

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 9.1-102 of the Code of Virginia and to amend the Code of Virginia by adding*  
 3 *in Chapter 3 of Title 53.1 an article numbered 7.1, consisting of sections numbered 53.1-133.06 through*  
 4 *53.1-133.09, relating to local and regional correctional facilities; treatment of prisoners known to be*  
 5 *pregnant.*

6 [H 2235]

7 Approved

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

9 **1. That § 9.1-102 of the Code of Virginia is amended and reenacted and that the Code of Virginia is**  
 10 **amended by adding in Chapter 3 of Title 53.1 an article numbered 7.1, consisting of sections numbered**  
 11 **53.1-133.06 through 53.1-133.09, as follows:**

12 **§ 9.1-102. Powers and duties of the Board and the Department.**

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

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

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

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

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

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

35 6. [Repealed];

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

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

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

50 10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or  
 51 state government agency, whose duties include the dispatching of law-enforcement personnel. Such training  
 52 standards shall apply only to dispatchers hired on or after July 1, 1988. Such training shall include training in  
 53 the identification of, communication with, and facilitation of the safe return of individuals diagnosed with  
 54 Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective  
 55 communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques  
 56 for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to

57 physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of  
 58 individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting  
 59 caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an  
 60 emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's  
 61 disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement  
 62 personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and  
 63 returning them to their caregivers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

117 29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or

118 alterations to such programs, projects, and activities for the purpose of improving law enforcement and the  
119 administration of criminal justice;

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

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

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

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

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

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

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

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

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

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

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

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

171 e. Communication of death notifications;

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

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

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

179 i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human

180 trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol  
181 duties;

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

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

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

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

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

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

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

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

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

235 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11  
236 (§ 9.1-185 et seq.);

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

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

241 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

303 60. Develop a model curriculum and lesson plans for the compulsory minimum entry-level, in-service,

304 and advanced training standards to be employed by criminal justice training academies approved by the  
305 Department when conducting training;

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

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

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

315 64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local  
316 law-enforcement cooperation, with the development and implementation of the Marcus alert system, as  
317 defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in  
318 the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and  
319 37.2-311.1;

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

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

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

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

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

#### 340 *Article 7.1.*

#### 341 *Treatment of Prisoners Known to Be Pregnant.*

##### 342 **§ 53.1-133.06. Definitions.**

343 *As used in this article, unless the context requires a different meaning:*

344 *"Postpartum recovery" means the eight-week period, or longer as determined by a health care*  
345 *professional responsible for the health and safety of the prisoner, following childbirth.*

346 *"Restraints" means any mechanical device, medication, physical intervention, or hands-on hold to prevent*  
347 *an individual from moving her body.*

##### 348 **§ 53.1-133.07. Treatment of prisoners known to be pregnant.**

349 *A. No restraints shall be used on any prisoner known to be pregnant, beginning upon notification or*  
350 *diagnosis by a health care provider about such pregnancy and for the duration of such prisoner's pregnancy,*  
351 *unless a deputy sheriff or jail officer makes an individualized determination that (i) such prisoner will harm*  
352 *herself, the fetus, or any other person; (ii) such prisoner poses a flight risk; or (iii) the totality of the*  
353 *circumstances creates a serious security risk. If such individualized determination is made that restraints are*  
354 *necessary, such restraints shall be the least restrictive possible.*

355 *B. No restraints shall be used on any prisoner known to be pregnant while such prisoner is in labor or*  
356 *during delivery unless a deputy sheriff or jail officer makes an individualized determination that (i) such*  
357 *prisoner will harm herself, the fetus, the newborn child, or any other person; (ii) such prisoner poses a flight*  
358 *risk; or (iii) the totality of the circumstances creates a serious security risk. If such individualized*  
359 *determination is made that restraints are necessary, the deputy sheriff or jail officer shall consult with the*  
360 *health care provider treating such prisoner to ensure that such restraints are the least restrictive possible. In*  
361 *such case, the deputy sheriff or jail officer ordering the use of restraints on any prisoner known to be*  
362 *pregnant while in labor or during delivery shall notify a supervisor as soon as reasonably practicable and*  
363 *shall submit a report indicating the reason for the use of such restraints and what type of restraints were used*  
364 *no later than the conclusion of such deputy sheriff's or jail officer's shift. The supervisor shall submit a*  
365 *written report to the sheriff in charge of the local correctional facility, or his designee, or the jail*

