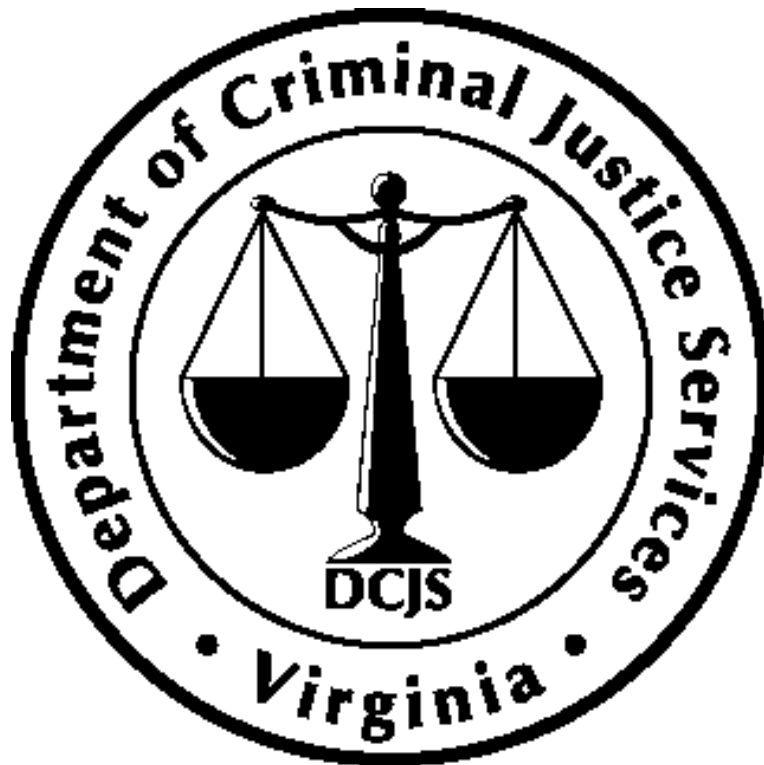


COMMONWEALTH OF VIRGINIA

By-Laws of the Criminal Justice Services Board



*Revised*  
*June 11, 2009*

## **ARTICLE I**

### **Name**

The name of this Board shall be the Criminal Justice Services Board.

## **ARTICLE II**

### **Functions**

A. The function of the Criminal Justice Services Board shall be to serve as the policy making body for the Department of Criminal Justice Services and to carry out the responsibilities assigned to it under Chapter 1 of Title 9.1 of the *Code of Virginia* (Sections 9.1-100 et seq.).

B. The Board delegates to the Director, Department of Criminal Justice Services, the authority to exempt certain officers from training requirements, pursuant to § 9.1-116 of the *Code of Virginia*. The decisions of the Director pertaining to the exemption of those officers specified in § 9.1-116 of the *Code* may be appealed as provided in Article VI, Section 1, paragraph g of these bylaws.

## **ARTICLE III**

### **Members**

#### **Section 1.**

Membership of the Criminal Justice Services Board is established by § 9.1-108 of the *Code of Virginia*.

#### **Section 2.**

a. Pursuant to § 9.1-108 of the *Code of Virginia*, the Chief Justice of the Supreme Court of Virginia and the Attorney General may each designate a person to represent him on the Criminal Justice Services Board. Such designations shall be in writing to the Chairman of the Board and shall continue in effect until rescinded in writing.

b. Pursuant to § 9.1-108 of the *Code of Virginia*, the Executive Secretary of the Supreme Court of Virginia, the Superintendent of the Department of State Police, the Superintendent of the Department of Correctional Education, the Director of the Department of Corrections, the Director of the Department of Juvenile Justice, and the Chairman of the Virginia Parole Board may each appoint a member of his staff to represent him at each Board meeting, if he will be unavoidably absent from meetings. Such appointments shall be made in writing to the Chairman.

c. Designees and appointees attending meetings of the Board and its committees, pursuant to a and b above, shall have the same privileges as Board members.

### **Section 3.**

Members of the Board, or any of its committees, Board members' designees or appointees, shall refrain from voting on any grant or contract which would have a direct financial impact on the agency or organization which they serve, or the office they hold by virtue of employment, appointment, or election, or which would have a direct financial impact upon the political subdivision in which they serve by virtue of employment, appointment, or election.

