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SENATE BILL NO. 1270

Offered January 10, 2001

Prefiled January 10, 2001

A BILL to amend and reenact § 9-170 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 27 of Title 9 an article numbered 1.8, consisting of sections numbered 9-173.25 through 9-173.28, relating to the Preventing Crime in Minority Communities Initiative Program.

Patrons—Edwards, Byrne, Howell, Lambert, Lucas, Marsh, Marye, Maxwell, Puckett, Puller, Ticer and Whipple; Delegates: Deeds and Moran

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 9-170 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 27 of Title 9 an article numbered 1.8, consisting of sections numbered 9-173.25 through 9-173.28, as follows:

§ 9-170. Powers and duties of the Board and 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 to:

1. Promulgate regulations, pursuant to the Administrative Process Act (§ 9-6.14:1 et seq.), for the administration of (i) this chapter including the authority to require the submission of reports and information by law-enforcement officers within this Commonwealth or (ii) §§ 18.2-268.6, 18.2-268.9, 19.2-188.1, 19.2-310.5 and for any provisions of the Code as they relate to the responsibilities of the Division of Forensic Science. 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 (i) in permanent positions and (ii) in temporary or probationary status, and establish the time required for completion of such training;

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

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

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

6. Establish compulsory training courses for law-enforcement officers in laws and procedures relating to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be completed by law-enforcement officers who have not completed the compulsory training standards set out in subdivision 2 above, prior to assignment of any such officers to undercover investigation work. Failure to complete such training shall not, for that reason, constitute grounds to exclude otherwise properly admissible testimony or other evidence from such officer resulting from any undercover investigation;

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

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

9. Establish compulsory minimum entry-level, in-service, and advanced training standards for persons employed as jailers or custodial officers by local criminal justice agencies and for correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and establish the time required for completion of such training;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such

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58 training standards shall apply only to dispatchers hired on or after July 1, 1988;

59 11. Consult and cooperate with counties, municipalities, agencies of this Commonwealth, other state
60 and federal governmental agencies, and with universities, colleges, junior colleges, and other institutions,
61 whether located in or outside the Commonwealth, concerning the development of police training schools
62 and programs or courses of instruction;

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

66 13. Establish and maintain police training programs through such agencies and institutions as the
67 Board may deem appropriate;

68 14. Establish compulsory minimum qualifications of certification and recertification for instructors in
69 criminal justice training schools approved by the Department;

70 15. Conduct and stimulate research by public and private agencies which shall be designed to
71 improve police administration and law enforcement;

72 16. Make recommendations concerning any matter within its purview pursuant to this chapter;

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

77 18. Conduct inquiries and investigations it deems appropriate to carry out its functions under this
78 chapter and, in conducting such inquiries and investigations, shall have the authority to require any
79 criminal justice agency to submit information, reports, and statistical data with respect to its policy and
80 operation of information systems or with respect to its collection, storage, dissemination, and usage of
81 criminal history record information and correctional status information, and such criminal justice
82 agencies shall submit such information, reports, and data as are reasonably required;

83 19. Conduct audits as required by § 9-186;

84 20. Conduct a continuing study and review of questions of individual privacy and confidentiality of
85 criminal history record information and correctional status information;

86 21. Advise criminal justice agencies and initiate educational programs for such agencies with respect
87 to matters of privacy, confidentiality, and security as they pertain to criminal history record information
88 and correctional status information;

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

92 23. Issue regulations establishing guidelines and standards for the collection, storage, and
93 dissemination of criminal history record information and correctional status information, and the privacy,
94 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and
95 court orders;

96 24. The Department of State Police shall be the control terminal agency for the Commonwealth and
97 perform all functions required of a control terminal agency by the regulations of the National Crime
98 Information Center. Notwithstanding any other provision to the contrary in this chapter, the Central
99 Criminal Records Exchange and the Department of State Police shall remain the central repository for
100 criminal history record information in the Commonwealth, and the Department shall continue to be
101 responsible for the management and operation of such exchange;

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

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

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

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

118 29. Review and evaluate programs, projects, and activities, and recommend, where necessary,
119 revisions or alterations to such programs, projects, and activities for the purpose of improving law

enforcement and the administration of criminal justice;

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

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

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

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

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

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

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

37. Provide forensic laboratory services as detailed in Article 4 (§ 9-196.1 et seq.) of this chapter;

38. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse cases;

