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SENATE BILL NO. 1064

Offered January 11, 2017

Prefiled January 6, 2017

A BILL to amend and reenact §§ 9.1-102 and 32.1-111.4 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 2 of Title 27 a section numbered 27-23.11 and by adding a section numbered 37.2-312.3, relating to mental health awareness training; law-enforcement officers, firefighters, and emergency medical services personnel.

Patrons—Deeds, Ebbin and McClellan

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102 and 32.1-111.4 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 2 of Title 27 a section numbered 27-23.11 and by adding a section numbered 37.2-312.3 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 with universities, colleges, community colleges, and other

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59 institutions, whether located in or outside the Commonwealth, concerning the development of police
60 training schools and programs or courses of instruction;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

118 31. Do all things necessary on behalf of the Commonwealth and its units of general local
119 government, to determine and secure benefits available under the Omnibus Crime Control and Safe
120 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;

32. 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;

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. (Effective until July 1, 2018) 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 Alcoholic Beverage Control Board;

f. (Effective July 1, 2018) 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 (i) sensitivity to and awareness of cultural diversity and the potential for biased policing and (ii) participation in a mental health awareness program created or certified by the Department of Behavioral Health and Developmental Services pursuant to § 37.2-312.3;

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;

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

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

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

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

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

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

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

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

226 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of
227 § 46.2-117;

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

231 51. (Effective July 1, 2017) In accordance with § 9.1-102.1, design and approve the issuance of
232 photo-identification cards to private security services registrants registered pursuant to Article 4
233 (§ 9.1-138 et seq.);

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

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

239 **§ 27-23.11. Firefighter mental health awareness training.**

240 *All firefighters other than volunteer firefighters as defined in § 27-42 shall biennially participate in a*
241 *mental health awareness program created or certified by the Department of Behavioral Health and*
242 *Developmental Services pursuant to § 37.2-312.3.*

243 **§ 32.1-111.4. Regulations; emergency medical services personnel and vehicles; response times;**

enforcement provisions; civil penalties.

A. The Board shall prescribe by regulation:

1. Requirements for recordkeeping, supplies, operating procedures, and other emergency medical services agency operations;

2. Requirements for the sanitation and maintenance of emergency medical services vehicles and their medical supplies and equipment;

3. Procedures, including the requirements for forms, to authorize qualified emergency medical services personnel to follow Do Not Resuscitate Orders pursuant to § 54.1-2987.1;

4. Requirements for the composition, administration, duties, and responsibilities of the Advisory Board;

5. Requirements, developed in consultation with the Advisory Board, governing the training, certification, and recertification of emergency medical services personnel, *which shall include biennial participation in a mental health awareness program created or certified by the Department of Behavioral Health and Developmental Services pursuant to § 37.2-312.3;*

6. Requirements for written notification to the Advisory Board, the Office of Emergency Medical Services, and the Financial Assistance and Review Committee of the Board's action, and the reasons therefor, on requests and recommendations of the Advisory Board, the Office of Emergency Medical Services, or the Financial Assistance and Review Committee, no later than five business days after reaching its decision, specifying whether the Board has approved, denied, or not acted on such requests and recommendations;

7. Authorization procedures, developed in consultation with the Advisory Board, that allow the possession and administration of epinephrine or a medically accepted equivalent for emergency cases of anaphylactic shock by certain levels of certified emergency medical services personnel as authorized by § 54.1-3408 and authorization procedures that allow the possession and administration of oxygen with the authority of the local operational medical director and an emergency medical services agency that holds a valid license issued by the Commissioner;

8. A uniform definition of "response time" and requirements, developed in consultation with the Advisory Board, for each emergency medical services agency to measure response times starting from the time a call for emergency medical services is received until the time (i) appropriate emergency medical services personnel are responding and (ii) appropriate emergency medical services personnel arrive on the scene, and requirements for emergency medical services agencies to collect and report such data to the Director of the Office of Emergency Medical Services, who shall compile such information and make it available to the public, upon request; and

9. Enforcement provisions, including, but not limited to, civil penalties that the Commissioner may assess against any emergency medical services agency or other entity found to be in violation of any of the provisions of this article or any regulation promulgated under this article. All amounts paid as civil penalties for violations of this article or regulations promulgated pursuant thereto shall be paid into the state treasury and shall be deposited in the emergency medical services special fund established pursuant to § 46.2-694, to be used only for emergency medical services purposes.

B. The Board shall classify emergency medical services agencies and emergency medical services vehicles by type of service rendered and shall specify the medical equipment, the supplies, the vehicle specifications, and the emergency medical services personnel required for each classification.

C. In formulating its regulations, the Board shall consider the current Minimal Equipment List for Ambulances adopted by the Committee on Trauma of the American College of Surgeons.

§ 37.2-312.3. Emergency services mental health awareness training.

A. The Department shall establish and administer a mental health awareness training program for law-enforcement officers, firefighters, and emergency medical services personnel on how to recognize potential mental health issues and assist themselves or members of the emergency services community with mental health issues. Such program shall include training on:

1. Understanding signs and symptoms of cumulative stress, depression, anxiety, exposure to acute and chronic trauma, compulsive behaviors, and addiction;

2. Combatting and overcoming stigmas;

3. Accessing available mental health treatments and resources;

4. Appropriate responses to aggressive behaviors such as domestic violence and harassment; and

5. Utilizing employee assistance programs.

B. Any person shall be eligible to participate in such program. The Department may charge a reasonable fee for participation in the program.

C. The Department shall ensure that evaluative criteria are established to measure the effectiveness of such program.

D. The Department shall create and administer a process by which a program not created by the Department can be certified by the Department as a qualified mental health awareness training program

305 *if it addresses all topics enumerated in subsection A and is comparable to the program established by*
306 *the Department.*