

**WEST VIRGINIA  
SECRETARY OF STATE  
JOE MANCHIN, III  
ADMINISTRATIVE LAW DIVISION**

Form #2

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2012 JUL -1 A 9:13

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: §15-2-3

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 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 31, 2012 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

1/Lt. David W. Skeen

West Virginia State Police

725 Jefferson Road

South Charleston, WV 25309

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

Christine Morris for Joe Martin  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$380

**West Virginia State Police  
Title 81  
Series 13**

**Summary of Proposed Rule**

This rule describes the organizational structure of the West Virginia State Police.

**West Virginia State Police  
Title 81  
Series 13**

**Circumstances Requiring Filing of Rule**

The organizational structure of the West Virginia State Police is established by interpretive rule as required by §15-2-3 of the Code of West Virginia. The current organizational structure is being modified which requires the amendment of the present rule.

□  
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 Charleston, WV 25309

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<b>ESTIMATED TOTAL COST</b>	-0-	-0-	-0-	-0-	-0-
<b>PERSONAL SERVICES</b>	-0-	-0-	-0-	-0-	-0-
<b>CURRENT EXPENSE</b>	-0-	-0-	-0-	-0-	-0-
<b>REPAIRS &amp; ALTERATIONS</b>	-0-	-0-	-0-	-0-	-0-
<b>EQUIPMENT</b>	-0-	-0-	-0-	-0-	-0-
<b>OTHER</b>	-0-	-0-	-0-	-0-	-0-

2. Explanation of Above Estimates:

There is no identifiable additional cost associated with this rule above what is presently appropriated for personnel services.

3. Objectives of These Rules:

This rule describes the organizational structure of the West Virginia State Police

Rule Title: Organizational Structure

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4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

None

C. Economic Impact on Citizens/Public at Large.

None

Date: June 25, 2002

Signature of Agency Head or Authorized Representative:

LTC J.C. T. for Colonel H.E. Hill Jr.

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.

1.4. Effective Date.

**§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 Staff Services; (4) Chief of Field Operations; (5) ~~Chief of Administrative Services;~~ Chief of Executive Services; (6) Deputy Chief of Staff Services; ~~Officer in Charge, Field Operations, Western Command;~~ (7) ~~Officer in Charge, Field Operations, Eastern Command;~~ (8) Officer-In-Charge Procurement; (8) Officer-In-Charge, Planning and Research; and (9) Officer in Charge, Special Operations.

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 ~~support staff~~ 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 ~~fifteen (15)~~ seventeen (17) principal supervisors who shall receive the compensation and hold the temporary ranks of Lieutenant Colonel, Major and Captain.

2.7. 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. The Chief of Staff Services shall perform all other duties as assigned by the Superintendent or Deputy Superintendent.

2.8. 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. The Chief of Field Operations shall perform all other duties as assigned by the Superintendent or Deputy Superintendent.

~~2.9. The Chief of Administrative Services shall be responsible to the Deputy Superintendent~~

~~for the coordination of specific administrative functions and the correlation of those functions with those of field operations. The Chief of Administrative Services shall serve as the Director of the Criminal Identification Bureau and shall perform all other duties as assigned by the Deputy Superintendent or higher authority.~~

~~2.10. The Officers-In-Charge, Field Operations, Western and Eastern Command, shall be responsible to the Chief of Field Operations for the planning, conducting and monitoring of all field operations within their respective areas of command and shall perform all other duties as assigned by the Chief of Field Operations or higher authority.~~

2.9 The Chief of Executive Services shall be responsible to the Deputy Superintendent for the operations and oversight of the Professional Standards Section, Legal Section and Media Relations; additionally, the Chief of Executive Services shall serve as the Officer-In-Charge, Professional Standards Section.

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

2.11. The Officer-In-Charge, Planning and Research shall be responsible to the Deputy Superintendent for general planning and specific research functions and shall oversee the State Police written directive system.

2.12. The Officer-In-Charge, Special Operations, shall be responsible to the Chief of Field Operations for the efficient operation of the Department's special operations groups ~~and shall be additionally responsible for the coordination of~~

~~all Department criminal investigation efforts and shall perform all other duties as assigned by the Chief of Field Operations or higher authority.~~

2.13. Staff Services shall consist of the Forensic Laboratory, ~~Training Academy Communications, Procurement, Traffic Records, Criminal Records~~ and the number of other sections within the general headquarters structure as deemed necessary by the Superintendent to meet statutory and other identified obligations and to assist the field operations force in the performance of their duties.

~~2.14. Administrative Services shall consist of the Procurement and Communications Sections and the number of other sections within the general headquarters structure as deemed necessary by the Superintendent to meet statutory and other identified obligations and to assist the field operations force in the performance of their duties.~~

2.14. Executive Services shall consist of Professional Standards, Legal Section, Media Relations 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 their duties.

2.15. Field Operations shall consist of ~~the Western and Eastern Commands, the Training Academy, Executive Protection, Special Operations, the Bureau of Criminal Investigations and Each command shall consist of~~ the number of troops, districts and detachments specified by the Superintendent.

2.16. 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.

2.16.1. The Superintendent may, at his discretion, direct that a member from Department

Headquarters or other Troop officer perform the duties associated with those of a Troop Inspector in the event that operational need does not dictate that an Inspector be assigned to a specific troop.

2.17. The Troop Commanders shall be responsible to the ~~respective Officer-In-Charge of the appropriate Command, Eastern or Western, Chief of Field Operations~~ and shall be responsible for planning, conducting and monitoring of all field operations within their respective areas of command. Each Troop Commander shall be responsible for the correlation of the 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 ~~Officer-In-Charge, Field Operations, Western or Eastern Command~~, or higher authority.

2.18. 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 the 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. 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 the 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. The Troop Inspector shall be responsible to the Chief of Executive Services ~~Troop Commander~~. In the absence of the Troop Commander, Executive Officer and Logistics Officer, the Inspector ~~shall~~ may serve as the Acting Troop Commander and as such shall exercise all the powers, functions, duties and responsibilities of the Troop Commander. The

Inspector shall perform duties as assigned by the ~~Troop Commander~~ Chief of Executive Services or higher authority.

2.21. 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 his command with those of staff services. The District Commander shall perform duties as assigned by the Troop Commander or higher authority.

2.22. 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 his command with those of staff services. The Detachment Commander shall perform duties assigned by the District Commander or higher authority.

2.23. 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.

2.24. 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 Staff Services;

(c) Chief of Field Operations;

(d) Chief of ~~Administrative~~ Executive Services;

(e) ~~Officer-in-Charge, Field Operations, Western or Eastern Command, as determined by seniority;~~ Deputy Chief of Staff Services;

(f) Officer-In-Charge, Procurement;

~~(f)~~ (g) Officer-In-Charge, Planning and Research; and

~~(g)~~(h) Officer-in-Charge, Special Operations.

~~(h)~~ (i) Whenever the Deputy Superintendent or a member of the Executive Office succeeds to the Office of the Superintendent, they shall exercise all of the powers, functions, duties and responsibilities of the Superintendent.