

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 9.1-102 and 15.2-1627.4 of the Code of Virginia, relating to the*
3 *Department of Criminal Justice Services; training standards and model policies for law-enforcement*
4 *personnel.*

5 [H 1126]
6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That §§ 9.1-102 and 15.2-1627.4 of the Code of Virginia are amended and reenacted as follows:**
9 **§ 9.1-102. Powers and duties of the Board and the Department.**

10 The Department, under the direction of the Board, which shall be the policy-making body for
11 carrying out the duties and powers hereunder, shall have the power and duty to:

12 1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the
13 administration of this chapter including the authority to require the submission of reports and
14 information by law-enforcement officers within the Commonwealth. Any proposed regulations
15 concerning the privacy, confidentiality, and security of criminal justice information shall be submitted
16 for review and comment to any board, commission, or committee or other body which may be
17 established by the General Assembly to regulate the privacy, confidentiality, and security of information
18 collected and maintained by the Commonwealth or any political subdivision thereof;

19 2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement
20 officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time
21 required for completion of such training;

22 3. Establish minimum training standards and qualifications for certification and recertification for
23 law-enforcement officers serving as field training officers;

24 4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and
25 programs for schools, whether located in or outside the Commonwealth, which are operated for the
26 specific purpose of training law-enforcement officers;

27 5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize
28 radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in
29 § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum
30 qualifications for certification and recertification of instructors who provide such training;

31 6. [Repealed];

32 7. Establish compulsory minimum entry-level, in-service and advanced training standards for those
33 persons designated to provide courthouse and courtroom security pursuant to the provisions of
34 § 53.1-120, and to establish the time required for completion of such training;

35 8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy
36 sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time
37 required for the completion of such training;

38 9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as
39 the time required for completion of such training, for persons employed as deputy sheriffs and jail
40 officers by local criminal justice agencies, correctional officers employed by the Department of
41 Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile
42 correctional facility as the term is defined in § 66-25.3;

43 10. Establish compulsory minimum training standards for all dispatchers employed by or in any local
44 or state government agency, whose duties include the dispatching of law-enforcement personnel. Such
45 training standards shall apply only to dispatchers hired on or after July 1, 1988;

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

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

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

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

59 15. Establish compulsory minimum qualifications of certification and recertification for instructors in
60 criminal justice training schools approved by the Department;

61 16. Conduct and stimulate research by public and private agencies which shall be designed to
62 improve police administration and law enforcement;

63 17. Make recommendations concerning any matter within its purview pursuant to this chapter;

64 18. Coordinate its activities with those of any interstate system for the exchange of criminal history
65 record information, nominate one or more of its members to serve upon the council or committee of any
66 such system, and participate when and as deemed appropriate in any such system's activities and
67 programs;

68 19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this
69 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to
70 submit information, reports, and statistical data with respect to its policy and operation of information
71 systems or with respect to its collection, storage, dissemination, and usage of criminal history record
72 information and correctional status information, and such criminal justice agencies shall submit such
73 information, reports, and data as are reasonably required;

74 20. Conduct audits as required by § 9.1-131;

75 21. Conduct a continuing study and review of questions of individual privacy and confidentiality of
76 criminal history record information and correctional status information;

77 22. Advise criminal justice agencies and initiate educational programs for such agencies with respect
78 to matters of privacy, confidentiality, and security as they pertain to criminal history record information
79 and correctional status information;

80 23. Maintain a liaison with any board, commission, committee, or other body which may be
81 established by law, executive order, or resolution to regulate the privacy and security of information
82 collected by the Commonwealth or any political subdivision thereof;

83 24. Adopt regulations establishing guidelines and standards for the collection, storage, and
84 dissemination of criminal history record information and correctional status information, and the privacy,
85 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and
86 court orders;

87 25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal
88 justice information system, produce reports, provide technical assistance to state and local criminal
89 justice data system users, and provide analysis and interpretation of criminal justice statistical
90 information;

91 26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law
92 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically
93 update that plan;

94 27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the
95 Commonwealth, and units of general local government, or combinations thereof, including planning
96 district commissions, in planning, developing, and administering programs, projects, comprehensive
97 plans, and other activities for improving law enforcement and the administration of criminal justice
98 throughout the Commonwealth, including allocating and subgranting funds for these purposes;

