

HOUSE BILL NO. 1246

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety

on _____)

(Patron Prior to Substitute--Delegate Willett)

A BILL to amend and reenact § 9.1-102 of the Code of Virginia, relating to law-enforcement training; communication with individuals with an intellectual disability or a developmental disability.

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

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

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

162 e. Communication of death notifications;

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

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

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

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

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

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

175 l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in §
176 19.2-83.3, that embody current best practices for using such items as a crowd control measure or during
177 an arrest or detention of another person;

178 38. Establish compulsory training standards for basic training and the recertification of law-
179 enforcement officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural
180 diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1,
181 which shall include recognizing implicit biases in interacting with persons who have a mental illness,
182 substance use disorder, or developmental or cognitive disability; (ii) training in de-escalation techniques;

183 and (iii) training in the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3,
184 only when necessary to protect the law-enforcement officer or another person;

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

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

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

207 42. Establish, in consultation with the Department of Education and the Virginia State Crime
208 Commission, compulsory minimum standards for employment and job-entry and in-service training
209 curricula and certification requirements for school security officers, including school security officers

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

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

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

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

232 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training
233 curricula, and (iii) certification requirements for campus security officers. Such training standards shall
234 include, but not be limited to, the role and responsibility of campus security officers, relevant state and
235 federal laws, school and personal liability issues, security awareness in the campus environment, and
236 disaster and emergency response. The Department shall provide technical support and assistance to

237 campus police departments and campus security departments on the establishment and implementation of
238 policies and procedures, including but not limited to: the management of such departments, investigatory
239 procedures, judicial referrals, the establishment and management of databases for campus safety and
240 security information sharing, and development of uniform record keeping for disciplinary records and
241 statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall
242 establish an advisory committee consisting of college administrators, college police chiefs, college
243 security department chiefs, and local law-enforcement officials to assist in the development of the
244 standards and certification requirements and training pursuant to this subdivision;

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

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

250 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of §
251 46.2-117;

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

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

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

260 53. In consultation with the Department of Behavioral Health and Developmental Services,
261 develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail
262 officers, administrators, or superintendents in any local or regional jail. Such program shall be based on
263 any existing addiction recovery programs that are being administered by any local or regional jails in the

264 Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such
265 program may address aspects of the recovery process, including medical and clinical recovery, peer-to-
266 peer support, availability of mental health resources, family dynamics, and aftercare aspects of the
267 recovery process;

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

277 55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-
278 1723.1 that also addresses the storage and maintenance of body-worn camera system records;

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

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

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

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

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

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

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

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

307 64. Advise and assist the Department of Behavioral Health and Developmental Services, and
308 support local law-enforcement cooperation, with the development and implementation of the Marcus alert
309 system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement
310 participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to
311 §§ 9.1-193 and 37.2-311.1;

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

314 66. Establish compulsory minimum and in-service training standards for law-enforcement officers
315 on communicating with individuals with an intellectual disability or a developmental disability as
316 described in § 37.2-100, such as autism spectrum disorder as defined in the most recent edition of the

317 Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association, which
318 shall include (i) an overview and behavioral recognition of autism spectrum disorder, (ii) best practices
319 for crisis prevention and de-escalation techniques, (iii) an objective review of any relevant tools and
320 technology available to assist in communication, and (iv) education on law-enforcement agency and
321 community resources for the autism community on future crisis prevention. Such training standards shall
322 be established in consultation with at least one individual with autism spectrum disorder, one family
323 member of an individual with autism spectrum disorder, one specialist who works with individuals with
324 autism spectrum disorder, one representative from the Department of Behavioral Health and
325 Developmental Services, and one representative from a state or local law-enforcement agency; and

326 67. Perform such other acts as may be necessary or convenient for the effective performance of its
327 duties.

328 **2. That the Department of Criminal Justice Services shall establish the compulsory minimum and**
329 **in-service training standards as required by subdivision 66 of § 9.1-102 of the Code of Virginia, as**
330 **amended by this act, by January 1, 2027.**

331 **3. That any person employed as a law-enforcement officer prior to July 1, 2024, shall complete the**
332 **compulsory in-service training as required by subdivision 66 of § 9.1-102 of the Code of Virginia, as**
333 **amended by this act, by July 1, 2028.**

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