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SENATE BILL NO. 81

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 27, 2016)

(Patron Prior to Substitute—Senator Favola)

A BILL to amend and reenact § 9.1-102 of the Code of Virginia, relating to Department and Board of Criminal Justice Services; powers and duties; trauma-informed sexual assault investigation.

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;

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. [Repealed];

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, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

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

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

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

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

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

- 60 15. Establish compulsory minimum qualifications of certification and recertification for instructors in
61 criminal justice training schools approved by the Department;
- 62 16. Conduct and stimulate research by public and private agencies which shall be designed to
63 improve police administration and law enforcement;
- 64 17. Make recommendations concerning any matter within its purview pursuant to this chapter;
- 65 18. Coordinate its activities with those of any interstate system for the exchange of criminal history
66 record information, nominate one or more of its members to serve upon the council or committee of any
67 such system, and participate when and as deemed appropriate in any such system's activities and
68 programs;
- 69 19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this
70 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to
71 submit information, reports, and statistical data with respect to its policy and operation of information
72 systems or with respect to its collection, storage, dissemination, and usage of criminal history record
73 information and correctional status information, and such criminal justice agencies shall submit such
74 information, reports, and data as are reasonably required;
- 75 20. Conduct audits as required by § 9.1-131;
- 76 21. Conduct a continuing study and review of questions of individual privacy and confidentiality of
77 criminal history record information and correctional status information;
- 78 22. Advise criminal justice agencies and initiate educational programs for such agencies with respect
79 to matters of privacy, confidentiality, and security as they pertain to criminal history record information
80 and correctional status information;
- 81 23. Maintain a liaison with any board, commission, committee, or other body which may be
82 established by law, executive order, or resolution to regulate the privacy and security of information
83 collected by the Commonwealth or any political subdivision thereof;
- 84 24. Adopt regulations establishing guidelines and standards for the collection, storage, and
85 dissemination of criminal history record information and correctional status information, and the privacy,
86 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and
87 court orders;
- 88 25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal
89 justice information system, produce reports, provide technical assistance to state and local criminal
90 justice data system users, and provide analysis and interpretation of criminal justice statistical
91 information;
- 92 26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law
93 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically
94 update that plan;
- 95 27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the
96 Commonwealth, and units of general local government, or combinations thereof, including planning
97 district commissions, in planning, developing, and administering programs, projects, comprehensive
98 plans, and other activities for improving law enforcement and the administration of criminal justice
99 throughout the Commonwealth, including allocating and subgranting funds for these purposes;
- 100 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and
101 activities for the Commonwealth and units of general local government, or combinations thereof, in the
102 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
103 justice at every level throughout the Commonwealth;
- 104 29. Review and evaluate programs, projects, and activities, and recommend, where necessary,
105 revisions or alterations to such programs, projects, and activities for the purpose of improving law
106 enforcement and the administration of criminal justice;
- 107 30. Coordinate the activities and projects of the state departments, agencies, and boards of the
108 Commonwealth and of the units of general local government, or combination thereof, including planning
109 district commissions, relating to the preparation, adoption, administration, and implementation of
110 comprehensive plans to strengthen and improve law enforcement and the administration of criminal
111 justice;
- 112 31. Do all things necessary on behalf of the Commonwealth and its units of general local
113 government, to determine and secure benefits available under the Omnibus Crime Control and Safe
114 Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and
115 programs for strengthening and improving law enforcement, the administration of criminal justice, and
116 delinquency prevention and control;
- 117 32. Receive, administer, and expend all funds and other assistance available to the Board and the
118 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe
119 Streets Act of 1968, as amended;
- 120 33. Apply for and accept grants from the United States government or any other source in carrying
121 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. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

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 the potential for 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 the potential for 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 the potential for biased policing;

42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, 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;

43. 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;

44. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

45. Establish training standards and publish a model policy and protocols for local and regional sexual assault response teams;

183 46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with
184 Article 11 (§ 9.1-185 et seq.);

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

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

189 49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula,
190 and (iii) certification requirements for campus security officers. Such training standards shall include, but
191 not be limited to, the role and responsibility of campus security officers, relevant state and federal laws,
192 school and personal liability issues, security awareness in the campus environment, and disaster and
193 emergency response. The Department shall provide technical support and assistance to campus police
194 departments and campus security departments on the establishment and implementation of policies and
195 procedures, including but not limited to: the management of such departments, investigatory procedures,
196 judicial referrals, the establishment and management of databases for campus safety and security
197 information sharing, and development of uniform record keeping for disciplinary records and statistics,
198 such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an
199 advisory committee consisting of college administrators, college police chiefs, college security
200 department chiefs, and local law-enforcement officials to assist in the development of the standards and
201 certification requirements and training pursuant to this subdivision;

202 50. Establish compulsory training standards and publish a model policy for law-enforcement
203 personnel regarding death notification;

204 51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established
205 pursuant to § 9.1-187;

206 52. (Effective until July 1, 2018) Establish, publish, and disseminate a model policy or guideline for
207 law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning
208 the physical location of that individual's last consumption of an alcoholic beverage and for
209 communicating that information to the Alcoholic Beverage Control Board;

210 52. (Effective July 1, 2018) Establish, publish, and disseminate a model policy or guideline for
211 law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning
212 the physical location of that individual's last consumption of an alcoholic beverage and for
213 communicating that information to the Virginia Alcoholic Beverage Control Authority;

214 53. Establish training standards and publish a model policy for law-enforcement personnel assigned
215 to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency
216 calls;

217 54. Establish training standards and publish a model policy for law-enforcement personnel involved
218 in criminal investigations that embody current best practices for conducting photographic and live
219 lineups;

220 55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and
221 attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human
222 trafficking offenses using the common law and existing criminal statutes in the Code of Virginia. The
223 Department shall publish and disseminate a model policy or guideline for law-enforcement personnel
224 involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that
225 law-enforcement personnel are sensitive to and aware of human trafficking offenses and the
226 identification of victims of human trafficking offenses;

227 56. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of
228 § 46.2-117;

229 57. Establish training standards and publish a model policy for missing children, missing adults, and
230 search and rescue protocol;

231 58. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional
232 Standards Committee by providing technical assistance and administrative support, including staffing, for
233 the Committee; ~~and~~

234 59. *In consultation with the State Council of Higher Education for Virginia and the Virginia*
235 *Association of Campus Law Enforcement Administrators, develop and provide curriculum and*
236 *multi-disciplinary training on trauma-informed sexual assault investigation for state and local law*
237 *enforcement, attorneys for the Commonwealth, Title IX coordinators and investigators, victim advocates,*
238 *counselors, forensic nurses, and related campus security personnel; and*

239 60. Perform such other acts as may be necessary or convenient for the effective performance of its
240 duties.