99 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and
100 activities for the Commonwealth and units of general local government, or combinations thereof, in the
101 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
102 justice at every level throughout the Commonwealth;

103 29. Review and evaluate programs, projects, and activities, and recommend, where necessary,
104 revisions or alterations to such programs, projects, and activities for the purpose of improving law
105 enforcement and the administration of criminal justice;

106 30. Coordinate the activities and projects of the state departments, agencies, and boards of the
107 Commonwealth and of the units of general local government, or combination thereof, including planning
108 district commissions, relating to the preparation, adoption, administration, and implementation of
109 comprehensive plans to strengthen and improve law enforcement and the administration of criminal
110 justice;

111 31. Do all things necessary on behalf of the Commonwealth and its units of general local
112 government, to determine and secure benefits available under the Omnibus Crime Control and Safe
113 Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and
114 programs for strengthening and improving law enforcement, the administration of criminal justice, and
115 delinquency prevention and control;

116 32. Receive, administer, and expend all funds and other assistance available to the Board and the
117 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe

118 Streets Act of 1968, as amended;

119 33. Apply for and accept grants from the United States government or any other source in carrying
 120 out the purposes of this chapter and accept any and all donations both real and personal, and grants of
 121 money from any governmental unit or public agency, or from any institution, person, firm or
 122 corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section
 123 shall be detailed in the annual report of the Board. Such report shall include the identity of the donor,
 124 the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section
 125 shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall
 126 have the power to comply with conditions and execute such agreements as may be necessary;

127 34. Make and enter into all contracts and agreements necessary or incidental to the performance of
 128 its duties and execution of its powers under this chapter, including but not limited to, contracts with the
 129 United States, units of general local government or combinations thereof, in Virginia or other states, and
 130 with agencies and departments of the Commonwealth;

131 35. Adopt and administer reasonable regulations for the planning and implementation of programs
 132 and activities and for the allocation, expenditure and subgranting of funds available to the
 133 Commonwealth and to units of general local government, and for carrying out the purposes of this
 134 chapter and the powers and duties set forth herein;

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

136 37. Establish training standards and publish a *and periodically update* model ~~policy~~ *policies* for
 137 law-enforcement personnel in the *following subjects*:

138 *a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including*
 139 *standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The*
 140 *Department shall provide technical support and assistance to law-enforcement agencies in carrying out*
 141 *the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of*
 142 *implementation of these requirements to the chairmen of the House and Senate Courts of Justice*
 143 *Committees;*

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

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

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

148 *e. Communication of death notifications;*

149 *f. (Effective until July 1, 2018) The questioning of individuals suspected of driving while intoxicated*
 150 *concerning the physical location of such individual's last consumption of an alcoholic beverage and the*
 151 *communication of such information to the Alcoholic Beverage Control Board;*

152 *f. (Effective July 1, 2018) The questioning of individuals suspected of driving while intoxicated*
 153 *concerning the physical location of such individual's last consumption of an alcoholic beverage and the*
 154 *communication of such information to the Virginia Alcoholic Beverage Control Authority;*

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

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

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

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

163 38. Establish training standards and publish a model policy for law-enforcement personnel in
 164 communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

165 ~~39.~~ Establish compulsory training standards for basic training and the recertification of
 166 law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for
 167 biased policing;

168 ~~40.~~ 39. Review and evaluate community-policing programs in the Commonwealth, and recommend
 169 where necessary statewide operating procedures, guidelines, and standards which strengthen and improve
 170 such programs, including sensitivity to and awareness of cultural diversity and the potential for biased
 171 policing;

172 ~~41.~~ Publish and disseminate a model policy or guideline that may be used by state and local agencies
 173 to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the
 174 potential for biased policing;

175 ~~42.~~ 40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation
 176 with Virginia law-enforcement agencies, provide technical assistance and administrative support,
 177 including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The
 178 Center may provide accreditation assistance and training, resource material, and research into methods

179 and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia
180 accreditation status;

181 ~~43.~~ 41. Promote community policing philosophy and practice throughout the Commonwealth by
182 providing community policing training and technical assistance statewide to all law-enforcement
183 agencies, community groups, public and private organizations and citizens; developing and distributing
184 innovative policing curricula and training tools on general community policing philosophy and practice
185 and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia
186 organizations with specific community policing needs; facilitating continued development and
187 implementation of community policing programs statewide through discussion forums for community
188 policing leaders, development of law-enforcement instructors; promoting a statewide community policing
189 initiative; and serving as a statewide information source on the subject of community policing including,
190 but not limited to periodic newsletters, a website and an accessible lending library;

