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HOUSE BILL NO. 676
Offered January 10, 2024
Prefiled January 9, 2024

A BILL to amend and reenact § 9.1-102 of the Code of Virginia, relating to Department of Criminal Justice Services; school resource officers; establishment of minimum employment qualifications prohibited.

Patron—Runion

Referred to Committee on K-12 Subcommittee

Be it enacted by the General Assembly of Virginia:

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

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

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

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

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions and (ii) temporary or probationary status and establish the time required for completion of such training. Such compulsory minimum training standards shall include crisis intervention training in accordance with clause (i) of § 9.1-188;

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

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

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

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

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

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

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

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

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

- 59 13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for
60 school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the
61 holding of any such school whether approved or not;
- 62 14. Establish and maintain police training programs through such agencies and institutions as the Board
63 deems appropriate;
- 64 15. Establish compulsory minimum qualifications of certification and recertification for instructors in
65 criminal justice training academies approved by the Department;
- 66 16. Conduct and stimulate research by public and private agencies which shall be designed to improve
67 police administration and law enforcement;
- 68 17. Make recommendations concerning any matter within its purview pursuant to this chapter;
- 69 18. Coordinate its activities with those of any interstate system for the exchange of criminal history record
70 information, nominate one or more of its members to serve upon the council or committee of any such
71 system, and participate when and as deemed appropriate in any such system's activities and programs;
- 72 19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter
73 and, in conducting such inquiries and investigations, may require any criminal justice agency to submit
74 information, reports, and statistical data with respect to its policy and operation of information systems or
75 with respect to its collection, storage, dissemination, and usage of criminal history record information and
76 correctional status information, and such criminal justice agencies shall submit such information, reports, and
77 data as are reasonably required;
- 78 20. Conduct audits as required by § 9.1-131;
- 79 21. Conduct a continuing study and review of questions of individual privacy and confidentiality of
80 criminal history record information and correctional status information;
- 81 22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to
82 matters of privacy, confidentiality, and security as they pertain to criminal history record information and
83 correctional status information;
- 84 23. Maintain a liaison with any board, commission, committee, or other body which may be established
85 by law, executive order, or resolution to regulate the privacy and security of information collected by the
86 Commonwealth or any political subdivision thereof;
- 87 24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination
88 of criminal history record information and correctional status information, and the privacy, confidentiality,
89 and security thereof necessary to implement state and federal statutes, regulations, and court orders;
- 90 25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal
91 justice information system, produce reports, provide technical assistance to state and local criminal justice
92 data system users, and provide analysis and interpretation of criminal justice statistical information;
- 93 26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law
94 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically
95 update that plan;
- 96 27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the
97 Commonwealth, and units of general local government, or combinations thereof, including planning district
98 commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other
99 activities for improving law enforcement and the administration of criminal justice throughout the
100 Commonwealth, including allocating and subgranting funds for these purposes;
- 101 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and
102 activities for the Commonwealth and units of general local government, or combinations thereof, in the
103 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
104 justice at every level throughout the Commonwealth;
- 105 29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or
106 alterations to such programs, projects, and activities for the purpose of improving law enforcement and the
107 administration of criminal justice;
- 108 30. Coordinate the activities and projects of the state departments, agencies, and boards of the
109 Commonwealth and of the units of general local government, or combination thereof, including planning
110 district commissions, relating to the preparation, adoption, administration, and implementation of
111 comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;
- 112 31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to
113 determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L.
114 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and
115 improving law enforcement, the administration of criminal justice, and delinquency prevention and control;
- 116 32. Receive, administer, and expend all funds and other assistance available to the Board and the
117 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act
118 of 1968, as amended;
- 119 33. Apply for and accept grants from the United States government or any other source in carrying out the

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

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

131 35. Adopt and administer reasonable regulations for the planning and implementation of programs and
 132 activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to
 133 units of general local government, and for carrying out the purposes of this chapter and the powers and duties
 134 set forth herein;

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

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

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

142 b. The identification of, communication with, and facilitation of the safe return of individuals diagnosed
 143 with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective
 144 communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques
 145 for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to
 146 physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of
 147 individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting
 148 caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an
 149 emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's
 150 disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement
 151 personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and
 152 returning them to their caregivers;

153 c. Sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for
 154 racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing
 155 implicit biases in interacting with persons who have a mental illness, substance use disorder, or
 156 developmental or cognitive disability;

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

158 e. Communication of death notifications;

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

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

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

166 i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human
 167 trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol
 168 duties;

169 j. The recognition, prevention, and reporting of human trafficking;

170 k. Missing children, missing adults, and search and rescue protocol; and

171 l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3,
 172 that embody current best practices for using such items as a crowd control measure or during an arrest or
 173 detention of another person;

174 38. Establish compulsory training standards for basic training and the recertification of law-enforcement
 175 officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural diversity, and
 176 the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include
 177 recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or
 178 developmental or cognitive disability; (ii) training in de-escalation techniques; and (iii) training in the lawful
 179 use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the
 180 law-enforcement officer or another person;

181 39. Review and evaluate community-policing programs in the Commonwealth, and recommend where

182 necessary statewide operating procedures, guidelines, and standards that strengthen and improve such
183 programs, including sensitivity to and awareness of systemic and individual racism, cultural diversity, and the
184 potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include
185 recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or
186 developmental or cognitive disability;