### **Section 4.**

The Secretary of the Board shall inform the Chairman in any instance where a member is absent from three consecutive regularly scheduled meetings of the Board. The Chairman shall

then call the absences to the attention of the member in writing and take whatever action he deems appropriate in the circumstances.

**Section 5.**

The Director of the Department of Criminal Justice Services shall be the Executive Director of the Board, but shall not be a member thereof.

**ARTICLE IV**

**Officers**

**Section 1.**

The Governor shall appoint the Chairman of the Board.

**Section 2.**

The Board shall designate one or more Vice-Chairmen from among its members, who shall serve at the pleasure of the Board.

**Section 3.**

In the absence of the Chairman, the Vice-Chairman shall preside at meetings and perform such additional duties as are required by the Board and necessitated by the absence of the Chairman. In the event of the absence of both of these officers, the Chairman shall appoint a Chairman Pro Tempore and, if he does not, the quorum of members present at any meeting shall elect a Chairman Pro Tempore to preside for that meeting.

**Section 4.**

Upon the recommendation of the Director of the Department of Criminal Justice Services, the Board shall appoint a Secretary. The Secretary shall be responsible for the recording and maintenance of minutes of the meetings of the Board and any of its committees.

The Secretary shall maintain such records or perform such additional duties as shall be assigned by the Board or its Chairman.

## **ARTICLE V**

### **Meetings**

#### **Section 1.**

The Board shall hold no less than four (4) regular meetings a year. The Chairman shall fix the times and places of the meetings, either on his own motion or upon written request of any five members of the Board.

#### **Section 2.**

Special meetings (meetings other than those regularly scheduled) may be called by the Chairman or may be called at the request of any three members.

#### **Section 3.**

A majority of the Board shall constitute a quorum to do business. Decisions may be made by the majority of those present and voting. The Chairman shall determine and declare that a quorum is present prior to the conduct of business at any meeting.

#### **Section 4.**

At its regular or special meetings, the Board shall first consider and act on any matters directly related to its mandated, statutory responsibilities which may be before it. Other issues, speakers, items of interest, whether brought forward by Board members or staff, shall be considered only after the matters pertaining to the Board's statutory mandates have been disposed of.

**Section 5.**

Whenever possible and practical, Board meetings and such meetings of committees of the Board as may be necessary shall be scheduled for the same day, or on adjacent days, to save travel and lodging costs.

**ARTICLE VI**

**Committees**

**Section 1.**

a. As required by § 9.1-112 of the *Code of Virginia*, the Board shall have a permanent Committee on Training, with thirteen members.

b. The Committee on Training shall be the policy-making body responsible to the Board for effecting the provisions of subdivisions 2 through 16 of § 9.1-102, *Code of Virginia*.

c. The Committee on Training shall annually elect its Chairman from among its members.

d. The Committee on Training shall hold no less than four (4) meetings each year.

e. A majority of the Committee on Training shall constitute a quorum to do business. Motions before the Committee shall be considered adopted only if they receive the affirmative vote of a majority of the members of the Committee.

f. The Chairman of the Committee on Training may appoint an Executive Group of the Committee consisting of the Chairman, one representative of local law enforcement, one representative of general local government, and a Commonwealth's Attorney.

(1) The Executive Group shall meet at the call of its Chairman.

(2) The Executive Group shall have the power to make recommendations to the Committee on all matters within the scope of the Committee's authority and responsibilities.

g. The Committee on Training shall hear and act upon such appeals as may arise from decisions made by the Director of the Department pursuant to Article II, paragraph B of these bylaws. Additionally, the Committee on Training shall hear and act upon appeals arising from decisions made by the Director of the Department relating to suspensions and revocations of approved training schools pursuant to regulations promulgated by the Board. The Department of Criminal Justice Services (DCJS) shall establish policies and procedures for such appeals. As provided by Rule 2A:2 of the Supreme Court, an appellant has 30 days from the date of service (the date the decision is received or the date it is mailed, whichever occurred first) within which to appeal this decision. It is done by filing a notice of appeal with the Director of DCJS or the Clerk of the Circuit Court. In the event that this decision is served on the appellant by mail, three (3) days are added to that period.

