

# Private/Special Purpose Police Departments

VACP Presentation to Virginia State Crime  
Commission

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# Special Purpose PDs



- Five Private Communities – Wintergreen, Massanutten, Aquia Harbor, Lake Monticello, Kingsmill
- Nuclear Manufacturing Complex w/federal contracts – Babcock & Wilcox
- Mental Health Complex – Carillion Clinic
- Federal/Defense Contracts Complex – Bridgewater Airpark
- King's Dominion - Recreational Complex

# Special Purpose PDs



- Airports w/commercial flights and a TSA presence as required by federal law
- Local and regional airports whose state authority is established through special legislation
- In most case, special legislation includes police DEPARTMENT authority

# Legislative Authority



- Municipal authority to establish police departments:
- **§ 15.2-1701. Organization of police forces.**
- Any locality may, by ordinance, provide for the organization of its authorized police forces. Such forces shall include a chief of police, and such officers and other personnel as appropriate.
- When a locality provides for a police department, the chief of police shall be the chief law-enforcement officer of that locality. However, in towns, the chief law-enforcement officer may be called the town sergeant. 1979, c. 333, § 15.1-131.7; 1997, c. 587.

# County Police Departments



- **§ 15.2-1702. Referendum required prior to establishment of county police force.**
- A county shall not establish a police force unless (i) such action is first approved by the voters of the county in accordance with the provisions of this section and (ii) the General Assembly enacts appropriate authorizing legislation.
- Nine county police departments

# Public IHE Campus Police



- **§ 23-232.** Requires the governing board of each public institution of higher learning named in § 23-14, to establish a campus police department and to employ campus police officers and auxiliary forces upon appointment as provided in §§ 23-233 and 23-233.1.

# Private Campus Police



- First Code authorization to create state recognized police departments on private property
- **§ 23-232.1.** The governing board of each private institution of higher education is authorized to establish, in compliance with the provisions of this chapter, a campus police department and to employ campus police officers upon appointment as provided in § 23-233.

# Private Campus Police



- Except as such provisions apply exclusively to public institutions or employees, the provisions of this chapter shall apply to the **appointment and employment of officers, operation, powers, duties and jurisdiction of private campus police departments**, and such departments shall be subject to and enjoy the benefits of this chapter.



# Private Campus Police



- However, **to be qualified to use the word "police"** to describe the department or its officers, any private college or university which establishes a campus police department shall require that **each officer comply with the training or other requirements for law-enforcement officers** established by the Department of Criminal Justice Services pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1. 1992, c. 187

# Critical Policy Statement



- General Assembly authorized the creation of private campus police
- Clear requirements that private campus police officers must meet the same LEO training requirements as municipal police officers
- Cannot otherwise use term “police” to describe officers OR department

# Campus Police Authority



- **§ 23-234.** A campus police officer may exercise the powers and duties conferred by law upon police officers of cities, towns, or counties.
- Campus police officers are sworn in the same way as municipal officers; powers continue until they leave the department (unlike renewable SCOP orders)

# Mutual Aid Requirements



- **§ 23-234.** All public or **private** institutions of higher education that have campus police forces must have mutual aid agreements with an adjacent local law-enforcement agency or the Department of State Police, for the use of their joint forces, equipment, and materials when needed to investigate any felony criminal sexual assault or medically unattended death occurring on campus property

# Private Police Recognition



- **§ 15.2-1726.** Any locality may, in its discretion, enter into a reciprocal agreement with any other locality, any agency of the federal government exercising police powers, the police of any state-supported institution of higher learning, the Division of Capitol Police, **any private police department certified by the Department of Criminal Justice Services**, for cooperation in the furnishing of police services. (2013 amendment)

# DCJS Role/AG's opinion



- 2013 AG letter to DCJS declared that the General Assembly had not given legislative authority to a number of long-established private/special purpose police departments
- DCJS has ceased the recognition or certification of any privately-established police departments

# Private PDs at Risk



- Nine long-recognized private/special purpose police departments risk losing police department status
- Private police officers are sworn as Special Conservators of the Peace, but they are trained at LEO levels and their training is tracked by DCJS with other LEOs
- Officers should be sworn as LEOs, not SCOPS

# Private PDs at Risk



- The 9 private/special purpose police departments have been established for decades
- They are paying members of Virginia criminal justice academies
- They are mutual aid partners with a number of local sheriff's offices and police departments



# Private PDs at Risk



- Long relied on their status as private police departments being recognized by DCJS to operate
- Their corporate entities have funded their operations as police departments compliant with state law and beyond
- Their presence saves local law enforcement millions in police services

# Officers vs. Departments



- Not enough for private police operations to just have trained law enforcement officers
- They must have state recognition as police DEPARTMENTS in order to participate in mutual aid agreements, join training academies, and comply with basic operational standards comparable to municipal agencies
- Examples: record-keeping, preserving evidence, professional policies, accreditation

# Private Police Officers



- General Assembly recognition of established private police departments will allow officers to be sworn as law enforcement officers rather than as Special Conservators of the Peace
- They would be subject to LEO training, certification and decertification standards
- Police officer status would rely on employment by recognized private police department; **no self-established officers or departments**

# Private Police Departments



- Solution is for the General Assembly to recognize the 9 existing private or special purpose police departments (other than airport authority police departments) as police departments and their officers as law enforcement officers
- Officially recognize departments that DCJS traditionally recognized; Only GA action should create additional private police departments

# Limits and Controls



- No private police department should be established without an operational agreement in place with the local police chief or sheriff of the concurrent jurisdiction
- In all cases the local police department or sheriff's office must have concurrent jurisdiction and authority
- Authority to create a private police department should occur only through special legislation

# Consequences of Inaction



- DCJS does not have legislative authority to recognize private police departments that have not been created through special legislation
- General Assembly has historically recognized the creation of private police departments through Code language or Section 1 bills
- Failure to recognize the 9 established departments will dismantle millions of dollars in police services not provide by localities

# Consequences of Inaction



- Loss of access to the Virginia Criminal Information Network (VCIN) – the State Police may have to terminate the use of VCIN by unauthorized private police departments.
- Status of pending criminal cases – without police department authority, pending private police department cases involving criminal charges could be challenged by defense counsel.

# Recommendation



- The VACP supports legislation that would recognize the 9 existing private/special purpose police departments that meet operational criteria and officer training requirements comparable to those set for municipal agencies.



# Recommendation



- The VACP recommends enactment of Code requirements for the establishment of a private police department only through General Assembly action
- This would distinguish private police officers and private police departments from private security businesses employing SCOPs for profit

# Video



- Prepared as overview of Virginia private police departments
- <https://www.youtube.com/watch?v=T-vTkSFhRIg>

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