39. Establish training standards and publish a model policy for law-enforcement personnel in communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

40. Establish compulsory training standards for law-enforcement officers to ensure sensitivity to and awareness of cultural diversity;

41. Review and evaluate community policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs;

42. (Effective until July 1, 2005) Assist, as necessary, in the administration of the Live In Our Community Police Housing Program and Fund established pursuant to Chapter 8.1 (§ 36-140.1 et seq.) of Title 36; and

43. Perform such other acts as may be necessary or convenient for the effective performance of its duties; and

44. *Establish the Preventing Crime in Minority Communities Initiative Program, administer the Preventing Crime in Minority Communities Initiative Fund, and receive and expend gifts, donations, grants, bequests, and other funds on behalf of the Program.*

Article 1.8.

Preventing Crime in Minority Communities Initiative Program and Fund.

§ 9-173.25. *Preventing Crime in Minority Communities Initiative Program created; purpose; promulgation of regulations.*

With such funds as may be appropriated for this purpose and with such gifts, donations, grants, bequests, and other funds as may be received on its behalf by the Board of Criminal Justice Services, there is hereby established the Preventing Crime in Minority Communities Initiative Program, hereafter referred to in this article as "the Program," consisting of five projects located in urban inner-city communities in the Commonwealth with high crime rates and socioeconomic issues and problems attendant thereto, and a multi-disciplinary network of persons and organizations with expertise, experience, and interest in preventing and reducing crime in minority communities. The Board of Criminal Justice Services shall promulgate regulations for the implementation of the Program. Such

181 regulations shall require compliance with the provisions of this article. In developing the Program, the
182 Board shall emphasize crime prevention and reduction, community involvement, and strong
183 law-enforcement and community partnerships, and shall focus on urban, inner-city communities in which
184 the crime rate is most acute. The Department of Criminal Justice Services shall administer the Program.

185 § 9-173.26. Preventing Crime in Minority Communities Initiative Advisory Board established;
186 composition and officers; meetings; duties; staff support.

187 A. There is hereby established as a component of the Program the Preventing Crime in Minority
188 Communities Initiative Advisory Board, which shall be composed of twenty-one persons and
189 organizations that have experience in the fields of public safety, crime prevention, criminal justice
190 services administration, community policing, delivery of human services, urban and regional planning
191 and development, civic and community organization leadership, and working with diverse populations, to
192 be appointed by the Governor. Members of the Advisory Board shall serve at the pleasure of the
193 Governor. The Advisory Board shall elect a chairman and vice-chairman from among its members. The
194 Advisory Board shall meet four times during the grant period.

195 B. The Advisory Board shall perform the following duties:

196 1. Identify and arrange in order of priority issues related to crime prevention and reduction in
197 minority communities;

198 2. Identify and arrange in order of priority issues for community policing, including law-enforcement
199 training, technical assistance, funding, and legislative action;

200 3. Identify individuals, organizations, programs, and strategies in the Commonwealth and the nation
201 that have demonstrated success in building partnerships and assisting minority communities with crime
202 prevention and reduction;

203 4. Assist the Department in reviewing grant proposals from project applicants;

204 5. Serve as liaison between the Department, grant recipients, and the minority community;

205 6. Conduct public hearings to promote participation and solicit comments from minority citizens on
206 issues affecting the crime rate in their communities, and receive recommendations concerning how
207 problems may be addressed;

208 7. Educate the minority community concerning the Program, and promote and support the Program
209 and the efforts of grant recipients in preventing and reducing crime in their respective neighborhoods;

210 8. Advise the minority community of issues, laws, and policies affecting or related to crime
211 prevention and reduction;

212 9. Educate the public regarding crime prevention, the criminal justice system, the need for cultural
213 diversity competency skills, the impact of perceptions, stereotypes and myths concerning minority citizens
214 that may affect race relations, community involvement, and crime prevention and reduction efforts;

215 10. Identify, research, and determine whether the objectives and goals of exemplary programs,
216 strategies, and model programs may be adapted for use in minority communities in the Commonwealth;

217 11. Advise the Board and the Governor on the development of a four-year statewide plan to increase
218 crime prevention and reduction programs and services in minority communities across the
219 Commonwealth;

220 12. Evaluate funded projects to determine their effectiveness in preventing and reducing crime in
221 minority communities;