## **Section 2.**

a. The Board may establish an Executive Committee consisting of the Chairman and seven members of the Board who shall serve a term of two years upon appointment by the Chairman. The Chairman shall serve a term coinciding with his term of office as Chairman of the Board. Five members shall constitute a quorum. The Chairman shall take into consideration the broad criminal justice interests of the Board when appointing an Executive Committee.

b. The Executive Committee shall have the power to make recommendations to the Board on all matters within the scope of the Board's authority and responsibilities.

c. The Executive Committee shall have the power to award grants or contracts by affirmative vote of a majority of its members, when, in its judgment, consideration of the grant or contract should not wait until the next regular meeting of the Board or the Committee on Training.

d. The Executive Committee shall have the authority to make decisions on appeals for violations of regulations promulgated by the Board in the implementation and administration of the Code of Virginia pertaining to the revocation, suspension or non-renewal of a registration, certification or license. Any decision rendered on appeals for violations of regulations promulgated by the Board by affirmative majority vote of the Executive Committee shall have the same effect as if made by the Board and shall be subject to judicial review in accordance with the Administrative Process Act.

e. The Executive Committee shall conduct meetings and hearings necessary in carrying out the responsibilities of the Board in the implementation and administration of § 9.1-102 (35) of the *Code of Virginia* pertaining to the certification and decertification of law enforcement officers.

1. No final action pertaining to a request for decertification shall be taken by the Board until such time as all due process appeals have been exhausted whether administrative or judicial.
2. Upon receipt of written request for decertification from the employing agency, the Executive Committee delegates the authority to the Department to send Notification of Intent of Decertification specifying actions to be taken and potential remedies to the affected officer and the employing agency. Such Notification of Intent shall be mailed within ten

(10) days by certified mail, return-receipt requested. The affected officer has thirty (30) days upon receipt of the notification of intent to file a request for appeal with the Department.

3. If a written request for an appeal of decertification is not received from the affected officer within thirty (30) days as specified, cause is deemed founded and the Department, acting for the Executive Committee, shall prepare and provide Notification of Decertification to the affected officer and employing agency.
4. Upon receipt of a written request of appeal of decertification from the affected officer, the Executive Committee shall set a date, time, and place for a hearing and provide written notice to the affected officer and employing agency. Such hearing shall be conducted within sixty (60) days of receipt of the written notice of appeal.
5. Upon final decision, the Department shall provide final notification to the affected officer and the employing agency of the hearing results. Final notification shall be provided in writing and mailed, certified mail, return-receipt requested, within ten (10) days of the final decision.

f. The Executive Committee shall report to the Board on any such decisions at the next regular meeting of the Board.

g. The Executive Committee shall meet at the call of the Chairman.

### **Section 3.**

Other committees may be established by the Chairman of the Board when deemed necessary.

#### **Section 4.**

Whenever possible and feasible, committees shall make their reports to the Board both orally, in the form of a presentation to the Board by the committee Chairman, and in writing.

#### **Section 5.**

a. The Criminal Justice Services Board shall establish a Committee on Criminal Justice Information Systems which shall be a policy-making body charged with implementing the Board's responsibility and authority with respect to the regulation and coordination of criminal justice information systems, pursuant to §§9.1-102(23) and 9.1-127 of the *Code of Virginia*.

b. The Committee shall be responsible to the Board for the purpose of carrying out the provisions of § 9.1-102(23), and §§9.1-127 through 9.1-132 of the *Code of Virginia*. The Committee shall also be responsible for advising the Secretary of Public Safety on criminal justice information systems matters related to the Secretary's responsibilities as set forth in the *Code of Virginia* and Executive Orders of the Governor.

c. The Chairman of the Board shall appoint six (6) members to the Committee as follows: one sheriff, one chief of police, the Director of the Department of Corrections, the Director of the Department of Juvenile Justice, the Executive Secretary of the Supreme Court of Virginia, and the Superintendent of the Department of State Police. Members of the Committee may designate members of their respective staffs to represent them on the Committee. Such appointments shall be made in writing to the Chairman of the Committee.

