

23104028D

HOUSE BILL NO. 2236

Offered January 11, 2023

Prefiled January 11, 2023

A BILL to amend and reenact § 9.1-102 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 1 of Title 9.1 an article numbered 17, consisting of sections numbered 9.1-194 and 9.1-195, relating to Department of Criminal Justice Services; powers and duties; Secured Schools Program and Fund.

Patrons—Hayes, Adams, D.M., Clark, Guzman, Jenkins, Maldonado, Simon and Simonds

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 9.1 an article numbered 17, consisting of sections numbered 9.1-194 and 9.1-195, 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. Such compulsory minimum training standards shall include crisis intervention training in accordance with clause (i) of § 9.1-188;

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 and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

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

INTRODUCED

HB2236

59 auxiliary police officers exempt pursuant to § 15.2-1731;

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

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

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

69 15. Establish compulsory minimum qualifications of certification and recertification for instructors in
70 criminal justice training academies approved by the Department;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe 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 systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

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

e. Communication of death notifications;

f. 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;

j. The recognition, prevention, and reporting of human trafficking;

k. Missing children, missing adults, and search and rescue protocol; and

l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3, that embody current best practices for using such items as a crowd control measure or during an arrest or detention of another person;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability; (ii) training in de-escalation techniques; and (iii) training in the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

182 39. Review and evaluate community-policing programs in the Commonwealth, and recommend where
183 necessary statewide operating procedures, guidelines, and standards that strengthen and improve such
184 programs, including sensitivity to and awareness of systemic and individual racism, cultural diversity,
185 and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which
186 shall include recognizing implicit biases in interacting with persons who have a mental illness, substance
187 use disorder, or developmental or cognitive disability;

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

194 41. Promote community policing philosophy and practice throughout the Commonwealth by
195 providing community policing training and technical assistance statewide to all law-enforcement
196 agencies, community groups, public and private organizations and citizens; developing and distributing
197 innovative policing curricula and training tools on general community policing philosophy and practice
198 and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia
199 organizations with specific community policing needs; facilitating continued development and
200 implementation of community policing programs statewide through discussion forums for community
201 policing leaders, development of law-enforcement instructors; promoting a statewide community policing
202 initiative; and serving as a statewide information source on the subject of community policing including,
203 but not limited to periodic newsletters, a website and an accessible lending library;

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

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

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

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

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

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

243 48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and

attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

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

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

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

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

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

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

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

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

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

58. Establish guidelines and standards for psychological examinations conducted pursuant to subsection C of § 15.2-1705;

59. Establish compulsory in-service training standards, to include frequency of retraining, for law-enforcement officers in the following subjects: (i) relevant state and federal laws; (ii) awareness of cultural diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation techniques; (iv) working with individuals with disabilities, mental health needs, or substance use disorders; and (v) the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

60. Develop a uniform curriculum and lesson plans for the compulsory minimum entry-level, in-service, and advanced training standards to be employed by criminal justice training academies approved by the Department when conducting training;

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

62. Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1, for law-enforcement agencies to use certain military property. Any waivers granted by the Criminal Justice Services Board shall be published by the Department on the Department's website;

63. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to include crisis intervention training in accordance with clause (ii) of § 9.1-188;

64. Advise and assist the Department of Behavioral Health and Developmental Services, and support

305 local law-enforcement cooperation, with the development and implementation of the Marcus alert
306 system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement
307 participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to
308 §§ 9.1-193 and 37.2-311.1;

309 65. Develop an online course to train hotel proprietors and their employees to recognize and report
310 instances of suspected human trafficking; and

311 66. Establish regulations governing the implementation of the Secured Schools Program and
312 establish criteria for making grants from the Secured Schools Program Fund; and

313 67. Perform such other acts as may be necessary or convenient for the effective performance of its
314 duties.

315 Article 17.

316 Secured Schools Program.

317 **§ 9.1-194. Secured Schools Program established.**

318 A. As used in this article, unless the context requires a different meaning:

319 "Department" means the Department of Criminal Justice Services.

