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HOUSE BILL NO. 2039

Offered January 13, 2025

Prefiled January 7, 2025

A BILL to amend and reenact § 9.1-102 of the Code of Virginia, relating to Department of Criminal Justice Services; Virginia Freedom of Information Advisory Council; encrypted telecommunications.

Patron—Simon

Referred to Committee on Public Safety

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. Such training shall include training in the identification of, communication with, and facilitation of the safe return of individuals diagnosed with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an

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59 emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's
60 disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement
61 personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and
62 returning them to their caregivers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

119 30. Coordinate the activities and projects of the state departments, agencies, and boards of the

120 Commonwealth and of the units of general local government, or combination thereof, including planning
121 district commissions, relating to the preparation, adoption, administration, and implementation of
122 comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

123 31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to
124 determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L.
125 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and
126 improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

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

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

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

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

146 36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707 and
147 provide for a decertification review process in accordance with § 15.2-1708;

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

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

154 b. The identification of, communication with, and facilitation of the safe return of individuals diagnosed
155 with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective
156 communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques
157 for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to
158 physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of
159 individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting
160 caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an
161 emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's
162 disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement
163 personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and
164 returning them to their caregivers;

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

169 d. Protocols for local and regional sexual assault and human trafficking response teams;

170 e. Communication of death notifications;

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

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

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

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

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

- 182 k. Missing children, missing adults, and search and rescue protocol;
183 1. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3,
184 that embody current best practices for using such items as a crowd control measure or during an arrest or
185 detention of another person; and
- 186 m. The use of naloxone or other opioid antagonists to prevent opioid overdose deaths, in coordination
187 with statewide naloxone training programs developed by the Department of Behavioral Health and
188 Developmental Services and the Virginia Department of Health;
- 189 38. Establish compulsory training standards for basic training and the recertification of law-enforcement
190 officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural diversity, and
191 the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include
192 recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or
193 developmental or cognitive disability; (ii) training in de-escalation techniques; and (iii) training in the lawful
194 use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the
195 law-enforcement officer or another person;
- 196 39. Review and evaluate community-policing programs in the Commonwealth, and recommend where
197 necessary statewide operating procedures, guidelines, and standards that strengthen and improve such
198 programs, including sensitivity to and awareness of systemic and individual racism, cultural diversity, and the
199 potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include
200 recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or
201 developmental or cognitive disability;
- 202 40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with
203 Virginia law-enforcement agencies, provide technical assistance and administrative support, including
204 staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may
205 provide accreditation assistance and training, resource material, and research into methods and procedures
206 that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;
- 207 41. Promote community policing philosophy and practice throughout the Commonwealth by providing
208 community policing training and technical assistance statewide to all law-enforcement agencies, community
209 groups, public and private organizations and citizens; developing and distributing innovative policing
210 curricula and training tools on general community policing philosophy and practice and contemporary critical
211 issues facing Virginia communities; serving as a consultant to Virginia organizations with specific
212 community policing needs; facilitating continued development and implementation of community policing
213 programs statewide through discussion forums for community policing leaders, development of law-
214 enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide
215 information source on the subject of community policing including, but not limited to periodic newsletters, a
216 website and an accessible lending library;
- 217 42. Establish, in consultation with the Department of Education and the Virginia State Crime
218 Commission, compulsory minimum standards for employment and job-entry and in-service training curricula
219 and certification requirements for school security officers, including school security officers described in
220 clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for
221 School and Campus Safety (VSCS) pursuant to § 9.1-184. Such training standards shall be specific to the
222 role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii)
223 school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and
224 conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster
225 and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit
226 bias; (vii) working with students with disabilities, mental health needs, substance use disorders, and past
227 traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development
228 and brain research. The Department shall establish an advisory committee consisting of local school board
229 representatives, principals, superintendents, and school security personnel to assist in the development of the
230 standards and certification requirements in this subdivision. The Department shall require any school security
231 officer who carries a firearm in the performance of his duties to provide proof that he has completed a
232 training course provided by a federal, state, or local law-enforcement agency that includes training in active
233 shooter emergency response, emergency evacuation procedure, and threat assessment;
- 234 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11
235 (§ 9.1-185 et seq.);
- 236 44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);
- 237 45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal
238 justice agencies regarding the investigation, registration, and dissemination of information requirements as
239 they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);
- 240 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and
241 (iii) certification requirements for campus security officers. Such training standards shall include, but not be
242 limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and

