



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: State Police

TITLE-SERIES: 81-13

RULE TYPE: Interpretive Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: Organizational Structure

CITE STATUTORY AUTHORITY: W. Va. Code 15-2-3.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/30/2024 9:00 AM

COMMENTS MAY BE MAILED OR EMAILED TO:

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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule governs the internal administrative structure of the West Virginia State Police

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

The filing date and effective date of the rule is changing. It is noted that the rule repeals and replaces the prior rule effective August 25, 2011. The rule moves around duties and services to be consistent with how things are done at the WVSP.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

0

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

0

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

0

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2024 Increase/Decrease (use "-")	2025 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Brandolyn N Felton-Ernest -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 81
INTERPRETIVE RULE
WEST VIRGINIA STATE POLICE

SERIES 13
ORGANIZATIONAL STRUCTURE

§81-13-1. General.

1.1. Scope. -- ~~These~~ This rules governs the internal administrative structure of the West Virginia State Police.

1.2. Authority. -- W. Va. Code §15-2-3.

1.3. Filing Date. -- ~~July 25, 2011.~~

1.4. Effective Date. -- ~~August 25, 2011.~~

1.5. Repeal and Replace. -- This rule repeals and replaces W. Va. Code R. §81-13-1, West Virginia State Police Interpretive Rule for Organizational Structure, effective August 25, 2011.

§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) Chief of Executive Services; (6) Deputy Chief of Field Operations; (7) 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, 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 ~~179~~ 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.

2.10. 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.

2.11. 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.

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

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

2.14. Field Operations shall consist of ~~Executive Protection~~, Special Operations, the Bureau of Criminal Investigations, the Crimes Against Children Unit, 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 the Executive Protection, Training Academy, Human Resources, Planning and Research, Career Progression, Media, Recruiting, 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.

2.17. 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.

2.18. 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.

2.19. 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.

2.20. 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.

2.21. 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.

2.22. 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.

2.23. 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.

2.24. 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.

2.25. 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:

- 2.25.a. Deputy Superintendent;
- 2.25.b. Chief of Field Operations;
- 2.25.c. Chief of Staff Services;
- 2.25.d. Chief of Executive Services;
- 2.25.e. Deputy Chief of Field Operations; and
- 2.25.f. Deputy Chief of Staff Services;

2.25.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.