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SENATE BILL NO. 440

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend and reenact §§ 9.1-101, as it is currently effective and as it shall become effective, 9.1-102, 9.1-114.1, 9.1-184, 22.1-279.10, and 22.1-280.2:3 of the Code of Virginia, relating to employment of school protection officers in public schools.

Patron—Durant

Referred to Committee on Public Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-101, as it is currently effective and as it shall become effective, 9.1-102, 9.1-114.1, 9.1-184, 22.1-279.10, and 22.1-280.2:3 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-101. (For contingent expiration date, see Acts 2021, Sp. Sess. I, cc. 524 and 542) Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special conservators to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia Criminal Sentencing Commission.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's

59 office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any
60 full-time or part-time employee of a private police department, and who is responsible for the prevention and
61 detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall
62 include any (i) special agent of the Virginia Alcoholic Beverage Control Authority; (ii) police agent
63 appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation
64 police officer who is a full-time sworn member of the enforcement division of the Department of Wildlife
65 Resources; (v) investigator who is a sworn member of the security division of the Virginia Lottery; (vi)
66 conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115
67 ; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed
68 pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632 or 15.2-836.1; (ix)
69 campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; (x) member of
70 the investigations unit designated by the State Inspector General pursuant to § 2.2-311 to investigate
71 allegations of criminal behavior affecting the operations of a state or nonstate agency; (xi) employee with
72 internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of §
73 53.1-10 or by the Department of Juvenile Justice pursuant to subdivision A 7 of § 66-3; (xii) private police
74 officer employed by a private police department; or (xiii) person designated as a sworn unit investigator by
75 the Attorney General pursuant to subsection A of § 32.1-320.1. Part-time employees are those compensated
76 officers who are not full-time employees as defined by the employing police department, sheriff's office, or
77 private police department.

78 "Private police department" means any police department, other than a department that employs police
79 agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized
80 by statute or an act of assembly to establish a private police department or such entity's successor in interest,
81 provided it complies with the requirements set forth herein. No entity is authorized to operate a private police
82 department or represent that it is a private police department unless such entity has been authorized by statute
83 or an act of assembly or such entity is the successor in interest of an entity that has been authorized pursuant
84 to this section, provided it complies with the requirements set forth herein. The authority of a private police
85 department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the
86 local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority,
87 duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided
88 in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer
89 shall enter into a memorandum of understanding with the private police department that addresses the duties
90 and responsibilities of the private police department and the chief law-enforcement officer in the conduct of
91 criminal investigations. Private police departments and private police officers shall be subject to and comply
92 with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police
93 departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721,
94 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Board that the Department designates as
95 applicable to private police departments. Any person employed as a private police officer pursuant to this
96 section shall meet all requirements, including the minimum compulsory training requirements, for law-
97 enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits under the Line
98 of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law enforcement
99 officer" or "qualified retired law enforcement officer" within the meaning of the federal Law Enforcement
100 Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth or
101 any locality. An authorized private police department may use the word "police" to describe its sworn officers
102 and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of
103 Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013, that was not
104 otherwise established by statute or an act of assembly and whose status as a private police department was
105 recognized by the Department at that time is hereby validated and may continue to operate as a private police
106 department as may such entity's successor in interest, provided it complies with the requirements set forth
107 herein.

108 "*School protection officer*" means a retired law-enforcement officer hired by the local law-enforcement
109 agency on a part-time basis to provide limited law-enforcement and security services to public elementary
110 and secondary schools in the Commonwealth.

111 "School resource officer" means a certified law-enforcement officer hired by the local law-enforcement
112 agency to provide law-enforcement and security services to Virginia public elementary and secondary
113 schools.

114 "School security officer" means an individual who is employed by the local school board or a private or
115 religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating
116 violations of the policies of the school board or the private or religious school, and detaining students
117 violating the law or the policies of the school board or the private or religious school on school property,
118 school buses, or at school-sponsored events and who is responsible solely for ensuring the safety, security,
119 and welfare of all students, faculty, staff, and visitors in the assigned school.

120 "Unapplied criminal history record information" means information pertaining to criminal offenses

121 submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history record of
 122 an arrested or convicted person (i) because such information is not supported by fingerprints or other
 123 accepted means of positive identification or (ii) due to an inconsistency, error, or omission within the content
 124 of the submitted information.

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 131 dissemination of criminal history record information.

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 134 of conviction, and the consequences arising therefrom, in any court.

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 139 adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments,
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 142 justice intelligence information, criminal justice investigative information, or correctional status information.

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 144 its principal function performs the administration of criminal justice and any other agency or subunit thereof
 145 which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of
 146 Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of
 147 its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12
 148 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special
 149 conservators to meet compulsory training standards established by the Criminal Justice Services Board and
 150 submits reports of compliance with the training standards and (b) the private corporation or agency complies
 151 with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or
 152 agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of
 153 the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the
 154 purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-
 155 900 et seq.).

