

CHAPTER 9—SECURITY AND LAW ENFORCEMENT ON PROPERTY UNDER THE JURISDICTION OF THE DEPARTMENT

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§ 901. Authority to prescribe rules for conduct and penalties for violations

(a)(1) The Secretary shall prescribe regulations to provide for the maintenance of law and order and the protection of persons and property on Department property.

(2) In this chapter, the term "Department property" means land and buildings that are under the jurisdiction of the Department and are not under control of the Administrator of General Services.

(b) Regulations under subsection (a) shall include—

(1) rules for conduct on Department property; and

(2) the penalties, within the limits specified in subsection (c), for violations of such rules.

(c) Whoever violates any rule prescribed by regulation under subsection (b)(1) shall be fined in accordance with title 18 or imprisoned not more than six months, or both. The Secretary may prescribe by regulation a maximum fine less than that which would otherwise apply under the preceding sentence or a maximum term of imprisonment of a shorter period than that which would otherwise apply under the preceding sentence, or both. Any such regulation shall apply notwithstanding any provision of title 18 or any other law to the contrary.

(d) The rules prescribed under subsection (a), together with the penalties for violations of such rules, shall be posted conspicuously on property to which they apply.

(e) The Secretary shall consult with the Attorney General before prescribing regulations under this section.

(f)(1) The Secretary may not prohibit the use of a covered service dog in any facility or on any property of the Department or in any facility or on any property that receives funding from the Secretary.

(2) For purposes of this subsection, a covered service dog is a service dog that has been trained by an entity that is accredited by an appropriate accrediting body that evaluates and accredits organizations which train guide or service dogs.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 397; amended Pub. L. 112-154, title I, §109, Aug. 6, 2012, 126 Stat. 1174.)

Editorial Notes

PRIOR PROVISIONS

Prior section 901 was renumbered section 2301 of this title.

Provisions similar to those in this section were contained in section 218(a) of this title prior to repeal by Pub. L. 102-83, §2(a).

AMENDMENTS

2012—Subsec. (f). Pub. L. 112-154 added subsec. (f).

§ 902. Enforcement and arrest authority of Department police officers

(a)(1) Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property—

(A) enforce Federal laws;

(B) enforce the rules prescribed under section 901 of this title;

(C) enforce traffic and motor vehicle laws of a State or local government (by issuance of a citation for violation of such laws) within the jurisdiction of which such Department property is located as authorized by an express grant of authority under applicable State or local law;

(D) carry the appropriate Department-issued weapons, including firearms, while off Department property in an official capacity or while in an official travel status;

(E) conduct investigations, on and off Department property, of offenses that may have been committed on property under the original jurisdiction of Department, consistent with agreements or other consultation with affected Federal, State, or local law enforcement agencies; and

(F) carry out, as needed and appropriate, the duties described in subparagraphs (A) through (E) when engaged in duties authorized by other Federal statutes.

(2) Subject to regulations prescribed under subsection (b), a Department police officer may make arrests on Department property for a violation of a Federal law or any rule prescribed under section 901(a) of this title, and on any arrest warrant issued by competent judicial authority.

(3) Beginning not later than 180 days after the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022, the Secretary shall require Department police officers to use cameras worn on the individual police officer's person that record and store audio and video (commonly known as "body worn cameras").

(b) The Secretary shall prescribe regulations with respect to Department police officers. Such regulations shall include—

(1) policies with respect to the exercise by Department police officers of the enforcement and arrest authorities provided by this section;

(2) the scope and duration of training that is required for Department police officers, with particular emphasis on dealing with situations involving patients; and

(3) rules limiting the carrying and use of weapons by Department police officers.

(c) The powers granted to Department police officers designated under this section shall be exercised in accordance with guidelines approved by the Secretary and the Attorney General.

(d) Rates of basic pay for Department police officers may be increased by the Secretary under section 7455 of this title.

(e)(1) The Secretary shall publish on the internet website of each facility of the Department the following information with respect to the facility:

(A) Summaries and statistics covering the previous five-year period regarding—

- (i) arrests made by and tickets issued by Department police officers;
- (ii) prosecutions, ticketing, and other actions relating to such arrests;
- (iii) the use of force and weapons discharge by Department police officers; and
- (iv) complaints, investigations, and disciplinary actions regarding Department police officers.

(B) Contact information for employees of the Department and the public to directly contact the police force of the facility, including for an individual (or the representative, attorney, or authorized agent of the individual) to request information regarding the arrest, ticketing, detention, use of force, or other police matters pertaining to that individual.

