A BILL to amend and reenact § 9.1-102 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 1 of Title 9.1 an article numbered 16, consisting of sections numbered 9.1-193 through 9.1-196, relating to community care teams and mental health awareness response and community understanding services (MARCUS) alert system.


Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 9.1 an article numbered 16, consisting of sections numbered 9.1-193 through 9.1-196, 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,
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;
15. Establish compulsory minimum qualifications of certification and recertification for instructors in
criminal justice training schools approved by the Department;
16. Conduct and stimulate research by public and private agencies which shall be designed to
improve police administration and law enforcement;
17. Make recommendations concerning any matter within its purview pursuant to this chapter;
18. Coordinate its activities with those of any interstate system for the exchange of criminal history
record information, nominate one or more of its members to serve upon the council or committee of any
such system, and participate when and as deemed appropriate in any such system’s activities and
programs;
19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this
chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to
submit information, reports, and statistical data with respect to its policy and operation of information
systems or with respect to its collection, storage, dissemination, and usage of criminal history record
information and correctional status information, and such criminal justice agencies shall submit such
information, reports, and data as are reasonably required;
20. Conduct audits as required by § 9.1-131;
21. Conduct a continuing study and review of questions of individual privacy and confidentiality of
criminal history record information and correctional status information;
22. Advise criminal justice agencies and initiate educational programs for such agencies with respect
to matters of privacy, confidentiality, and security as they pertain to criminal history record information
and correctional status information;
23. Maintain a liaison with any board, commission, committee, or other body which may be
established by law, executive order, or resolution to regulate the privacy and security of information
collected by the Commonwealth or any political subdivision thereof;
24. Adopt regulations establishing guidelines and standards for the collection, storage, and
dissemination of criminal history record information and correctional status information, and the privacy,
confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and
court orders;
25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal
justice information system, produce reports, provide technical assistance to state and local criminal
justice data system users, and provide analysis and interpretation of criminal justice statistical
information;
26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law
enforcement and the administration of criminal justice throughout the Commonwealth, and periodically
update that plan;
27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the
Commonwealth, and units of general local government, or combinations thereof, including planning
district commissions, in planning, developing, and administering programs, projects, comprehensive
plans, and other activities for improving law enforcement and the administration of criminal justice
throughout the Commonwealth, including allocating and subgranting funds for these purposes;
28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and
activities for the Commonwealth and units of general local government, or combinations thereof, in the
Commonwealth, designed to strengthen and improve law enforcement and the administration of 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
procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation assistance and training, resource material, and research into methods and staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may, in cooperation with policing;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement personnel in the following subjects:

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

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 cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse 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.

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 cultural diversity and implicit bias; (vii) working with students with disabilities, mental health needs, substance abuse 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; and

58. Assess and report, in accordance with § 9.1-196, the community care teams established pursuant to § 9.1-193; and

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

Article 16.

Mental Health Awareness Response and Community Understanding Services (Marcus) Alert System and Community Care Teams.

§ 9.1-193. Establishment of mental health awareness response and community understanding services (Marcus) alert system and community care teams.

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

"Area" means a combination of one or more localities or institutions of higher education contained therein that may have law-enforcement officers as defined in § 9.1-101.

"Body-worn camera system" means the same as that term is defined in § 15.2-1723.1.

"Community care team" means a group of mental health service providers working with registered peer recovery specialists and law-enforcement officers as a team, with the mental health service providers leading such team, to help stabilize individuals in crisis situations. In addition to serving as a co-response unit, community care teams may, at the discretion of the employing locality, engage in community mental health awareness and services.

"Dispatcher" means the same as that term is defined in § 56-484.16:1.

"Historically economically disadvantaged community" means the same as that term is defined in § 56-576.

"Mental health awareness response and community understanding services (Marcus) alert system" means a process in which a call for service or other communication to an emergency 911 system or that is communicated with any other equivalent reporting system gets routed for the appropriate services, including calls for service being directed to a community care team.

"Mental health service provider" means the same as that term is defined in § 54.1-2400.1.

"Registered peer recovery specialist" means the same as that term is defined in § 54.1-3500.