320 "Elementary and secondary" and "elementary or secondary" means the same as defined in § 22.1-1.

321 "Geofence" means a virtual geographic boundary defined by global positioning system (GPS)
322 technology that enables software to trigger a response when a mobile device enters or leaves a
323 particular area.

324 "Panic button" means a button or alert system used for summoning law enforcement for help in an
325 emergency.

326 "PSAP" means the same as defined in § 56-484.19.

327 B. The Department shall establish a comprehensive, prompt, and reliable first warning notification
328 and emergency broadcast system, known as the Secured Schools Program (SSP), for each PSAP in the
329 Commonwealth to (i) allow elementary or secondary school faculty to alert the local PSAP of an
330 imminent threat to public safety within the elementary or secondary school and (ii) alert administration
331 at each elementary and secondary school located within such PSAP's service area in the case of an
332 imminent threat to public safety within the proximity boundary of the elementary or secondary school.

333 C. The proximity boundary of each elementary or secondary school, pursuant to subsection B, shall
334 be established by the elementary and secondary school administration in consultation with local law
335 enforcement, and the following incidents shall cause an alert to be sent to designated officials in the
336 school administration: (i) a person has suffered serious bodily injury or been killed; (ii) a person has
337 been assaulted with a deadly weapon, and the alleged offender has fled the scene of the offense; (iii) a
338 report has been received of gunshots in the area, and law enforcement has determined that the alleged
339 offender poses an imminent threat to the elementary or secondary school; or (iv) any other critical
340 emergency as defined by the elementary and secondary school administration in consultation with local
341 law enforcement.

342 D. Alerts may be sent pursuant to subsection B by means of (i) website announcements, (ii) email
343 notices; (iii) phone, cellular phone, or text messages; (iv) alert lines; (v) public address systems; (vi)
344 panic buttons; or (vii) any other means of communication.

345 E. The SSP shall be used to communicate between elementary and secondary school campuses with
346 authorized faculty and staff and the local PSAP when such PSAP has received a suspected false report
347 of an active shooter incident from a third party. Pursuant to local jurisdictional response, the SSP may
348 be (i) a frontline, real-time communication tool used to determine the accuracy of the report and (ii)
349 used to help local first responders tailor the emergency response to the elementary or secondary school
350 campus upon receipt of such report.

351 F. The Department shall adopt regulations to implement the provisions of this section with
352 technology that meets the following criteria:

353 1. Is a phone application-based panic button system with the ability to be integrated with the local
354 PSAP to:

355 a. Place a standard voice call to 9-1-1;

356 b. Communicate with and allow 9-1-1 to send follow-up messages;

357 c. Send Short Message Service (SMS) text messages, emails, and push notifications to authorized
358 users on-site at the elementary and secondary school;

359 d. Automatically detect 9-1-1 calls related to elementary and secondary schools from landlines,
360 mobile phones, and panic buttons;

361 e. Allow the PSAP to convert a standard 9-1-1 call to a panic button response;

362 f. Allow the PSAP and public safety officials to initiate a panic button response and communication
363 to declare a 9-1-1 emergency event outside of a 9-1-1 call to facilitate communications before, during,
364 and after an emergency;

365 g. Automatically present information from a school to the PSAP from a standard 9-1-1 call on a
366 landline or mobile phone or use of a panic button, including floor plans, emergency response plans,

367 contact details, and other building information; and

368 h. Be certified by the U.S. Department of Homeland Security Office of SAFETY Act Implementation;
369 and

370 2. Sends a notification to the PSAP and automatically places a 9-1-1 call when activated within an
371 elementary or secondary school campus geofence.

372 **§ 9.1-195. Secured Schools Program Fund.**

373 There is hereby created in the state treasury a special nonreverting fund to be known as the Secured
374 Schools Program Fund, referred to in this section as "the Fund." The Fund shall be established on the
375 books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants,
376 bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the
377 Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any
378 moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert
379 to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the
380 purposes of enforcing the provisions of this article. Expenditures and disbursements from the Fund shall
381 be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by
382 the Director of the Department of Criminal Justice Services.