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 163 criminal history record information. The operations of the system may be performed manually or by using
 164 electronic computers or other automated data processing equipment.

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 170 office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any
 171 full-time or part-time employee of a private police department, and who is responsible for the prevention and
 172 detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall
 173 include any (i) special agent of the Virginia Alcoholic Beverage Control Authority; (ii) police agent
 174 appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation
 175 police officer who is a full-time sworn member of the enforcement division of the Department of Wildlife
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186 the Attorney General pursuant to subsection A of § 32.1-320.1. Part-time employees are those compensated
187 officers who are not full-time employees as defined by the employing police department, sheriff's office, or
188 private police department.

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190 agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized
191 by statute or an act of assembly to establish a private police department or such entity's successor in interest,
192 provided it complies with the requirements set forth herein. No entity is authorized to operate a private police
193 department or represent that it is a private police department unless such entity has been authorized by statute
194 or an act of assembly or such entity is the successor in interest of an entity that has been authorized pursuant
195 to this section, provided it complies with the requirements set forth herein. The authority of a private police
196 department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the
197 local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority,
198 duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided
199 in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer
200 shall enter into a memorandum of understanding with the private police department that addresses the duties
201 and responsibilities of the private police department and the chief law-enforcement officer in the conduct of
202 criminal investigations. Private police departments and private police officers shall be subject to and comply
203 with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police
204 departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721,
205 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Board that the Department designates as
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208 enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits under the Line
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210 officer" or "qualified retired law enforcement officer" within the meaning of the federal Law Enforcement
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226 religious school for the singular purpose of maintaining order and discipline, preventing crime, investigating
227 violations of the policies of the school board or the private or religious school, and detaining students
228 violating the law or the policies of the school board or the private or religious school on school property,
229 school buses, or at school-sponsored events and who is responsible solely for ensuring the safety, security,
230 and welfare of all students, faculty, staff, and visitors in the assigned school.

231 "Sealing" means (i) restricting dissemination of criminal history record information contained in the
232 Central Criminal Records Exchange, including any records relating to an arrest, charge, or conviction, in
233 accordance with the purposes set forth in § 19.2-392.13 and pursuant to the rules and regulations adopted
234 pursuant to § 9.1-128 and the procedures adopted pursuant to § 9.1-134 and (ii) prohibiting dissemination of
235 court records related to an arrest, charge, or conviction, unless such dissemination is authorized by a court
236 order for one or more of the purposes set forth in § 19.2-392.13.

237 "Unapplied criminal history record information" means information pertaining to criminal offenses
238 submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history record of
239 an arrested or convicted person (i) because such information is not supported by fingerprints or other
240 accepted means of positive identification or (ii) due to an inconsistency, error, or omission within the content
241 of the submitted information.

242 **§ 9.1-102. Powers and duties of the Board and the Department.**

243 The Department, under the direction of the Board, which shall be the policy-making body for carrying out

244 the duties and powers hereunder, shall have the power and duty to:

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

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

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

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

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

265 6. [Repealed];

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

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

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

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

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

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

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

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

294 15. Establish compulsory minimum qualifications of certification and recertification for instructors in
 295 criminal justice training academies approved by the Department;

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

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

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

302 19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter
 303 and, in conducting such inquiries and investigations, may require any criminal justice agency to submit
 304 information, reports, and statistical data with respect to its policy and operation of information systems or

305 with respect to its collection, storage, dissemination, and usage of criminal history record information and
306 correctional status information, and such criminal justice agencies shall submit such information, reports, and
307 data as are reasonably required;

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

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

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

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

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

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

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

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

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

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

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

342 31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to
343 determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L.
344 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and
345 improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

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

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

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

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

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

366 37. Establish training standards and publish and periodically update model policies for law-enforcement

367 personnel in the following subjects:

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

372 b. The identification of, communication with, and facilitation of the safe return of individuals diagnosed
 373 with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective
 374 communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques
 375 for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to
 376 physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of
 377 individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting
 378 caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an
 379 emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's
 380 disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement
 381 personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and
 382 returning them to their caregivers;

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

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

388 e. Communication of death notifications;

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

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

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

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

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

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

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

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

411 39. Review and evaluate community-policing programs in the Commonwealth, and recommend where
 412 necessary statewide operating procedures, guidelines, and standards that strengthen and improve such
 413 programs, including sensitivity to and awareness of systemic and individual racism, cultural diversity, and the
 414 potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include
 415 recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or
 416 developmental or cognitive disability;

