

24100233D

SENATE BILL NO. 440

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend and reenact §§ 9.1-101, as it is currently effective and as it shall become effective, 9.1-102, 9.1-114.1, 9.1-184, 22.1-279.10, and 22.1-280.2:3 of the Code of Virginia, relating to employment of school protection officers in public schools.

Patron—Durant

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-101, as it is currently effective and as it shall become effective, 9.1-102, 9.1-114.1, 9.1-184, 22.1-279.10, and 22.1-280.2:3 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-101. (For contingent expiration date, see Acts 2021, Sp. Sess. I, cc. 524 and 542) Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special conservators to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia Criminal Sentencing Commission.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic

INTRODUCED

SB440

59 means. The term shall not include access to the information by officers or employees of a criminal
60 justice agency maintaining the information who have both a need and right to know the information.

61 "Law-enforcement officer" means any full-time or part-time employee of a police department or
62 sheriff's office which is a part of or administered by the Commonwealth or any political subdivision
63 thereof, or any full-time or part-time employee of a private police department, and who is responsible
64 for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of
65 the Commonwealth, and shall include any (i) special agent of the Virginia Alcoholic Beverage Control
66 Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia
67 Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement
68 division of the Department of Wildlife Resources; (v) investigator who is a sworn member of the
69 security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and
70 Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement
71 division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection
72 police officer employed under § 15.2-632 or 15.2-836.1; (ix) campus police officer appointed under
73 Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; (x) member of the investigations unit
74 designated by the State Inspector General pursuant to § 2.2-311 to investigate allegations of criminal
75 behavior affecting the operations of a state or nonstate agency; (xi) employee with internal investigations
76 authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 or by the
77 Department of Juvenile Justice pursuant to subdivision A 7 of § 66-3; (xii) private police officer
78 employed by a private police department; or (xiii) person designated as a sworn unit investigator by the
79 Attorney General pursuant to subsection A of § 32.1-320.1. Part-time employees are those compensated
80 officers who are not full-time employees as defined by the employing police department, sheriff's office,
81 or private police department.

82 "Private police department" means any police department, other than a department that employs
83 police agents under the provisions of § 56-353, that employs private police officers operated by an entity
84 authorized by statute or an act of assembly to establish a private police department or such entity's
85 successor in interest, provided it complies with the requirements set forth herein. No entity is authorized
86 to operate a private police department or represent that it is a private police department unless such
87 entity has been authorized by statute or an act of assembly or such entity is the successor in interest of
88 an entity that has been authorized pursuant to this section, provided it complies with the requirements
89 set forth herein. The authority of a private police department shall be limited to real property owned,
90 leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous
91 property; such authority shall not supersede the authority, duties, or jurisdiction vested by law with the
92 local police department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The
93 chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum
94 of understanding with the private police department that addresses the duties and responsibilities of the
95 private police department and the chief law-enforcement officer in the conduct of criminal investigations.
96 Private police departments and private police officers shall be subject to and comply with the
97 Constitution of the United States; the Constitution of Virginia; the laws governing municipal police
98 departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721,
99 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Board that the Department designates as
100 applicable to private police departments. Any person employed as a private police officer pursuant to
101 this section shall meet all requirements, including the minimum compulsory training requirements, for
102 law-enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits
103 under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a
104 "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of
105 the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an
106 employee of the Commonwealth or any locality. An authorized private police department may use the
107 word "police" to describe its sworn officers and may join a regional criminal justice academy created
108 pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in
109 existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and
110 whose status as a private police department was recognized by the Department at that time is hereby
111 validated and may continue to operate as a private police department as may such entity's successor in
112 interest, provided it complies with the requirements set forth herein.

113 "School protection officer" means a retired law-enforcement officer hired by the local
114 law-enforcement agency on a part-time basis to provide limited law-enforcement and security services to
115 public elementary and secondary schools in the Commonwealth.

116 "School resource officer" means a certified law-enforcement officer hired by the local
117 law-enforcement agency to provide law-enforcement and security services to Virginia public elementary
118 and secondary schools.