243 personal liability issues, security awareness in the campus environment, and disaster and emergency
 244 response. The Department shall provide technical support and assistance to campus police departments and
 245 campus security departments on the establishment and implementation of policies and procedures, including
 246 but not limited to: the management of such departments, investigatory procedures, judicial referrals, the
 247 establishment and management of databases for campus safety and security information sharing, and
 248 development of uniform record keeping for disciplinary records and statistics, such as campus crime logs,
 249 judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of
 250 college administrators, college police chiefs, college security department chiefs, and local law-enforcement
 251 officials to assist in the development of the standards and certification requirements and training pursuant to
 252 this subdivision;

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

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

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

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

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

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

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

274 54. Establish compulsory minimum training standards for certification and recertification of law-
 275 enforcement officers serving as school resource officers. Such training shall be specific to the role and
 276 responsibility of a law-enforcement officer working with students in a school environment and shall include
 277 (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the
 278 school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster
 279 and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit
 280 bias; (vii) working with students with disabilities, mental health needs, substance use disorders, or past
 281 traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent
 282 development and brain research;

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

285 56. Establish compulsory minimum training standards for detector canine handlers employed by the
 286 Department of Corrections, standards for the training and retention of detector canines used by the
 287 Department of Corrections, and a central database on the performance and effectiveness of such detector
 288 canines that requires the Department of Corrections to submit comprehensive information on each canine
 289 handler and detector canine, including the number and types of calls and searches, substances searched for
 290 and whether or not detected, and the number of false positives, false negatives, true positives, and true
 291 negatives;

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

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

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

302 60. Develop a model curriculum and lesson plans for the compulsory minimum entry-level, in-service,
 303 and advanced training standards to be employed by criminal justice training academies approved by the

304 Department when conducting training;

305 61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers
306 and certified jail officers and appropriate due process procedures for decertification based on serious
307 misconduct in violation of those standards and provide for a decertification review process in accordance
308 with § 15.2-1708;

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

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

314 64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local
315 law-enforcement cooperation, with the development and implementation of the Marcus alert system, as
316 defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in
317 the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and
318 37.2-311.1;

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

321 66. Develop an online course to train unarmed security officers, armed security officers, couriers, security
322 canine handlers, and alarm respondents to recognize and report instances of suspected human trafficking to
323 meet the compulsory minimum, entry-level, and in-service training standards as required by § 9.1-141;

324 67. Establish standards and procedures for when the Board may grant a petition for reinstatement of
325 certification of a decertified officer pursuant to subsection E of § 15.2-1708;

326 68. Establish compulsory minimum and in-service training standards for law-enforcement officers on
327 communicating with individuals with an intellectual disability or a developmental disability as defined in §
328 37.2-100, such as autism spectrum disorder as defined in the most recent edition of the Diagnostic and
329 Statistical Manual of Mental Disorders of the American Psychiatric Association, which shall include (i) an
330 overview and behavioral recognition of autism spectrum disorder, (ii) best practices for crisis prevention and
331 de-escalation techniques, (iii) an objective review of any relevant tools and technology available to assist in
332 communication, and (iv) education on law-enforcement agency and community resources for the autism
333 community on future crisis prevention. Such training standards shall be established in consultation with at
334 least one individual with autism spectrum disorder, one family member of an individual with autism spectrum
335 disorder, one specialist who works with individuals with autism spectrum disorder, one representative from
336 the Department of Behavioral Health and Developmental Services, and one representative from a state or
337 local law-enforcement agency; ~~and~~

338 69. *In consultation with the Virginia Freedom of Information Advisory Council, establish a model policy*
339 *for the use of encrypted telecommunications by law-enforcement agencies; and*

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

341 **2. That the Department of Criminal Justice Services, in consultation with the Virginia Freedom of**
342 **Information Advisory Council, shall establish and publish a model policy for the use of encrypted**
343 **telecommunications by law-enforcement agencies as required by the provisions of this act by January**
1, 2026.