The Chairman of the Board shall appoint to the Committee five (5) members from among residents of this Commonwealth who are officials or employees of local government and involved with the development and/or operation of criminal justice information systems to include a clerk of court, a Commonwealth's Attorney, a member of the Virginia Association of

Regional Jail Superintendents, a Public Defender, and a director or manager of a local data processing agency or division. The tenure of these members representing local government shall be three (3) years. The term of each appointee will automatically renew until a new member is appointed by the Chairman of the Board or a member resigns.

The Chairman of the Board shall appoint to the Committee a Deputy Secretary of Public Safety and three (3) members to represent the following state agencies, to be designated by the chief executive officer of each agency: State Compensation Board, Department of Correctional Education, and Department of Information Technology, or their successor agencies.

d. The Chairman of the Board shall appoint the Chairman of the Committee from among the members of the Committee. The Committee shall select a Vice-Chairman from among its members.

e. Upon the recommendation of the Director of the Department of Criminal Justice Services, the Committee shall appoint a Secretary. The Secretary shall be responsible for the recording and maintenance of minutes of the meetings of the Committee and any of its committees. The Secretary shall maintain such records or perform such additional duties as shall be assigned by the Committee or its Chairman.

f. The Secretary shall inform the Chairman in any instance where a member is absent from three consecutive regularly scheduled meetings of the Committee. The Chairman shall then call the absences to the attention of the member in writing and take whatever action he deems appropriate.

g. The Committee shall develop standards and goals, define objectives, establish priorities, prepare plans, develop or endorse procedures, review systems development efforts, establish subcommittees as appropriate, and perform such other activities as may be necessary to

fulfill its responsibilities. In carrying out its assigned responsibilities, the Committee may request assistance from any state or local agency or other body.

h. The Committee shall have the following specific powers and responsibilities:

- To establish criminal justice information systems policy and to formulate standards consistent with its policy.
- To review suggested changes to existing state and local criminal justice information systems.
- To develop a comprehensive plan which will provide for the most expeditious use of resources.
- To establish priorities for the development and improvement of criminal justice information systems in Virginia consistent with a comprehensive plan.
- To assist and advise the Secretary of Public Safety with respect to the allocation of resources for criminal justice information systems.
- To promote uniform procedures and standards for the collection and storage of criminal justice information.
- To coordinate the interfacing of state criminal justice information systems and the interfacing of state systems with criminal justice information systems operated by localities.
- To investigate sources of non-reporting of criminal justice information and recommend remedial procedures.
- To foster communication among agencies collecting and/or sorting criminal justice information.

- To carry out such other responsibilities as may be assigned by the Board and the Secretary of Public Safety.
- i. The Committee shall hold no less than four (4) regular meetings each year. The Chairman of the Committee shall establish the time and places of the meetings.
- j. At any meeting of the Committee, a majority of the Committee shall constitute a quorum to conduct business. Decisions shall be made by a majority of those members present and voting.
- k. With reasonable notice to the Chairman or Secretary of the Committee, any member of the Committee may send a substitute in the member's place to represent him or her. The substitute will be counted as part of the quorum, and possess the full voting rights of the member whom the substitute represents.

#### **Section 6.**

- a. The Chairman shall appoint a subcommittee of the Board to decide all controversies brought to it under the provisions of §19.2-386.14 and pursuant to regulations adopted by the Board. This subcommittee will be entitled the Forfeited Assets Distribution Committee (FADC).
- b. The FADC shall consist of five members drawn from the membership of the Board. These members shall include one police chief, one sheriff, one Commonwealth's Attorney and two additional members designated by the Board chairman. The Board chairman will also designate the FADC chairman from among its membership.
- c. The FADC shall meet as needed, convened by the Committee chair. The results of all FADC actions shall be reported at the next regular meeting of the Board.
- d. A majority of the FADC shall constitute a quorum to conduct business. Decisions shall be made by a majority of those members present and voting.

e. If the FADC chairman deems that a member of the FADC has a conflict of interest with a disputed sharing decision, that member will abstain from participation in that particular case. The FADC chairman will request that the Board Chairman appoint a new member of the Board to the FADC for consideration of the case in conflict only.

f. Decisions of the FADC can be appealed to the Board. Once a final decision has been made, as provided by Rule 2A:2 of the Supreme Court, an appellant has 30 days from the date of service (the date the decision is received or the date it is mailed, whichever occurred first) within which to appeal this decision. It is done by filing a notice of appeal with the Director of DCJS or the Clerk of the Circuit Court. In the event that this decision is served on the appellant by mail, 3 days are added to that period.

