

HOUSE BILL NO. 611

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety

on February 11, 2022)

(Patron Prior to Substitute--Delegate Bourne)

A BILL to amend and reenact § 9.1-102 of the Code of Virginia relating to conduct of law-enforcement officers; establishment of an Early Warning System.

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;

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

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

33 6. [Repealed];

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

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

40 9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well
41 as the time required for completion of such training, for persons employed as deputy sheriffs and jail
42 officers by local criminal justice agencies and correctional officers employed by the Department of
43 Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of
44 Corrections, such standards shall include training on the general care of pregnant women, the impact of
45 restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary
46 confinement on pregnant inmates, 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
48 local or state government agency, whose duties include the dispatching of law-enforcement personnel.
49 Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

50 11. Establish compulsory minimum training standards for all auxiliary police officers employed
51 by or in any local or state government agency. Such training shall be graduated and based on the type of

52 duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary
53 police officers exempt pursuant to § 15.2-1731;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

102 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects
103 and activities for the Commonwealth and units of general local government, or combinations thereof, in

104 the Commonwealth, designed to strengthen and improve law enforcement and the administration of
105 criminal justice at every level throughout the Commonwealth;

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

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

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

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

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

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

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

138 36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-
139 1707;

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

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

146 b. Communication with and facilitation of the safe return of individuals diagnosed with
147 Alzheimer's disease;

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

152 d. Protocols for local and regional sexual assault response teams;

153 e. Communication of death notifications;

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

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

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

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

164 j. Missing children, missing adults, and search and rescue protocol;~~and~~

165 k. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in §
166 19.2-83.3, that embody current best practices for using such items as a crowd control measure or during
167 an arrest or detention of another person; and

168 l. The development of a model policy and training program for the implementation of an Early
169 Warning System for law-enforcement agencies to identify law-enforcement officers whose behaviors or
170 actions may require law-enforcement agency intervention;

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

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

184 40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation
185 with Virginia law-enforcement agencies, provide technical assistance and administrative support,
186 including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The
187 Center may provide accreditation assistance and training, resource material, and research into methods
188 and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia
189 accreditation status. The Center may develop and adopt an accreditation standard that requires law-
190 enforcement agencies to implement an Early Warning System to identify law-enforcement officers whose
191 behaviors or actions may require law-enforcement agency intervention;

192 41. Promote community policing philosophy and practice throughout the Commonwealth by
193 providing community policing training and technical assistance statewide to all law-enforcement agencies,
194 community groups, public and private organizations and citizens; developing and distributing innovative
195 policing curricula and training tools on general community policing philosophy and practice and
196 contemporary critical issues facing Virginia communities; serving as a consultant to Virginia
197 organizations with specific community policing needs; facilitating continued development and
198 implementation of community policing programs statewide through discussion forums for community
199 policing leaders, development of law-enforcement instructors; promoting a statewide community policing
200 initiative; and serving as a statewide information source on the subject of community policing including,
201 but not limited to periodic newsletters, a website and an accessible lending library;

202 42. Establish, in consultation with the Department of Education and the Virginia State Crime
203 Commission, compulsory minimum standards for employment and job-entry and in-service training
204 curricula and certification requirements for school security officers, including school security officers
205 described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the
206 Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards
207 shall be specific to the role and responsibility of school security officers and shall include (i) relevant state
208 and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school
209 environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical
210 alternative to restraint; (v) disaster and emergency response; (vi) awareness of systemic and individual

211 racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health
212 needs, substance use disorders, and past traumatic experiences; and (viii) student behavioral dynamics,
213 including child and adolescent development and brain research. The Department shall establish an
214 advisory committee consisting of local school board representatives, principals, superintendents, and
215 school security personnel to assist in the development of the standards and certification requirements in
216 this subdivision. The Department shall require any school security officer who carries a firearm in the
217 performance of his duties to provide proof that he has completed a training course provided by a federal,
218 state, or local law-enforcement agency that includes training in active shooter emergency response,
219 emergency evacuation procedure, and threat assessment;

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

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

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

227 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training
228 curricula, and (iii) certification requirements for campus security officers. Such training standards shall
229 include, but not be limited to, the role and responsibility of campus security officers, relevant state and
230 federal laws, school and personal liability issues, security awareness in the campus environment, and
231 disaster and emergency response. The Department shall provide technical support and assistance to
232 campus police departments and campus security departments on the establishment and implementation of
233 policies and procedures, including but not limited to: the management of such departments, investigatory
234 procedures, judicial referrals, the establishment and management of databases for campus safety and
235 security information sharing, and development of uniform record keeping for disciplinary records and
236 statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall
237 establish an advisory committee consisting of college administrators, college police chiefs, college

238 security department chiefs, and local law-enforcement officials to assist in the development of the
239 standards and certification requirements and training pursuant to this subdivision;

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

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

245 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of §
246 46.2-117;

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

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

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

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

263 54. Establish compulsory minimum training standards for certification and recertification of law-
264 enforcement officers serving as school resource officers. Such training shall be specific to the role and

265 responsibility of a law-enforcement officer working with students in a school environment and shall
266 include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness
267 in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v)
268 disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and
269 implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders,
270 or past traumatic experiences; and (viii) student behavioral dynamics, including current child and
271 adolescent development and brain research;

272 55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-
273 1723.1 that also addresses the storage and maintenance of body-worn camera system records;

274 56. Establish compulsory minimum training standards for detector canine handlers employed by
275 the Department of Corrections, standards for the training and retention of detector canines used by the
276 Department of Corrections, and a central database on the performance and effectiveness of such detector
277 canines that requires the Department of Corrections to submit comprehensive information on each canine
278 handler and detector canine, including the number and types of calls and searches, substances searched
279 for and whether or not detected, and the number of false positives, false negatives, true positives, and true
280 negatives;

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

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

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

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

294 61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement
295 officers and certified jail officers and appropriate due process procedures for decertification based on
296 serious misconduct in violation of those standards;

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

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

302 64. Advise and assist the Department of Behavioral Health and Developmental Services, and
303 support local law-enforcement cooperation, with the development and implementation of the Marcus alert
304 system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement
305 participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to
306 §§ 9.1-193 and 37.2-311.1; and

307 65. Perform such other acts as may be necessary or convenient for the effective performance of its
308 duties.

309 **2. That the provisions of this act shall become effective on July 1, 2024.**

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