

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

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FILE
2011 JUN -8 PM 3:17

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia State Police TITLE NUMBER: 81

RULE TYPE: Interpretive CITE AUTHORITY: W. Va. Code §15-2-2, 3 & 4

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 13

TITLE OF RULE BEING AMENDED: Organizational Structure

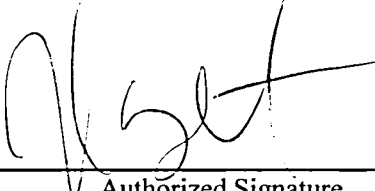
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 10, 2011 AT 1200 p. m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

F/Lt. Joe White
West Virginia State Police
Executive Office
725 Jefferson Road
South Charleston, WV 25309

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Organizational Structure

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia State Police

Address: 725 Jefferson Road
South Chareleston, WV 25309

Phone Number: 304-746-2193 Email: cjwhite@wvsp.state.wv.us

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This measure will not have an impact on costs and revenues of state government.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues			

Rule Title: _____

Rule Title: Organizational Structure

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

Not applicable

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

Date: _____

Signature of Agency Head or Authorized Representative

Colonel C. "Jay" Smith

**TITLE 81
INTERPRETIVE RULE
WEST VIRGINIA STATE POLICE**

**SERIES 13
ORGANIZATIONAL STRUCTURE**

Summary of Proposal

Definition of “Executive Office” – Section 2.3

The proposed change would redefine the term “Executive Office” as it relates to the members of the West Virginia State Police who make up the executive leadership of the agency to include the Superintendent; Deputy Superintendent; Chief of Field Operations; Chief of Staff Services; Chief of Executive Services; Director, Professional Standards; Deputy Chief of Field Operations; Deputy Chief of Staff Services; and Director, Planning and Research. The proposed change would remove the Director, Special Operations from the term “Executive Office”. The roles and responsibilities of each Executive Office position are outlined from Section 2.4 through 2.16 of the rule.

Order of Succession to the Office of Superintendent – Section 2.24

The proposed changes would assign the order in which members of the Executive Office would assume the roles and responsibilities of the Superintendent should the Superintendent be unable to discharge the powers and duties of the office due to illness, disease, injury or any cause or is absent from the geographical boundaries of West Virginia.

Statement of Circumstances

The mission of the West Virginia State Police is to provide law enforcement services to the citizens of West Virginia. As the law enforcement professional evolves, it becomes necessary to change the roles and responsibilities of various portions of a law enforcement agency to meet the current operational and administrative need of that agency to better serve the public. The proposed changes to 81CSR13 would allow the Superintendent the ability to effectively manage the State Police by amending the organizational structure of his immediate staff that regulate and manage the affairs of the State Police in a professional and organized manner. These proposed changes would also allow the Superintendent the ability to structure his Executive Office to continue the mission of the State Police in an efficient and productive manner.

**TITLE 81
INTERPRETIVE RULE
WEST VIRGINIA STATE POLICE**

**SERIES 13
ORGANIZATIONAL STRUCTURE**

FILED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§81-13-1. General.

- 1.1. Scope. -- These rules govern the internal administrative structure of the West Virginia State Police.
- 1.2. Authority. -- W. Va. Code §15-2-3.
- 1.3. Filing Date. -- ~~July 26, 2010.~~
- 1.4. Effective Date. -- ~~July 26, 2010.~~

§81-13-2 Organizational Structure.

- 2.1. This section relates to W. Va. Code §15-2-2, 3 & 4.
- 2.2. The ranks within the membership of the State Police shall be Colonel, Lieutenant Colonel, Major, Captain, First Lieutenant, Second Lieutenant, First Sergeant, Sergeant, Corporal, Trooper First Class, Senior Trooper, Trooper or Cadet Trooper.

