



December 2012
PE 12-18-529

AGENCY REVIEW

DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY DIVISION OF JUSTICE AND COMMUNITY SERVICES

AUDIT OVERVIEW

The Division of Justice and Community Services Is Not Enforcing the Law Enforcement Officer Certification Process As It Relates to Firearms Qualification Requirements

The Division of Justice and Community Services Needs to Refine Its Performance Measures

The Division of Justice and Community Services' Website Needs Improvements in Both User-Friendliness and Transparency



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EXECUTIVE SUMMARY

This performance review of the West Virginia Division of Justice and Community Services (DJCS) is part of the agency review of the Department of Military Affairs and Public Safety, as authorized by *West Virginia Code* §4-10-8(b)(4). The Legislative Auditor conducted a review of the DJCS's efforts in enforcing the law enforcement officer certification process, agency performance measures, and the DJCS website. The Legislative Auditor found that the DJCS is not enforcing law enforcement officer training standards related to firearms qualifications and cannot determine how many officers completed the required firearms training. Because of the lack of enforcement of firearms training standards, law enforcement officers may not be adequately trained in the use of their firearm.

Report Highlights:

Issue 1: The Division of Justice and Community Services Is Not Enforcing the Law Enforcement Officer Certification Process As It Relates to Firearms Qualification Requirements

- The DJCS has not actively monitored the *firearms training component* of certification or enforced the statutory requirement that all law enforcement officers submit firearms training records as required.
- The DJCS collected firearms training data for 25 percent of all police officers in the state in 2010 but allowed officers to remain certified who did not supply firearms training records.

Issue 2: The DJCS Needs to Refine Its Performance Measures

- The performance measures supplied by the DJCS do not adequately measure the effectiveness of the agency and need to be further expanded upon.
- Three of the supplied performance measures are not tracked quantitatively.
- The DJCS did not inspect all facilities for compliance with federal and state laws relating to juveniles but reported that 100 percent of facilities were inspected.

Issue 3: The Division of Justice and Community Services' Website Needs Improvements in Both User-Friendliness and Transparency

- The DJCS website received 9 out of a possible 18 points in user-friendliness and 10 out of a possible 32 points in transparency.
- The transparency of the DJCS website can be improved by adding budgetary information, information related to grants management, meeting minutes, information detailing how to submit a FOIA request, and other information that provides the public with knowledge of its operations.

Recommendations

1. *The Division of Justice and Community Services should enforce that firearms qualifications are completed as required by West Virginia Code §30-29-6.*
2. *The Division of Justice and Community Services should establish a standardized form for the submission of firearms data.*
3. *The Division of Justice and Community Services should report the results of firearms qualification for all law enforcement agencies, along with the status of the implementation of the Acadis system, to the Joint Committee on Government Operations at the end of the 2013 training year.*
4. *The DJCS should create a performance measure related to facility inspections that is more clearly and accurately tied to the agency's interpretation of West Virginia Code and illustrates program improvement brought about by inspections.*
5. *The DJCS should consider creating performance measures that accurately track the results achieved by the DJCS such as the number of grants successfully administered, the outcome of regulatory requests, the program improvement brought about by facility inspections, and the recommendations implemented from research projects.*
6. *The Division of Justice and Community Services should consider making recommended changes to improve the user-friendliness and transparency of its website.*

ISSUE 1

The Division of Justice and Community Services Is Not Enforcing the Law Enforcement Officer Certification Process As It Relates to Firearms Qualification Requirements

Issue Summary

The Law Enforcement Professional Standards Subcommittee (Subcommittee) is statutorily responsible for reviewing and administering programs for firearms qualification, training and certification of law-enforcement officers in the state. The Division of Justice and Community Services (DJCS) provides staff services to the Subcommittee; specifically the DJCS is responsible for tracking in-service training and firearms certification for law enforcement officers. The Legislative Auditor found that:

- The DJCS has not actively monitored the *firearms training component* of certification or enforced the statutory requirement that all law enforcement officers submit firearms training records as required.
- The DJCS received data from only 51 of 272 (19 percent) law enforcement agencies in 2010 representing over 3,500 law enforcement officers.
- The DJCS collected firearms training data for 25 percent of all police officers in the state in 2010 but allowed officers to remain certified who did not supply firearms training records.
- The DJCS is unable to verify how many officers have completed required firearms training.

As a result, many law enforcement officers may not be adequately prepared to use their firearms in the line of duty. This places the public and the officers at risk. According to a DJCS official, the agency has not complied with this statutory requirement for at least the past six years due to a lack of staff and a database not properly configured to track firearms training.

West Virginia Code Requires Review and Certification of In-Service Training For Law Enforcement Officers

Law enforcement officers obtain their initial certification upon graduating from the West Virginia State Police Academy. There are two components to remaining certified: 1) officers must complete at least 16

The DJCS collected firearms training data for 25 percent of all police officers in the state in 2010 but allowed officers to remain certified who did not supply firearms training records.

hours (24 hours for supervisors) of in-service training each year and 2) **maintain firearms certification** by completing two firearms qualifications each year. In-service training hours are usually classroom based training where law enforcement officers are provided instruction in topics such as report writing, hand-to-hand combat, and dealing with mental health issues. Firearms qualification requires officers to fire a minimum of 32 rounds at a range of three to fifteen yards with their primary service handgun. A passing score is 75 percent and one of the firearms qualifications must be in low-light conditions.

West Virginia Code §30-29-6 and §30-29-7 directs the Law Enforcement Professional Standards Subcommittee of the Governor’s Committee on Crime, Delinquency, and Correction (Governor’s Committee) to review the certification records of law enforcement officers to “ensure employee compliance.” *West Virginia Code* §15-9A-3 charges the DJCS with carrying out the duties imposed on the Governor’s Committee.

