

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #5

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OFFICE OF THE WEST VIRGINIA
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**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: West Virginia State Police TITLE NUMBER: 81

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 12

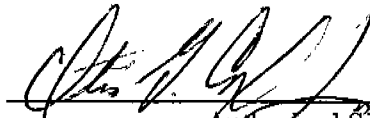
TITLE OF RULE BEING PROPOSED: Written Directive System


THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB2565

SECTION 64-6-2(a), PASSED ON March 10, 1999

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: March 29, 1999



Authorized Signature


LTC R. D. Blankenship

\$2.40

TITLE 81
LEGISLATIVE RULE
WEST VIRGINIA STATE POLICE

SERIES 12
WRITTEN DIRECTIVE SYSTEM

FILED
MAR 29 1 00 PM '99
OFFICE OF THE CLERK
SECRETARY OF STATE

§81-12-1. General.

- 1.1. Scope. - This rule governs the written directive system of the West Virginia State Police.
- 1.2. Authority. - W. Va. Code §15-2-25
- 1.3. Filing Date -
- 1.4. Effective Date -

§81-12-2 Definitions

2.1. "Superintendent" means the Superintendent of the West Virginia State Police or a duly authorized representative.

2.2. "Member" means an employee of the West Virginia State Police empowered under the provisions of W. Va. Code §15-2-12 with statewide law enforcement powers and who has taken and subscribed to the oath of office as required by W.Va. Code §15-2-14.

§81-12-3 Written Directives of the West Virginia State Police.

3.1. Policies and procedures governing the internal management and operation of the West Virginia State Police shall be contained within the Operational Policy and Procedure Manual.

3.2. The West Virginia State Police shall issue each member a copy of the Operational Policy and Procedure Manual and each member shall ensure the currency of his or her individual manual.

3.3. The Superintendent may temporarily amend or rescind any operational policy or procedure by issuing a memorandum or teletype until a revised policy is issued. The Superintendent shall distribute to each member a copy of the amended policy upon its issuance.

3.4. The Superintendent may issue Special Orders to effect a change in the employment status of a member or civilian employee,

direct the presence of a member or civilian employee at a certain event or location, initiate the internal investigation of a member or civilian employee, to effect temporary and permanent transfers or facilitate other internal administrative matters where the power to act rests with the Superintendent.

3.5. The Troop Commander or his or her duly authorized representative may issue Troop Special Orders for the purposes of temporary, intra-troop transfers; permanent intra-troop transfers and to mandate the attendance of members and civilian employees assigned to that troop at a specific event or location.

3.5.1. In the event that a Troop Special Order conflicts with a Special order issued by the Superintendent, the Superintendent's order shall take precedence over the Troop Special Order.

3.6. The Superintendent may issue memoranda and notices.

3.6.1. The Superintendent shall use memoranda to temporarily amend or rescind operational policies and procedures until a revision may be issued or disseminate other information to members constituting official direction in the performance of their assigned duties.

3.6.2 The Superintendent shall use notices to disseminate information of interest to members and civilian employees that does not directly affect the performance of their assigned duties.

5956

81-12

1 Bill-Stat

H. B. 2565

2

(By Delegates Hunt, Linch, Compton, Faircloth,
Jenkins and Riggs)

3

4

[Introduced February 1, 1999; referred to the
Committee on Finance then the Judiciary.]

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10 A BILL to amend and reenact section two, article six,
11 chapter sixty-four of the code of West Virginia, one
12 thousand nine hundred thirty-one, as amended, relating
13 to authorizing the state police to promulgate a
14 legislative rule relating to a written directive
15 system.

16 *Be it enacted by the Legislature of West Virginia:*

17 That section two, article six, chapter sixty-four of
18 the code of West Virginia, one thousand nine hundred
19 thirty-one, as amended, be amended and reenacted, to read
20 as follows:

21 **ARTICLE 6. AUTHORIZATION FOR DEPARTMENT OF MILITARY**
22 **AFFAIRS AND PUBLIC SAFETY TO PROMULGATE LEGISLATIVE**
23 **RULES.**

1 §64-6-2. State police.

2 (a) The legislative rule filed in the state register
3 on the thirtieth day of July, one thousand nine hundred
4 ninety-seven, under the authority of section twenty-five,
5 article two, chapter fifteen, of this code, modified by the
6 state police to meet the objections of the legislative
7 rule-making review committee and refiled in the state
8 register on the twenty-third day of January, one thousand
9 nine hundred ninety-eight, relating to the state police
10 (administrative regulations, 81 CSR 1), is authorized.

11 (b) The legislative rule filed in the state register
12 on the seventeenth day of July, one thousand nine hundred
13 ninety-seven, under the authority of section twenty-five,
14 article two, chapter fifteen, of this code, modified by the
15 state police to meet the objections of the legislative
16 rule-making review committee and refiled in the state
17 register on the twenty-third day of January, one thousand
18 nine hundred ninety-eight, relating to the state police
19 (cadet selection, 81 CSR 2), is authorized.

20 (c) The legislative rule filed in the state register
21 on the seventeenth day of July, one thousand nine hundred
22 ninety-seven, under the authority of section twenty-five,
23 article two, chapter fifteen, of this code, modified by the

1 state police to meet the objections of the legislative
2 rule-making review committee and refiled in the state
3 register on the twenty-third day of January, one thousand
4 nine hundred ninety-eight, relating to the state police
5 (carrying of handguns by retired or medically discharged
6 members, 81 CSR 6), is authorized.

7 (d) The legislative rule filed in the state register
8 on the seventeenth day of July, one thousand nine hundred
9 ninety-seven, under the authority of section eighteen,
10 article two, chapter fifteen, of this code, modified by the
11 state police to meet the objections of the legislative
12 rule-making review committee and refiled in the state
13 register on the twenty-third day of January, one thousand
14 nine hundred ninety-eight, relating to the state police
15 (contracted police or security services, 81 CSR 5), is
16 authorized with the following amendment:

17 "On page 2, Section 3.1, by reinserting the stricken
18 words 'in writing'."

19 (e) The legislative rule filed in the state register
20 on the seventeenth day of July, one thousand nine hundred
21 ninety-seven, under the authority of section forty-eight,
22 article two, chapter fifteen, of this code, relating to the
23 state police (modified vehicle inspections, 81 CSR 4), is

1 authorized.

2 (f) The legislative rule filed in the state register
3 on the thirtieth day of July, one thousand nine hundred
4 ninety-seven, under the authority of section six, article
5 two, chapter fifteen, of this code, modified by the state
6 police to meet the objections of the legislative
7 rule-making review committee and refiled in the state
8 register on the twenty-third day of January, one thousand
9 nine hundred ninety-eight, relating to the state police
10 (police grievance procedure, 81 CSR 8), is authorized.

11 (g) The legislative rule filed in the state register
12 on the third day of August, one thousand nine hundred
13 ninety-eight, authorized under the authority of section
14 twenty-five, article two, chapter fifteen, of this code,
15 modified by the state police to meet the objections of the
16 legislative rule-making review committee and refiled in the
17 state register on the thirtieth day of September, one
18 thousand nine hundred ninety-eight, relating to the state
19 police (written directive system, 81 CSR 12), is
20 authorized.

21

22 NOTE: The purpose of this bill is to authorize the
23 State Police to promulgate a legislative rule relating to
24 a Written Directive System.

1 Strike-throughs indicate language that would be
2 stricken from the present law, and underscoring indicates
3 new language that would be added.