#### **Section 7.**

a. The Board shall appoint a Private Security Services Advisory Board (PSSAB) to advise it on all issues relating to regulation of private security services businesses, in accordance with §9.1-143 of the *Code of Virginia*. The PSSAB is defined as an advisory board within the meaning of §2.2-2100 of the *Code of Virginia*.

b. The PSSAB shall be composed of thirteen members. Two of the members shall be private investigators; two shall be representatives of electronic security businesses; three shall be representatives of private security services businesses providing security officers, armed couriers or security canine handlers; one shall be a representative of a private security services business providing armored car personnel; one shall be a representative of a private security services business involving personal protection specialists; one shall be a certified private security services instructor; one shall be a special conservator of the peace appointed pursuant to §19.2-13 of the *Code of Virginia*; one shall be a licensed bail bondsman and one shall be a

representative of law enforcement. Members shall be appointed for staggered terms as designated by the Board. Whenever a vacancy occurs, the Board shall appoint a replacement to serve the remainder of the unexpired term.

No member shall be appointed for more than eight consecutive years.

If any member ceases to be active in the segment of the industry represented, he shall cease to be a member of the PSSAB and his position shall be deemed vacant.

c. The member of the PSSAB appointed by the Governor to the Criminal Justice Services Board, in accordance with §9.1-108 of the *Code of Virginia*, shall be responsible for reporting to and keeping the Board (CJSB) informed and coordination of all matters concerning the Private Security industry, Special Conservators of the Peace, Property and Surety Bail Bondsmen and Bail Enforcement Agents.

The PSSAB shall annually select a Chairman from among its members. The Chairman shall:

- preside at all meetings;
- establish that a quorum is present;
- rule on all procedural questions; and
- be responsible for such other duties as may be incumbent upon the office of Chairman.

d. The PSSAB shall annually elect a Vice-Chairman from among its membership. The Vice-Chairman shall act in the absence of the Chairman.

e. The PSSAB Chairman shall annually select a Secretary from among the PSSAB's membership. The Secretary shall notify members of meetings, record the minutes of PSSAB meetings, and maintain such records, materials, and reports as the Board deems necessary.

The election of the officers will be public, in compliance with §2.1-343.2 of the *Code of Virginia*, which prohibits secret or written ballots.

No PSSAB member may serve in the positions of Chairman, Vice-Chairman or Secretary for more than two years during his or her eight-year tenure. A member may, however, serve for two years each in the positions of Chairman, Vice-Chairman or Secretary. Any PSSAB member, who is elected to fill the unexpired term of the position of Chairman, Vice-Chairman or Secretary, shall remain eligible to serve two additional years.

f. The Advisory Board shall meet at least four times a year. The Chairman will propose a schedule of meeting places and dates for the next planning year. This proposed schedule will be discussed with PSSAB members and a final schedule will be voted on by the PSSAB. The Chairman may call special meetings for any purpose he deems necessary, subject to reasonable notice.

At least thirty days prior to a scheduled public meeting the Chairman will draft and forward an Agenda to the Department to be disseminated to all interested parties.

The Chairman of the PSSAB shall inform the Chairman of the Criminal Justice Services Board in any instance in which a member of the PSSAB has been absent from three consecutive regularly scheduled meetings of the PSSAB. The Chairman of the CJSB shall then call the absences to the attention of the member in writing and take whatever other action he deems appropriate, which may include removal of the member of the PSSAB.

g. The Chairman of the PSSAB will determine the formation of committees as deemed necessary, and will invite participation on the committees by private security associations, Department staff, and any other interested parties. The PSSAB Chairman will select a Committee Chairman from the members of the PSSAB.

The Committee Chairman will be responsible for selecting the date and location of the meetings of the committee. The Committee Chairman will announce the place and date of each meeting of the Committee in a timely fashion so as to allow as much participation as possible. The announcement will be disseminated to all interested parties.