If an officer fails to comply with qualification requirements, the DJCS is required to notify the Subcommittee. Once notified, the Subcommittee reviews the case notes supplied by the DJCS. Subsequently, the officer’s certification is either revoked or retained as decided by the Subcommittee. The *Code of State Regulations* (§149-2-13.4) mandates that the certification of each law enforcement officer including firearms training is reviewed annually, or biennially when an officer achieves the rank of sergeant or above, by both the Subcommittee and the officer’s employer.

Firearms qualifications must be maintained on an annual basis in order to retain law enforcement certification.

In-Service Hours Are Reviewed But Not Firearms Qualification Records

Law enforcement officers are required to complete in-service training requirements and firearms qualifications by July 9th each year. If an officer has not completed the required hours of in-service training by July 9th, then the DJCS sends a letter to that officer stating the number of hours that need to be completed. In August 2011, the DJCS sent letters to 227 officers informing them that the DJCS did not have records verifying that the appropriate number of in-service training hours were completed during the 2010 training period. However, the *firearms qualification component* of certification is not being received, reviewed, or enforced by the DJCS. *CSR* §149-2-18.2 states:

*“It is the responsibility of the individual to provide the training and firearms qualification records to the Subcommittee. . . . firearms qualifications **must** be maintained on an annual basis in order to retain law enforcement certification. . . .”*
(emphasis added)

If an officer does not complete *firearms qualification* training, certification may be revoked or not renewed.¹ **Currently, officers remain certified without verification that the firearms qualification was completed as required.** The Subcommittee has not utilized its power to revoke or not renew certification to enforce compliance with the provisions of Chapter 30, Article 29 of *West Virginia Code*.

The DJCS Has Made Limited Efforts to Track Firearms Qualifications

The requirement for the DJCS to monitor firearms training dates to 1983. To track these qualifications, the DJCS created the Officer Training Information System (OTIS) database in 1996. OTIS was created by a vendor who is no longer in business, meaning programmatic updates to the database are difficult. The DJCS also notes that the OTIS database “*is limited as to what it records and would not easily allow for reports to be generated as to which officers have not qualified.*”

According to the DJCS, previous employees did not seek records from agencies on *firearms qualifications* and police departments were instructed to maintain their own *firearms qualification* records. However, the DJCS did not provide the Legislative Auditor with documentation directing police departments to maintain their own qualification records and Legislative Auditor cannot verify the accuracy of this statement. It seems unusual that some departments would submit firearms data if they were told not to. The DJCS has made limited attempts to collect the data through discussions and presentations, but **has not enforced the requirement for firearms qualification records from the state’s law enforcement officers to be submitted to the DJCS.** The law enforcement training coordinator stated no formal request had been made because:

“ . . . we did not have a system in place to track in a good way [sic] I was delaying a formal requirement . . . until it could be received, handled and tracked in a viable manner. . . there was and has been minimal ability to follow up and determine if those qualifications were completed.”

Because of the limited attempts of DJCS to collect *firearms qualifications* data, the DJCS cannot determine the percentage of law enforcement officers who completed *firearms qualifications* required by Code. When the Legislative Auditor inquired how

The DJCS has not enforced the requirement for firearms qualification records from the state’s law enforcement officers to be submitted to the DJCS.

¹*There are valid reasons for not completing the required firearms qualification within the given timeframe such as military activation, workers compensation, etc.*

many of the state's police officers qualified with their duty weapon in 2010, the law enforcement training coordinator stated:

*"I believe I could verify, if required to do that in the range of 2,000 qualify. The other 1,000 is **a complete estimate.**"*
(emphasis added)

Currently for those departments that do comply, firearms training records are sent to the DJCS. DJCS staff then scans the *firearms qualification* records into OTIS. OTIS then can only produce firearms training information at the department level but not at the officer level. To verify that firearms training has been completed, DJCS staff would have to manually enter firearms data for each officer – a potentially time-consuming venture. The DJCS currently tracks information for over 3,700 active and inactive officers. With each officer required to have a minimum of two *firearms qualifications* each year, there would be more than 7,400 reports that would have to be manually entered.

The law enforcement training coordinator stated he does not track the firearms qualification training because *"I did not have the time or staff, in relation to other responsibilities, to track that information."* (emphasis added) The DJCS currently has three staff responsible for:

- providing oversight of training requirements for 3,587 active law enforcement officers and 170 inactive officers,
- organizing, staffing, scheduling and maintaining the meeting minutes for the Law Enforcement Professional Standards Subcommittee;
- corresponding with the Subcommittee and law enforcement officers across the state.

During the visit we were unable to retrieve records due to the OTIS database malfunctioning multiple times in the span of an hour.

The Legislative Auditor Found Firearms Training Data for Only 25 Percent of Officers in Calendar Year 2010