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

422 41. Promote community policing philosophy and practice throughout the Commonwealth by providing
 423 community policing training and technical assistance statewide to all law-enforcement agencies, community
 424 groups, public and private organizations and citizens; developing and distributing innovative policing
 425 curricula and training tools on general community policing philosophy and practice and contemporary critical
 426 issues facing Virginia communities; serving as a consultant to Virginia organizations with specific
 427 community policing needs; facilitating continued development and implementation of community policing

428 programs statewide through discussion forums for community policing leaders, development of law-
429 enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide
430 information source on the subject of community policing including, but not limited to periodic newsletters, a
431 website and an accessible lending library;

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

449 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11
450 (§ 9.1-185 et seq.);

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

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

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

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

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

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

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

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

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

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

489 54. Establish compulsory minimum training standards for certification and recertification of law-

490 enforcement officers serving as school resource officers. Such training shall be specific to the role and
 491 responsibility of a law-enforcement officer working with students in a school environment and shall include
 492 (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the
 493 school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster
 494 and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit
 495 bias; (vii) working with students with disabilities, mental health needs, substance use disorders, or past
 496 traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent
 497 development and brain research;

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

500 56. Establish compulsory minimum training standards for detector canine handlers employed by the
 501 Department of Corrections, standards for the training and retention of detector canines used by the
 502 Department of Corrections, and a central database on the performance and effectiveness of such detector
 503 canines that requires the Department of Corrections to submit comprehensive information on each canine
 504 handler and detector canine, including the number and types of calls and searches, substances searched for
 505 and whether or not detected, and the number of false positives, false negatives, true positives, and true
 506 negatives;

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

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

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

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

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

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

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

528 64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local
 529 law-enforcement cooperation, with the development and implementation of the Marcus alert system, as
 530 defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in
 531 the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and
 532 37.2-311.1;

533 65. Develop an online course to train hotel proprietors and their employees to recognize and report
 534 instances of suspected human trafficking; ~~and~~

535 66. *Establish compulsory training standards for basic training and the recertification of school protection*
 536 *officers; and*

537 67. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

538 **§ 9.1-114.1. Compliance with minimum training standards by school resource officers and school**
 539 **protection officers.**

540 A. Every full-time or part-time law-enforcement officer employed as a school resource officer after July 1,
 541 2020, shall comply with the compulsory minimum training standards for school resource officers established
 542 by the Board within a period of time fixed by the Board. The Department shall ensure that such required
 543 training is available throughout the Commonwealth.

544 B. *Every law-enforcement officer employed as a school protection officer shall comply with the*
 545 *compulsory minimum training standards for school protection officers established by the Board within a*
 546 *period of time fixed by the Board. The Department shall ensure that such required training is available*
 547 *throughout the Commonwealth. Such training may be provided by the employing local law-enforcement*
 548 *agency and shall be graduated and based on the type of duties to be performed.*

549 **§ 9.1-184. Virginia Center for School and Campus Safety created; duties.**

550 A. From such funds as may be appropriated, the Virginia Center for School and Campus Safety (the

551 Center) is hereby established within the Department. The Center shall:

552 1. Provide training for Virginia public school personnel in school safety, on evidence-based antibullying
553 tactics based on the definition of bullying in § 22.1-276.01, and in the effective identification of students who
554 may be at risk for violent behavior and in need of special services or assistance;

555 2. Serve as a resource and referral center for Virginia school divisions by conducting research, sponsoring
556 workshops, and providing information regarding current school safety concerns, such as conflict management
557 and peer mediation, bullying as defined in § 22.1-276.01, school facility design and technology, current state
558 and federal statutory and regulatory school safety requirements, and legal and constitutional issues regarding
559 school safety and individual rights;

560 3. Maintain and disseminate information to local school divisions on effective school safety initiatives in
561 Virginia and across the nation;

562 4. Develop a case management tool for the collection and reporting of data by threat assessment teams
563 pursuant to § 22.1-79.4;

564 5. Collect, analyze, and disseminate various Virginia school safety data, including school safety audit
565 information submitted to it pursuant to § 22.1-279.8, collected by the Department and, in conjunction with
566 the Department of Education, information relating to the activities of school resource officers *and school*
567 *protection officers* submitted pursuant to § 22.1-279.10;

568 6. Encourage the development of partnerships between the public and private sectors to promote school
569 safety in Virginia;

570 7. Provide technical assistance to Virginia school divisions in the development and implementation of
571 initiatives promoting school safety, including threat assessment-based protocols with such funds as may be
572 available for such purpose;

573 8. Develop a memorandum of understanding between the Director of the Department of Criminal Justice
574 Services and the Superintendent of Public Instruction to ensure collaboration and coordination of roles and
575 responsibilities in areas of mutual concern, such as school safety audits and crime prevention;

