. Establish compulsory minimum entry-level, in-service and advanced training standards for  
33 deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the  
34 time required for the completion of such training;

35 9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as  
36 well as the time required for completion of such training, for persons employed as deputy sheriffs and  
37 jail officers by local criminal justice agencies, correctional officers employed by the Department of  
38 Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile  
39 correctional facility as the term is defined in § 66-25.3;

40 10. Establish compulsory minimum training standards for all dispatchers employed by or in any  
41 local or state government agency, whose duties include the dispatching of law-enforcement personnel.  
42 Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

43 11. Establish compulsory minimum training standards for all auxiliary police officers employed  
44 by or in any local or state government agency. Such training shall be graduated and based on the type of  
45 duties to be performed by the auxiliary police officers. Such training standards shall not apply to  
46 auxiliary police officers exempt pursuant to § 15.2-1731;

47 12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other  
48 state and federal governmental agencies, and institutions of higher education within or outside the  
49 Commonwealth, concerning the development of police training schools and programs or courses of  
50 instruction;

51           13. Approve institutions, curricula and facilities, whether located in or outside the  
52 Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but  
53 this shall not prevent the holding of any such school whether approved or not;

54           14. Establish and maintain police training programs through such agencies and institutions as the  
55 Board deems appropriate;

56           15. Establish compulsory minimum qualifications of certification and recertification for  
57 instructors in criminal justice training schools approved by the Department;

58           16. Conduct and stimulate research by public and private agencies which shall be designed to  
59 improve police administration and law enforcement;

60           17. Make recommendations concerning any matter within its purview pursuant to this chapter;

61           18. Coordinate its activities with those of any interstate system for the exchange of criminal  
62 history record information, nominate one or more of its members to serve upon the council or committee  
63 of any such system, and participate when and as deemed appropriate in any such system's activities and  
64 programs;

65           19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this  
66 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to  
67 submit information, reports, and statistical data with respect to its policy and operation of information  
68 systems or with respect to its collection, storage, dissemination, and usage of criminal history record  
69 information and correctional status information, and such criminal justice agencies shall submit such  
70 information, reports, and data as are reasonably required;

71           20. Conduct audits as required by § 9.1-131;

72           21. Conduct a continuing study and review of questions of individual privacy and confidentiality  
73 of criminal history record information and correctional status information;

74           22. Advise criminal justice agencies and initiate educational programs for such agencies with  
75 respect to matters of privacy, confidentiality, and security as they pertain to criminal history record  
76 information and correctional status information;

77           23. Maintain a liaison with any board, commission, committee, or other body which may be  
78 established by law, executive order, or resolution to regulate the privacy and security of information  
79 collected by the Commonwealth or any political subdivision thereof;

80           24. Adopt regulations establishing guidelines and standards for the collection, storage, and  
81 dissemination of criminal history record information and correctional status information, and the  
82 privacy, confidentiality, and security thereof necessary to implement state and federal statutes,  
83 regulations, and court orders;

84           25. Operate a statewide criminal justice research center, which shall maintain an integrated  
85 criminal justice information system, produce reports, provide technical assistance to state and local  
86 criminal justice data system users, and provide analysis and interpretation of criminal justice statistical  
87 information;

88           26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law  
89 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically  
90 update that plan;

91           27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of  
92 the Commonwealth, and units of general local government, or combinations thereof, including planning  
93 district commissions, in planning, developing, and administering programs, projects, comprehensive  
94 plans, and other activities for improving law enforcement and the administration of criminal justice  
95 throughout the Commonwealth, including allocating and subgranting funds for these purposes;

96           28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects  
97 and activities for the Commonwealth and units of general local government, or combinations thereof, in  
98 the Commonwealth, designed to strengthen and improve law enforcement and the administration of  
99 criminal justice at every level throughout the Commonwealth;

100           29. Review and evaluate programs, projects, and activities, and recommend, where necessary,  
101 revisions or alterations to such programs, projects, and activities for the purpose of improving law  
102 enforcement and the administration of criminal justice;

103           30. Coordinate the activities and projects of the state departments, agencies, and boards of the  
104 Commonwealth and of the units of general local government, or combination thereof, including  
105 planning district commissions, relating to the preparation, adoption, administration, and implementation  
106 of comprehensive plans to strengthen and improve law enforcement and the administration of criminal  
107 justice;

108           31. Do all things necessary on behalf of the Commonwealth and its units of general local  
109 government, to determine and secure benefits available under the Omnibus Crime Control and Safe  
110 Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and  
111 programs for strengthening and improving law enforcement, the administration of criminal justice, and  
112 delinquency prevention and control;

113           32. Receive, administer, and expend all funds and other assistance available to the Board and the  
114 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe  
115 Streets Act of 1968, as amended;

116           33. Apply for and accept grants from the United States government or any other source in  
117 carrying out the purposes of this chapter and accept any and all donations both real and personal, and  
118 grants of money from any governmental unit or public agency, or from any institution, person, firm or  
119 corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section  
120 shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the  
121 nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall  
122 be deposited in the state treasury to the account of the Department. To these ends, the Board shall have  
123 the power to comply with conditions and execute such agreements as may be necessary;

124           34. Make and enter into all contracts and agreements necessary or incidental to the performance  
125 of its duties and execution of its powers under this chapter, including but not limited to, contracts with  
126 the United States, units of general local government or combinations thereof, in Virginia or other states,  
127 and with agencies and departments of the Commonwealth;

128           35. Adopt and administer reasonable regulations for the planning and implementation of  
129 programs and activities and for the allocation, expenditure and subgranting of funds available to the