~~2.3 — The term Executive Office shall encompass the following positions: (1) Superintendent; (2) Deputy Superintendent; (3) Chief of Field Operations; (4) Chief of Staff Services; (5) Deputy Chief of Field Operations; (6) Deputy Chief of Staff Services; (7) Director, Professional Standards; (8) Director, Planning and Research; and (9) Director, Special Operations.~~

2.3 The term Executive Office shall encompass the following positions: (1) Superintendent; (2) Deputy Superintendent; (3) Chief of Field Operations; (4) Chief of Staff Services; (5) Chief of Executive Services; (6) Deputy Chief of Field Operations; (8) Deputy Chief of Staff Services; (8) Director, Professional Standards, (9) Director, Planning and Research.

2.4. The Superintendent shall be the executive and administrative head of the State Police. The Superintendent shall hold the rank of Colonel and is entitled to all rights, benefits and privileges of regularly enlisted members.

2.5. The Superintendent shall appoint a member from within the ranks of the State Police to serve as the Deputy Superintendent. The Deputy Superintendent shall hold the rank of Lieutenant Colonel and be next in authority to the Superintendent. The Deputy Superintendent shall serve as the principal coordinator of State Police field operations ~~and staff services functions~~, staff services and executive services functions. The Deputy Superintendent shall perform all other duties as assigned by the Superintendent.

2.6. The Superintendent may appoint from the membership of the State Police 17 principal supervisors who shall receive the compensation and hold the temporary ranks of Lieutenant Colonel, Major and Captain.

2.7. The Chief of Field Operations shall be responsible to the Deputy Superintendent for the planning, conducting and monitoring of all field operations and the correlation of activities and duties of field operations with those of staff services and executive services. The Chief of Field Operations shall perform all other duties as assigned by the Superintendent or Deputy Superintendent.

2.8. The Chief of Staff Services shall be responsible to the Deputy Superintendent for the coordination of all staff services functions and the correlation of activities and duties of staff services with those of field operations and executive services. The Chief of Staff Services shall perform all other duties as assigned by the Superintendent or Deputy Superintendent.

2.9. The Chief of Executive Services shall be responsible to the Deputy Superintendent for the coordination of all executive services functions and the correlation of activities and duties of executive services with those of field operations and staff services. The Chief of Executive Services shall perform all other duties as assigned by the Superintendent or Deputy Superintendent.

2.9~~10~~. The Deputy Chief of Field Operations shall be responsible to the Chief of Field Operations for the planning, conducting and monitoring of all field operations and the correlation of activities and duties of field operations with those of staff services and executive services. The Deputy Chief of Field Operations shall perform all other duties as assigned by the Chief of Field Operations or higher authority.

~~2.10. The Deputy Chief of Staff Services shall be responsible to the Chief of Staff Services for the operation and oversight of Communications, Traffic Records, Criminal Records and other specific administrative functions, the correlation of those functions with those of field operations and shall perform all other duties as assigned by the Chief of Staff Services or higher authority.~~

2.11. The Deputy Chief of Staff Services shall be responsible to the Chief of Staff Services for the coordination of all staff services functions and the correlation of those functions with those of field operations and executive services and shall perform all other duties as assigned by the Chief of Staff Services or higher authority.

~~2.11~~12. The Director, Professional Standards, shall be responsible to the Superintendent for the operation of the Professional Standards Section of the Department.

~~2.12~~13. The Director, Planning and Research shall be responsible to the ~~Chief of Staff Services~~ Chief of Executive Services for general planning and specific research functions and shall oversee the State Police written directive system.

~~2.13. The Director, Special Operations, shall be responsible to the Chief of Field Operations for the efficient operation of the Department's special operations groups and shall perform all other duties as assigned by the Chief of Field Operations or higher authority.~~

~~2.14. Staff Services shall consist of Accounting, the Training Academy, the Forensic Laboratory, Communications, Procurement, Traffic Records, Criminal Records, the Medical Unit, Personnel, Planning and Research, Career Progression, the Photography Lab and other sections within the general headquarters structure as deemed necessary by the Superintendent to meet statutory and other identified obligations and to assist field operations in the performance of its duties.~~

~~2.15~~14. Field Operations shall consist of Executive Protection, Special Operations, the Bureau of Criminal Investigations, the Crimes Against Children Unit, ~~Media Relations, Recruiting~~ Crime Scene

Team, Traffic Crash Reconstruction and the number of troops, districts and detachments specified by the Superintendent.