191 ~~44.~~ 42. Establish, in consultation with the Department of Education and the Virginia State Crime
192 Commission, compulsory minimum standards for employment and job-entry and in-service training
193 curricula and certification requirements for school security officers, which training and certification shall
194 be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such
195 training standards shall include, but shall not be limited to, the role and responsibility of school security
196 officers, relevant state and federal laws, school and personal liability issues, security awareness in the
197 school environment, mediation and conflict resolution, disaster and emergency response, and student
198 behavioral dynamics. The Department shall establish an advisory committee consisting of local school
199 board representatives, principals, superintendents, and school security personnel to assist in the
200 development of these standards and certification requirements;

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

203 ~~46.~~ 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with
204 Article 11 (§ 9.1-185 et seq.);

205 ~~47.~~ 44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et
206 seq.);

207 ~~48.~~ 45. In conjunction with the Virginia State Police and the State Compensation Board, advise
208 criminal justice agencies regarding the investigation, registration, and dissemination of information
209 requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et
210 seq.);

211 ~~49.~~ 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training
212 curricula, and (iii) certification requirements for campus security officers. Such training standards shall
213 include, but not be limited to, the role and responsibility of campus security officers, relevant state and
214 federal laws, school and personal liability issues, security awareness in the campus environment, and
215 disaster and emergency response. The Department shall provide technical support and assistance to
216 campus police departments and campus security departments on the establishment and implementation of
217 policies and procedures, including but not limited to: the management of such departments, investigatory
218 procedures, judicial referrals, the establishment and management of databases for campus safety and
219 security information sharing, and development of uniform record keeping for disciplinary records and
220 statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall
221 establish an advisory committee consisting of college administrators, college police chiefs, college
222 security department chiefs, and local law-enforcement officials to assist in the development of the
223 standards and certification requirements and training pursuant to this subdivision;

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

226 ~~51.~~ 47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs
227 established pursuant to § 9.1-187;

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

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

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

239 ~~54.~~ Establish training standards and publish a model policy for law-enforcement personnel involved

240 in criminal investigations that embody current best practices for conducting photographic and live
241 lineups;

242 ~~55.~~ 48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and
243 attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human
244 trafficking offenses using the common law and existing criminal statutes in the Code of Virginia. The
245 Department shall publish and disseminate a model policy or guideline for law-enforcement personnel
246 involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that
247 law-enforcement personnel are sensitive to and aware of human trafficking offenses and the
248 identification of victims of human trafficking offenses;

249 ~~56.~~ 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of
250 § 46.2-117;

251 ~~57.~~ Establish training standards and publish a model policy for missing children, missing adults, and
252 search and rescue protocol;

253 ~~58.~~ 50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional
254 Standards Committee by providing technical assistance and administrative support, including staffing, for
255 the Committee; and

256 ~~59.~~ 51. Perform such other acts as may be necessary or convenient for the effective performance of
257 its duties.

258 **§ 15.2-1627.4. Coordination of multidisciplinary response to sexual assault.**

259 The attorney for the Commonwealth in each political subdivision in the Commonwealth shall
260 coordinate the establishment of a multidisciplinary response to criminal sexual assault as set forth in
261 Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, and hold a meeting, at least annually, to: (i)
262 discuss implementation of protocols and policies for sexual assault response teams consistent with those
263 established by the Department of Criminal Justice Services pursuant to subdivision ~~45~~ 37 d of § 9.1-102;
264 and (ii) establish and review guidelines for the community's response, including the collection,
265 preservation, and secure storage of evidence from Physical Evidence Recovery Kit examinations
266 consistent with § 19.2-165.1. The following persons or their designees shall be invited to participate in
267 the annual meeting: the attorney for the Commonwealth; the sheriff; the director of the local sexual
268 assault crisis center providing services in the jurisdiction, if any; the chief of each police department and
269 the chief of each campus police department of any institution of higher education in the jurisdiction, if
270 any; a forensic nurse examiner or other health care provider who performs Physical Evidence Recovery
271 Kit examinations in the jurisdiction, if any; and the director of the victim/witness program in the
272 jurisdiction, if any.