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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Department of State Police
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	19 VAC 30-240
<b>VAC Chapter title(s)</b>	REGULATIONS GOVERNING THE VIRGINIA COMMUNITY POLICING ACT
<b>Action title</b>	REGULATIONS GOVERNING THE VIRGINIA COMMUNITY POLICING ACT (FINAL)
<b>Final agency action date</b>	07/12/2021
<b>Date this document prepared</b>	07/27/2021

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The following new regulatory sections were created to meet the legislative mandate created in §52-30.2(B) of the Code of Virginia as amended and effective July 1, 2021:

- 19VAC30-240-10 COLLECTION OF DATA – As created defines the required data elements and format that are required to be collected by law enforcement agencies.
- 19VAC30-240-20 SUBMISSION OF DATA – As created delineates the method and frequency of data submission by law enforcement agencies.
- 19VAC30-240-30 ACCESS TO DATA – As created sets forth how the public may access the data collected and submitted.

### Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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The adoption of these regulations was mandated by § 52-30.3(B) as amended by Chapter 37 of the 2020 Special Session of the General Assembly. The 2020 session of the General Assembly passed a bill to amend the Code of Virginia by adding in and amending several Code sections (§§ 9.2-191, 15.2-1609.10, 15.2-1722.1, 52-30.1 through 52-30.4) relating to the Community Policing Act; data collection and reporting requirements. Additional updates to the Community Policing Act will take place July 1, 2021 per Chapter 37 of 2020 Special Session I. Under the current Community Policing Act, each time a law-enforcement officer or State Police officer stops an Individual or Driver of a motor vehicle, such officer shall collect the following data based on the officer's observation or information provided to the officer by the Individual or 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. In addition to stop information, each state and local law-enforcement agency shall collect the number of complaints the agency receives alleging the use of excessive force.

### Statement of Final Agency Action

*Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

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On July 12, 2021, the Virginia State Police adopted final amended regulations for 19 VAC 30-240, the REGULATIONS GOVERNING THE VIRGINIA COMMUNITY POLICING ACT.