

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 9.1-102 and 15.2-1708 of the Code of Virginia, relating to Department of*
 3 *Criminal Justice Services; powers and duties; local and regional jails; repeal of model addiction recovery*
 4 *program.*

5 [S 690]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That §§ 9.1-102 and 15.2-1708 of the Code of Virginia are amended and reenacted as follows:**9 **§ 9.1-102. Powers and duties of the Board and the Department.**

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

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

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

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

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

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

32 6. [Repealed];

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

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

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

47 10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or
 48 state government agency, whose duties include the dispatching of law-enforcement personnel. Such training
 49 standards shall apply only to dispatchers hired on or after July 1, 1988. Such training shall include training in
 50 the identification of, communication with, and facilitation of the safe return of individuals diagnosed with
 51 Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective
 52 communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques
 53 for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to
 54 physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of
 55 individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting
 56 caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an

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57 emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's
58 disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement
59 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 1. 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
204 that 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 (VSCS) 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
 273 law-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-~~ 54. Establish a model policy for the operation of body-worn camera systems as defined in
 282 § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

283 ~~56-~~ 55. 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-~~ 56. Establish compulsory training standards for basic training of law-enforcement officers for
 291 recognizing and managing stress, self-care techniques, and resiliency;

292 ~~58-~~ 57. Establish guidelines and standards for psychological examinations conducted pursuant to
 293 subsection C of § 15.2-1705;

294 ~~59-~~ 58. 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-~~ 59. 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-~~ 60. Adopt statewide professional standards of conduct applicable to all certified law-enforcement

304 officers 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-~~ 61. 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-~~ 62. Establish compulsory training standards for basic training and the recertification of
311 law-enforcement officers to include crisis intervention training in accordance with clause (ii) of § 9.1-188;

312 ~~64-~~ 63. Advise and assist the Department of Behavioral Health and Developmental Services, and support
313 local 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-~~ 64. Develop an online course to train hotel proprietors and their employees to recognize and report
318 instances of suspected human trafficking;

319 ~~66-~~ 65. Develop an online course to train unarmed security officers, armed security officers, couriers,
320 security canine handlers, and alarm respondents to recognize and report instances of suspected human
321 trafficking to meet the compulsory minimum, entry-level, and in-service training standards as required by
322 § 9.1-141;

323 ~~67-~~ 66. Establish standards and procedures for when the Board may grant a petition for reinstatement of
324 certification of a decertified officer pursuant to subsection E of § 15.2-1708;

325 ~~68-~~ 67. Establish compulsory minimum and in-service training standards for law-enforcement officers on
326 communicating with individuals with an intellectual disability or a developmental disability as defined in
327 § 37.2-100, such as autism spectrum disorder as defined in the most recent edition of the Diagnostic and
328 Statistical Manual of Mental Disorders of the American Psychiatric Association, which shall include (i) an
329 overview and behavioral recognition of autism spectrum disorder, (ii) best practices for crisis prevention and
330 de-escalation techniques, (iii) an objective review of any relevant tools and technology available to assist in
331 communication, and (iv) education on law-enforcement agency and community resources for the autism
332 community on future crisis prevention. Such training standards shall be established in consultation with at
333 least one individual with autism spectrum disorder, one family member of an individual with autism spectrum
334 disorder, one specialist who works with individuals with autism spectrum disorder, one representative from
335 the Department of Behavioral Health and Developmental Services, and one representative from a state or
336 local law-enforcement agency;

337 ~~69-~~ 68. Develop an online course for the Virginia Alcoholic Beverage Control Authority to offer to retail
338 licensees and their employees to train such licensees and employees to recognize and report instances of
339 suspected human trafficking;

340 ~~70-~~ 69. Establish a model policy for best practices for law-enforcement officers responding to or
341 investigating an overdose, when prescriber information has been obtained during the course of such response
342 or investigation, to notify the prescriber of any controlled substance found to be in the possession of or
343 believed to have been ingested by the victim that such prescription of a controlled substance was involved in
344 an overdose. Such model policy shall include that a notification to a prescriber of a controlled substance shall
345 not be required if such notification would jeopardize an active law-enforcement investigation;