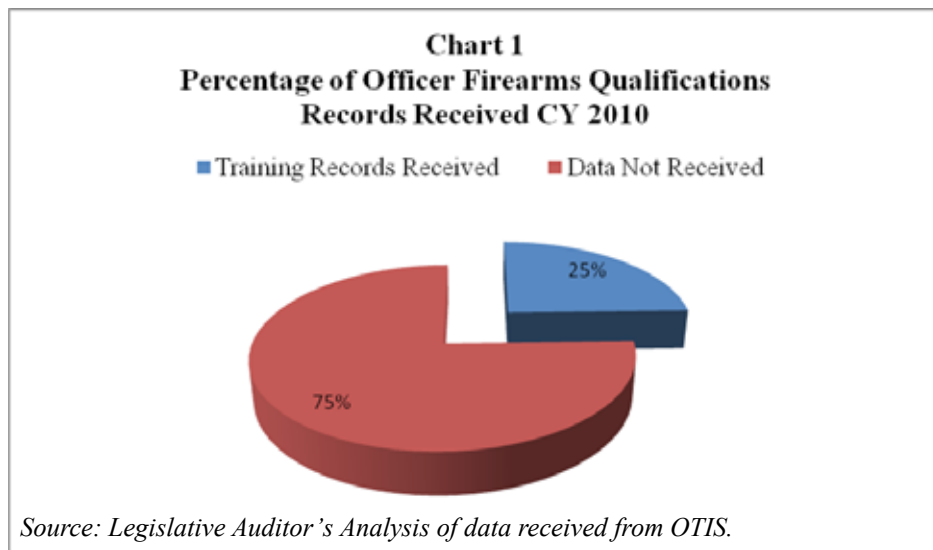
The Legislative Auditor conducted an agency site visit to examine the OTIS database in order to determine how many departments had submitted the required *firearms qualification* data. However, during the visit we were unable to retrieve records due to the OTIS database malfunctioning multiple times in the span of an hour. **DJCS staff stated that system failures were a common problem with the OTIS database dating back several years.** Subsequently, the DJCS later was able to email copies of all received qualification records to the Legislative Auditor. However, the DJCS provided scanned copies of information it received from law enforcement agencies. Consequently, the Legislative

Auditor then calculated the number of officers and law enforcement agencies that submitted qualification data to the DJCS.

After firearms qualification records were received, the Legislative Auditor analyzed each record to determine the number of law enforcement agencies that submitted *firearms qualification* data as well as the number of officers for whom data were submitted during calendar year 2010. We were unable to independently verify the accuracy of the data due to the way the information had been submitted to the DJCS and the way it was provided to the Legislative Auditor. Limited amounts of the data received were in a searchable format such as a database or spreadsheet. The agency received and provided scanned images of letters from individual departments, some of which listed individual officers that qualified while others simply stated all officers qualified without listing names or individual officer scores. Additionally, some documents were received without a department name.

The Legislative Auditor determined that the DJCS received *firearms qualification* data from only 51 (19 percent) of 272 law enforcement agencies. As Chart 1 illustrates below, these departments accounted for 912 (25 percent) of the State’s 3,587 police officers – significantly fewer officers than the 2,000 officers that DJCS stated it could verify.

Limited amounts of the data received were in searchable format such as a database or spreadsheet. . . some documents were received without a department name.



Seventy-five percent of the active law enforcement officers within the state have not submitted *firearms qualification* data but have been allowed to remain certified without the DJCS *verifying firearms qualification records*. It is possible that some law enforcement officers may have met *firearms qualifications* but not submitted information to the

DJCS. However, it is also possible that many officers have not achieved *firearms qualifications*. **Due to the DJCS not having 100 percent data collection, it cannot be determined how many officers have or have not completed firearms training.**

It is worth noting that some larger police departments account for a significant percentage of the 912 officers for whom firearms data were submitted. For example, the Charleston Police Department submitted data for 176 officers while the Kanawha County Sheriff's Department submitted data for 87 officers. These two departments accounted for 29 percent of all firearms data received in CY 2010. The largest department not submitting *firearms qualification* data is the West Virginia State Police. Table 1 illustrates that five police departments submitted almost half of all firearms data received. To see a full list of the departments that submitted *firearms qualification* data in CY 2010 see Appendix C. If the DJCS did not receive *firearms qualification* data from a department listed in Appendix C, it does not mean that firearms training was not completed.

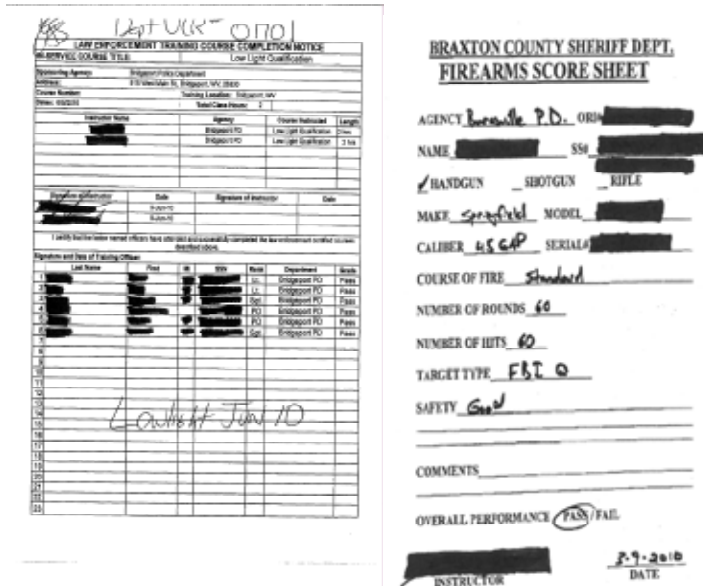
Due to the DJCS not having 100 percent data collection, it cannot be determined how many officers have or have not completed firearms training.

Agency	Qualifications Submissions	Percent of Total Submissions
Charleston Police Department	176	19
Kanawha County Sheriff's Office	87	10
Wheeling Police Department	65	7
Parkersburg Police Department	63	7
Martinsburg Police Department	44	5
All Other Departments Submitting Data	455	50
Total	912	100

Source: Legislative Auditor's analysis of data received from OTIS.

In addition, the DJCS has not created a standardized form for submitting firearms qualification data but indicates that a standardized qualification is in development. Figure 1 below illustrates two of the various formats used to submit qualification data to the DJCS:

**Figure 1:
Firearms Qualification Data Sheet Examples**



In order for the DJCS to receive, process and retrieve data, there should be a standardized form for the submission of firearms qualification data.