222 13. Plan and organize the first annual Virginia Preventing Crime in Minority Community
223 Conference;

224 14. Assist in the development, implementation, and dissemination of information concerning the
225 Program through brochures, resource directories, Internet links, on-site technical assistance, training
226 seminars, and other related means;

227 15. Cultivate relationships with legislative committees, minority law-enforcement organizations and
228 associations, institutions of higher education, and federal, state, and local crime prevention agencies
229 and organizations;

230 16. Advise the Governor, the Board and Department concerning problems attendant to crime in the
231 minority community, and the effectiveness of the Program and other exemplary crime prevention and
232 reduction initiatives; and

233 17. Perform such other related tasks as the Governor, the Board and Department may assign.

234 C. Staff support for the Program and the Advisory Board shall be provided by the Department of
235 Criminal Justice Services.

236 § 9-173.27. Eligible projects; criteria for award of grants.

237 A. On and after July 1, 2001, the Program shall consist of no more than five projects located in
238 urban inner-city communities in the Commonwealth with high crime rates and socioeconomic issues and
239 problems attendant thereto. Priority for awarding grants shall be given to projects designed to facilitate
240 a better understanding and appreciation of the culture of minority persons and the foundation of their
241 communities; promote dialogue and cooperation between the minority persons and law-enforcement
242 agencies in reducing the crime rate; and destroy the stereotypes and myths that hinder communication,

cooperation, and trust between law-enforcement agencies and the minority community.

B. Criteria for awarding such grants shall include, but not be limited to, the development of creative ways to identify and involve minority persons in their neighborhoods to solve community problems; consensus building within the community; education of the minority persons and law-enforcement officers regarding their respective roles and responsibilities in crime prevention and reduction; promotion of strong family and community involvement, including relationships with the business and corporate community, minority professional associations and civic organizations, the religious community, and the private sector; and viable community outreach activities and programs designed to meet identified community needs. Grants for all projects shall be awarded on a competitive basis to applicants responding to requests for proposals. Upon appropriation of funds for the purposes of this article, the Department shall issue a request for proposals for program projects. Grants shall be awarded by December 1, 2001.

C. Eligible projects shall (i) satisfy the criteria for receiving awards pursuant to this section; (ii) cooperate with the Preventing Crime in Minority Communities Initiative Advisory Board in developing strategies and a statewide plan for preventing and reducing the crime rate in minority communities; (iii) provide information regarding crime awareness to their respective communities; (iv) encourage minority members of the community to participate fully in crime prevention and reduction efforts; (v) develop and maintain lines of communication with minority neighborhoods, businesses, schools, institutions of higher education, and other public and private entities within the community to promote interest and generate community support for the project; (vi) publicize the Program in the community; (vii) monitor the crime rate in the community, and identify alleged perpetrators; and (viii) evaluate the effectiveness of the project in promoting community involvement, and preventing and reducing crime in the community. Grant recipients shall report the evaluation of Program projects to the Department of Criminal Justice Services, providing such data, information, and materials on such forms and date as the Department may require.

Grant recipients may work collaboratively, upon approval of the Department, to achieve efficiency and the cost-effectiveness of the projects.

§ 9-173.28. Preventing Crime in Minority Communities Initiative Fund.

A. There is hereby created in the Department of the Treasury a special nonreverting fund known as the Preventing Crime in Minority Communities Initiative Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller, and any moneys remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. The Fund shall consist of such moneys as may be appropriated for the Preventing Crime in Minority Communities Initiative Program and such gifts, donations, grants, bequests, and other funds as may be received on its behalf by the Board of Criminal Justice Services. The Fund shall be used solely to fund the Preventing Crime in Minority Communities Initiative Program. Interest earned on such moneys shall remain in the Fund and be credited to it. Moneys in the Fund shall be used solely to award grants to eligible Program projects pursuant to the Preventing Crime in Minority Communities Initiative Program as provided in §9-173.27. Disbursements from the Fund for such grant awards shall be made by the State Treasurer on warrants issued by the Comptroller, upon the written request of the Chairman of the Board of Criminal Justice Services. The State Treasurer shall ensure that any moneys appropriated or provided to the Fund for the Preventing Crime in Minority Communities Initiative Program through gifts, donations, grants, and bequests shall be distributed only for the Program and grant awards, pursuant to § 9-173.27.