



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: Garth L. Wheeler, Director
Department of Criminal Justice Services

FROM: Charles A. Quagliato
Assistant Attorney General

DATE: February 2, 2011

SUBJECT: Regulation Relating to Compulsory in-Service Training Standards for Law-Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service – 6 VAC 20-30-80

In response to a request from the Department of Criminal Justice Services, I have reviewed the proposed regulation, 6 VAC 20-30-80, relating to compulsory in-service training standards for law-enforcement officers, jailors or custodial officers, courtroom security officers, process service. Virginia Code § 9.1-102(4) requires the Department to establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers. Virginia Code § 9.1-102(1) requires the Department to adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter. Upon review of the aforesaid regulation, I find the proposed regulation to be constitutional, consistent with the statutory authority granted by Virginia Code §§ 9.1-102(1) and 9.1-102(4) of the Code of Virginia, and in conformity with existing statutory provisions.

Please note that this memorandum is intended to provide legal interpretations and legal advice, not policy advice. To the extent that this communication may advise you that a certain action is lawful, the decision whether to take such action remains a policy decision within the discretion of your agency and this communication should not be construed as a comment for or against the merits of such action.