It is apparent from the two examples above that law enforcement agencies are submitting qualification data in various formats. One example indicates the type of weapon, number of rounds and the type of target. The other does not. In order for the DJCS to receive, process and retrieve data, there should be a standardized form for the submission of firearms qualification data.

Acadis System Replaces OTIS

During the course of this audit, the DJCS purchased a new database that will allow for tracking of firearms qualification data. The new Acadis system became operational on November 9, 2012 and will be tracking in-service training requirements for all law enforcement officers during the 2013 training year. The implementation of the Acadis system will not necessarily assure that firearms qualification records are received and reviewed by the DJCS as required by Code. The DJCS will need to formally require that officers submit all in-service training data and move to decertify those officers who do not submit firearms qualification training data.

The Acadis system does have the capability for police departments to directly report information by entering it into the system via the internet but the DJCS has made direct submission optional. Information not directly entered by law enforcement agencies will have to be entered by

The Acadis system does have the capability for police departments to directly report information by entering it into the system via the internet but the DJCS has made direct submission optional.

DJCS staff. If each law enforcement agency submitted information for each officer in the department directly into Acadis, it could significantly reduce the workload of DJCS staff and allow for easier tracking of in-service training records.

Conclusion

The lack of documented *firearms qualifications* training potentially places both the public and other law enforcement officers at risk. The fundamental purpose of requiring the DJCS to review *firearms qualification* is to ensure that officers can competently fire their duty weapon. The information received by DJCS also allows the Law Enforcement Professional Standards Subcommittee to certify or revoke the certification of law enforcement officers as required by CSR 149-2-13.4. Without enforcement of submitting accurate and complete data regarding the qualification of law enforcement officers, the DJCS and the Subcommittee may be allowing unqualified officers to continue serving. The Legislative Auditor finds that the DJCS should review, track and confirm that *firearms qualifications* are completed as required.

Recommendations

1. *The Division of Justice and Community Services should enforce that firearms qualifications are completed as required by West Virginia Code §30-29-6.*
2. *The Division of Justice and Community Services should establish a standardized form for the submission of firearms data.*
3. *The Division of Justice and Community Services should report the results of firearms qualification for all law enforcement agencies, along with the status of the implementation of the Acadis system, to the Joint Committee on Government Operations at the end of the 2013 training year.*

Issue 2

The Division of Justice and Community Services Needs to Refine Its Performance Measures

Issue Summary

The West Virginia Division of Justice and Community Services (DJCS) reports four performance measures in the *Operating Detail* of the 2012 Executive Budget. The agency reports it met all of its goals 100 percent of the time from FY 2008 through FY 2010. After reviewing these performance measures the Legislative Auditor found that:

- These four measures all relate directly to the agency's mission statement.
- The performance measures do not adequately measure the effectiveness of the agency and need to be further expanded upon.
- Three of the supplied performance measures are not tracked in a manner to provide quantitative information necessary for assessing performance.
- Two of the supplied performance measures are not accurately represented.

The Legislative Auditor recommends that the DJCS should create performance measures that quantitatively measure the effectiveness of the agency through results. Also, the DJCS should more accurately track and report data to the *Operating Detail*.

The Division of Justice and Community Services' Mission Statement Is Consistent With West Virginia Code

State agencies are required to submit division-level performance measures for the *Operating Detail* of the State's Executive Budget as part of the appropriation request process. Other information reported includes the agency's mission statement, goals, and objectives. Although legislative appropriations are not based on performance measures submitted by state agencies, performance measures are required in order to promote accountability before the Legislature and the public, and to encourage agencies to become result-oriented in their operations.

The Legislative Auditor has observed that many state agencies have not provided adequate performance goals or measures in the *Operating Details* of the State's Executive Budget. In some cases, the

performance measures are not strongly tied to the agency’s overall mission, while in other cases the list of performance measures is incomplete. In addition, state agencies often do not provide goals or benchmarks for their performance measures. Without a performance goal or benchmark, a performance measure does not indicate whether performance is good or needs improvement.

The DJCS stated its mission statement as follows:

**Division of Justice and Community Services
Mission Statement**

The Division of Justice and Community Services assists criminal and juvenile justice agencies and local government with research and performance data, planning, funding and management of programs supported with granted [sic] funds, and to provide regulatory oversight of basic and annual in-service law enforcement training and certification; community corrections; law enforcement response to domestic violence; and juvenile detention facility standards compliance.

The Legislative Auditor examined the agency’s mission statement to determine if the agency’s focus is statutorily supported. The performance of an agency is tied to what the agency considers its mission. Therefore, the mission statement should be clearly understood by the agency and it should not be more or less than what is statutorily required. The Legislative Auditor determines that the agency’s mission statement is consistent with its enabling statute as shown in the following table:

The Division of Justice and Community Services’ mission statement is:	
fully supported by statute.	X
not supported by statute.	
is less than statutorily required.	
is more than statutorily mandated.	
is determined administratively as allowed by statute.	

Mission Statement Source

The Division of Justice and Community Services' mission statement is supported by Chapter 15, Articles 9 and 9A, and Chapter 30, Article 29 of the West Virginia Code.

