



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

Mark R. Herring
Attorney General

MEMORANDUM

TO: Col. W.S. Flaherty, Superintendent
Department of State Police

FROM: Michael A. Jagels
Assistant Attorney General

DATE: December 2, 2014

SUBJECT: Regulations Governing the Establishment and Maintenance of the Witness Protection Program—
19 VAC 30-180.

In response to a request from the Department of State Police, I have reviewed the proposed regulations, 19 VAC 30-180, relating to the regulations governing the establishment and maintenance of the witness protection program. Virginia Code § 52-35 provides that the Department may, pursuant to regulations adopted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), establish and maintain a witness protection program to temporarily relocate or otherwise protect witnesses and their families who may be in danger because of their cooperation with the investigation and prosecution of serious violent and other crimes. Upon review of the aforesaid regulations, I find the proposed regulations to be constitutional, consistent with the statutory authority granted by § 52-35 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.