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HOUSE BILL NO. 2609

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee
on February 23, 2019)

(Patron Prior to Substitute—Delegate Jones, J.C.)

A BILL to amend and reenact §§ 9.1-102 and 22.1-279.8 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 9.1-114.1, relating to Department of Criminal Justice Services; school resource officers; school administrators; compulsory minimum training standards.

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102 and 22.1-279.8 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 9.1-114.1 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 institutions of higher education within 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;

- 60 14. Establish and maintain police training programs through such agencies and institutions as the
61 Board deems appropriate;
- 62 15. Establish compulsory minimum qualifications of certification and recertification for instructors in
63 criminal justice training schools approved by the Department;
- 64 16. Conduct and stimulate research by public and private agencies which shall be designed to
65 improve police administration and law enforcement;
- 66 17. Make recommendations concerning any matter within its purview pursuant to this chapter;
- 67 18. Coordinate its activities with those of any interstate system for the exchange of criminal history
68 record information, nominate one or more of its members to serve upon the council or committee of any
69 such system, and participate when and as deemed appropriate in any such system's activities and
70 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 of
79 criminal history record information and correctional status information;
- 80 22. Advise criminal justice agencies and initiate educational programs for such agencies with respect
81 to matters of privacy, confidentiality, and security as they pertain to criminal history record information
82 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 criminal
91 justice information system, produce reports, provide technical assistance to state and local criminal
92 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 and
103 activities for the Commonwealth and units of general local government, or combinations thereof, in the
104 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
105 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
116 Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and
117 programs for strengthening and improving law enforcement, the administration of criminal justice, and
118 delinquency 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
121 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. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. 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 subsection A of § 9.1-1301;

b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;

c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

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

e. Communication of death notifications;

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

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

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

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

j. Missing children, missing adults, and search and rescue protocol;

38. 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;

39. 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;

40. 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;

41. 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,

183 but not limited to periodic newsletters, a website and an accessible lending library;

184 42. Establish, in consultation with the Department of Education and the Virginia State Crime
185 Commission, compulsory minimum standards for employment and job-entry and in-service training
186 curricula and certification requirements for school security officers, which training and certification shall
187 be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184.
188 Such training standards shall include, but shall not be limited to, the role and responsibility of school
189 security officers, relevant state and federal laws, school and personal liability issues, security awareness
190 in the school environment, mediation and conflict resolution, disaster and emergency response, and
191 student behavioral dynamics. The Department shall establish an advisory committee consisting of local
192 school board representatives, principals, superintendents, and school security personnel to assist in the
193 development of the standards and certification requirements in this subdivision. The Department shall
194 require any school security officer who carries a firearm in the performance of his duties to provide
195 proof that he has completed a training course provided by a federal, state, or local law-enforcement
196 agency that includes training in active shooter emergency response, emergency evacuation procedure,
197 and threat assessment;

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

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

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

204 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula,
205 and (iii) certification requirements for campus security officers. Such training standards shall include, but
206 not be limited to, the role and responsibility of campus security officers, relevant state and federal laws,
207 school and personal liability issues, security awareness in the campus environment, and disaster and
208 emergency response. The Department shall provide technical support and assistance to campus police
209 departments and campus security departments on the establishment and implementation of policies and
210 procedures, including but not limited to: the management of such departments, investigatory procedures,
211 judicial referrals, the establishment and management of databases for campus safety and security
212 information sharing, and development of uniform record keeping for disciplinary records and statistics,
213 such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an
214 advisory committee consisting of college administrators, college police chiefs, college security
215 department chiefs, and local law-enforcement officials to assist in the development of the standards and
216 certification requirements and training pursuant to this subdivision;

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

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

222 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of
223 § 46.2-117;

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

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

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

232 53. In consultation with the Department of Behavioral Health and Developmental Services, develop a
233 model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers,
234 administrators, or superintendents in any local or regional jail. Such program shall be based on any
235 existing addiction recovery programs that are being administered by any local or regional jails in the
236 Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such
237 program may address aspects of the recovery process, including medical and clinical recovery,
238 peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of
239 the recovery process; and

240 54. *Establish compulsory minimum training standards for certification and recertification of*
241 *law-enforcement officers serving as school resource officers. Such training shall be specific to the role*
242 *and responsibility of a law-enforcement officer working with students in a school environment; and*

243 55. Perform such other acts as may be necessary or convenient for the effective performance of its
244 duties.

§ 9.1-114.1. Compliance with minimum training standards by school resource officers.

Every full-time or part-time law-enforcement officer employed as a school resource officer after July 1, 2020, shall comply with the compulsory minimum training standards for school resource officers established by the Board within a period of time fixed by the Board. The Department shall ensure that such required training is available throughout the Commonwealth.

