



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: Leonard G. Cooke, Director
Department of Criminal Justice Services

FROM: James Towey
Assistant Attorney General

DATE: November 21, 2005

SUBJECT: Authority to Amend Compulsory Minimum Training Standards for Jailers or Custodial Officers, Courthouse and Courtroom Security Officers, and Process Server Officers.

In response to a request from the Department of Criminal Justice Services, I am of the opinion that the Department has the legal authority to amend the compulsory minimum training standards for jailers or custodial officers, courthouse and courtroom security officers, and process server officers. These standards are set forth in 6 VAC 20-50-10 *et seq.* The Department's authority to amend the standards is derived from Virginia Code § 9.1-102(7), (8), and (9), which gives the Department, under the Criminal Justice Services Board, the power and duty to establish compulsory minimum entry-level, in service, and advanced training standards for all such persons.

Upon review of the aforesaid regulations, and in accordance with Executive Order 21 (2002), I find the proposed regulations to be constitutional, consistent with the authority granted by § 9.1-102 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 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.