



**COMMONWEALTH of VIRGINIA**  
*Office of the Attorney General*  
*Richmond 23219*

**Mark R. Herring**  
Attorney General

**MEMORANDUM**

**TO:** Francine C. Ecker, Director  
Department of Criminal Justice Services

**FROM:** Michael A. Jagels  
Senior Assistant Attorney General

**DATE:** February 14, 2017

**SUBJECT:** Regulations Relating to Compulsory Minimum Training Standards for Noncustodial Employees of the Department of Corrections – 6VAC20-70

In response to a request from the Department of Criminal Justice Services ("Department"), I have reviewed the proposed regulation, 6VAC20-70, relating to Compulsory Minimum Training Standards for Noncustodial Employees of the Department of Corrections. The *Code of Virginia* requires the Department to establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3. Virginia Code § 9.1-102.9. Virginia Code §§ 19.2-81.2 and 53.1-29 also require minimum training standards for noncustodial employees of the Department of Corrections for detention and firearms training, to be established by the Department. Virginia Code § 9.1-102 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 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.*