

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 9.1-102 and 15.2-1707 of the Code of Virginia, relating to*
3 *decertification of law-enforcement officer.*

4 [H 5051]
5 Approved

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

7 **1. That §§ 9.1-102 and 15.2-1707 of the Code of Virginia are amended and reenacted as follows:**
8 **§ 9.1-102. Powers and duties of the Board and the Department.**

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

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

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

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

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

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

30 6. [Repealed];

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

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

37 9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as
38 the time required for completion of such training, for persons employed as deputy sheriffs and jail
39 officers by local criminal justice agencies and correctional officers employed by the Department of
40 Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of
41 Corrections, such standards shall include training on the general care of pregnant women, the impact of
42 restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary
43 confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

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

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

51 12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state
52 and federal governmental agencies, and institutions of higher education within or outside the
53 Commonwealth, concerning the development of police training schools and programs or courses of
54 instruction;

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

- 57 prevent the holding of any such school whether approved or not;
- 58 14. Establish and maintain police training programs through such agencies and institutions as the
59 Board deems appropriate;
- 60 15. Establish compulsory minimum qualifications of certification and recertification for instructors in
61 criminal justice training schools approved by the Department;
- 62 16. Conduct and stimulate research by public and private agencies which shall be designed to
63 improve police administration and law enforcement;
- 64 17. Make recommendations concerning any matter within its purview pursuant to this chapter;
- 65 18. Coordinate its activities with those of any interstate system for the exchange of criminal history
66 record information, nominate one or more of its members to serve upon the council or committee of any
67 such system, and participate when and as deemed appropriate in any such system's activities and
68 programs;
- 69 19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this
70 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to
71 submit information, reports, and statistical data with respect to its policy and operation of information
72 systems or with respect to its collection, storage, dissemination, and usage of criminal history record
73 information and correctional status information, and such criminal justice agencies shall submit such
74 information, reports, and data as are reasonably required;
- 75 20. Conduct audits as required by § 9.1-131;
- 76 21. Conduct a continuing study and review of questions of individual privacy and confidentiality of
77 criminal history record information and correctional status information;
- 78 22. Advise criminal justice agencies and initiate educational programs for such agencies with respect
79 to matters of privacy, confidentiality, and security as they pertain to criminal history record information
80 and correctional status information;
- 81 23. Maintain a liaison with any board, commission, committee, or other body which may be
82 established by law, executive order, or resolution to regulate the privacy and security of information
83 collected by the Commonwealth or any political subdivision thereof;
- 84 24. Adopt regulations establishing guidelines and standards for the collection, storage, and
85 dissemination of criminal history record information and correctional status information, and the privacy,
86 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and
87 court orders;
- 88 25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal
89 justice information system, produce reports, provide technical assistance to state and local criminal
90 justice data system users, and provide analysis and interpretation of criminal justice statistical
91 information;
- 92 26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law
93 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically
94 update that plan;
- 95 27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the
96 Commonwealth, and units of general local government, or combinations thereof, including planning
97 district commissions, in planning, developing, and administering programs, projects, comprehensive
98 plans, and other activities for improving law enforcement and the administration of criminal justice
99 throughout the Commonwealth, including allocating and subgranting funds for these purposes;
- 100 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and
101 activities for the Commonwealth and units of general local government, or combinations thereof, in the
102 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
103 justice at every level throughout the Commonwealth;
- 104 29. Review and evaluate programs, projects, and activities, and recommend, where necessary,
105 revisions or alterations to such programs, projects, and activities for the purpose of improving law
106 enforcement and the administration of criminal justice;
- 107 30. Coordinate the activities and projects of the state departments, agencies, and boards of the
108 Commonwealth and of the units of general local government, or combination thereof, including planning
109 district commissions, relating to the preparation, adoption, administration, and implementation of
110 comprehensive plans to strengthen and improve law enforcement and the administration of criminal
111 justice;
- 112 31. Do all things necessary on behalf of the Commonwealth and its units of general local
113 government, to determine and secure benefits available under the Omnibus Crime Control and Safe
114 Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and
115 programs for strengthening and improving law enforcement, the administration of criminal justice, and
116 delinquency prevention and control;
- 117 32. Receive, administer, and expend all funds and other assistance available to the Board and the

118 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe
119 Streets Act of 1968, as amended;

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

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

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

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

137 37. Establish training standards and publish and periodically update model policies for
138 law-enforcement personnel in the following subjects:

139 a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including
140 standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The
141 Department shall provide technical support and assistance to law-enforcement agencies in carrying out
142 the requirements set forth in subsection A of § 9.1-1301;

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

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

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

147 e. Communication of death notifications;