- **§15-9-1:** *The Legislature hereby designates the governor's committee on crime, delinquency and correction (established by Executive Order No. 7-A-66 and designated a state planning agency by Executive Order No. 14-68) as the state planning agency required for participation by the state of West Virginia in programs provided for by the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 United States code, sections 3701 through 3796c, inclusive) and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (42 United States code, section 5601).*
- **§15-9A-1:** *The West Virginia Division of Justice and Community Services is required to perform certain administrative and executive functions related to the improvement of the criminal justice and juvenile justice systems, and various component agencies of state and local government with research and performance data, planning, funding and managing programs supported by federal and state granted funds, and through its staff activities on behalf of the Governor's Committee on Crime, Delinquency and Correction, to provide regulatory oversight of lawenforcementtrainingandcertification, communitycorrections programs established under the provisions of article eleven-c, chapter sixty-two of this code, and the monitoring of facilities for compliance with juvenile detention facilities standards established by state and federal law. These administrative and executive staffing functions are necessary to provide for planning and coordination of services among the components of the criminal and juvenile justice systems; program development and implementation; and administration of grant funded programs emphasizing safety, prevention, coordination and the general enhancement of the criminal justice system as a whole, as well as such other federal grant funded activities as the Governor may from time to time designate for administration by the Division.*

- **§15-9-2:** *The governor's committee on crime, delinquency and correction shall annually visit and inspect jails, detention facilities, correctional facilities, facilities which may hold juveniles involuntarily or any other juvenile facility which may temporarily house juveniles on a voluntary or involuntary basis for the purpose of compliance with standards promulgated by the juvenile facilities standards commission, pursuant to section nine-a, article twenty, chapter thirty-one of this code and with the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.*
- **§30-29-6:** *Certification of each West Virginia law-enforcement officer shall be reviewed annually following the first certification and until such time as the officer may achieve exempt rank. Certification may be revoked or not renewed if any law-enforcement officer fails to attend annually an in-service approved law-enforcement training program, or if a law-enforcement officer achieving exempt rank fails to attend biennially an approved in-service supervisory level training program. When a law-enforcement officer is a member of the United States air force, army, coast guard, marines or navy, or a member of the national guard or reserve military forces of any such armed forces, and has been called to active duty, resulting in separation from a law-enforcement agency for more than twelve months but less than twenty-four months, he or she shall attend and complete the mandated in-service training for the period and rank and qualify with his or her firearm within ninety days from his or her reappointment as a law-enforcement officer by a law-enforcement agency.*

Agency-Reported Performance Goals

The DJCS was created in 1966 as a state-wide planning agency responsible for policy development, research, and grants administration in order to support and improve the West Virginia criminal justice system. Listed below are performance goals for the agency's operations in the *2012 Operating Detail*.

1. Apply for, award, and administer available federal or state funds in a manner that meets 100 percent of all established guidelines within any given year.

2. Present 100 percent of all regulatory requests to an appropriate subcommittee of the Governor’s Committee on Crime, Delinquency, and Correction.
3. Inspect at least once per year (as required by *West Virginia Code*) each state jail, correctional facility, and law enforcement agency (if applicable) for compliance with federal and state laws regarding the detaining and incarceration of juveniles and/or adults.
4. Produce five research projects each year.

These performance goals relate to the mission of the DJCS. However, the performance goals should be improved upon and further clarified. The *Operating Detail* of the executive budget states that performance measures are a tool used to “determine whether a program is accomplishing its mission efficiently and effectively.” The performance measures supplied by the DJCS do not adequately track the effectiveness of the agency because they do not focus on the results of the agency’s programs. Three of the supplied performance measures are not tracked in a manner to provide quantitative information necessary for assessing performance. Additionally, the supplied performance measures are not reported accurately. One performance measure over-reports the work of the DJCS while another measure does not give the DJCS credit for all work completed.

The supplied performance measures are not reported accurately.

The following is a discussion of each performance goal.

1. **Apply for, award, and administer available federal or state funds in a manner that meets 100 percent of all established guidelines within any given year.**

The DJCS published the following information in the *2012 Operating Detail* for FY 2008, 2009, and 2010:

Fiscal Year	Actual 2008	Actual 2009	Actual 2010	Estimated 2011
Apply for, award, and administer federal or state funds in a manner that meets 100 percent of all established guidelines within any given year.				
Available funds awarded/administered within guidelines	100%	100%	100%	100%

A major component of this performance measure is applying for federal grants. However, the agency does not list or track the number of grants applied for or received from the Department of Justice (DOJ). The DJCS contends that applying for federal funds is not part of the performance measure. It is the Legislative Auditor’s opinion that tracking and reporting the number of federal grants applied for and received could indicate the effectiveness of the DJCS in securing federal funds to improve the criminal justice system of West Virginia.

The DJCS is the primary pass-through agency for federal DOJ grants awarded to the State. The DJCS applies for federal grant money and then issues federal funds to subgrantees across the state. The DOJ grants awarded and administered by the DJCS fund a variety of activities and efforts related to criminal justice such as domestic violence prevention, drug task forces, community corrections programs, and bullet-proof vests for law enforcement.

The agency does not list or track the number of grants applied for or received from the Department of Justice.

In addition, the reader is not given information detailing how much money the DJCS awarded or how many grants were administered. The agency should list the number of grants awarded for each year along with how many grants are being successfully administered on a yearly basis. Additional information concerning whether subgrantees were successful in improving criminal justice within West Virginia could also assist in gauging the effectiveness of the DJCS related to grants management. From FY 2008 through FY 2010 the DJCS administered 20 different grant programs accounting for \$51 million to 908 sub-grantees. The agency does state that federal audits are the measure for how successful they are in awarding and properly administering funds and that if a federal audit found problems they would adjust the percentages accordingly.

2. Present 100 percent of all regulatory requests to an appropriate subcommittee of the Governor’s Committee on Crime, Delinquency, and Correction.

The DJCS published the following information in the 2012 *Operating Detail* for FY 2008, 2009, and 2010:

Fiscal Year	Actual 2008	Actual 2009	Actual 2010	Estimated 2011
Present 100 percent of all regulatory requests to an appropriate subcommittee of the Governor’s Committee on Crime, Delinquency, and Correction.				
Regulatory request presented	100%	100%	100%	100%

This performance measure is misleading because a reader could assume regulatory requests to mean requests for a change in policy, procedure, or Code. The DJCS defines regulatory requests as any action brought before a subcommittee. The DJCS acts as staff to the Governor’s Committee on Crime, Delinquency, and Correction and is responsible for the development and implementation of programs to improve the criminal justice system in West Virginia. It stands to reason that all requests would automatically be presented and otherwise would not be considered a request unless presented.