576 9. Provide training for and certification of school security officers, as defined in § 9.1-101 and consistent
577 with § 9.1-110;

578 10. Develop, in conjunction with the Department of State Police, the Department of Behavioral Health
579 and Developmental Services, and the Department of Education, a model critical incident response training
580 program for public school personnel and others providing services to schools that shall also be made
581 available to private schools in the Commonwealth;

582 11. In consultation with the Department of Education, provide schools with a model policy for the
583 establishment of threat assessment teams, including procedures for the assessment of and intervention with
584 students whose behavior poses a threat to the safety of school staff or students;

585 12. Develop a model memorandum of understanding setting forth the respective roles and responsibilities
586 of local school boards and local law-enforcement agencies regarding the use of school resource officers. Such
587 model memorandum of understanding may be used by local school boards and local law-enforcement
588 agencies to satisfy the requirements of subsection A of § 22.1-280.2:3; ~~and~~

589 13. *Develop a model memorandum of understanding setting forth the respective roles and responsibilities*
590 *of local school boards and local law-enforcement agencies regarding the use of school protection officers.*
591 *Such model memorandum of understanding may be used by local school boards and local law-enforcement*
592 *agencies to satisfy the requirements of subsection C of § 22.1-280.2:3; and*

593 14. Designate an employee of the Center as the school personnel safety official for the Commonwealth
594 whose duty is to compile, maintain, and make publicly available a list of each division safety official
595 designated and the contact information for such individual included in each collated packet of school safety
596 audits received pursuant to subsection B of § 22.1-279.8. Such school personnel safety official for the
597 Commonwealth shall at least annually confirm with each division superintendent that such contact
598 information is up to date and accurate.

599 B. All agencies of the Commonwealth shall cooperate with the Center and, upon request, assist the Center
600 in the performance of its duties and responsibilities.

601 **§ 22.1-279.10. School resource officers and school protection officers; data.**

602 The Department of Criminal Justice Services, in coordination with the Department of Education and the
603 Department of Juvenile Justice, shall annually collect, report, and publish on its website data on the use of
604 force against students, including the use of chemical, mechanical, or other restraints and instances of
605 seclusion; detentions of students; arrests of students; student referrals to court or court service units; and other
606 disciplinary actions by school resource officers *or school protection officers, as defined in § 9.1-101,*
607 *involving students. Such data shall (i) be published in a manner that protects the identities of students and (ii)*
608 *be disaggregated by local school division and by student age, grade, race, ethnicity, gender, and disability, if*
609 *such data is available.*

610 **§ 22.1-280.2:3. School boards; safety and security personnel.**

611 A. The school board in each school division in which the local law-enforcement agency employs school

612 resource officers, as defined in § 9.1-101, shall enter into a memorandum of understanding with such local
613 law-enforcement agency that sets forth the powers and duties of such school resource officers. The provisions
614 of such memorandum of understanding shall be based on the model memorandum of understanding
615 developed by the Virginia Center for School and Campus Safety pursuant to subdivision A 12 of § 9.1-184,
616 which may be modified by the parties in accordance with their particular needs. Each such school board and
617 local law-enforcement agency shall review and amend or affirm such memorandum at least once every two
618 years or at any time upon the request of either party. Each school board shall ensure the current division
619 memorandum of understanding is conspicuously published on the division website and provide notice and
620 opportunity for public input during each memorandum of understanding review period.

621 B. The chief local law-enforcement officer for any local school division in which a public elementary or
622 secondary school does not employ a school resource officer, as defined in § 9.1-101, shall designate a law-
623 enforcement officer to receive, either in-person or online, the training set forth in subsection E of § 22.1-
624 279.8. Such officer shall serve as the law-enforcement liaison for the school administrator described in
625 subsection E of § 22.1-279.8 in each public elementary or secondary school that does not employ a school
626 resource officer.

627 C. Any local law-enforcement agency may, pursuant to an agreement with the local school board, employ
628 a school protection officer, as defined in § 9.1-101, in any public elementary or secondary school in the local
629 school division. Each such school board and local law-enforcement agency shall enter into a memorandum
630 of understanding that sets forth the powers and duties of such school protection officers. The provisions of
631 such memorandum of understanding shall be based on the model memorandum of understanding developed
632 by the Virginia Center for School and Campus Safety pursuant to subdivision A 13 of § 9.1-184, which may
633 be modified by the parties in accordance with their particular needs. Each such school board and local law-
634 enforcement agency shall review and amend or affirm such memorandum at least once every two years or at
635 any time upon the request of either party. Each such school board shall ensure that the current division
636 memorandum of understanding is conspicuously published on the local school division's website and provide
637 notice and opportunity for public input during each memorandum of understanding review period.