366 superintendent of the regional correctional facility, or his designee, within 72 hours following the use of  
 367 restraints, containing the justification for restraining such prisoner. If restraints are used on a prisoner as  
 368 authorized by subsection A or this subsection, such restraints shall be immediately removed upon the request  
 369 of any doctor, nurse, or other health care provider treating such prisoner if the restraints present a threat to  
 370 the life or health of the prisoner, the fetus, or the newborn child.

371 C. No employee of a local or regional correctional facility other than a licensed health care provider  
 372 shall conduct a body cavity search of a prisoner known to be pregnant unless the employee has a reasonable  
 373 belief that such prisoner is concealing contraband. If an employee conducts such body cavity search of a  
 374 pregnant prisoner, the employee shall submit a written report to the sheriff or jail superintendent in charge of  
 375 such correctional facility within 72 hours of such body cavity search and shall include in such report the  
 376 justification for such body cavity search and what contraband was found, if any.

377 D. The sheriff or jail superintendent of a local or regional correctional facility shall ensure that prisoners  
 378 known to be pregnant are provided sufficient food and dietary supplements that meet generally accepted  
 379 prenatal nutritional guidelines for pregnant people as ordered by a licensed health care provider or such  
 380 health care provider's staff.

381 E. A prisoner known to be pregnant shall be assigned to the lowest bed available.

382 **§ 53.1-133.08. Treatment of prisoners during postpartum recovery.**

383 A. No restraints shall be used on any prisoner who is in postpartum recovery unless a deputy sheriff or  
 384 jail officer makes an individualized determination that (i) such prisoner will harm herself, the fetus, the  
 385 newborn child, or any other person; (ii) such prisoner poses a flight risk; or (iii) the totality of the  
 386 circumstances creates a serious security risk. If such individualized determination is made that restraints are  
 387 necessary, the deputy sheriff or jail officer shall consult with the health care provider treating such prisoner  
 388 to ensure that such restraints are the least restrictive possible. In such case, the deputy sheriff or jail officer  
 389 ordering the use of restraints shall notify a supervisor as soon as reasonably practicable and shall submit a  
 390 report indicating the reason for the use of such restraints and what type of restraints were used no later than  
 391 the conclusion of such deputy sheriff's or jail officer's shift. The supervisor shall submit a written report to  
 392 the sheriff in charge of the local correctional facility, or his designee, or the jail superintendent of the  
 393 regional correctional facility, or his designee, within 72 hours following the use of restraints, containing  
 394 justification for restraining the prisoner. If restraints are used on a prisoner as authorized by this subsection,  
 395 such restraints shall be immediately removed upon the request of any doctor, nurse, or other health care  
 396 provider treating such prisoner if the restraints present a threat to the life or health of the prisoner, the fetus,  
 397 or the newborn child.

398 B. Following the delivery of a newborn child by a prisoner, the sheriff or jail superintendent shall permit  
 399 the newborn child to remain with the mother until discharge from the health care facility unless a licensed  
 400 medical or mental health care professional has a reasonable belief that the newborn child remaining with the  
 401 mother poses a health or safety risk to the newborn child.

402 **§ 53.1-133.09. Training of deputy sheriffs and jail officers regarding pregnant prisoners.**

403 For deputy sheriffs and jail officers employed in local or regional correctional facilities who may have  
 404 contact with pregnant prisoners, the compulsory minimum entry-level training standards established  
 405 pursuant to § 9.1-102 shall include training on the general care of pregnant women, the impact of restraints  
 406 on pregnant prisoners and fetuses, the impact of being placed in restrictive housing or solitary confinement  
 407 on pregnant prisoners, and the impact of body cavity searches on pregnant prisoners. All staff shall annually  
 408 review policies related to restraining pregnant prisoners.