It is the Legislative Auditor’s opinion that the DJCS should actively track the number of regulatory requests made through its subcommittees and the results of those regulatory requests to measure the effectiveness of the agency. The agency does not track this information. The DJCS did not supply a specific number of the regulatory requests submitted or any listing of requests that were not submitted. The agency did indicate that if a regulatory request is not submitted then “*staff of each subcommittee will document that circumstance and immediately notify the Deputy Director for record purposes.*” When asked to provide the number of regulatory requests presented, the DJCS indicated that all regulatory requests are listed in meeting agendas and meeting minutes.

The DJCS did not supply a specific number of the regulatory requests submitted or any listing of requests that were not submitted.

Because the DJCS did not supply the number of regulatory requests submitted, the Legislative Auditor reviewed the meeting agendas that were supplied to it by the DJCS. The Legislative Auditor then counted the number of regulatory requests listed in the meeting agendas for the three subcommittees of the Governor’s Committee on Crime, Corrections, and Delinquency each year from CY 2008 through 2010. Table 2 details the results of our review.

Subcommittee	2008	2009	2010
Law Enforcement Training	95	107	135
Community Corrections	18	14	13
Juvenile Justice	23	42	31
Total	136	163	180

Source: Legislative Auditor’s review of Subcommittee meeting agendas provided by the Division of Justice and Community Services.

The Legislative Auditor observed that there were a large number of regulatory requests made to three separate subcommittees. If the DJCS wants to use this as a performance measure, the DJCS should carefully track these requests.

3. Inspect at least once per year (as required by *West Virginia Code*) each state jail, correctional facility, and law enforcement agency (if applicable) for compliance with federal and state laws regarding the detaining and incarceration of juveniles and/or adults.

The DJCS published the following information in the *2012 Operating Detail* for FY 2008, 2009, and 2010:

Fiscal Year	Actual 2008	Actual 2009	Actual 2010	Estimated 2011
Inspect at least once per year (as required by <i>West Virginia Code</i>) each state jail, correctional facility, and law enforcement agency (if applicable) for compliance with federal and state laws regarding the detaining and incarceration of juveniles and/or adults				
Facilities/agencies inspected for compliance	100%	100%	100%	100%

The performance measure as written leads the reader to believe that the DJCS is required by Code to inspect each jail, correctional facility, and law enforcement agency annually. **The DJCS did not complete all inspections in FY 2008 or FY 2010 but listed the requirement as 100 percent complete.** One in four law enforcement agencies and 12 of 15 (80 percent) juvenile detention facilities were inspected in FY 2008. In FY 2010, the DJCS inspected 40 percent of law enforcement agencies and 9 of 15 (60 percent) juvenile detention facilities. The 2010 DJCS *Juvenile Justice and Delinquency Prevention Annual Report* states “numerous facilities were neither visited nor monitored for compliance. . . .” The Deputy Director of the DJCS stated that “*The 2010 inspections were not completed due to lack of resources available for the inspections.*” According to the 2009 report, the DJCS did complete all inspections in FY 2009.

The Deputy Director of the DJCS stated that “The 2010 inspections were not completed due to lack of resources available for the inspections.”

The Deputy Director of the DJCS stated that Code requires the agency to inspect *only* juvenile detention facilities and not jails, detention facilities, correctional facilities, and law enforcement agencies. The position of the DJCS is predicated on the fact that they are to inspect facilities for compliance with standards established by the Juvenile

Facility Standards Commission. The standards, established in CSR 101-1-1.1, only apply to facilities operated by the Division of Juvenile Services. *West Virginia Code* §15-9-2, along with the way the performance measure is stated, **appears to require the DJCS to inspect all facilities that may house juveniles.**² Because of this, the performance measure may not accurately reflect the DJCS’ interpretation of its own duties.

It should be noted that the DJCS is in compliance with federal statutes related to facility monitoring. The United States Department of Justice’s Guidance Manual for monitoring facilities under the Juvenile Justice and Delinquency Prevent Act of 1975 states “. . .100 percent of all facilities that have public authority to detain or confine juveniles must be inspected, on-site, once every 3 years.”

The Legislative Auditor recommends that the DJCS create a performance measure relating to facility inspection that is more clearly and accurately tied to the agency’s interpretation of *West Virginia Code*, illustrates the program improvement brought about by the inspections and **accurately** reflects the number of inspections completed.

The DJCS underreported the number of research projects completed each year FY 2008 through FY 2010.

4. Produce five research projects each year.

The DJCS published the following information in the *2012 Operating Detail* for FY 2008, 2009, and 2010:

Fiscal Year	Actual 2008	Actual 2009	Actual 2010	Estimated 2011
Produce five research projects each year.				
Research projects produced	5	5	5	5

The DJCS underreported the number of research projects completed each year FY 2008 through FY 2010. The agency completed nine research projects in FY 2008, eleven in FY 2009, and eight in FY 2010 but reported that just five projects were completed each year. Additionally, not all completed research projects are available on the DJCS website. Reports published by the DJCS are sometimes submitted only to committees or published in peer-reviewed journals. The DJCS could increase its

²WVC §15-9-2 states: “*The Governors Committee on Crime, Delinquency and Correction shall annually visit and inspect jails, detention facilities, correctional facilities, facilities which may hold juveniles involuntarily or any other juvenile facility which may temporarily house juveniles on a voluntary or involuntary basis. . .* (emphasis added).”

effectiveness and influence by making all research projects available on the DJCS website.

