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HOUSE BILL NO. 2435
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the House Committee on Public Safety
 on _____)

(Patron Prior to Substitute—Delegate Webert)

A BILL to amend and reenact § 9.1-102 of the Code of Virginia, relating to model policy for law-enforcement officer investigating overdose; notification to prescriber.

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

60 returning them to their caregivers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

121 31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to

122 determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L.
123 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and
124 improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

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

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

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

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

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

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

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

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

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

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

168 e. Communication of death notifications;

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

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

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

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

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

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

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

183 detention of another person; and

184 m. The use of naloxone or other opioid antagonists to prevent opioid overdose deaths, in coordination
185 with statewide naloxone training programs developed by the Department of Behavioral Health and
186 Developmental Services and the Virginia Department of Health;

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

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

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

205 41. Promote community policing philosophy and practice throughout the Commonwealth by providing
206 community policing training and technical assistance statewide to all law-enforcement agencies, community
207 groups, public and private organizations and citizens; developing and distributing innovative policing
208 curricula and training tools on general community policing philosophy and practice and contemporary critical
209 issues facing Virginia communities; serving as a consultant to Virginia organizations with specific
210 community policing needs; facilitating continued development and implementation of community policing
211 programs statewide through discussion forums for community policing leaders, development of law-
212 enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide
213 information source on the subject of community policing including, but not limited to periodic newsletters, a
214 website and an accessible lending library;

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

232 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11
233 (§ 9.1-185 et seq.);

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

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

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

244 but not limited to: the management of such departments, investigatory procedures, judicial referrals, the
245 establishment and management of databases for campus safety and security information sharing, and
246 development of uniform record keeping for disciplinary records and statistics, such as campus crime logs,
247 judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of
248 college administrators, college police chiefs, college security department chiefs, and local law-enforcement
249 officials to assist in the development of the standards and certification requirements and training pursuant to
250 this subdivision;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

303 61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers
304 and certified jail officers and appropriate due process procedures for decertification based on serious

305 misconduct in violation of those standards and provide for a decertification review process in accordance
306 with § 15.2-1708;

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

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

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

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

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

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

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

336 69. *Establish a model policy for best practices for law-enforcement officers responding to or investigating*
337 *an overdose, when prescriber information has been obtained during the course of such response or*
338 *investigation, to notify the prescriber of any controlled substance found to be in the possession of or believed*
339 *to have been ingested by the victim that such prescription of a controlled substance was involved in an*
340 *overdose. Such model policy shall include that a notification to a prescriber of a controlled substance shall*
341 *not be required if such notification would jeopardize an active law-enforcement investigation; and*

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