119 "School security officer" means an individual who is employed by the local school board or a private
120 or religious school for the singular purpose of maintaining order and discipline, preventing crime,

investigating violations of the policies of the school board or the private or religious school, and detaining students violating the law or the policies of the school board or the private or religious school on school property, school buses, or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

"Unapplied criminal history record information" means information pertaining to criminal offenses submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history record of an arrested or convicted person (i) because such information is not supported by fingerprints or other accepted means of positive identification or (ii) due to an inconsistency, error, or omission within the content of the submitted information.

§ 9.1-101. (For contingent effective date, see Acts 2021, Sp. Sess. I, cc. 524 and 542) Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special conservators to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia Criminal Sentencing Commission.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any full-time or part-time employee of a private police department, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Virginia Alcoholic Beverage Control Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia

182 Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement
183 division of the Department of Wildlife Resources; (v) investigator who is a sworn member of the
184 security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and
185 Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement
186 division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection
187 police officer employed under § 15.2-632 or 15.2-836.1; (ix) campus police officer appointed under
188 Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; (x) member of the investigations unit
189 designated by the State Inspector General pursuant to § 2.2-311 to investigate allegations of criminal
190 behavior affecting the operations of a state or nonstate agency; (xi) employee with internal investigations
191 authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 or by the
192 Department of Juvenile Justice pursuant to subdivision A 7 of § 66-3; (xii) private police officer
193 employed by a private police department; or (xiii) person designated as a sworn unit investigator by the
194 Attorney General pursuant to subsection A of § 32.1-320.1. Part-time employees are those compensated
195 officers who are not full-time employees as defined by the employing police department, sheriff's office,
196 or private police department.

197 "Private police department" means any police department, other than a department that employs
198 police agents under the provisions of § 56-353, that employs private police officers operated by an entity
199 authorized by statute or an act of assembly to establish a private police department or such entity's
200 successor in interest, provided it complies with the requirements set forth herein. No entity is authorized
201 to operate a private police department or represent that it is a private police department unless such
202 entity has been authorized by statute or an act of assembly or such entity is the successor in interest of
203 an entity that has been authorized pursuant to this section, provided it complies with the requirements
204 set forth herein. The authority of a private police department shall be limited to real property owned,
205 leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous
206 property; such authority shall not supersede the authority, duties, or jurisdiction vested by law with the
207 local police department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The
208 chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum
209 of understanding with the private police department that addresses the duties and responsibilities of the
210 private police department and the chief law-enforcement officer in the conduct of criminal investigations.
211 Private police departments and private police officers shall be subject to and comply with the
212 Constitution of the United States; the Constitution of Virginia; the laws governing municipal police
213 departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721,
214 15.2-1721.1, and 15.2-1722; and any regulations adopted by the Board that the Department designates as
215 applicable to private police departments. Any person employed as a private police officer pursuant to
216 this section shall meet all requirements, including the minimum compulsory training requirements, for
217 law-enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits
218 under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a
219 "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of
220 the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an
221 employee of the Commonwealth or any locality. An authorized private police department may use the
222 word "police" to describe its sworn officers and may join a regional criminal justice academy created
223 pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in
224 existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and
225 whose status as a private police department was recognized by the Department at that time is hereby
226 validated and may continue to operate as a private police department as may such entity's successor in
227 interest, provided it complies with the requirements set forth herein.

228 "School protection officer" means a retired law-enforcement officer hired by the local
229 law-enforcement agency on a part-time basis to provide limited law-enforcement and security services to
230 public elementary and secondary schools in the Commonwealth.

231 "School resource officer" means a certified law-enforcement officer hired by the local
232 law-enforcement agency to provide law-enforcement and security services to Virginia public elementary
233 and secondary schools.

234 "School security officer" means an individual who is employed by the local school board or a private
235 or religious school for the singular purpose of maintaining order and discipline, preventing crime,
236 investigating violations of the policies of the school board or the private or religious school, and
237 detaining students violating the law or the policies of the school board or the private or religious school
238 on school property, school buses, or at school-sponsored events and who is responsible solely for
239 ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned
240 school.