§ 22.1-279.8. School safety audits and school crisis, emergency management, and medical emergency response plans required.

A. For the purposes of this section, unless the context requires otherwise:

"School crisis, emergency management, and medical emergency response plan" means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies, including cardiac arrest and other life-threatening medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; incidents involving acts of terrorism; and other incidents posing a serious threat of harm to students, personnel, or facilities. The plan shall include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies.

"School safety audit" means a written assessment of the safety conditions in each public school to (i) identify and, if necessary, develop solutions for physical safety concerns, including building security issues and (ii) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses shall include recommendations for structural adjustments, changes in school safety procedures, and revisions to the school board's standards for student conduct.

B. The Virginia Center for School and Campus Safety, in consultation with the Department of Education, shall develop a list of items to be reviewed and evaluated in the school safety audits required by this section. Such items shall include those incidents reported to school authorities pursuant to § 22.1-279.3:1 and shall include a school inspection walk-through using a standardized checklist provided by the Virginia Center for School and Campus Safety, which shall incorporate crime prevention through environmental design principles.

The Virginia Center for School and Campus Safety shall prescribe a standardized report format for school safety audits, additional reporting criteria, and procedures for report submission, which may include instructions for electronic submission.

Each local school board shall require all schools under its supervisory control to annually conduct school safety audits as defined in this section and consistent with such list.

The results of such school safety audits shall be made public within 90 days of completion. The local school board shall retain authority to withhold or limit the release of any security plans, walk-through checklists, and specific vulnerability assessment components as provided in subdivision 4 of § 2.2-3705.2. The completed walk-through checklist shall be made available upon request to the chief law-enforcement officer of the locality or his designee. Each school shall maintain a copy of the school safety audit, which may exclude such security plans, walk-through checklists, and vulnerability assessment components, within the office of the school principal and shall make a copy of such report available for review upon written request.

Each school shall submit a copy of its school safety audit to the relevant school division superintendent. The division superintendent shall collate and submit all such school safety audits, in the prescribed format and manner of submission, to the Virginia Center for School and Campus Safety and shall make available upon request to the chief law-enforcement officer of the locality the results of such audits.

C. The division superintendent shall establish a school safety audit committee to include, if available, representatives of parents, teachers, local law-enforcement, emergency services agencies, local community services boards, and judicial and public safety personnel. The school safety audit committee shall review the completed school safety audits and submit any plans, as needed, for improving school safety to the division superintendent for submission to the local school board.

D. Each school board shall ensure that every school that it supervises shall develop a written school crisis, emergency management, and medical emergency response plan, consistent with the definition provided in this section, and shall provide copies of such plans to the chief law-enforcement officer, the

306 fire chief, the chief of the emergency medical services agency, and the emergency management official
307 of the locality. Each school division shall designate an emergency manager. The Department of
308 Education and the Virginia Center for School and Campus Safety shall provide technical assistance to
309 the school divisions of the Commonwealth in the development of the school crisis, emergency
310 management, and medical emergency response plans that describe the components of a medical
311 emergency response plan developed in coordination with local emergency medical services providers, the
312 training of school personnel and students to respond to a life-threatening emergency, and the equipment
313 required for this emergency response. The local school board shall annually review the written school
314 crisis, emergency management, and medical emergency response plans. The local school board shall
315 have the authority to withhold or limit the review of any security plans and specific vulnerability
316 assessment components as provided in subdivision 4 of § 2.2-3705.2. The local school division
317 superintendent shall certify this review in writing to the Virginia Center for School and Campus Safety
318 no later than August 31 of each year.

319 Upon consultation with local school boards, division superintendents, the Virginia Center for School
320 and Campus Safety, and the Coordinator of Emergency Management, the Board of Education shall
321 develop, and may revise as it deems necessary, a model school crisis, emergency management, and
322 medical emergency response plan for the purpose of assisting the public schools in Virginia in
323 developing viable, effective crisis, emergency management, and medical emergency response plans. Such
324 model shall set forth recommended effective procedures and means by which parents can contact the
325 relevant school or school division regarding the location and safety of their school children and by
326 which school officials may contact parents, with parental approval, during a critical event or emergency.

327 *E. Each school board shall ensure that every public school it supervises employs at least one school*
328 *administrator who has completed, either in-person or online, school safety training for public school*
329 *personnel conducted by the Virginia Center for School and Campus Safety in accordance with*
330 *subdivision A 1 of § 9.1-184. However, such requirement shall not apply if such required training is not*
331 *available online.*