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VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 9.1-102, 15.2-1705, and 15.2-1709 of the Code of Virginia, relating to minimum qualifications for law-enforcement officer, etc.; disclosure of information.

[H 5104]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102, 15.2-1705, and 15.2-1709 of the Code of Virginia are amended and reenacted 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 [Repealed];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 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,

57 for school operation for the specific purpose of training law-enforcement officers; but this shall not
58 prevent the holding of any such school whether approved or not;

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

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

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

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

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

79 22. Advise criminal justice agencies and initiate educational programs for such agencies with respect
80 to matters of privacy, confidentiality, and security as they pertain to criminal history record information
81 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 criminal
90 justice information system, produce reports, provide technical assistance to state and local criminal
91 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 and
102 activities for the Commonwealth and units of general local government, or combinations thereof, in the
103 Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal
104 justice at every level throughout the Commonwealth;

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

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

113 31. Do all things necessary on behalf of the Commonwealth and its units of general local
114 government, to determine and secure benefits available under the Omnibus Crime Control and Safe
115 Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and
116 programs for strengthening and improving law enforcement, the administration of criminal justice, and
117 delinquency prevention and control;

118 32. Receive, administer, and expend all funds and other assistance available to the Board and the
119 Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe
120 Streets Act of 1968, as amended;

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

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

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

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

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

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

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

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

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

148 e. Communication of death notifications;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

225 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of
226 § 46.2-117;

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

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

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

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

240 program may address aspects of the recovery process, including medical and clinical recovery,
 241 peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of
 242 the recovery process;

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

252 55. Establish a model policy for the operation of body-worn camera systems as defined in
 253 § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

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

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

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

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

267 **§ 15.2-1705. Minimum qualifications; waiver.**

268 A. The chief of police and all police officers of any locality, all deputy sheriffs and jail officers in
 269 ~~this~~ *the* Commonwealth, and all law-enforcement officers as defined in § 9.1-101 who enter upon the
 270 duties of such office after July 1, 1994, are required to meet the following minimum qualifications for
 271 office. Such person shall (i) be a citizen of the United States; (ii) be required to undergo a background
 272 investigation including fingerprint-based criminal history records inquiries to both the Central Criminal
 273 Records Exchange and the Federal Bureau of Investigation; (iii) have a high school education or have
 274 passed a high school equivalency examination approved by the Board of Education; (iv) possess a valid
 275 driver's license if required by the duties of office to operate a motor vehicle; (v) undergo a physical
 276 examination, subsequent to a conditional offer of employment, conducted under the supervision of a
 277 licensed physician; (vi) be at least ~~eighteen~~ 18 years of age; (vii) not have been convicted of or pled
 278 guilty or no contest to a felony or any offense that would be a felony if committed in the
 279 Commonwealth; and (viii) not have produced a positive result on a pre-employment drug screening, if
 280 such screening is required by the hiring law-enforcement agency or jail, where the positive result cannot
 281 be explained to the law-enforcement agency or jail administrator's satisfaction. In addition, all such
 282 officers who enter upon the duties of such office on or after July 1, 2013, shall not have been convicted
 283 of or pled guilty or no contest to (a) any misdemeanor involving moral turpitude, including but not
 284 limited to petit larceny under § 18.2-96, or any offense involving moral turpitude that would be a
 285 misdemeanor if committed in the Commonwealth; (b) any misdemeanor sex offense in the
 286 Commonwealth, another state, or the United States, including but not limited to sexual battery under
 287 § 18.2-67.4 or consensual sexual intercourse with a minor 15 *years of age* or older under clause (ii) of
 288 § 18.2-371; or (c) domestic assault under § 18.2-57.2 or any offense that would be domestic assault
 289 under the laws of another state or the United States.

290 B. *In addition, if the police officer, deputy sheriff, or jail officer had been employed at any time by*
 291 *another law-enforcement agency or jail, the hiring law-enforcement agency or jail shall request from all*
 292 *prior employing law-enforcement agencies or jails any information (i) related to an arrest or*
 293 *prosecution of a former police officer, deputy sheriff, or jail officer, including any expunged arrest or*
 294 *criminal charge known to the agency or disclosed during the hiring process that would otherwise be*
 295 *prohibited from disclosure in accordance with § 19.2-392.4; (ii) related to a civil suit regarding a*
 296 *former police officer's, deputy sheriff's, or jail officer's employment or performance of his duties; (iii)*
 297 *obtained during the course of any internal investigation related to a former police officer's, deputy*
 298 *sheriff's, or jail officer's alleged criminal conduct, use of excessive force, or other official misconduct in*
 299 *violation of the state professional standards of conduct adopted by the Criminal Justice Services Board;*
 300 *and (iv) related to a former police officer, deputy sheriff, or jail officer's job performance that led to*

301 such officer's or deputy sheriff's resignation, dismissal, demotion, suspension, or transfer. The hiring
302 agency or jail may request this information subsequent to a conditional offer of employment; however,
303 no police officer, deputy sheriff, or jail officer may be employed in such position until the requested
304 information is received from all prior employing law-enforcement agencies in the Commonwealth. The
305 hiring agency or jail shall request that the police officer, deputy sheriff, or jail officer complete a
306 waiver or release liability authorizing the hiring agency or jail to request such information as listed in
307 this subsection from all prior employing law-enforcement agencies or jails, including law-enforcement
308 agencies or jails located outside the Commonwealth. Any sheriff or chief of police in the
309 Commonwealth, any director or chief executive of any law-enforcement agency or jail in the
310 Commonwealth, and the Director of the Department of Criminal Justice Services or his designee who
311 receives such request for information shall disclose such requested information within 14 days of
312 receiving such request to the requesting hiring law-enforcement agency or jail.

313 C. In addition, the hiring law-enforcement agency or jail may require a candidate for employment to
314 undergo a psychological examination, subsequent to a conditional offer of employment, conducted under
315 the supervision of a licensed psychiatrist or a licensed clinical psychologist.

316 D. Upon request of a sheriff or chief of police, or the director or chief executive of any agency or
317 department employing law-enforcement officers as defined in § 9.1-101, or jail officers as defined in
318 § 53.1-1, the Department of Criminal Justice Services is hereby authorized to waive the requirements for
319 qualification as set out in subsection A of this section for good cause shown.

320 **§ 15.2-1709. Employer immunity from liability; disclosure of information regarding former**
321 **deputy sheriffs and law-enforcement officers.**

322 Any sheriff or chief of police, the any director or chief executive of any agency or department
323 employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101, or jail officers as defined
324 in § 53.1-1, and the Director of the Department of Criminal Justice Services or his designee who
325 discloses information about a former deputy sheriff's or law-enforcement officer's or jail officer's job
326 performance or information requested pursuant to subsection B of § 15.2-1705 to a prospective
327 law-enforcement or jail employer of the former appointee or employee is presumed to be acting in good
328 faith and, unless lack of good faith is shown by clear and convincing evidence, is immune from civil
329 liability for such disclosure or its consequences. For purposes of this section, the presumption of good
330 faith is rebutted upon a showing that unless the information disclosed by the former employer was
331 knowingly false or deliberately misleading, was rendered with malicious purpose, or violated any civil
332 right of the former employee or appointee.