



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

Mark R. Herring
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071

MEMORANDUM

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

FROM: Charles A. Quagliato
Assistant Attorney General

DATE: April 27, 2015

SUBJECT: Regulations Relating to Compulsory in-Service Training Standards for Law-Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers – 6 VAC 20-30-30 and 6 VAC 20-30-80

In response to a request from the Department of Criminal Justice Services, I have reviewed the proposed regulations, 6 VAC 20-30-30 and 6 VAC 20-30-80, relating to compulsory in-service training standards for law-enforcement officers, jailors or custodial officers, and courtroom security officers. Virginia Code § 9.1-102(2) requires the Department to establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training. Virginia Code § 9.1-102(7) requires the Department to establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of Virginia Code § 53.1-120, and to establish the time required for completion of such training. Virginia Code § 9.1-102(9) 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. Virginia Code § 9.1-102(1) 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 regulations, I find the proposed regulations to be constitutional, consistent with the statutory authority granted by Virginia Code §§ 9.1-102(1), (2), (7), and (9) 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.