2.15. Staff Services shall consist of Accounting, Communications, the Forensic Laboratory, Grants Management, Procurement, Traffic Records, Criminal Records, the Medical Unit, the Photography Lab and other sections within the general headquarters structure as deemed necessary by the Superintendent to meet statutory and other identified obligations and to assist field operations in the performance of its duties.

2.16. Executive Services shall consist of the Training Academy, Personnel, Planning and Research, Career Progression, Media, Recruiting and other sections within the general headquarters structure as deemed necessary by the Superintendent to meet statutory and other identified obligations and to assist field operations and staff services in the performance of its duties.

~~2.16~~17. Each Troop shall be staffed by a Troop Commander, Executive Officer, Logistics Officer, Inspector, District, Detachment and Assistant Detachment Commanders and other members and civilian employees as is deemed necessary by the Superintendent.

~~2.17~~18. The Troop Commander shall be responsible to the Chief of Field Operations and shall be responsible for planning, conducting and monitoring all field operations within their respective areas of command. Each Troop Commander shall be responsible for the correlation of activities and duties of members and civilian employees assigned to the troop with those of staff services. The Troop Commander shall perform duties as assigned by the Chief of Field Operations or higher authority.

~~2.18~~19. The Troop Executive Officer shall be responsible to the Troop Commander. In the absence of the Troop Commander, the Executive Officer shall serve as the Acting Troop Commander and exercise all powers, functions, duties and responsibilities of the Troop Commander. The Troop Executive Officer shall perform duties as assigned by the Troop Commander or higher authority.

~~2.19~~20. The Troop Logistics Officer shall be responsible to the Troop Commander. In the absence of the Troop Commander and the Executive Officer, the Logistics Officer shall serve as the Acting Troop Commander and shall exercise all powers, functions, duties and responsibilities of the Troop Commander. The Logistics Officer shall perform duties as assigned by the Troop Commander or higher authority.

~~2.20~~21. The Troop Inspector shall be responsible to the Director, Professional Standards. In the absence of the Troop Commander, Executive Officer and Logistics Officer, the Inspector shall serve as the Acting Troop Commander and as such shall exercise all powers, functions, duties and responsibilities of the Troop Commander. The Inspector shall perform duties as assigned by the Director, Professional Standards or higher authority.

~~2.21~~22. The District Commander shall be responsible to the Troop Commander and shall plan, conduct and monitor all field operations occurring within the district. Each District Commander shall be responsible for the correlation of the activities and duties of members and civilian employees assigned to their command with those of staff services. The District Commander shall perform duties as assigned by the Troop Commander or higher authority.

~~2.22~~23. The Detachment Commander shall be responsible to the District Commander for the planning, conducting and monitoring of all field operations occurring within the detachment's area of operations. Each Detachment Commander shall be responsible for the correlation of the activities and duties of members and civilian employees assigned to their command with those of staff services. The Detachment Commander shall perform duties assigned by the District Commander or higher authority.

2.2324. The Assistant Detachment Commander shall be responsible to the Detachment Commander and shall assist the Detachment Commander in planning, conducting and monitoring of law enforcement operations within the detachment's area of responsibility. The Assistant Detachment Commander shall perform all other duties as assigned by the Detachment Commander or higher authority.

2.2425. If the Superintendent is unable to discharge the powers and duties of the office due to illness, disease, injury or any other cause or is absent from the geographical boundaries of West Virginia, the order of succession within the Executive Office shall be as follows:

- (a) Deputy Superintendent;
- (b) Chief of Field Operations;
- (c) Chief of Staff Services;
- ~~(d) Deputy Chief of Field Operations;~~
- ~~(e) Deputy Chief of Staff Services;~~
- ~~(f) Director, Professional Standards;~~
- ~~(g) Director, Planning and Research; and~~
- ~~(h) Director, Special Operations;~~
- (d) Chief of Executive Services;
- (e) Deputy Chief of Field Operations; and
- (f) Deputy Chief of Staff Services;
- ~~(i)~~(g) Whenever the Deputy Superintendent or a member of the Executive Office succeeds to the Office of the Superintendent, they shall exercise all powers, functions, duties and responsibilities of the Superintendent.