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

192 41. Promote community policing philosophy and practice throughout the Commonwealth by providing
193 community policing training and technical assistance statewide to all law-enforcement agencies, community
194 groups, public and private organizations and citizens; developing and distributing innovative policing
195 curricula and training tools on general community policing philosophy and practice and contemporary critical
196 issues facing Virginia communities; serving as a consultant to Virginia organizations with specific
197 community policing needs; facilitating continued development and implementation of community policing
198 programs statewide through discussion forums for community policing leaders, development of law-
199 enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide
200 information source on the subject of community policing including, but not limited to periodic newsletters, a
201 website and an accessible lending library;

202 42. Establish, in consultation with the Department of Education and the Virginia State Crime
203 Commission, compulsory minimum standards for employment and job-entry and in-service training curricula
204 and certification requirements for school security officers, including school security officers described in
205 clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for
206 School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the
207 role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii)
208 school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and
209 conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster
210 and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit
211 bias; (vii) working with students with disabilities, mental health needs, substance use disorders, and past
212 traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development
213 and brain research. The Department shall establish an advisory committee consisting of local school board
214 representatives, principals, superintendents, and school security personnel to assist in the development of the
215 standards and certification requirements in this subdivision. The Department shall require any school security
216 officer who carries a firearm in the performance of his duties to provide proof that he has completed a
217 training course provided by a federal, state, or local law-enforcement agency that includes training in active
218 shooter emergency response, emergency evacuation procedure, and threat assessment;

219 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11
220 (§ 9.1-185 et seq.);

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

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

225 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and
226 (iii) certification requirements for campus security officers. Such training standards shall include, but not be
227 limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and
228 personal liability issues, security awareness in the campus environment, and disaster and emergency
229 response. The Department shall provide technical support and assistance to campus police departments and
230 campus security departments on the establishment and implementation of policies and procedures, including
231 but not limited to: the management of such departments, investigatory procedures, judicial referrals, the
232 establishment and management of databases for campus safety and security information sharing, and
233 development of uniform record keeping for disciplinary records and statistics, such as campus crime logs,
234 judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of
235 college administrators, college police chiefs, college security department chiefs, and local law-enforcement
236 officials to assist in the development of the standards and certification requirements and training pursuant to
237 this subdivision;

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

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

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

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

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

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

252 53. In consultation with the Department of Behavioral Health and Developmental Services, develop a
253 model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers,
254 administrators, or superintendents in any local or regional jail. Such program shall be based on any existing
255 addiction recovery programs that are being administered by any local or regional jails in the Commonwealth.
256 Participation in the model addiction recovery program shall be voluntary, and such program may address
257 aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of
258 mental health resources, family dynamics, and aftercare aspects of the recovery process;

259 54. Establish compulsory minimum training standards for certification and recertification of law-
260 enforcement officers serving as school resource officers. Such training shall be specific to the role and
261 responsibility of a law-enforcement officer working with students in a school environment and shall include
262 (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the
263 school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster
264 and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit
265 bias; (vii) working with students with disabilities, mental health needs, substance use disorders, or past
266 traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent
267 development and brain research. *Nothing in this subdivision shall be construed to permit the Department to*
268 *establish minimum qualifications for the employment of school resource officers, including any minimum age*
269 *or experience requirement, and the Department shall neither establish such minimum qualifications nor*
270 *provide guidance or standards or adopt regulations relating to such minimum qualifications unless expressly*
271 *authorized by law;*

272 55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1
273 that also addresses the storage and maintenance of body-worn camera system records;

274 56. Establish compulsory minimum training standards for detector canine handlers employed by the
275 Department of Corrections, standards for the training and retention of detector canines used by the
276 Department of Corrections, and a central database on the performance and effectiveness of such detector
277 canines that requires the Department of Corrections to submit comprehensive information on each canine
278 handler and detector canine, including the number and types of calls and searches, substances searched for
279 and whether or not detected, and the number of false positives, false negatives, true positives, and true
280 negatives;

281 57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing
282 and managing stress, self-care techniques, and resiliency;

283 58. Establish guidelines and standards for psychological examinations conducted pursuant to subsection C
284 of § 15.2-1705;

285 59. Establish compulsory in-service training standards, to include frequency of retraining, for law-
286 enforcement officers in the following subjects: (i) relevant state and federal laws; (ii) awareness of cultural
287 diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation techniques; (iv)
288 working with individuals with disabilities, mental health needs, or substance use disorders; and (v) the lawful
289 use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the
290 law-enforcement officer or another person;

291 60. Develop a uniform curriculum and lesson plans for the compulsory minimum entry-level, in-service,
292 and advanced training standards to be employed by criminal justice training academies approved by the
293 Department when conducting training;

294 61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers
295 and certified jail officers and appropriate due process procedures for decertification based on serious
296 misconduct in violation of those standards;

297 62. Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1, for law-
298 enforcement agencies to use certain military property. Any waivers granted by the Criminal Justice Services
299 Board shall be published by the Department on the Department's website;

300 63. Establish compulsory training standards for basic training and the recertification of law-enforcement
301 officers to include crisis intervention training in accordance with clause (ii) of § 9.1-188;

302 64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local
303 law-enforcement cooperation, with the development and implementation of the Marcus alert system, as
304 defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in

305 the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and
306 37.2-311.1;
307 65. Develop an online course to train hotel proprietors and their employees to recognize and report
308 instances of suspected human trafficking; and
309 66. Perform such other acts as may be necessary or convenient for the effective performance of its duties.