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HOUSE BILL NO. 1514

Offered January 18, 2018

A *BILL to amend the Code of Virginia by adding in Chapter 6 of Title 9.1 a section numbered 9.1-601, relating to police misconduct; civilian review panel; law-enforcement auditor.*

Patrons—Watts and Simon

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 6 of Title 9.1 a section numbered 9.1-601 as follows:

§ 9.1-601. *Civilian review of police misconduct; law-enforcement auditor.*

A. *A locality may establish a law-enforcement civilian review panel, which shall have the following duties:*

1. *To receive, investigate, and assist in the resolution of complaints from citizens of the locality regarding the conduct of the primary law-enforcement agency serving the locality, officers in the agency, or employees of the agency;*

2. *To review investigations conducted by the primary law-enforcement agency serving the locality regarding the conduct of the agency, officers in the agency, or employees of the agency for thoroughness, completeness, accuracy, objectivity, and impartiality of the investigations; and*

3. *To report annually on the activities of the panel.*

B. *A locality may appoint a law-enforcement auditor, which shall have the following duties:*

1. *To review investigations conducted by the primary law-enforcement agency serving the locality regarding the use of force by an officer in the agency that resulted in the death or serious bodily injury of another person; and*

2. *To report annually on the activities of the auditor.*

C. *The locality shall establish the policies and procedures for the performance of duties by the panel and the auditor as set forth in this section. The panel and the auditor may hold hearings and, if after making a good faith effort to obtain, voluntarily, the attendance of witnesses and the production of books, papers, and other evidence necessary to perform its duties the panel or auditor is unable to obtain such attendance or production, it may request the city or county attorney to apply to the judge of the circuit court for the locality for a subpoena compelling the attendance of such witness or the production of such books, papers, and other evidence, and the court may, upon good cause shown, cause the subpoena to be issued. Any person so subpoenaed may apply to the court that issued a subpoena to quash it.*

D. *The findings or recommendations made by the panel or auditor pursuant to this section are not binding on the primary law-enforcement agency serving the locality. Nothing herein shall require the law-enforcement agency to conduct any investigation into the conduct of the agency, officers in the agency, or employees of the agency or affect the authority of the primary law-enforcement agency to conduct such an investigation.*

INTRODUCED

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