



COMMONWEALTH OF VIRGINIA

Bylaws of the Criminal Justice Services Board

Revised June 16, 2022

ARTICLE I

Name

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

ARTICLE II

Functions

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

The Board consists of 32 members. Membership of the 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, the Attorney General, and the Executive Director of the Virginia Indigent Defense Commission may each designate a person to represent them on the Board. Such designations shall be in writing to the Board Chair and shall continue in effect until rescinded in writing.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 Director of the Department of Corrections, the Director of the Department of Juvenile Justice, and

the Chair of the Virginia Parole Board may each appoint a member of their staff to represent them at a Board meeting if they will be absent from such meeting. Such appointments shall be made in writing to the Board Chair.

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

Section 3.

Members of the Board or any of its committees, including Board members' designees or appointees, shall refrain from voting on any grant or contract which would have a direct financial impact on (i) the agency or organization which they serve, (ii) the office they hold by virtue of employment, appointment, or election, or (iii) the political subdivision in which they serve by virtue of employment, appointment, or election. Members of the Board shall comply with the provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) to the extent applicable.

Section 4.

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

Section 5.

The Director of the Department 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 Board Chair.

Section 2.

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

Section 3.

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

Section 4.

Upon the recommendation of the Director of the Department, 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 Chair.

ARTICLE V

Meetings

Section 1.

The Board shall hold no fewer than four regular meetings a year. The Chair shall fix the times and places of the meetings, either on the Chair's 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 Chair or 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 Chair 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 which may be before it directly related to its mandated, statutory responsibilities. Other issues, speakers,

or 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 its committees 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 consisting of 19 members.
- b. The Committee on Training shall be the policy-making body responsible to the Board for effecting the applicable provisions of § 9.1-102 of the *Code of Virginia* related to training standards.
- c. The Committee on Training shall annually elect its Chair from among its members.
- d. The Committee on Training shall hold no fewer than four 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 Chair of the Committee on Training may appoint an Executive Group of the Committee consisting of the Chair, one representative of local law enforcement, one representative of general local government, and an Attorney for the Commonwealth.
 1. The Executive Group shall meet at the call of its Chair.
 2. The Executive Group shall have the power to make recommendations to the Committee on Training on all matters within the scope of the Committee on Training'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 shall establish policies and procedures for such appeals. As provided by Rule 2A:2 of the Rules of the Supreme Court of Virginia, an appellant has 30 days from the date of service of the final decision (the date the decision is received by the appellant or the date it is mailed, whichever occurred first) within which to appeal this decision by filing a notice of appeal with the Director of the Department. In the event that the final decision is served on the appellant by mail, three days are added to the 30-day period.

Section 2.

- a. Pursuant to § 9.1-108.1, the Board may establish an Executive Committee consisting of the Chair and seven members of the Board who shall serve a term of two years upon appointment by the Chair. The Chair's term on the Executive Committee shall be coincident with the Chair's terms of office as Chair of the Board. Five members shall constitute a quorum. The Chair shall take into consideration the broad criminal justice and public safety 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(36), 15.2-1707, and 15.2-708 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 of Decertification shall be mailed within ten days by certified mail, return-receipt requested. The affected officer has thirty 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 days as specified, the decertification shall be final 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 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 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 Chair.

Section 3.

- a. The Chair shall appoint the members of the Forfeited Assets Distribution Committee (FADC) to decide all controversies brought to it under the provisions of § 19.2-386.14 of the *Code of Virginia* and pursuant to regulations adopted by the Board.
- 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 attorney for the Commonwealth, and two additional members designated by the Board Chair. The Board Chair will also designate the FADC Chair 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 Chair 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 Chair will request that the Board Chair 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 of the final decision (the date the decision is received by the appellant or the date it is mailed, whichever occurred first) within which to appeal this decision by filing a notice of appeal with the Director of the Department. In the event that the final decision is served on the appellant by mail, three days are added to the 30-day period.

Section 4.

