



## Virginia Advisory Committee to the U.S. Commission on Civil Rights

# Police Oversight and Accountability in Virginia

Policing involves incredibly difficult and dangerous responsibilities. It also involves tremendous authority, up to and including the use of deadly force. This grave responsibility must be used with the utmost restraint. Effective, transparent, and publicly accountable policing is important to the legitimacy of the profession and promotes safety for both civilians and law enforcement alike.

In 2021, the Virginia Advisory Committee to the U.S. Commission on Civil Rights conducted a study of police oversight and accountability in the Commonwealth. The focus of the study was to better understand the effectiveness and impact of current accountability measures. In the resulting report,<sup>1</sup> the Committee examined the role of accountability structures in ensuring equal protection of the laws in the administration of justice, and the impact on any disparities in police contact based on protected class.

### How does Virginia handle police accountability?

The Department of Criminal Justice Services is responsible for auditing and inspecting the state system of law enforcement and establishing the minimum training standards for officers. Officers must complete a certified basic law enforcement academy, pass the state law enforcement certification exam, and complete field training of a minimum 100 hours within 12 months. They are also required to complete forty hours of in-service training every two years, including two hours of cultural diversity training, four hours of legal training, and thirty-four hours of career development training.

Despite these requirements, training and accountability standards vary widely from department to department across the state. Academies have no standard curriculum or lesson plans. Topics such as de-escalation training, use of force, cultural sensitivity, and implicit bias vary greatly between academies. Disciplinary standards similarly vary across departments and are primarily handled internally with very little external oversight.

### Key Points:

- Racial minorities, people with developmental disabilities, and homeless people continue to face disparities in police contacts and use of force in certain circumstances, including deadly force.
- Lack of standardization, transparency, and accountability leads to significant differences in policing culture and practices across jurisdictions.
- Trust and accountability between police and community members is critical to ensuring effective policing and creating safer communities.
- Some structural policies and practices increase the likelihood of problematic interactions between police and community members, undermining police/community relations and public confidence in law enforcement.
- There are few procedures in place to address inappropriate police workplace culture, or manage officers with aggressive or hostile attitudes toward the community.
- Recent legislative initiatives in Virginia have sought to increase accountability and curb police powers in some contexts, though implementation of these efforts has been limited, and has been met with significant resistance from the law enforcement community.
- A broader system of social and economic support is necessary to serve the dual purposes of increasing public safety and supporting public servants in law enforcement.

In addition to standardizing training and disciplinary measures, panelists noted the importance of screening applicants during the hiring process to ensure that candidates with problematic backgrounds are not hired into law enforcement positions in the first place. Some screening tools experts recommend include background checks, actuarial instruments, and ongoing social media reviews throughout the course of officers' careers.

<sup>1</sup> Virginia Advisory Committee to the U.S. Commission on Civil Rights, *Police Oversight and Accountability in Virginia* (2023).

## What role can or should communities play in police oversight?

Throughout this study, community members and law enforcement alike emphasized the importance of police/community relations in promoting public safety and ensuring the legitimacy of the law enforcement profession. Testimony emphasized that police cannot effectively navigate their role without the trust and support of the communities they serve. Some advocated for police and community members to serve a “coequal” role in their responsibility for creating safer communities: “...it becomes very difficult for police to be effective and to solve crimes without the cooperation of the individuals in the community that they’re policing.”<sup>2</sup>

Despite this importance, establishing “coequal” responsibility for public safety has proven challenging. Many in law enforcement are cautious about entrusting civilians with the authority to make binding disciplinary or regulatory decisions about how law enforcement operates. Without such independent oversight however, many civilians raise concern that incidents of misconduct are repeatedly dismissed without sufficient accountability when disciplinary decisions are made internally.

## How is the Virginia legislature addressing police accountability?

In 2020, the Virginia legislature introduced a series of reforms designed to address community concerns about police accountability. Three years later, in 2023, Virginia lawmakers introduced several bills to reverse a number of the exact reforms that were made in 2020.<sup>3</sup> Reforms such as developing meaningful Community Review Boards, limiting pretextual stops, and eliminating or limiting qualified immunity have been met with concern by some in law enforcement who feel that the new legislation lacks input from police themselves, and disrupts the ability of chiefs and other administrators to manage their units.

As the legislature continues to grapple with these issues,

advocates and police alike point to the many roles that police fulfill in society—responding to everything from homelessness and addictions crises to mental health and domestic violence. In recognition of the difficulty of filling so many roles, jurisdictions in other states have established alternative crisis response teams to respond to a variety of nonviolent calls. Such efforts, while limited, appear to present effective alternatives to current policing models that could offer new opportunities in Virginia.

### Recommendations (*selected*)

#### The Governor and the General Assembly of the Commonwealth of Virginia should:

- (1) Establish uniform, universal training and certification requirements focused on crisis intervention, de-escalation, and mental health evaluation.
- (2) Evaluate law enforcement funding to ensure officers are not expected or incentivized to engage in policing as a revenue-raising activity.

#### The Virginia Attorney General should:

- (1) Recommend all law enforcement agencies strengthen anti-bias training and ensure that such training is received periodically.
- (2) Work with state and local law enforcement agencies to strengthen background and personality checks for candidates.

#### The Virginia Department of Criminal Justice Services Should:

- (1) Provide, oversee, and harmonize law enforcement training across the state.
- (2) Standardize and require data reporting regarding law enforcement activity.

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<sup>2</sup> Clark Neily, Senior Vice President for Legal Studies, Cato Institute, Transcript 1, p. 8 lines 17-21.

<sup>3</sup> HB 1380 (V.A. 2023) <https://lis.virginia.gov/cgi-bin/legp604.exe?231+cab+HC10127HB1380+RCHB3>; See also: HB 1401 (V.A. 2023) <https://lis.virginia.gov/cgi-bin/legp604.exe?231+sum+HB1401>; See also: Virginia Democrats defending police reform after death of Tyre

Nichols. Capitol Connection. (January 2023), at: <https://www.wric.com/news/politics/capitol-connection/virginia-democrats-defending-police-reform-after-death-of-tyre-nichols/>.

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The United States Commission on Civil Rights maintains 56 Advisory Committees, one for each state and territory, and the District of Columbia. Each committee is composed of citizen volunteers familiar with local and state civil rights issues. The members assist the Commission with its factfinding, investigative, and information dissemination functions.

This policy brief is the work of the Virginia Advisory Committee to the U.S. Commission on Civil Rights. The brief may rely on testimony, studies, and data generated from third parties. Advisory reports are reviewed by Commission staff only for legal sufficiency and procedural compliance with Commission policies. The views, findings, and recommendations expressed in this report are those of a majority of the Virginia Advisory Committee, and do not necessarily represent the views of the Commission, nor do they represent the policies of the U.S. Government. For more information, please contact Melissa Wojnaroski at [mwojnaroski@uscrr.gov](mailto:mwojnaroski@uscrr.gov).