Appendix F

Biased-Based Profiling Legislation Effective July 1, 2021

During the summer of 2020, the General Assembly met in Special Session I and passed additional legislation to add to and enhance the reporting requirements of the Community Policing Act. This legislation, highlighted in red, became effective July 1, 2021. Data reported based on these additions will be included in the DCJS July 1, 2022 Community Policing Act Database Report.

§ 52-30.2. (Effective July 1, 2021) Prohibited practices; collection of data.

A. No State Police officer shall engage in bias-based profiling in the performance of his official duties.

B. State Police officers shall collect data pertaining to (i) all investigatory motor vehicle stops, (ii) all stop-and-frisks of a person based on reasonable suspicion, and (iii) all other investigatory detentions that do not result in an arrest or the issuance of a summons to be reported into the Community Policing Reporting Database. State Police officers shall submit the data to their commanding officers, who shall forward it to the Superintendent of State Police.

C. Each time a law-enforcement officer or State Police officer stops a driver of a motor vehicle, stops and frisks a person based on reasonable suspicion, or temporarily detains a person during any other investigatory stop, such officer shall collect the following data based on the officer's observation or information provided to the officer by the driver: (i) the race, ethnicity, age, gender of the person stopped, and whether the person stopped spoke English; (ii) the reason for the stop; (iii) the location of the stop; (iv) whether a warning, written citation, or summons was issued or whether any person was arrested; (v) if a warning, written citation, or summons was issued or an arrest was made, the warning provided, violation charged, or crime charged; (vi) whether the vehicle or any person was searched; and (vii) whether the law-enforcement officer or State Police officer used physical force against any person and whether any person used physical force against any officers.

D. Each state and local law-enforcement agency shall collect the number of complaints the agency receives alleging the use of excessive force.

§ 52-30.3. (Effective July 1, 2021) Community Policing Reporting Database established.

§ 15.2-1609.10. (Effective July 1, 2021) Prohibited practices; collection of data.

A. No sheriff or deputy sheriff shall engage in bias-based profiling as defined in § 52-30.1 in the performance of his official duties.

B. The sheriff of every locality shall collect data pertaining to (i) all investigatory motor vehicle stops, (ii) all stop-and-frisks of a person based on reasonable suspicion, and (iii) all other investigatory detentions that do not result in an arrest or the issuance of a summons pursuant to § 52-30.2 and report such data to the Department of State Police for inclusion in the Community Policing Reporting Database established pursuant to § 52-30.3. The sheriff of the locality shall be responsible for forwarding the data to the Superintendent of State Police.

C. The sheriff shall post the data that has been forwarded for inclusion in the Community Policing Reporting Database on a website that is maintained by the sheriff or on any other website on which the sheriff generally posts information and that is available to the public or that clearly describes how the public may access such data.

§ 15.2-1722.1. (Effective July 1, 2021) Prohibited practices; collection of data.

A. No law-enforcement officer shall engage in bias-based profiling as defined in § 52-30.1 in the performance of his official duties.

B. The police force of every locality shall collect data pertaining to (i) all investigatory motor vehicle stops, (ii) all stop-and-frisks of a person based on reasonable suspicion, and (iii) all other investigatory detentions that do not result in an arrest or the issuance of a summons pursuant to § 52-30.2 and report such data to the Department of State Police for inclusion in the Community Policing Reporting Database established pursuant to § 52-30.3. The chief of police of the locality shall be responsible for forwarding the data to the Superintendent of State Police.

C. The chief of police of the locality shall post the data that has been forwarded for inclusion in the Community Policing Reporting Database on a website that is maintained by the chief of police or on any other website on which the chief of police generally posts information and that is available to the public or that clearly describes how the public may access such data.

2020, c. 1165; 2020, Sp. Sess. I, c. 37.