The DJCS is the state-wide planning agency dedicated to the improvement of the criminal justice system. Because of this, producing research projects is an important component of the DJCS's mission. The DJCS produces research and programmatic analysis documents each year on a wide range of subjects relating to criminal justice such as correction population forecasting, the effectiveness of mentoring programs, and some clarification could be added whether any recommendations from the research projects have been implemented. The DJCS does not track the results of its reports but states its research does "*inform decision-making and may lead to changes in policy or practice. . . .*"

Conclusion

It is the Legislative Auditor's opinion that the DJCS has not exercised due diligence when reporting performance measures to the *Operating Detail*. This opinion is based on the fact that two performance measures were inaccurately reported and the DJCS is unable to provide documentation detailing the tracking of a third measure. Because of the inaccuracies reported and information not tracked, the Legislative Auditor has concerns about the accuracy of the information reported by the DJCS.

Recommendations

5. *The DJCS should create a performance measure related to facility inspections that is more clearly and accurately tied to the agency's interpretation of West Virginia Code and illustrates program improvement brought about by inspections.*
6. *The DJCS should consider creating performance measures that accurately track the results achieved by the DJCS such as the number of grants successfully administered, the outcome of regulatory requests, the program improvement brought about by facility inspections, and the recommendations implemented from research projects.*

It is the Legislative Auditor's opinion that the DJCS has not exercised due diligence when reporting performance measures to the Operating Detail. This opinion is based on the fact that two performance measures were inaccurately reported and the DJCS is unable to provide documentation detailing the tracking of a third measure.

Issue 3

The Division of Justice and Community Services' Website Needs Improvements in Both User-Friendliness and Transparency

Issue Summary

The Legislative Auditor conducted a literature review on assessments of government websites and developed an assessment tool to evaluate West Virginia's state agency websites (see Appendix C). The assessment tool lists a number of website elements; however, some elements should be included in every state website, while other elements such as social media links, graphics and audio/video features may not be necessary or practical for certain agencies. Table 3 indicates that the Division of Justice and Community Services integrates 36 percent of the checklist items in its website. This measurement shows that the DJCS needs to increase efforts to improve the user-friendliness and transparency of its website. Improvements such as providing budget information, a help link or FAQ section, and public records could serve to improve the website.

The DJCS needs to increase efforts to improve the user-friendliness and transparency of its website.

Table 3 Division of Justice and Community Services Website Evaluation Score			
Substantial Improvement Needed	More Improvement Needed	Modest Improvement Needed	Little or No Improvement Needed
0-25%	26-50%	51-75%	76-100%
	DJCS 38%		
<i>Source: The Legislative Auditor's review of the Division of Justice and Community Services' website.</i>			

The DJCS Scores Low in Both User-Friendliness and Transparency

In order to actively engage with an agency online, citizens must first be able to access and comprehend information on government websites. Therefore, government websites should be designed to be user-friendly. **A user-friendly website is understandable and easy to navigate from page to page.** Government websites should also provide transparency of an agency's operation to promote accountability and public trust. **A website that promotes transparency provides sufficient information on an agency's budget, organization and performance.**

The Legislative Auditor reviewed the DJCS website for both user-friendliness and transparency. Table 4 demonstrates the DJCS website is in need of improvement in both user-friendliness and transparency.

Category	Possible Points	Agency Points	Percentage
User-Friendly	18	9	50
Transparent	32	10	31
Total	50	19	38

Source: Legislative Auditor's assessment of the DJCS website.

The DJCS Website Needs Additional Information to Increase User-Friendliness

The DJCS website is easy to navigate as every page is linked to the agency's homepage, as well as a search tool and site map which acts as an index of the entire website. However, users may struggle to find needed information as the website does not have a FAQ section or a help link.

The DJCS website allows for the public to easily navigate the website but it does not allow for public comments for improvement or the public to share information.

User-Friendly Considerations

Overall, the DJCS website allows for the public to easily navigate the website but it does not allow for public comments for improvement or the public to share information. While the DJCS website does have RSS Feeds, the feeds are not operated and no points were awarded. The following are a few improvements that could lead to a more user-friendly website:

- **Mobile Functionality**- The agency's website is not available in a mobile version and the agency has not created mobile applications.
- **FAQ Section**- A page that lists the most frequently asked questions and responses.
- **RSS Feeds**- RSS stands for "Really Simple Syndication" and allows subscribers to receive regularly updated information (i.e. blog posts, news stories, audio/video, etc.) in a standardized format.
- **Site Functionality**- The website should include buttons to adjust the font size and resizing text should not distort site graphics or text.

The DJCS Website Is Lacking in Transparency and Needs Major Improvement

A website that is transparent will have elements such as email contact information, the location of the agency, the agency's telephone number, as well as public records, the budget and performance measures. A transparent website also allows interaction between the agency and citizens concerning a host of issues. The DJCS website has some of the core elements that are necessary for a general understanding of the agency. The DJCS website does not contain the agency's budget, public records, or information on how to submit a FOIA request.

Transparency Considerations

The DJCS website is not transparent and in need of several improvements. The following are attributes that could be beneficial to the DJCS in increasing its transparency:

- **Email**- The website should contain the email address of a general contact person.
- **Public Records**- The agency's website should contain applicable public records such as Statutes, Rules and/or Regulations, audits, grants, and meeting minutes.
- **Budget**- Budget data should be available at the checkbook level, ideally in a searchable database.
- **Agency Organizational Chart**- A narrative describing the agency organization, preferably in a pictorial representation such as a hierarchy/organization chart.
- **Freedom of Information Act(FOIA) Information**- Information on how to submit a FOIA request, ideally with an online submission form.
- **Performance Measures/Outcomes**- A page linked to the homepage explaining the agency's performance measures and outcomes.
- **Website Updates**- The website should have a website update status on screen and ideally for every page.
- **Job Postings/Links to Personnel Division Website**- The agency should have a section on its homepage for open job postings and a link to the Division of Personnel application page.