241 "Sealing" means (i) restricting dissemination of criminal history record information contained in the
242 Central Criminal Records Exchange, including any records relating to an arrest, charge, or conviction, in
243 accordance with the purposes set forth in § 19.2-392.13 and pursuant to the rules and regulations

adopted pursuant to § 9.1-128 and the procedures adopted pursuant to § 9.1-134 and (ii) prohibiting dissemination of court records related to an arrest, charge, or conviction, unless such dissemination is authorized by a court order for one or more of the purposes set forth in § 19.2-392.13.

"Unapplied criminal history record information" means information pertaining to criminal offenses submitted to the Central Criminal Records Exchange that cannot be applied to the criminal history record of an arrested or convicted person (i) because such information is not supported by fingerprints or other accepted means of positive identification or (ii) due to an inconsistency, error, or omission within the content of the submitted information.

§ 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 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 institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

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

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

- 305 15. Establish compulsory minimum qualifications of certification and recertification for instructors in
306 criminal justice training academies approved by the Department;
- 307 16. Conduct and stimulate research by public and private agencies which shall be designed to
308 improve police administration and law enforcement;
- 309 17. Make recommendations concerning any matter within its purview pursuant to this chapter;
- 310 18. Coordinate its activities with those of any interstate system for the exchange of criminal history
311 record information, nominate one or more of its members to serve upon the council or committee of any
312 such system, and participate when and as deemed appropriate in any such system's activities and
313 programs;
- 314 19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this
315 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to
316 submit information, reports, and statistical data with respect to its policy and operation of information
317 systems or with respect to its collection, storage, dissemination, and usage of criminal history record
318 information and correctional status information, and such criminal justice agencies shall submit such
319 information, reports, and data as are reasonably required;
- 320 20. Conduct audits as required by § 9.1-131;
- 321 21. Conduct a continuing study and review of questions of individual privacy and confidentiality of
322 criminal history record information and correctional status information;
- 323 22. Advise criminal justice agencies and initiate educational programs for such agencies with respect
324 to matters of privacy, confidentiality, and security as they pertain to criminal history record information
325 and correctional status information;
- 326 23. Maintain a liaison with any board, commission, committee, or other body which may be
327 established by law, executive order, or resolution to regulate the privacy and security of information
328 collected by the Commonwealth or any political subdivision thereof;
- 329 24. Adopt regulations establishing guidelines and standards for the collection, storage, and
330 dissemination of criminal history record information and correctional status information, and the privacy,
331 confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and
332 court orders;
- 333 25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal
334 justice information system, produce reports, provide technical assistance to state and local criminal
335 justice data system users, and provide analysis and interpretation of criminal justice statistical
336 information;
- 337 26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law
338 enforcement and the administration of criminal justice throughout the Commonwealth, and periodically
339 update that plan;
- 340 27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the
341 Commonwealth, and units of general local government, or combinations thereof, including planning
342 district commissions, in planning, developing, and administering programs, projects, comprehensive
343 plans, and other activities for improving law enforcement and the administration of criminal justice
344 throughout the Commonwealth, including allocating and subgranting funds for these purposes;
- 345 28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and
346 activities for the Commonwealth and units of general local government, or combinations thereof, in the
347 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
348 justice at every level throughout the Commonwealth;
- 349 29. Review and evaluate programs, projects, and activities, and recommend, where necessary,
350 revisions or alterations to such programs, projects, and activities for the purpose of improving law
351 enforcement and the administration of criminal justice;
- 352 30. Coordinate the activities and projects of the state departments, agencies, and boards of the
353 Commonwealth and of the units of general local government, or combination thereof, including planning
354 district commissions, relating to the preparation, adoption, administration, and implementation of
355 comprehensive plans to strengthen and improve law enforcement and the administration of criminal
356 justice;
- 357 31. Do all things necessary on behalf of the Commonwealth and its units of general local
358 government, to determine and secure benefits available under the Omnibus Crime Control and Safe
359 Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and
360 programs for strengthening and improving law enforcement, the administration of criminal justice, and
361 delinquency prevention and control;
- 362 32. Receive, administer, and expend all funds and other assistance available to the Board and the
363 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe
364 Streets Act of 1968, as amended;
- 365 33. Apply for and accept grants from the United States government or any other source in carrying
366 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. The identification of, communication with, and facilitation of the safe return of individuals diagnosed with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and returning them to their caregivers;

