

Department of Planning and Budget
2020 Special Session I - Fiscal Impact Statement

1. Bill Number: SB5035

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Hashmi

3. Committee: Senate Committee on the Judiciary

4. Title: Law-enforcement civilian review boards.

- 5. Summary:** The proposed legislation authorizes a locality to establish a law-enforcement civilian review board that may: (1) receive, investigate, and issue findings on complaints from civilians regarding conduct of law-enforcement officers and civilian employees of a law-enforcement agency serving under the authority of the locality; (2) investigate and issue findings on incidents, including the use of force by a law-enforcement officer, death or serious injury to any person held in custody, serious abuse of authority or misconduct, allegedly discriminatory stops, and other incidents regarding the conduct of law-enforcement officers or civilian employees of a law-enforcement agency serving under the authority of the locality; (3) to make binding disciplinary determinations, under specified circumstances, in cases that involve serious breaches of departmental and professional standards, as defined by the locality; (4) to investigate policies, practices, and procedures of law-enforcement agencies under the authority of the locality and to make recommendations regarding changes to such policies, practices, and procedures of law-enforcement agencies under the authority of the locality; (5) to review all investigations conducted internally by law-enforcement agencies under the authority of the locality, including internal investigations of civilians employed by such law-enforcement agencies, and to issue findings regarding the accuracy, completeness, and impartiality of such investigations and the sufficiency of any discipline resulting from such investigations; (6) to request reports of the annual expenditures of the law-enforcement agencies under the authority of the locality and to make budgetary recommendations to the local government body concerning future appropriations; (7) to make public reports on the activities of the board, including investigations, hearings, findings, recommendations, determinations, and oversight activities; and (8) to undertake any other duties as reasonably necessary for the board to effectuate its lawful purpose as provided for in the proposed legislation to effectively oversee the law-enforcement agencies as authorized by the locality.

Additionally, the proposed legislation states that a locality shall establish the policies and procedures for the performance of duties by any civilian review board. The proposed legislation also permits a civilian review board to request a judicial subpoena in order to secure evidence necessary to perform its duties. The proposed legislation also prohibits any person currently employed by a law-enforcement agency is from serving on a civilian review board. The proposed legislation also provides that a law-enforcement officer who is subject

to a binding disciplinary determination may file a grievance requesting a final hearing pursuant to the locality's local grievance procedures.

The proposed legislation also establishes that a civilian review board may retain legal counsel to represent the board in all cases, hearings, controversies, or matters involving the interests of the board. Such counsel shall be paid from the funds of the locality.

The proposed legislation exempts any law-enforcement officer or law enforcement agency that serves under the authority of a locality that has established a law-enforcement civilian review board, as specified, from the provisions of § 9.1-507.

The impact on campus police department of any public institution of higher education of the Commonwealth cannot be determined at this time.

The bill is not expected to have a fiscal impact on state agencies.

- 6. Budget Amendment Necessary:** No.
- 7. Fiscal Impact Estimates:** Preliminary (see Item 8 below).
- 8. Fiscal Implications:** The Department of Criminal Justice Services does not anticipate a fiscal impact as a result of the proposed legislation.
- 9. Specific Agency or Political Subdivisions Affected:** Law-enforcement agencies and localities.
- 10. Technical Amendment Necessary:** No.
- 11. Other Comments:** None.