148 f. The questioning of individuals suspected of driving while intoxicated concerning the physical
149 location of such individual's last consumption of an alcoholic beverage and the communication of such
150 information to the Virginia Alcoholic Beverage Control Authority;

151 g. Vehicle patrol duties that embody current best practices for pursuits and for responding to
152 emergency calls;

153 h. Criminal investigations that embody current best practices for conducting photographic and live
154 lineups;

155 i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of
156 human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or
157 street patrol duties; and

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

159 38. Establish compulsory training standards for basic training and the recertification of
160 law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for
161 biased policing;

162 39. Review and evaluate community-policing programs in the Commonwealth, and recommend where
163 necessary statewide operating procedures, guidelines, and standards which strengthen and improve such
164 programs, including sensitivity to and awareness of cultural diversity and the potential for biased
165 policing;

166 40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with
167 Virginia law-enforcement agencies, provide technical assistance and administrative support, including
168 staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center
169 may provide accreditation assistance and training, resource material, and research into methods and
170 procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia
171 accreditation status;

172 41. Promote community policing philosophy and practice throughout the Commonwealth by
173 providing community policing training and technical assistance statewide to all law-enforcement
174 agencies, community groups, public and private organizations and citizens; developing and distributing
175 innovative policing curricula and training tools on general community policing philosophy and practice
176 and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia
177 organizations with specific community policing needs; facilitating continued development and
178 implementation of community policing programs statewide through discussion forums for community

179 policing leaders, development of law-enforcement instructors; promoting a statewide community policing
180 initiative; and serving as a statewide information source on the subject of community policing including,
181 but not limited to periodic newsletters, a website and an accessible lending library;

182 42. Establish, in consultation with the Department of Education and the Virginia State Crime
183 Commission, compulsory minimum standards for employment and job-entry and in-service training
184 curricula and certification requirements for school security officers, including school security officers
185 described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the
186 Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards
187 shall be specific to the role and responsibility of school security officers and shall include (i) relevant
188 state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school
189 environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical
190 alternative to restraint; (v) disaster and emergency response; (vi) awareness of cultural diversity and
191 implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse
192 disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and
193 adolescent development and brain research. The Department shall establish an advisory committee
194 consisting of local school board representatives, principals, superintendents, and school security
195 personnel to assist in the development of the standards and certification requirements in this subdivision.
196 The Department shall require any school security officer who carries a firearm in the performance of his
197 duties to provide proof that he has completed a training course provided by a federal, state, or local
198 law-enforcement agency that includes training in active shooter emergency response, emergency
199 evacuation procedure, and threat assessment;

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

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

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

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

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

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

224 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of
225 § 46.2-117;

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

229 51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to
230 private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

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

234 53. In consultation with the Department of Behavioral Health and Developmental Services, develop a
235 model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers,
236 administrators, or superintendents in any local or regional jail. Such program shall be based on any
237 existing addiction recovery programs that are being administered by any local or regional jails in the
238 Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such
239 program may address aspects of the recovery process, including medical and clinical recovery,

240 peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of
241 the recovery process;

242 54. Establish compulsory minimum training standards for certification and recertification of
243 law-enforcement officers serving as school resource officers. Such training shall be specific to the role
244 and responsibility of a law-enforcement officer working with students in a school environment and shall
245 include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security
246 awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation
247 techniques; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias;
248 (vii) working with students with disabilities, mental health needs, substance abuse disorders, or past
249 traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent
250 development and brain research;

251 55. Establish a model policy for the operation of body-worn camera systems as defined in
252 § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

253 56. Establish compulsory minimum training standards for detector canine handlers employed by the
254 Department of Corrections, standards for the training and retention of detector canines used by the
255 Department of Corrections, and a central database on the performance and effectiveness of such detector
256 canines that requires the Department of Corrections to submit comprehensive information on each canine
257 handler and detector canine, including the number and types of calls and searches, substances searched
258 for and whether or not detected, and the number of false positives, false negatives, true positives, and
259 true negatives;

260 57. Establish compulsory training standards for basic training of law-enforcement officers for
261 recognizing and managing stress, self-care techniques, and resiliency; ~~and~~

262 58. *Adopt statewide professional standards of conduct applicable to all certified law-enforcement*
263 *officers and certified jail officers and appropriate due process procedures for decertification based on*
264 *serious misconduct in violation of those standards; and*

