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MEMORANDUM

TO: Harold W. Clarke, Director
Virginia Department Corrections
P.O. Box 26963
Richmond, VA 23261

FROM: Phillip O. Figura
Assistant Attorney General

DATE: August 6, 2021

SUBJECT: Periodic Review Regulations Governing Certification and Inspection 6 VAC 15-20

In response to a request from the Virginia Department of Corrections, I reviewed 6 VAC 15-20 to ensure statutory authority for the regulations on Minimum Standards for Jails and Lockups. This is a periodic review is exempted from Article 2 of the Administrative Process Act. Upon review of the aforesaid regulations, I find them to be constitutional, consistent with the statutory authority conferred by Sections 53.1-5 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