346 ~~71-~~ 70. Establish a training curriculum for law-enforcement agencies, law-enforcement officers, and
347 special conservators of the peace on the discretion such officers can exercise regarding arrests as provided in
348 Chapter 7 (§ 19.2-71 et seq.) of Title 19.2. Such training shall include (i) instruction on the scope and nature
349 of law-enforcement officer discretion in arrest decisions, with particular emphasis on encounters with
350 individuals experiencing a mental health crisis, including individuals currently subject to an emergency
351 custody order pursuant to § 37.2-808, a temporary detention order pursuant to § 37.2-809, or an involuntary
352 admission order pursuant to § 37.2-817, and (ii) instruction on the immediate and long-term effects of arrests
353 on individuals in need of mental health services due to a mental health crisis, including impacts on treatment
354 outcomes as identified in substantially accepted peer-reviewed research literature;

355 ~~72-~~ 71. Establish a model policy for the provision of security at nonprofit institutions that serve
356 individuals and communities at risk of hate crimes as defined in § 52-8.5 within the Commonwealth,
357 incorporating relevant information about various traditions, services, or activities that any law-enforcement
358 officer, unarmed security officer, or armed security officer providing such security may encounter; and

359 ~~73-~~ 72. Perform such other acts as may be necessary or convenient for the effective performance of its
360 duties.

361 **§ 15.2-1708. Notice of decertification; decertification review process.**

362 A. Service of notice. The Board shall, within 10 days of decertification, serve notice upon a decertified
363 officer, in person or by certified mail or trackable courier service with signature requirement, and upon the
364 law-enforcement or jail agency employing said officer, by certified mail or trackable courier service with
365 signature requirement, specifying the action taken and remedies available. The Board shall stay final action

366 until the period for requesting a review of the decertification expires.

367 B. Decertification review process. Any decertified law-enforcement or jail officer may, within 30 days of
 368 receipt of notice served by the Board, request, by certified mail or trackable courier service with signature
 369 requirement, review of his decertification, which shall be granted by the Board. Upon receipt of such request,
 370 the Board shall request the Department of Criminal Justice Services (the Department) to initiate a review of
 371 the decertification pursuant to the authority conferred in subdivisions 36 and ~~61~~ 60 of § 9.1-102 and in
 372 accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) within 90 days and
 373 serve notice by certified mail or trackable courier service with signature requirement upon the decertified
 374 officer. The decertified officer may be represented by counsel at all stages of the decertification review
 375 process. The former employing agency shall have a representative present at all stages of the decertification
 376 review process. In the absence of a request for review, decertification shall, without further proceedings,
 377 become final 30 days after the initial notice has been served on the decertified officer in person or by certified
 378 mail or trackable courier service with signature requirement.

379 C. 1. Upon motion by the decertified officer or his counsel or the Attorney General, the Department may
 380 grant a continuance of any informal fact-finding conference or formal hearing for good cause shown.

381 2. When an officer is decertified as a result of a termination or resignation related to a criminal charge that
 382 has not yet been adjudicated by a court and thereafter requests a review of his decertification, the Department
 383 may continue any informal fact-finding conference or formal hearing until the final disposition of the charge
 384 has been entered by the court hearing the criminal matter. Such officer shall remain decertified during such
 385 period of continuance unless the Department finds the officer's continued decertification may cause
 386 circumstances that constitute a manifest injustice to the officer, in which case the officer's certification may
 387 be reinstated during the period of continuance until the conviction becomes final.

388 3. When an officer is decertified as a result of a misdemeanor conviction that has been appealed to a court
 389 of record and thereafter requests review of his decertification, any informal fact-finding conference or formal
 390 hearing shall be continued until after the matter has been adjudicated by such court of record. Such officer
 391 shall remain decertified during such period of continuance.

392 4. When an officer is decertified as a result of any provision of clauses (ii) through (v) of subsection B of
 393 § 15.2-1707 and thereafter requests review of his decertification, any informal fact-finding conference or
 394 formal hearing shall be continued until after all grievances or appeals have been exhausted or waived and the
 395 employing agency's finding of misconduct is final. Such officer shall remain decertified during such period of
 396 continuance.

397 D. The findings and decision of the Department's decertification review may be appealed to the Criminal
 398 Justice Services Board (the Board) within 30 days of the decertified officer's receipt of notice of the
 399 Department's decision served by the Department. The final administrative decision of the Board's
 400 decertification review may be appealed pursuant to § 2.2-4026 of the Code of Virginia.

401 E. Reinstatement after decertification. Any decertified officer may, after a period of not less than five
 402 years after the date on which a final decision is made, petition the Board to be considered for reinstatement of
 403 certification.

404 F. Related records provided to the Board or the Department for the purposes of decertification of an
 405 identifiable law-enforcement or jail officer or the decertification review process for that identifiable
 406 law-enforcement or jail officer shall not be disclosed by the Board or the Department pursuant to the Virginia
 407 Freedom of Information Act (§ 2.2-3700 et seq.).

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