



COMMONWEALTH of VIRGINIA

Office of the Governor

Terrance Cole
Secretary of Public Safety
and Homeland Security

January 12, 2024

The Honorable Scott A. Surovell
Senate Majority Leader

The Honorable Mamie E. Locke
Chair of the Senate Committee on Rules

The Honorable Don Scott
Speaker of the House

RE: 6 VAC 20-65 – Professional Standards of Conduct and Procedure Regulation

Senator Surovell, Senator Locke, and Speaker Scott:

I have received your recent letter regarding the regulations required pursuant to SB 5030 from the 2020 Special Session I which established the standards of conduct for law enforcement officers. As a career law enforcement officer with over 30 years of experience at local, state, and federal agencies, I appreciate and support the efforts to ensure law enforcement officers in the Commonwealth are held to high standards of conduct while serving the public.

The administration fully intends to comply with the code requiring the promulgation of the standards of conduct regulations. As background, the Department of Planning and Budget (DPB) noted in their policy review the fourth enactment of Chapter 37 provided a delayed enactment for certain provisions of SB 5030 to become effective on July 1, 2021; however, the provisions relating to the emergency mandate are not included. Therefore, the provisions of SB 5030 went into effect on March 1, 2021, which required the regulations to be promulgated by December 6, 2021. The lingering impacts and limitations of the COVID-19 pandemic hindered the ability of the workgroup to accomplish their goal of developing the regulation. On August 3, 2022, the regulations were posted to the Virginia Regulatory Town Hall. Following the formal posting, DPB identified several concerns with the regulation as proposed. Among DPB's concerns were the lack of clarity regarding the use of "serious misconduct" throughout the regulation, insufficient satisfaction of due process procedural requirements, and the stakeholder representatives on the workgroup not meeting the statutory requirements for eligibility. More detail on these concerns can be found here:

https://townhall.virginia.gov/l/GetFile.cfm?File=51\5723\9641\DPBmemo_DCJS_9641_v1.pdf

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Given these issues, former Secretary Mosier worked with a subset of members of the workgroup to craft an amendment to the regulation to address some of these concerns. This amendment was distributed to Chief Craig Branch in his role as Chairman of the Criminal Justice Services Board on May 26, 2023.

The Governor's Office is nearing completion of our review of this regulation, and I expect the regulation as submitted on Town Hall to be approved by early next week.

Please let me know if you have any questions.

Sincerely,



Terrence C. Cole
Secretary of Public Safety and Homeland Security

c: The Honorable Jeff Goettman, Chief of Staff
Ali Ahmad, Director of Policy and Legislative Affairs
The Honorable Jackson Miller, Director, Department of Criminal Justice Services