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;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where

necessary statewide operating procedures, guidelines, and standards that strengthen and improve such programs, including 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;

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;

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

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers 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 such as a physical alternative to restraint; (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, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

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

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

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

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

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

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 local law-enforcement cooperation, with the development and implementation of the Marcus alert

551 system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement
552 participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to
553 §§ 9.1-193 and 37.2-311.1;

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

556 66. *Establish compulsory training standards for basic training and the recertification of school*
557 *protection officers; and*

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

560 **§ 9.1-114.1. Compliance with minimum training standards by school resource officers and**
561 **school protection officers.**

562 A. Every full-time or part-time law-enforcement officer employed as a school resource officer after
563 July 1, 2020, shall comply with the compulsory minimum training standards for school resource officers
564 established by the Board within a period of time fixed by the Board. The Department shall ensure that
565 such required training is available throughout the Commonwealth.

566 B. *Every law-enforcement officer employed as a school protection officer shall comply with the*
567 *compulsory minimum training standards for school protection officers established by the Board within a*
568 *period of time fixed by the Board. The Department shall ensure that such required training is available*
569 *throughout the Commonwealth. Such training may be provided by the employing local law-enforcement*
570 *agency and shall be graduated and based on the type of duties to be performed.*

571 **§ 9.1-184. Virginia Center for School and Campus Safety created; duties.**

572 A. From such funds as may be appropriated, the Virginia Center for School and Campus Safety (the
573 Center) is hereby established within the Department. The Center shall:

574 1. Provide training for Virginia public school personnel in school safety, on evidence-based
575 antibullying tactics based on the definition of bullying in § 22.1-276.01, and in the effective
576 identification of students who may be at risk for violent behavior and in need of special services or
577 assistance;

578 2. Serve as a resource and referral center for Virginia school divisions by conducting research,
579 sponsoring workshops, and providing information regarding current school safety concerns, such as
580 conflict management and peer mediation, bullying as defined in § 22.1-276.01, school facility design and
581 technology, current state and federal statutory and regulatory school safety requirements, and legal and
582 constitutional issues regarding school safety and individual rights;

583 3. Maintain and disseminate information to local school divisions on effective school safety
584 initiatives in Virginia and across the nation;

585 4. Develop a case management tool for the collection and reporting of data by threat assessment
586 teams pursuant to § 22.1-79.4;

587 5. Collect, analyze, and disseminate various Virginia school safety data, including school safety audit
588 information submitted to it pursuant to § 22.1-279.8, collected by the Department and, in conjunction
589 with the Department of Education, information relating to the activities of school resource officers *and*
590 *school protection officers* submitted pursuant to § 22.1-279.10;

591 6. Encourage the development of partnerships between the public and private sectors to promote
592 school safety in Virginia;

593 7. Provide technical assistance to Virginia school divisions in the development and implementation of
594 initiatives promoting school safety, including threat assessment-based protocols with such funds as may
595 be available for such purpose;

596 8. Develop a memorandum of understanding between the Director of the Department of Criminal
597 Justice Services and the Superintendent of Public Instruction to ensure collaboration and coordination of
598 roles and responsibilities in areas of mutual concern, such as school safety audits and crime prevention;

599 9. Provide training for and certification of school security officers, as defined in § 9.1-101 and
600 consistent with § 9.1-110;

601 10. Develop, in conjunction with the Department of State Police, the Department of Behavioral
602 Health and Developmental Services, and the Department of Education, a model critical incident response
603 training program for public school personnel and others providing services to schools that shall also be
604 made available to private schools in the Commonwealth;