(2) The Secretary shall ensure that each police force of a facility of the Department is able to provide to an individual who contacts the police force pursuant to paragraph (1)(B) the information described in such paragraph.

(f) POLICE INCIDENTS.—(1)(A) The Secretary shall track and analyze the following information regarding the police force of the Department:

- (i) Arrests made by and tickets issued by Department police officers.
- (ii) Prosecutions, ticketing, and other actions relating to such arrests.
- (iii) The use of force and weapons discharge.
- (iv) Complaints, investigations, and disciplinary actions.

(B) The Secretary shall carry out subparagraph (A) by implementing one or more Department-wide data systems.

(2)(A) Beginning not later than one year after the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022, the Secretary shall ensure that each incident described in subparagraph (C) is promptly reported to the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions.

(B) The Assistant Secretary shall, in a timely manner—

- (i) review each incident described in subparagraph (C)(i) that is reported under subparagraph (A); and
- (ii) investigate each incident described in subparagraph (C)(ii) that is reported under subparagraph (A).

(C) An incident described in this subparagraph is either of the following:

- (i) An incident, including an allegation, of the use of force by a Department police officer.
- (ii) An incident, including an allegation, of the use of force by a Department police officer that results in any person receiving medical attention.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 397; amended Pub. L. 111-163, title X, §1001,

May 5, 2010, 124 Stat. 1181; Pub. L. 117-328, div. U, title IV, §405(a), (b)(1), (c), Dec. 29, 2022, 136 Stat. 5491, 5492.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022, referred to in subsecs. (a)(3) and (f)(2)(A), is the date of enactment of div. U of Pub. L. 117-328, which was approved Dec. 29, 2022.

PRIOR PROVISIONS

A prior section 902 was renumbered section 2302 of this title, prior to repeal by Pub. L. 116-315.

Provisions similar to those in this section were contained in section 218(b) of this title prior to repeal by Pub. L. 102-83, §2(a).

AMENDMENTS

2022—Subsec. (a)(3). Pub. L. 117-328, §405(b)(1), added par. (3).

Subsec. (e). Pub. L. 117-328, §405(a), added subsec. (e). Subsec. (f). Pub. L. 117-328, §405(c), added subsec. (f).

2010—Subsec. (a)(1). Pub. L. 111-163, §1001(1)(A), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property, enforce—

“(A) Federal laws;

“(B) the rules prescribed under section 901 of this title; and

“(C) subject to paragraph (2), traffic and motor vehicle laws of a State or local government within the jurisdiction of which such Department property is located.”

Subsec. (a)(2), (3). Pub. L. 111-163, §1001(1)(B), (C), redesignated par. (3) as (2), inserted “, and on any arrest warrant issued by competent judicial authority” before the period, and struck out former par. (2) which read as follows: “A law described in subparagraph (C) of paragraph (1) may be enforced under such subparagraph only as authorized by an express grant of authority under applicable State or local law. Any such enforcement shall be by the issuance of a citation for violation of such law.”

Subsec. (c). Pub. L. 111-163, §1001(2), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “The Secretary shall consult with the Attorney General before prescribing regulations under paragraph (1) of subsection (b).”

Statutory Notes and Related Subsidiaries

GUIDANCE ON THE USE OF BODY WORN CAMERAS; CONSULTATION

Pub. L. 117-328, div. U, title IV, §405(b)(2), (3), (f), Dec. 29, 2022, 136 Stat. 5492, 5493, provided that:

“(2) GUIDANCE.—Not later than one year after the date of the enactment of this Act [Dec. 29, 2022], the Secretary of Veterans Affairs shall issue, and make publicly available, guidance on the use of body worn cameras by Department police officers pursuant to section 902(a)(3) of title 38, United States Code, as amended by paragraph (1).

“(3) CONSULTATION.—The Secretary shall issue the guidance under paragraph (2) in consultation with veterans service organizations, civil rights organizations, law enforcement organizations, law enforcement accreditation organizations, privacy rights organizations, and other relevant organizations or experts.

“(f) DEFINITIONS.—In this section:

“(1) BODY WORN CAMERA.—The term ‘body worn camera’ means a camera worn on an individual police officer’s person that records and stores audio and video.

“(2) DEPARTMENT POLICE OFFICER.—The term ‘Department police officer’ means an employee of the Department of Veterans Affairs described in section 902(a) of title 38, United States Code.”

POLICE CRISIS INTERVENTION TRAINING OF DEPARTMENT OF VETERANS AFFAIRS

Pub. L. 116-214, title II, §205, Dec. 5, 2020, 134 Stat. 1038, provided that:

“(a) TRAINING.—The Secretary of Veterans Affairs shall provide to Department police officers an annual training on the prevention of suicide among the population served by the Department police officers.