B. By January 1, 2021, the Department of Criminal Justice Services and the Department of Behavioral Health and Developmental Services, in collaboration with law-enforcement and mental health stakeholders, shall support the development and establishment of a Marcus alert system that uses community care teams in localities and areas throughout the Commonwealth. The community care teams shall respond to crisis situations involving persons whose behaviors are consistent with mental illness,
substance abuse problems, or both and ensure individuals experiencing a mental health crisis, including individuals experiencing a behavioral health crisis, secondary to mental illness, substance use problems, developmental or intellectual disabilities, or any combination thereof. The goals of the Marcus alert system shall be:

1. Providing immediate response and services by specially trained mental health service providers, registered peer recovery specialists, and law-enforcement officers, who shall serve as back up if the scene becomes unstable or unsafe;

2. Affording persons whose behaviors are consistent with mental illness, substance abuse problems, or both a sense of dignity in crisis situations;

3. Reducing the likelihood of physical confrontation;

4. Decreasing arrests and use of force incidents by law-enforcement officers;

5. Identifying underserved populations in historically economically disadvantaged communities whose behaviors are consistent with mental illness, substance abuse problems, or both and ensuring individuals experiencing a mental health crisis, including individuals experiencing a behavioral health crisis, secondary to mental illness, substance use problems, developmental or intellectual disabilities, or any combination thereof, are directed or referred to, or provided with appropriate care, including follow-up and wrap-around services to individuals, family members, and caregivers to reduce the likelihood of future crises;

6. Providing support and assistance for mental health service providers and law-enforcement officers;

7. Decreasing the use of arrest and detention of persons whose behaviors are consistent with mental illness, substance abuse problems, or both by providing better access to timely treatment;

8. Providing a therapeutic location or protocol to bring individuals in crisis for assessment that is not a law-enforcement or jail facility;

9. Increasing public recognition and appreciation for the mental health needs of a community;

10. Decreasing injuries during crisis events;

11. Reducing inappropriate arrests of individuals whose behaviors are consistent with mental illness in crisis situations;

12. Decreasing the need for mental health treatment in jail;

13. Accelerating access to care for individuals in crisis through improved and streamlined referral mechanisms to mental health services;

14. Improving the notifications made to the community care team and the public of an individual experiencing a mental health crisis if the individual poses an immediate public safety threat or threat to self; and

15. Decreasing the use of psychiatric hospitalizations as treatment for mental health crises.

C. The Department, in collaboration with the Department of Behavioral Health and Developmental Services, shall establish criteria for the development of community care teams that shall include assessment of the effectiveness of the locality's or area's plan for community involvement, including engaging with and providing services to historically economically disadvantaged communities; training; and therapeutic response alternatives.

D. By July 1, 2021, the Department and the Department of Behavioral Health and Developmental Services shall submit to the Joint Commission on Health Care a report outlining the status of the Marcus alert system, including copies of any requests for proposals and the criteria developed for such areas.

E. By January 1, 2022, every locality shall have established, or be part of an area that has established, a Marcus alert system that uses a community care team.


The Department, in consultation with the Department of Behavioral Health and Developmental Services, the Department for Aging and Rehabilitative Services, and law-enforcement, brain injury, and mental health stakeholders, shall develop a training program for all persons involved in the Marcus alert system and community care teams, and all team members and dispatchers shall receive this training.


A. Each community care team shall develop a protocol that permits the community care team to release a person whose behaviors are consistent with mental illness, substance abuse problems, or both whom they encounter in crisis situations when the community care team has determined the person is sufficiently stable and to refer him for emergency treatment services.

B. Community care teams shall only be armed with non-lethal weapons and shall only use non-lethal force. Community care team members shall not wear uniforms used by law-enforcement officers and shall not drive or operate law-enforcement-marked motor vehicles. All law-enforcement members who are part of a community care team shall wear and use and keep free from obstruction a body-worn camera system whenever such community care team is responding to a call for service. Community care
teams shall not be housed in any law-enforcement facility, jail, or detention center.


The Department and the Department of Behavioral Health and Developmental Services shall assess and report on the impact and effectiveness of the community care teams in meeting their goals. The assessment shall include the consideration of the number of incidents, injuries to the parties involved, successes and problems encountered, the overall operation of the Marcus alert system and community care teams, and recommendations for improvement. The Department and the Department of Behavioral Health and Developmental Services shall submit a report to the Joint Commission on Health Care by November 15, in the years 2022, 2023, and 2024.

2. That the Department of Criminal Justice Services and the Department of Behavioral Health and Developmental Services shall coordinate a public service campaign to run from July 1, 2021, until January 1, 2022, announcing the development and establishment of community care teams and mental health awareness response and community understanding services (Marcus) alert systems in localities and areas throughout the Commonwealth.

3. That this act shall be referred to as the Marcus-David Peters Act.