



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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Attorney General

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The Honorable R. Steven Landes
Member, House of Delegates
Post Office Box 12
Verona, Virginia 24482

Dear Delegate Landes:

I am responding to your request for an official advisory opinion in accordance with § 2.2-505 of the *Code of Virginia*.

Issues Presented

You ask whether the investigators employed by the Office of the State Inspector General (“OSIG”) are “law-enforcement officers” with arrest powers and the authority to execute criminal process.

Response

It is my opinion the OSIG director may designate himself and no more than 30 members of the investigation unit to have the same powers as a sheriff or law-enforcement officer in the investigation of allegations of criminal behavior affecting the operations of a state agency or a nonstate agency pursuant to OSIG duties.

Applicable Law and Discussion

You also ask about the duties of investigators employed by OSIG and whether such investigators may be considered law enforcement officers. Section 2.2-311(A) provides:

The State Inspector General may designate himself and no more than 30 members of the investigations unit of the Office to have the same powers as a sheriff or law-enforcement officer in the allegations of criminal behavior affecting the operations of a state agency or nonstate agency pursuant to his duties as set forth in this chapter. Such employees shall be subject to any minimum training standard established by the Department of Criminal Justice Services under § 9.1-102 for law-enforcement officers prior to exercising any law enforcement power under this section.

This language permits the OSIG to have 31(including the director) investigators with law enforcement powers. Law enforcement powers would include the power to arrest and execute criminal process as necessary to carry out OSIG duties.¹

Conclusion

Accordingly, it is my opinion the OSIG director may designate himself and no more than 30 members of the investigation unit to have the same powers as a sheriff or law-enforcement officer in the investigation of allegations of criminal behavior affecting the operations of a state agency or a nonstate agency pursuant to OSIG duties.

With kindest regards, I am

Very truly yours,

A handwritten signature in black ink, appearing to read "Ken C II". The signature is stylized with a large, sweeping "K" and a "C" that has a double underline.

Kenneth T. Cuccinelli, II
Attorney General

¹ 2000 Op. Va. Att'y Gen. 69 (discussing powers of sheriffs and law-enforcement officers as well as jurisdictional limits).