“(b) CURRICULUM.—In carrying out subsection (a), the Secretary shall update any similar training provided before the date of the enactment of this Act [Dec. 5, 2020] to ensure that the curriculum for the training addresses, at a minimum, the following:

“(1) Effective behavioral science procedures for suicide prevention and risk mitigation.

“(2) Crisis intervention and de-escalation skills, including through the use of interactive training.

“(3) Information about mental health and substance abuse disorders.

“(4) Information about local law enforcement crisis intervention teams and other resources for veterans experiencing mental health crises available by the Department of Veterans Affairs, other elements of the Federal Government, and the community in which the police officers serve.

“(c) CONSULTATION.—The Secretary shall ensure that the annual training provided to Department police officers at a medical facility of the Department under subsection (a) is provided in consultation with law enforcement training accreditation organizations and the mental health experts at such facility.

“(d) PLAN ON COMMUNITY PARTNERSHIPS.—The Secretary shall ensure that each police force of a facility of the Department develops a plan to enter into partnerships with—

“(1) local community mental health organizations and experts, local community veterans organizations, and local community criminal justice organizations and experts; and

“(2) local police departments, including by facilitating the sharing of training resources with crisis intervention teams of the local police departments.

“(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the annual training under subsection (a), including—

“(1) a description of the curriculum of such training;

“(2) with respect to the year preceding the date of the report—

“(A) the number of facilities of the Department that conducted such training;

“(B) the number of Department police officers who received such training; and

“(C) any barriers to ensuring that each Department police officer receives such training;

“(3) any recommendations to address the barriers identified under paragraph (2)(C); and

“(4) the number of facilities of the Department that have entered into partnerships pursuant to subsection (d).

“(f) DEPARTMENT POLICE OFFICER DEFINED.—In this section, the term ‘Department police officer’ means an employee of the Department of Veterans Affairs specified in section 902(a) of title 38, United States Code.”

§ 903. Uniform allowance

(a) The Secretary may pay an allowance under this section for the purchase of uniforms to any Department police officer who is required to wear a prescribed uniform in the performance of official duties.

(b)(1) The amount of the allowance that the Secretary may pay under this section is the lesser of—

(A) the amount currently allowed as prescribed by the Office of Personnel Management; or

(B) estimated costs or actual costs as determined by periodic surveys conducted by the Department.

(2) During any fiscal year no officer shall receive more for the purchase of a uniform described in subsection (a) than the amount established under this subsection.

(c) The allowance established under subsection (b) shall be paid at the beginning of a Department police officer's employment for those appointed on or after October 1, 2010. In the case of any other Department police officer, an allowance in the amount established under subsection (b) shall be paid upon the request of the officer.

(d) A police officer who resigns as a police officer less than one year after receiving an allowance in an amount established under this section shall repay to the Department a pro rata share of the amount paid, based on the number of months the officer was actually employed as such an officer during the twelve-month period following the date on which such officer began such employment or the date on which the officer submitted a request for such an allowance, as the case may be.

(e) An allowance may not be paid to a Department police officer under this section and under section 5901 of title 5 for the same fiscal year.

(Added Pub. L. 102-83, §2(a), Aug. 6, 1991, 105 Stat. 398; amended Pub. L. 111-163, title X, §1002, May 5, 2010, 124 Stat. 1182.)

Editorial Notes

PRIOR PROVISIONS

Prior section 903 was renumbered section 2303 of this title.

Provisions similar to those in this section were contained in section 218(c) of this title prior to repeal by Pub. L. 102-83, §2(a).

AMENDMENTS

2010—Subsecs. (b), (c). Pub. L. 111-163 added subsecs. (b) and (c) and struck out former subsecs. (b) and (c) which read as follows:

“(b) The amount of the allowance that the Secretary may pay under this section—

“(1) may be based on estimated average costs or actual costs;

“(2) may vary by geographic regions; and

“(3) except as provided in subsection (c), may not exceed \$200 in a fiscal year for any police officer.

“(c) The amount of an allowance under this section may be increased to an amount up to \$400 for not more than one fiscal year in the case of any Department police officer. In the case of a person who is appointed as a Department police officer on or after January 1, 1990, an allowance in an amount established under this subsection shall be paid at the beginning of such person's employment as such an officer. In the case of any other Department police officer, an allowance in an amount established under this subsection shall be paid upon the request of the officer.”

§ 904. Equipment and weapons

The Secretary shall furnish Department police officers with such weapons and related equip-