605 11. In consultation with the Department of Education, provide schools with a model policy for the
606 establishment of threat assessment teams, including procedures for the assessment of and intervention
607 with students whose behavior poses a threat to the safety of school staff or students;

608 12. Develop a model memorandum of understanding setting forth the respective roles and
609 responsibilities of local school boards and local law-enforcement agencies regarding the use of school
610 resource officers. Such model memorandum of understanding may be used by local school boards and
611 local law-enforcement agencies to satisfy the requirements of subsection A of § 22.1-280.2.3; ~~and~~

612 13. *Develop a model memorandum of understanding setting forth the respective roles and*

responsibilities of local school boards and local law-enforcement agencies regarding the use of school protection officers. Such model memorandum of understanding may be used by local school boards and local law-enforcement agencies to satisfy the requirements of subsection C of § 22.1-280.2:3; and

14. Designate an employee of the Center as the school personnel safety official for the Commonwealth whose duty is to compile, maintain, and make publicly available a list of each division safety official designated and the contact information for such individual included in each collated packet of school safety audits received pursuant to subsection B of § 22.1-279.8. Such school personnel safety official for the Commonwealth shall at least annually confirm with each division superintendent that such contact information is up to date and accurate.

B. All agencies of the Commonwealth shall cooperate with the Center and, upon request, assist the Center in the performance of its duties and responsibilities.

§ 22.1-279.10. School resource officers and school protection officers; data.

The Department of Criminal Justice Services, in coordination with the Department of Education and the Department of Juvenile Justice, shall annually collect, report, and publish on its website data on the use of force against students, including the use of chemical, mechanical, or other restraints and instances of seclusion; detentions of students; arrests of students; student referrals to court or court service units; and other disciplinary actions by school resource officers *or school protection officers, as defined in § 9.1-101*, involving students. Such data shall (i) be published in a manner that protects the identities of students and (ii) be disaggregated by local school division and by student age, grade, race, ethnicity, gender, and disability, if such data is available.

§ 22.1-280.2:3. School boards; safety and security personnel.

A. The school board in each school division in which the local law-enforcement agency employs school resource officers, as defined in § 9.1-101, shall enter into a memorandum of understanding with such local law-enforcement agency that sets forth the powers and duties of such school resource officers. The provisions of such memorandum of understanding shall be based on the model memorandum of understanding developed by the Virginia Center for School and Campus Safety pursuant to subdivision A 12 of § 9.1-184, which may be modified by the parties in accordance with their particular needs. Each such school board and local law-enforcement agency shall review and amend or affirm such memorandum at least once every two years or at any time upon the request of either party. Each school board shall ensure the current division memorandum of understanding is conspicuously published on the division website and provide notice and opportunity for public input during each memorandum of understanding review period.

B. The chief local law-enforcement officer for any local school division in which a public elementary or secondary school does not employ a school resource officer, as defined in § 9.1-101, shall designate a law-enforcement officer to receive, either in-person or online, the training set forth in subsection E of § 22.1-279.8. Such officer shall serve as the law-enforcement liaison for the school administrator described in subsection E of § 22.1-279.8 in each public elementary or secondary school that does not employ a school resource officer.

C. Any local law-enforcement agency may, pursuant to an agreement with the local school board, employ a school protection officer, as defined in § 9.1-101, in any public elementary or secondary school in the local school division. Each such school board and local law-enforcement agency shall enter into a memorandum of understanding that sets forth the powers and duties of such school protection officers. The provisions of such memorandum of understanding shall be based on the model memorandum of understanding developed by the Virginia Center for School and Campus Safety pursuant to subdivision A 13 of § 9.1-184, which may be modified by the parties in accordance with their particular needs. Each such school board and local law-enforcement agency shall review and amend or affirm such memorandum at least once every two years or at any time upon the request of either party. Each such school board shall ensure that the current division memorandum of understanding is conspicuously published on the local school division's website and provide notice and opportunity for public input during each memorandum of understanding review period.