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HOUSE BILL NO. 1053

Offered January 9, 2002

Prefiled January 9, 2002

A BILL to amend and reenact § 9.1-102 of the Code of Virginia, relating to powers and duties of the Department of Criminal Justice Services.

Patrons—Melvin, Abbitt, Albo, Almand, Athey, Baskerville, Bell, Bland, Bloxom, Bolvin, Bryant, Byron, Callahan, Carrico, Christian, Cole, Cosgrove, Cox, Crittenden, Darner, Devolites, Dillard, Drake, Dudley, Gear, Hamilton, Hargrove, Hogan, Hull, Hurt, Ingram, Janis, Joannou, Jones, D.C., Jones, J.C., Jones, S.C., Kilgore, Landes, Lingamfelter, Marshall, D.W., May, McDougale, McQuigg, Miles, Moran, Morgan, Nixon, Nutter, O'Bannon, Oder, Orrock, Parrish, Purkey, Putney, Rapp, Reese, Rollison, Rust, Saxman, Sears, Sherwood, Spruill, Suit, Tata, Van Landingham, Van Yahres, Wardrup, Ware, Watts, Weatherholtz, Wilkins and Wright; Senators: Howell, Marsh, Miller, Y.B. and Ticer

Referred to Committee on General Laws

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 (i) this chapter including the authority to require the submission of reports and information by law-enforcement officers within the 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 in (i) permanent positions, and (ii) 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, prior to assignment of any such officers to undercover investigation work. Failure to complete the 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 deputy sheriffs and jail 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;

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52 10. Establish compulsory minimum training standards for all dispatchers employed by or in any local
53 or state government agency, whose duties include the dispatching of law-enforcement personnel. Such
54 training standards shall apply only to dispatchers hired on or after July 1, 1988;

55 11. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state
56 and federal governmental agencies, and with universities, colleges, community colleges, and other
57 institutions, whether located in or outside the Commonwealth, concerning the development of police
58 training schools and programs or courses of instruction;

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

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

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

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

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

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

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

79 19. Conduct audits as required by § 9.1-131;

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

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

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

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

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

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

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

104 27. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and
105 activities for the Commonwealth and units of general local government, or combinations thereof, in the
106 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
107 justice at every level throughout the Commonwealth;

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

111 29. Coordinate the activities and projects of the state departments, agencies, and boards of the
112 Commonwealth and of the units of general local government, or combination thereof, including planning
113 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;

30. 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;

31. 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;

32. 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;

33. 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;

34. 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;

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

36. Provide forensic laboratory services as detailed in Article 2 (§ 9.1-117 et seq.) of this chapter;

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

38. 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;

39. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity *and biased policing*;

40. 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, *including sensitivity to and awareness of cultural diversity and biased policing*;

41. *Publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and biased policing. Such policy or guideline shall incorporate appropriate provisions for the vigorous investigation of complaints inconsistent with such policy or guideline;*

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;

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

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

45. Perform such other acts as may be necessary or convenient for the effective performance of its

175 duties.