

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**
Form #2

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NOV 16 3 52 PM '99
OFFICE OF THE SECRETARY OF STATE
ADMINISTRATIVE LAW DIVISION

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 §15-2-3

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 13

TITLE OF RULE BEING AMENDED: Organizational Structure

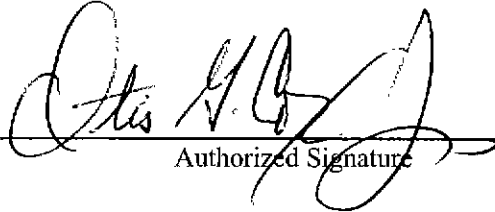
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

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 December 20, 1999 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

1 LT C. R. Blankenship
State Police
725 Jefferson Rd
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

\$360

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

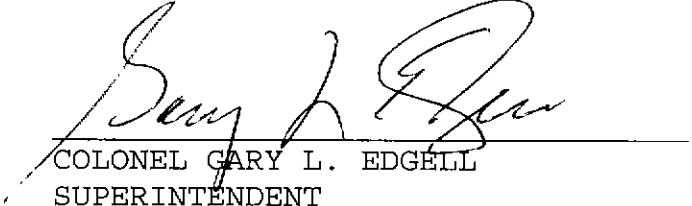
Summary of Proposed Rule

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 1998 session of the West Virginia Legislature passed H.B. 4016 which amended and reenacted §15-2-3 of the W.Va. Code. This amendment mandated that the organizational structure of the West Virginia State Police be established by an interpretive rule. The current amendment is necessitated by additional organizational changes that have occurred since the original filing of this rule.



COLONEL GARY L. EDGELL
SUPERINTENDENT

TITLE 81
INTERPRETIVE RULE
WEST VIRGINIA STATE POLICE

37 13 0 15 11 '99

SERIES 13
ORGANIZATIONAL STRUCTURE

OFFICE OF THE ATTORNEY GENERAL
STATE OF WEST VIRGINIA

§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) ~~Deputy~~ Chief of Staff Administrative Services; (6) Officer in Charge, Field Operations, Western Command; (7) Officer in Charge, Field Operations, Eastern Command; ~~and~~ (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 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) 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 ~~Deputy~~ Chief of Staff Administrative Services shall be responsible to the ~~Chief of Staff Services~~ Deputy Superintendent for the coordination of ~~specified support service~~ administrative functions and the correlation of ~~activities and duties of specified staff services~~ those functions with those of field operations. The ~~Deputy~~ Chief of Administrative 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~~ 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 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.

2.11 Officer-In-Charge, Planning and Research shall be responsible to the 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.

~~2.12~~ 2.13 Staff Services shall consist of the Forensic Laboratory, Training Academy and the number of other sections within the general headquarters ~~administrative~~ 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.

~~2.13~~ 2.15 Field Operations shall consist of the Western and Eastern Commands. Each command shall consist of the number of troops, districts and detachments specified by the Superintendent.

~~2.14~~ 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.

~~2.15~~ 2.17 The Troop Commanders shall be responsible to the respective Officer-In-Charge of the appropriate Command, Eastern or Western, 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 Officer-In-

Charge, Field Operations, Western or Eastern Command, or higher authority.

~~2-16~~ 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.

~~2-17~~ 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 Troop Commander. In the absence of the Troop Commander, Executive Officer and Logistics Officer, the Inspector shall serve as the Acting Troop Commander and shall exercise all the powers, functions, duties and responsibilities of the Troop Commander. The Inspector shall perform duties as assigned by the Troop Commander or higher authority.

~~2-18~~ 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.

~~2-19~~ 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.

~~2-20~~ 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.

~~2.21~~ 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) ~~Deputy~~ Chief of ~~Staff~~ Administrative Services;
- (e) Officer-in-Charge, Field Operations, Western or Eastern Command, as determined by seniority; ~~and~~
- (f) Officer-In-Charge, Planning and Research; ~~and-~~
- (g) ~~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~~ Officer-in-Charge, Special Operations.
- (h) 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.