



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: January 9, 2006

SUBJECT: Proposed Regulatory Amendments - 6 VAC 20-80-10 *et seq.*

In response to a request from the Department of Criminal Justice Services, I have reviewed the proposed amendments to 6 VAC 20-80-10 *et seq.* and am of the opinion that the Department has the legal authority to amend the rules relating to certification of criminal justice instructors set forth therein. The Department's authority to amend the standards is derived from Virginia Code § 9.1-102(5) and (14), which give the Department, under the Criminal Justice Services Board, the power and duty to establish compulsory minimum qualifications for certification and re-certification of instructors in criminal justice training schools and to instructors who provide training for law enforcement officers who utilize devices to measure the speed of motor vehicles as provided in § 46.2-882.

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.