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

267 **§ 15.2-1707. Decertification of law-enforcement officers.**

268 A. The sheriff, chief of police, or agency administrator shall notify the Criminal Justice Services
269 Board (*the Board*) in writing within 48 hours of becoming aware that any certified law-enforcement or
270 jail officer currently employed by his agency has (i) been convicted of or pled guilty or no contest to a
271 felony or any offense that would be a felony if committed in the Commonwealth; (ii) been convicted of
272 or pled guilty or no contest to a Class 1 misdemeanor involving moral turpitude or any offense that
273 would be any misdemeanor involving moral turpitude, including but not limited to petit larceny under
274 § 18.2-96, or any offense involving moral turpitude that would be a misdemeanor if committed in the
275 Commonwealth; (iii) been convicted of or pled guilty or no contest to any misdemeanor sex offense in
276 the Commonwealth, another state, or the United States, including but not limited to sexual battery under
277 § 18.2-67.4 or consensual sexual intercourse with a minor 15 *years of age* or older under clause (ii) of
278 § 18.2-371; (iv) been convicted of or pled guilty or no contest to domestic assault under § 18.2-57.2 or
279 any offense that would be domestic assault under the laws of another state or the United States; (v)
280 failed to comply with or maintain compliance with mandated training requirements; or (vi) refused to
281 submit to a drug screening or has produced a positive result on a drug screening reported to the
282 employing agency, where the positive result cannot be explained to the agency administrator's
283 satisfaction.

284 ~~Notification shall also be provided~~ B. *The sheriff, chief of police, or agency administrator shall notify*
285 *the Board in writing within 48 hours of becoming aware that any employee who resigned or was if any*
286 *certified law-enforcement or jail officer currently employed by his agency (i) is terminated or resigns in*
287 *advance of being convicted or found guilty of an offense set forth in clause (i) of subsection A that*
288 *requires decertification or who resigned or was, (ii) is terminated or resigns in advance of a pending*
289 *drug screening, (iii) is terminated or resigns for a violation of state or federal law, (iv) is terminated or*
290 *resigns for engaging in serious misconduct as defined in statewide professional standards of conduct*
291 *adopted by the Board, (v) is terminated or resigns while such officer is the subject of a pending internal*
292 *investigation involving serious misconduct as defined in statewide professional standards of conduct*
293 *adopted by the Board, or (vi) is terminated or resigns for an act committed while in the performance of*
294 *his duties that compromises an officer's credibility, integrity, honesty, or other characteristics that*
295 *constitute exculpatory or impeachment evidence in a criminal case.*

296 C. The notification, where appropriate, shall be accompanied by a copy of the judgment of
297 conviction.

298 D. Upon receiving such notice from the sheriff, chief of police, or agency administrator, or from an
299 attorney for the Commonwealth, the ~~Criminal Justice Services~~ Board shall immediately decertify such
300 law-enforcement or jail officer. Such officer shall not have the right to serve as a law-enforcement

301 officer within the Commonwealth until his certification has been reinstated by the Board.

302 ~~B.~~ *E.* When a conviction has not become final, the Board may decline to decertify the officer until
303 the conviction becomes final, after considering the likelihood of irreparable damage to the officer if such
304 officer is decertified during the pendency of an ultimately successful appeal, the likelihood of injury or
305 damage to the public if the officer is not decertified, and the seriousness of the offense.

306 ~~C.~~ *F.* The Department of Criminal Justice Services is hereby authorized to waive the requirements
307 for decertification as set out in subsection A for good cause shown.

308 ~~D.~~ *G.* The ~~Criminal Justice Services~~ Board may initiate decertification proceedings against any
309 *current or* former law-enforcement or jail officer ~~whom if~~ the Board has found ~~to have been convicted~~
310 ~~of an offense that requires that any basis for the officer's~~ decertification ~~or who has failed to comply~~
311 ~~with or maintain compliance with mandated training requirements set forth in subsection A or B exists.~~

312 *E.* ~~H.~~ Any conviction of a misdemeanor that has been appealed to a court of record shall not be
313 considered a conviction for purposes of this section unless a final order of conviction is entered. *Any*
314 *finding of misconduct listed in subsection B will not be considered final until all grievances or appeals*
315 *have been exhausted or waived and the finding of misconduct is made final.*

316 **2. That the Department of Criminal Justice Services (the Department) shall promulgate regulations**
317 **to implement the provisions of § 15.2-1707 of the Code of Virginia, as amended by this act, within**
318 **280 days of the effective date of this act. The Department shall report to the Chairman of the**
319 **Senate Committee on the Judiciary and the Chairman of the House Committee for Courts of**
320 **Justice by November 1, 2021, on the status of the regulations.**

321 **3. That the provisions of § 15.2-1707 of the Code of Virginia, as amended by this act, shall apply**
322 **only to offenses or misconduct committed after the effective date of this act.**