130 Commonwealth and to units of general local government, and for carrying out the purposes of this  
131 chapter and the powers and duties set forth herein;

132 36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-  
133 1707;

134 37. Establish training standards and publish and periodically update model policies for law-  
135 enforcement personnel in the following subjects:

136 a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including  
137 standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The  
138 Department shall provide technical support and assistance to law-enforcement agencies in carrying out  
139 the requirements set forth in subsection A of § 9.1-1301;

140 b. Communication with and facilitation of the safe return of individuals diagnosed with  
141 Alzheimer's disease;

142 c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

143 d. Protocols for local and regional sexual assault response teams;

144 e. Communication of death notifications;

145 f. The questioning of individuals suspected of driving while intoxicated concerning the physical  
146 location of such individual's last consumption of an alcoholic beverage and the communication of such  
147 information to the Virginia Alcoholic Beverage Control Authority;

148 g. Vehicle patrol duties that embody current best practices for pursuits and for responding to  
149 emergency calls;

150 h. Criminal investigations that embody current best practices for conducting photographic and  
151 live lineups;

152 i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of  
153 human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or  
154 street patrol duties; ~~and~~

155 j. Missing children, missing adults, and search and rescue protocol; ~~and~~

156 k. Sensitivity to and awareness of persons experiencing behavioral health or substance abuse  
157 crises, including chronic homeless inebriates;

158 38. Establish compulsory training standards for basic training and the recertification of law-  
159 enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for  
160 biased policing;

161 39. Review and evaluate community-policing programs in the Commonwealth, and recommend  
162 where necessary statewide operating procedures, guidelines, and standards which strengthen and  
163 improve such programs, including sensitivity to and awareness of cultural diversity and the potential for  
164 biased policing;

165 40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation  
166 with Virginia law-enforcement agencies, provide technical assistance and administrative support,  
167 including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The  
168 Center may provide accreditation assistance and training, resource material, and research into methods  
169 and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia  
170 accreditation status;

171 41. Promote community policing philosophy and practice throughout the Commonwealth by  
172 providing community policing training and technical assistance statewide to all law-enforcement  
173 agencies, community groups, public and private organizations and citizens; developing and distributing  
174 innovative policing curricula and training tools on general community policing philosophy and practice  
175 and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia  
176 organizations with specific community policing needs; facilitating continued development and  
177 implementation of community policing programs statewide through discussion forums for community  
178 policing leaders, development of law-enforcement instructors; promoting a statewide community  
179 policing initiative; and serving as a statewide information source on the subject of community policing  
180 including, but not limited to periodic newsletters, a website and an accessible lending library;

181 42. Establish, in consultation with the Department of Education and the Virginia State Crime  
182 Commission, compulsory minimum standards for employment and job-entry and in-service training

183 curricula and certification requirements for school security officers, which training and certification  
184 shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-  
185 184. Such training standards shall include, but shall not be limited to, the role and responsibility of  
186 school security officers, relevant state and federal laws, school and personal liability issues, security  
187 awareness in the school environment, mediation and conflict resolution, disaster and emergency  
188 response, and student behavioral dynamics. The Department shall establish an advisory committee  
189 consisting of local school board representatives, principals, superintendents, and school security  
190 personnel to assist in the development of the standards and certification requirements in this subdivision.  
191 The Department shall require any school security officer who carries a firearm in the performance of his  
192 duties to provide proof that he has completed a training course provided by a federal, state, or local law-  
193 enforcement agency that includes training in active shooter emergency response, emergency evacuation  
194 procedure, and threat assessment;

195 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with  
196 Article 11 (§ 9.1-185 et seq.);

197 44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et  
198 seq.);

199 45. In conjunction with the Virginia State Police and the State Compensation Board, advise  
200 criminal justice agencies regarding the investigation, registration, and dissemination of information  
201 requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et  
202 seq.);

203 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training  
204 curricula, and (iii) certification requirements for campus security officers. Such training standards shall  
205 include, but not be limited to, the role and responsibility of campus security officers, relevant state and  
206 federal laws, school and personal liability issues, security awareness in the campus environment, and  
207 disaster and emergency response. The Department shall provide technical support and assistance to  
208 campus police departments and campus security departments on the establishment and implementation  
209 of policies and procedures, including but not limited to: the management of such departments,



210 investigatory procedures, judicial referrals, the establishment and management of databases for campus  
211 safety and security information sharing, and development of uniform record keeping for disciplinary  
212 records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The  
213 Department shall establish an advisory committee consisting of college administrators, college police  
214 chiefs, college security department chiefs, and local law-enforcement officials to assist in the  
215 development of the standards and certification requirements and training pursuant to this subdivision;

216 47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs  
217 established pursuant to § 9.1-187;

218 48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and  
219 attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human  
220 trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

221 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of §  
222 46.2-117;

223 50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional  
224 Standards Committee by providing technical assistance and administrative support, including staffing,  
225 for the Committee;

226 51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards  
227 to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

228 52. In consultation with the State Council of Higher Education for Virginia and the Virginia  
229 Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on  
230 trauma-informed sexual assault investigation;

231 53. In consultation with the Department of Behavioral Health and Developmental Services,  
232 develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail  
233 officers, administrators, or superintendents in any local or regional jail. Such program shall be based on  
234 any existing addiction recovery programs that are being administered by any local or regional jails in the  
235 Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such  
236 program may address aspects of the recovery process, including medical and clinical recovery, peer-to-

**237** peer support, availability of mental health resources, family dynamics, and aftercare aspects of the  
**238** recovery process; and

**239** 54. Perform such other acts as may be necessary or convenient for the effective performance of  
**240** its duties.

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