

961594833

SENATE BILL NO. 617

Offered January 22, 1996

A BILL to amend and reenact §§ 9-170 and 14.1-84.6:1 of the Code of Virginia, relating to local law-enforcement policies in family abuse cases.

Patrons—Howell, Edwards, Gartlan, Lucas, Saslaw and Trumbo; Delegates: Almand, Armstrong, Brickley, Darner and Kilgore

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That §§ 9-170 and 14.1-84.6:1 of the Code of Virginia are amended and reenacted as follows:**

§ 9-170. 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 to:

1. Promulgate regulations, pursuant to the Administrative Process Act (§ 9-6.14:1 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within this 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 (i) in permanent positions, and (ii) in temporary or probationary status, and establish the time required for completion of such training;

3. 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;

3a. 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;

4. 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;

5. 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;

6. 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;

7. 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;

8. 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;

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

10. 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;

INTRODUCED

SB617

- 60 11. Establish and maintain police training programs through such agencies and institutions as the
61 Board may deem appropriate;
- 62 12. Establish compulsory minimum qualifications of certification and recertification for instructors in
63 criminal justice training schools approved by the Department;
- 64 13. Conduct and stimulate research by public and private agencies which shall be designed to
65 improve police administration and law enforcement;
- 66 14. Make recommendations concerning any matter within its purview pursuant to this chapter;
- 67 15. 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 16. Conduct inquiries and investigations it deems appropriate to carry out its functions under this
72 chapter and, in conducting such inquiries and investigations shall have the authority to require any
73 criminal justice agency to submit information, reports, and statistical data with respect to its policy and
74 operation of information systems or with respect to its collection, storage, dissemination, and usage of
75 criminal history record information and correctional status information, and such criminal justice
76 agencies shall submit such information, reports, and data as are reasonably required;
- 77 17. Conduct audits as required by § 9-186;
- 78 18. Conduct a continuing study and review of questions of individual privacy and confidentiality of
79 criminal history record information and correctional status information;
- 80 19. 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 20. 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 21. Issue 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 22. The Department of State Police shall be the control terminal agency for the Commonwealth and
91 perform all functions required of a control terminal agency by the regulations of the National Crime
92 Information Center. Notwithstanding any other provision to the contrary in this chapter, the Central
93 Criminal Records Exchange and the Department of State Police shall remain the central repository for
94 criminal history record information in the Commonwealth, and the Department shall continue to be
95 responsible for the management and operation of such exchange;
- 96 23. Operate a statewide criminal justice statistical analysis center, which shall maintain a unified
97 criminal justice data system, produce reports, provide technical assistance to state and local criminal
98 justice data system users, and provide analysis and interpretation of criminal justice statistical
99 information;
- 100 24. Develop a comprehensive statewide long-range plan for strengthening and improving law
101 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically
102 update that plan;
- 103 25. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the
104 Commonwealth, and units of general local government, or combinations thereof, including planning
105 district commissions, in planning, developing, and administering programs, projects, comprehensive
106 plans, and other activities for improving law enforcement and the administration of criminal justice
107 throughout the Commonwealth, including allocating and subgranting funds for these purposes;
- 108 26. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and
109 activities for the Commonwealth and units of general local government, or combinations thereof, in the
110 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
111 justice at every level throughout the Commonwealth;
- 112 27. Review and evaluate programs, projects, and activities, and recommend, where necessary,
113 revisions or alterations to such programs, projects, and activities for the purpose of improving law
114 enforcement and the administration of criminal justice;
- 115 28. Coordinate the activities and projects of the state departments, agencies, and boards of the
116 Commonwealth and of the units of general local government, or combination thereof, including planning
117 district commissions, relating to the preparation, adoption, administration, and implementation of
118 comprehensive plans to strengthen and improve law enforcement and the administration of criminal
119 justice;
- 120 29. Do all things necessary on behalf of the Commonwealth and its units of general local
121 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;

30. 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;

31. 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;

32. 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;

33. 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;

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

35. Certify and decertify law-enforcement officers in accordance with §§ 15.1-131.8:1 and 15.1-131.8:2; *and*

36. *Establish minimum standardized policies, consistent with compulsory minimum training standards for officers, to be used by local law-enforcement agencies in the investigation, prosecution and prevention of family violence, including guidelines for dispatch of calls, safe approaches to crime scenes, management of contacts with the parties, establishing control of a crime scene, investigation and evidence gathering, arrest decisions and determination of the primary aggressor, assistance and transportation of victims, filing of written reports, training standards for officers and coordination with victim service providers, prosecutors and the courts.*

§ 14.1-84.6:1. Eligibility for funds.

A. Any city, county, or town establishing a police department shall provide the Department written notice of its intent to seek state funds in accordance with the provisions of this article. Such city, county, or town shall become eligible to receive funds at the beginning of the next fiscal year which commences not sooner than twelve months after the filing of this notice.

B. No city, county, or town shall receive any funds in accordance with the terms of this article unless it notifies the Department prior to July 1 each year that its law-enforcement personnel, whether full-time or part-time and whether permanently or temporarily employed, have complied with the minimum training standards *and minimum standardized policies* as provided in §§ 9-170 and 9-180, unless such personnel are exempt from the minimum training standards as provided in §§ 9-173 and 9-179 or that an effort will be made to have its law-enforcement personnel comply with such minimum training standards *and policies* during the ensuing fiscal year. Any city, county, or town failing to make an effort to comply with the minimum training standards may be declared ineligible for funding in the succeeding fiscal year by the Department.

C. A change in the form of government from city to tier-city shall not preclude the successor tier-city which continues to provide a police department from eligibility for funds.