The Committee Chairman will ask one member of the Committee to serve as the Secretary of the Committee. The Committee's Secretary will record pertinent discussions, collect copies of any related correspondence, and forward this information to the Secretary of the PSSAB for incorporation into the minutes of the next scheduled public meeting.

### **Section 8.**

a. The Criminal Justice Services Board shall establish a Victim/Witness Issues Advisory Committee (VWIAC) which shall consider and make recommendations to the Board concerning victim and witness issues, including but not limited to funding of victim services, legislation affecting crime victims' rights and services, and improving policies and administrative procedures relating to crime victims' rights and services.

b. The Chairman of the Board shall appoint the members of the VWIAC as follows:

- (i) a representative of the Virginia State Police;
- (ii) the Chairman of the Virginia Parole Board;
- (iii) a Commonwealth's Attorney;
- (iv) a Sheriff;
- (v) a chief of police ;
- (vi) a legislative member of the Board;

- (vii) two representatives from the Virginia Network for Victims and Witnesses of Crime, Inc., one of whom shall be from a large urban/suburban program and one of whom shall be from a rural/small city program;
  - (viii) a representative from the Department of Corrections;
  - (ix) two members who represent a crime victims' organization, or who are victims of crime, or who are the relative of a victim of crime;
  - (x) one magistrate;
  - (xi) five at-large members who are not members of the Criminal Justice Services Board, at least one of whom shall be a judge, and one who is a clerk of court nominated by the district court clerks' association, one representing the Supreme Court of Virginia, one representing the Attorney General, and one representing the Criminal Injuries Compensation Fund.
- c. The above members, if unable to attend a meeting, may send a designee.
- d. The Chairman of the Board shall select a chair and vice-chair from among the Committee members.
- e. The Committee Chair may appoint additional individuals not on the Committee to serve on *ad hoc* VWIAC subcommittees.
- f. The Chief of the Victims' Services Section of the Department shall be the Secretary of the Committee, but not a member thereof.

## **ARTICLE VII**

### **Parliamentary Authority**

The Rules contained in the most current edition of Robert's Rules of Order Newly Revised shall govern the Board and its committees in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special order the Board may adopt.

## **ARTICLE VIII**

### **Amendment of Bylaws**

These bylaws may be amended at any regular meeting of the Board by a two-thirds vote of the members present, provided that the amendment has been submitted in writing at the previous regular meeting and provided that the amendment is not in conflict with any applicable state and federal laws and regulations.

## APPENDIX

### Amendment History of the Criminal Justice Services Board Bylaws

Approved by the Board, November 10, 1982

Amended by the Board, July 11, 1984 (adding Article VI, Section 5)

Amended by the Board, May 6, 1987 (amending Article VI, Section 2)

Amended by the Board, January 4, 1989 (amending Article II, Section d and Article VI, Section g)

Amended by the Board, October 4, 1989 (amending Article III, Section 6)

Amended by the Board, October 2, 1991 (adding Article VI, Section 6)

Amended by the Board, October 7, 1992 (amending Article VI, Section 5)

Amended by the Board, January 12, 1994 (adding Article VI, Section 7)

Amended by the Board, May 4, 1994 (amending Article VI, Section 2.d)

Amended by the Board, March 13, 1996 (amending Article VI, Section 5.c)

Amended by the Board, May 15, 1996 (amending Article VI, Section 1.a)

Amended by the Board, December 3, 1996 (amending Article VI, Section 7.b)

Amended by the Board, March 25, 1997 (amending Article III, Section 3; adding Article VI, Section 8)

Amended by the Board, May 6, 1997 (adding Article VI, Section 9)

Amended by the Board, March 8, 2001 (amending Article VI, Section 7)

Amended by the Board, September 13, 2001 (amending Article VI, Section 5)

Amended by the Board, December 11, 2003 (amending: Article II; Article III, Sections 1, 2a, 2b; Article VI, Section 1a, b, g, Section 2d, Section 5a through c, e, f, Section 7 a, c, e, f; deleting existing Section 8, renumbering existing Section 9 and amending subsections a, b, d, e therein.)

Amended by the Board, December 14, 2006 (making technical amendments to *Code of Virginia* citations throughout; and amending Article VI, Sections 2 and 7)

Amended by the Board, June 11, 2009 (amending Article VI, Section 2)