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HOUSE BILL NO. 1849

Offered January 14, 1999

A BILL to amend and reenact § 9-170 of the Code of Virginia, relating to the powers and duties of the Department of Criminal Justice Services.

Patrons—Albo and Moran

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 9-170 of the Code of Virginia is 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 (i) this chapter including the authority to require the submission of reports and information by law-enforcement officers within this 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 (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

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- 60 prevent the holding of any such school whether approved or not;
- 61 11. Establish and maintain police training programs through such agencies and institutions as the
62 Board may deem appropriate;
- 63 12. Establish compulsory minimum qualifications of certification and recertification for instructors in
64 criminal justice training schools approved by the Department;
- 65 13. Conduct and stimulate research by public and private agencies which shall be designed to
66 improve police administration and law enforcement;
- 67 14. Make recommendations concerning any matter within its purview pursuant to this chapter;
- 68 15. Coordinate its activities with those of any interstate system for the exchange of criminal history
69 record information, nominate one or more of its members to serve upon the council or committee of any
70 such system, and participate when and as deemed appropriate in any such system's activities and
71 programs;
- 72 16. Conduct inquiries and investigations it deems appropriate to carry out its functions under this
73 chapter and, in conducting such inquiries and investigations, shall have the authority to require any
74 criminal justice agency to submit information, reports, and statistical data with respect to its policy and
75 operation of information systems or with respect to its collection, storage, dissemination, and usage of
76 criminal history record information and correctional status information, and such criminal justice
77 agencies shall submit such information, reports, and data as are reasonably required;
- 78 17. Conduct audits as required by § 9-186;
- 79 18. Conduct a continuing study and review of questions of individual privacy and confidentiality of
80 criminal history record information and correctional status information;
- 81 19. Advise criminal justice agencies and initiate educational programs for such agencies with respect
82 to matters of privacy, confidentiality, and security as they pertain to criminal history record information
83 and correctional status information;
- 84 20. Maintain a liaison with any board, commission, committee, or other body which may be
85 established by law, executive order, or resolution to regulate the privacy and security of information
86 collected by the Commonwealth or any political subdivision thereof;
- 87 21. Issue regulations establishing guidelines and standards for the collection, storage, and
88 dissemination of criminal history record information and correctional status information, and the privacy,
89 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and
90 court orders;
- 91 22. The Department of State Police shall be the control terminal agency for the Commonwealth and
92 perform all functions required of a control terminal agency by the regulations of the National Crime
93 Information Center. Notwithstanding any other provision to the contrary in this chapter, the Central
94 Criminal Records Exchange and the Department of State Police shall remain the central repository for
95 criminal history record information in the Commonwealth, and the Department shall continue to be
96 responsible for the management and operation of such exchange;
- 97 23. Operate a statewide criminal justice statistical analysis center, which shall maintain a unified
98 criminal justice data system, produce reports, provide technical assistance to state and local criminal
99 justice data system users, and provide analysis and interpretation of criminal justice statistical
100 information;
- 101 24. Develop a comprehensive, statewide, long-range plan for strengthening and improving law
102 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically
103 update that plan;
- 104 25. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the
105 Commonwealth, and units of general local government, or combinations thereof, including planning
106 district commissions, in planning, developing, and administering programs, projects, comprehensive
107 plans, and other activities for improving law enforcement and the administration of criminal justice
108 throughout the Commonwealth, including allocating and subgranting funds for these purposes;
- 109 26. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and
110 activities for the Commonwealth and units of general local government, or combinations thereof, in the
111 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
112 justice at every level throughout the Commonwealth;
- 113 27. Review and evaluate programs, projects, and activities, and recommend, where necessary,
114 revisions or alterations to such programs, projects, and activities for the purpose of improving law
115 enforcement and the administration of criminal justice;
- 116 28. Coordinate the activities and projects of the state departments, agencies, and boards of the
117 Commonwealth and of the units of general local government, or combination thereof, including planning
118 district commissions, relating to the preparation, adoption, administration, and implementation of
119 comprehensive plans to strengthen and improve law enforcement and the administration of criminal
120 justice;
- 121 29. 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;

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

35. Provide forensic laboratory services as detailed in Article 4 (§ 9-196.1 et seq.) of this chapter;

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

37. 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;

38. Establish compulsory training standards for law-enforcement officers to ensure sensitivity to and awareness of cultural diversity;

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; and

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

2. That all regulations previously adopted to implement the administration of §§ 18.2-268.6, 18.2-268.9, 19.2-188.1, 19.2-310.5 and any provisions of the Code as they relate to the responsibilities of the Division of Forensic Science shall remain in effect until such regulations are repealed or new regulations are adopted by the Department of Criminal Justice Services.

3. That an emergency exists and this act is in force from its passage.