- a. The Board shall appoint members of a Private Security Services Advisory Board (PSSAB) in accordance with § 9.1-143 of the *Code of Virginia*. The PSSAB is an advisory board within the meaning of § 2.2-2100 of the *Code of Virginia* and shall advise the Board on all issues relating to the regulation of private security services businesses, special conservators of the peace, bail bondsmen, and bail enforcement agents. The PSSAB does not serve as a regulatory or rule-making body.

- b. The PSSAB consists of 15 members. Membership of the PSSAB is established by § 9.1-143 of the *Code of Virginia*. 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.

No member shall represent to the Board, the Department, or the public, a PSSAB position on an issue unless the position is specifically endorsed by a majority vote of PSSAB members.

If any member ceases to be active in the segment of the industry represented, they shall cease to be a member of the PSSAB and their 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 informed of all matters concerning the private security industry, special conservators of the peace, property and surety bail bondsmen, and bail enforcement agents. This member shall be responsible for representing PSSAB advisory positions to the Board as approved by a majority vote of PSSAB members.

The Board Chair shall annually select a PSSAB Chair from among PSSAB members, who shall serve at the pleasure of the Board Chair. The PSSAB Chair 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 Chair.

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

- e. The PSSAB Chair 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.

No PSSAB member may serve in the positions of Chair, Vice-Chair, or Secretary for more than two years during their eight-year tenure. A member may, however, serve for two years each in the positions of Chair, Vice-Chair, or Secretary. Any PSSAB member who

is elected to fill the unexpired term of the position of Chair, Vice-Chair, or Secretary shall remain eligible to serve two additional years.

- f. The PSSAB shall meet at least four times a year. The PSSAB Chair 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 PSSAB Chair may call special meetings for any purpose they deem necessary, subject to reasonable notice.

At least 30 days prior to a scheduled public meeting, the PSSAB Chair will draft and forward an agenda to the Department to be disseminated to all interested parties.

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

- g. The PSSAB Chair 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 Chair will select a Committee Chair from the members of the PSSAB.

The Committee Chair will be responsible for selecting the date and location of the meetings of the committee. The Committee Chair 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 Chair 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 5.

Other committees may be established by the Board Chair when deemed necessary. The Board Chair will determine the formation of other committees as deemed necessary. The Chair will appoint members of the Board to any such committee and will select a committee Chair. The

committee Chair will be responsible for selecting the date and location of the meetings of the committee. A majority of the committee shall constitute a quorum to do business. Decisions may be made by the majority of those present and voting.

Section 6.

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 Chair, and in writing.

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)
- Amended by the Board, September 13, 2012 (amending Article III, Section 2 and Article VI, Section 7)
- Amended by the Board, July 1, 2014 (amending Article VI, Section 1 and Article VI, Section 7)
- Amended by the Board, May 7, 2015 (amending Article III, Section 2(a) and (b); Article VI, Section 1(b), Section 2(a); Article VI, deleting existing Section 5, renumbering existing Sections 6, 7, and 8; and Article VI, existing Section 6(e))
- Amended by the Board, September 14, 2017 (amending Article VI, Section 1, subsection a; Article VI, Section 2, subsection e; and deleting Article VI, Section 7)
- Amended by the Board, June 16, 2022 (amending Article I, Article II A, Article II B, Article III 1, Article III 2 a, Article III 2 b, Article III 2 c, Article III 3, Article III 4, Article III 5, Article IV 1, Article IV 2, Article IV 3, Article IV 4, Article V 1, Article V 2, Article V 3, Article V 4, Article V 5, Article VI 1 a, Article VI 1 b, Article VI 1 c, Article VI 1 d, Article VI 1 f, Article VI 1 f 1, Article VI 1 f 2, Article VI 1 g, Article VI 2 a, Article VI 2 d, Article VI 2 e, Article 2 e 1, Article VI 2 e 2, Article VI 2 e 3, Article VI 2 e 4, Article VI 2 e 5, Article VI 2 g, Article VI 3 a, Article VI 3 b, Article VI 3 c, Article VI 3 e, Article VI 3 f, Article VI 6 a, Article VI 6 b, Article VI 6 c, Article VI 6 d, Article VI 6 e, and Article VI 6 f; adding Article VI 5 and Article VI 6; renumbering existing Article VI 5 and Article VI 6; and deleting Article VI 3 and Article VI 4)