

HOUSE BILL NO. 2609

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education

on January 30, 2019)

(Patron Prior to Substitute--Delegate Jones, J.C.)

A BILL to amend and reenact §§ 9.1-102 and 9.1-184 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 9.1-114.1, relating to Department of Criminal Justice Services; school resource officers; compulsory minimum training standards.

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102 and 9.1-184 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 9.1-114.1 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;

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, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

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;

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

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

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

62 15. Establish compulsory minimum qualifications of certification and recertification for instructors
63 in criminal justice training schools approved by the Department;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal 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 cultural diversity and the potential for biased policing;

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;

- 157 i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of
158 human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or
159 street patrol duties; and
- 160 j. Missing children, missing adults, and search and rescue protocol;
- 161 38. Establish compulsory training standards for basic training and the recertification of law-
162 enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased
163 policing;
- 164 39. Review and evaluate community-policing programs in the Commonwealth, and recommend
165 where necessary statewide operating procedures, guidelines, and standards which strengthen and improve
166 such programs, including sensitivity to and awareness of cultural diversity and the potential for biased
167 policing;
- 168 40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation
169 with Virginia law-enforcement agencies, provide technical assistance and administrative support,
170 including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The
171 Center may provide accreditation assistance and training, resource material, and research into methods
172 and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia
173 accreditation status;
- 174 41. Promote community policing philosophy and practice throughout the Commonwealth by
175 providing community policing training and technical assistance statewide to all law-enforcement agencies,
176 community groups, public and private organizations and citizens; developing and distributing innovative
177 policing curricula and training tools on general community policing philosophy and practice and
178 contemporary critical issues facing Virginia communities; serving as a consultant to Virginia
179 organizations with specific community policing needs; facilitating continued development and
180 implementation of community policing programs statewide through discussion forums for community
181 policing leaders, development of law-enforcement instructors; promoting a statewide community policing
182 initiative; and serving as a statewide information source on the subject of community policing including,
183 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, 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 include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. 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

211 policies and procedures, including but not limited to: the management of such departments, investigatory
212 procedures, judicial referrals, the establishment and management of databases for campus safety and
213 security information sharing, and development of uniform record keeping for disciplinary records and
214 statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall
215 establish an advisory committee consisting of college administrators, college police chiefs, college
216 security department chiefs, and local law-enforcement officials to assist in the development of the
217 standards and certification requirements and training pursuant to this subdivision;

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

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

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

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

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

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

233 53. In consultation with the Department of Behavioral Health and Developmental Services,
234 develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail
235 officers, administrators, or superintendents in any local or regional jail. Such program shall be based on
236 any existing addiction recovery programs that are being administered by any local or regional jails in the
237 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;~~and~~

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

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

§ 9.1-114.1. Compliance with minimum training standards by school resource officers.

Every full-time or part-time law-enforcement officer employed as a school resource officer after July 1, 2019, shall comply with the compulsory minimum training standards for school resource officers established by the Board within a period of time fixed by the Board.

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

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

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

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

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

4. Collect, analyze, and disseminate various Virginia school safety data, including school safety audit information submitted to it pursuant to § 22.1-279.8, collected by the Department;

265 5. Encourage the development of partnerships between the public and private sectors to promote
266 school safety in Virginia;

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

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

273 8. Provide training for and certification of school security officers and school resource officers, as
274 defined in § 9.1-101 and consistent with § 9.1-110;

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

279 10. In consultation with the Department of Education, provide schools with a model policy for the
280 establishment of threat assessment teams, including procedures for the assessment of and intervention
281 with students whose behavior poses a threat to the safety of school staff or students.

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

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