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HOUSE BILL NO. 2436

Offered January 9, 2019

Prefiled January 8, 2019

A BILL to amend the Code of Virginia by adding sections numbered 15.2-1609.10 and 15.2-1722.1 and by adding in Title 52 a chapter numbered 6.1, consisting of sections numbered 52-30.1 through 52-30.5, relating to the Community Policing Act; data collection and reporting requirement.

Patron—Torian

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 15.2-1609.10 and 15.2-1722.1 and by adding in Title 52 a chapter numbered 6.1, consisting of sections numbered 52-30.1 through 52-30.5, as follows:

§ 15.2-1609.10. Prohibited practices; collection of data.

A. No sheriff or deputy shall engage in bias-based profiling as defined in § 52-30.1 in the performance of his official duties.

B. The sheriff of every locality shall collect data pertaining to motor vehicle or investigatory stops pursuant to § 52-30.2 and report such data to the Department of State Police for inclusion in the Community Policing Reporting Database established pursuant to § 52-30.3. The sheriff of the locality shall be responsible for forwarding the data to the Superintendent of State Police.

§ 15.2-1722.1. Prohibited practices; collection of data.

A. No law-enforcement officer shall engage in bias-based profiling as defined in § 52-30.1 in the performance of his official duties.

B. The police force of every locality shall collect data pertaining to motor vehicle or investigatory stops pursuant to § 52-30.2 and report such data to the Department of State Police for inclusion in the Community Policing Reporting Database established pursuant to § 52-30.3. The chief of police of the locality shall be responsible for forwarding the data to the Superintendent of State Police.

CHAPTER 6.1.**VIRGINIA COMMUNITY POLICING ACT.****§ 52.30.1. Definition.**

For purposes of this chapter, unless the context requires a different meaning:

"Bias-based profiling" means actions of a law-enforcement officer that are based solely on the real or perceived race, ethnicity, age, gender, or any combination thereof, or other noncriminal characteristics of an individual, except when such characteristics are used in combination with other identifying factors in seeking to apprehend a suspect who matches a specific description.

§ 52-30.2. Collection of data.

A. No State Police officer shall engage in bias-based profiling in the performance of his official duties.

B. State Police officers shall collect data pertaining to motor vehicle or investigatory stops to be reported into the Community Policing Reporting Database. State Police officers shall submit the data to their commanding officers, who shall forward it to the Superintendent.

C. Each time a law-enforcement officer or State Police officer stops a driver of a motor vehicle, such officer shall collect the following data: (i) the race, ethnicity, age, and gender of the person stopped; (ii) the reason for the stop; (iii) the location of the stop; (iv) whether a warning, written citation, or summons was issued or whether any person was arrested; (v) if a warning, written citation, or summons was issued or an arrest was made, the warning provided, violation charged, or crime charged; and (vi) whether the vehicle or any person was searched. Each state and local law-enforcement agency shall also collect the number of complaints the agency receives alleging the use of excessive force.

§ 52-30.3. Community Policing Reporting Database established.

A. The Department of State Police shall develop and implement a uniform statewide database to collect and analyze motor vehicle and investigatory stop records, records of complaints alleging the use of excessive force, and data and information submitted by law-enforcement agencies pursuant to §§ 15.2-1609.10, 15.2-1722.1, and 52-30.2. The data shall be analyzed to determine the existence and prevalence of the practice of bias-based profiling and the prevalence of complaints alleging the use of excessive force. The Department of State Police shall maintain all records relating to the analysis, validation, and interpretation of such data. The Superintendent may seek assistance in designing the statewide database from any accredited public or private institution of higher education in the

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59 *Commonwealth or from an independent body having the experience, staff expertise, and technical*
60 *support capability to conduct such research.*

61 ***§ 52-30.4. Reporting of state and local law-enforcement agencies required.***

62 *All state and local law-enforcement agencies shall collect the data specified in subsection C of*
63 *§ 52-30.2, and any other data as may be specified by the Department, on forms developed by the*
64 *Department of State Police.*

65 ***§ 52-30.5. Annual report.***

66 *The Superintendent shall annually report the findings and recommendations resulting from the*
67 *collection, analysis, and interpretation of the data from the Community Policing Reporting Database to*
68 *the Governor, the General Assembly, and the Attorney General of Virginia beginning July 1, 2020. The*
69 *report shall also include information regarding any state or local law-enforcement agencies that have*
70 *failed or refused to report the required data to the Department of State Police. A copy of the*
71 *Superintendent's report shall also be provided to each attorney for the Commonwealth of the county or*
72 *city in which a reporting law-enforcement agency is located.*