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HOUSE BILL NO. 1388

Offered January 21, 2026

A BILL to amend the Code of Virginia by adding in Title 9.1 a chapter numbered 5.2, consisting of sections numbered 9.1-513 through 9.1-518, relating to Police Chief Bill of Rights.

Patrons—Cherry and Callsen

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 9.1 a chapter numbered 5.2, consisting of sections numbered 9.1-513 through 9.1-518, as follows:

CHAPTER 5.2.**POLICE CHIEF BILL OF RIGHTS.****§ 9.1-513. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Appointing authority" means the governing body of a locality authorized to appoint and remove the chief of police of a police force organized pursuant to Article 1 (§ 15.2-1700 et seq.) of Chapter 17 of Title 15.2.

"Chief of police" or "police chief" means the highest-ranking sworn law-enforcement officer who is the head of a police department organized and established in a locality pursuant to Article 1 (§ 15.2-1700 et seq.) of Chapter 17 of Title 15.2, including a chief of a campus police department established at a public institution of higher education pursuant to § 23.1-809. However, "chief of police" or "police chief" does not include any sheriff or his deputies, any officer of the Department of State Police, or any auxiliary police officer appointed pursuant to § 15.2-1731.

"Just cause" means a reasonable and substantial ground for removal based upon conduct, performance, or circumstances materially affecting the fitness of a police chief to perform the duties of office. "Just cause" may include (i) conviction of a felony or crime involving moral turpitude; (ii) gross negligence or willful misconduct in the performance of official duties; (iii) demonstrated incompetence; (iv) a material violation of law or department policy that is reasonably related to law-enforcement duties; (v) conduct unbecoming an officer that materially impairs the integrity or reputation of the department; (vi) abandonment of office; or (vii) repeated, documented failure to perform essential duties of chief of police. No disagreement over policy or priorities, without evidence of neglect of duty or material violation of law or policy shall alone constitute "just cause."

"Removal" includes dismissal, termination, demotion, or any other adverse action that reduces the rank, authority, or compensation of a chief of police, including an indefinite suspension.

§ 9.1-514. Purpose; application; severability.

A. The provisions of this chapter establish independent protections for chiefs of police and shall not be construed to amend or limit the Law-Enforcement Officers' Procedural Guarantee Act (§ 9.1-500 et seq.).

B. The provisions of this chapter apply to chiefs of police of county, city, and town police departments and to chiefs of campus police departments at public institutions of higher education established under § 23.1-809. This chapter shall not apply to any sheriff and his deputies, police officer of the Department of State Police, law-enforcement officer of other state agencies, federal law-enforcement officer, private security personnel, or auxiliary police officer appointed pursuant to § 15.2-1731.

§ 9.1-515. Removal of chief of police; notice; hearing.

A. No chief of police shall be removed unless (i) there is a showing of just cause; (ii) such police chief is given written notice of the specific grounds for the proposed removal; and (iii) such police chief is afforded an opportunity to be heard in his own defense, personally and with counsel, before an impartial hearing panel convened under this chapter.

B. Written notice pursuant to clause (ii) of subsection A shall (i) state the specific grounds for removal in sufficient detail to permit preparation of a defense; (ii) identify the date, time, and place of the hearing; (iii) advise of the right to counsel and to present and cross-examine witnesses; and (iv) be delivered personally or by certified mail not less than five business days before the hearing.

C. The hearing shall be conducted before a panel of three members as follows:

1. One shall be a member of the Virginia Association of Chiefs of Police to be appointed by the president or his designee;

2. One shall be a member of the Virginia Municipal League to be appointed by the president or his designee, or if a county police department is involved, a member of the Virginia Association of Counties to be appointed by the executive director or his designee; and

3. One member, who is not an active law-enforcement officer, shall be appointed by the Chief Justice of

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the Supreme Court of Virginia or his designee.

D. Panel members appointed pursuant to subsection C shall be impartial and remain free from bias or conflict. Either party may object in writing to a panel member for good cause before the hearing commences; the appointing authority for that member shall determine the objection and may appoint a replacement.

E. The hearing shall be held not less than five business days and not more than 30 days after delivery of written notice, unless otherwise agreed to in writing by the parties. The appointing authority of the chief of police shall prove just cause by clear and convincing evidence. The panel shall receive relevant and reliable evidence and is not bound by the Rules of Evidence. The chief of police may be represented by counsel, present witnesses and documentary evidence, cross-examine witnesses, and request that the hearing be public or closed.

F. The panel shall issue a written decision within 20 days after the conclusion of the hearing. Such decision shall state findings of fact and whether the grounds for removal are substantiated. The decision shall be served on the chief of police and his appointing authority and shall be included in the administrative record. However, if the panel determines that just cause did not exist, the appointing authority shall reinstate the chief of police to his former position with back pay and benefits, restore his authority and duties, and expunge references to the removal proceedings from the personnel file.

G. If the panel determines the charges against the chief of police are unsubstantiated, it may award such police chief reasonable attorney fees and costs incurred in defending the removal action.

§ 9.1-516. Appeal of panel decision.

A. Any party aggrieved by the panel's decision may appeal to the circuit court of the locality in which the police department is located by filing notice of appeal within 90 days after receipt of the written decision.

B. The court shall review whether the proceedings complied with the provisions of this chapter, whether the panel's findings are supported by clear and convincing evidence, and whether the panel's decision is contrary to law or is arbitrary and constitutes an abuse of discretion. The court may set aside the panel's decision, order reinstatement of the chief of police with back pay, and award reasonable attorney fees and costs.

§ 9.1-517. Retaliation prohibited.

No chief of police shall be removed or otherwise subjected to any adverse action in retaliation for (i) asserting his rights under this chapter; (ii) participating in proceedings under this chapter; (iii) refusing to comply with an unlawful order; or (iv) reporting a violation of law or policy. Any such action shall be deemed arbitrary and capricious.

§ 9.1-518. Minimum rights; greater protections preserved.

The rights conferred pursuant to this chapter are minimum rights. Nothing herein shall diminish greater protections arising under contract, local ordinance, or other law. In the event of a conflict, the greater protection controls.

2. That the Virginia Association of Chiefs of Police, the Virginia Municipal League, and the Office of the Executive Secretary of the Supreme Court of Virginia, or their designees, shall promulgate rules governing proceedings pursuant to this act. Such rules shall include filing procedures, panel member standards, evidence handling, decision format, and confidentiality. Any rules shall be published within 180 days of the enactment of this act and may be amended as necessary.