The DJCS website does not contain the agency's budget, public records, or information on how to submit a FOIA request.

Conclusion

The DJCS website is lacking in both user-friendliness and transparency. While the website is generally easy to navigate, users may not find needed information because it is not available. Users are not provided links to relevant public records or budget data. Furthermore, the website does not have a FAQ section, a help tool, or information on how to submit a FOIA to assist users in obtaining the information for which they may be searching. Providing website users with this information would greatly improve transparency and user-friendliness. It is the Legislative Auditor's opinion that in order to increase transparency and public accountability, the DJCS should provide budget information; performance measures and outcomes; a FAQ page, and a help tool.

Recommendation

6. *The Division of Justice and Community Services should consider making recommended changes to improve the user-friendliness and transparency of its website.*

Appendix A: Transmittal Letter

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

November 20, 2012

Mr. J. Norbert Federspiel, Director
Division of Justice and Community Services
1204 Kanawha Boulevard, East
Charleston, WV 25301

Dear Director Federspiel:

This is to transmit a draft copy of the department review of the Division of Justice and Community Services. This report is scheduled to be presented during the December 10-12 interim meeting of the Joint Committee on Government Operations, and the Joint Committee on Government Organization. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committees may have.

As we discussed, we will have an exit conference concerning the report on November 27, 2012. We need your written response by noon on November 29, 2012, in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, December 6 to make arrangements.

We request that your personnel not disclose the report to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Michael Midkiff".

Michael Midkiff
Research Manager

Enclosure
cc: Joseph C. Thorton, Cabinet Secretary DMAPS
Christine F. Morris, Deputy Cabinet Secretary DMAPS
Jeff Estep, Deputy Director DJCS

Joint Committee on Government and Finance

Appendix B: Objective, Scope and Methodology

The Performance Evaluation and Research Division (PERD) within the Office of the Legislative Auditor evaluated the Division of Justice and Community Services (DJCS) as part of the Agency Review of the West Virginia Department of Military Affairs and Public Safety. The review is required and authorized by the West Virginia Performance Review Act, pursuant to *West Virginia Code* §4-10-8(b)(4) as amended. The purpose of the agency, as established in *West Virginia Code* §15-9A et al., is to perform administrative and executive functions related to the improvement of the criminal justice and juvenile justice systems of West Virginia.

Objective

The purpose of this report was to review the efforts of the DJCS in verifying that annual in-service training and firearms qualification requirements are completed by law enforcement officers. This report also reviews the performance measures and website of the agency. PERD's specific objectives included determining if the DJCS had collected data detailing that all law enforcement officers within West Virginia were completing in-service training and maintaining firearms qualifications required by Code. PERD also reviewed the performance measures supplied to the *Operating Detail* of the 2012 Executive Budget to determine the accuracy and reliability of the information reported. Finally, PERD staff assessed the agency's website for user-friendliness and transparency.

Scope

The scope of this audit was FY 2008 through FY 2010 and included four performance measures the agency reported in the *Operating Detail* of the Executive Budget for FY 2012. PERD staff reviewed meeting minutes from the Law Enforcement Professional Standards Committee for calendar years 2008 through 2010 and monitoring reports for criminal justice facilities FY 2008 through FY 2010. The DJCS did not have 100 percent data collection of firearms training data within the Officer Training Information System (OTIS), therefore PERD only reviewed firearms data submitted during calendar year 2010. PERD staff made no determinations of the reliability of the training data within the OTIS database. PERD staff also did not attempt to determine the number of law enforcement officers who completed firearms qualifications but did not submit data to the DJCS.

Methodology

The principal research methods used to examine the report issues included interviews, software program observations, documentation review, and data analysis.

- 1. Interviews.** PERD staff visited the agency's office and met with staff. Interviews with staff were a means of learning about agency processes, decisions, and performance measurement. PERD interviewed the Law Enforcement Training coordinator to develop an understanding of how in-service training requirements for law enforcement officers are tracked and enforced. PERD confirmed verbal comments with written statements and, in many cases, by corroborating evidence.

2. **Software Program Review.** PERD staff attempted to review information within the Officer Training Information System (OTIS) database. While PERD was utilizing OTIS, the system malfunctioned multiple times. The information stored in OTIS for calendar year 2010 was eventually retrieved by the DJCS and then sent to PERD for manual review.
3. **Documentation Review.** PERD staff reviewed a variety of agency documents including annual reports, meeting minutes, policies and procedures, information obtained from the DJCS website, and research projects/publications. PERD staff examined the responsibilities of the DJCS as stated in *West Virginia Code* and *The Code of State Regulations*. PERD also reviewed information submitted by the agency in the *Operating Detail* of the Executive Budget Fiscal Year 2012.
4. **Data Analysis.** PERD staff analyzed various agency reports and meeting minutes on topics ranging from firearms certification to inspection of criminal justice facilities for compliance with federal standards related to the detention of juveniles. DJCS staff told us that there were 3,587 active law enforcement officers, 170 inactive officers, and 272 law enforcement agencies. This information appeared sufficient and appropriate given the number of law enforcement agencies and officers represented by the in-service data and other corroborating evidence. We concluded that the DJCS was tracking in-service training through meeting minutes concerning officers who did not complete in-service training as well as spreadsheets within OTIS detailing how many in-service training hours officer needed to complete. PERD manually counted and calculated information from the OTIS database to determine the number of officers and police departments who submitted firearms training data in calendar year 2010. The OTIS database documents we reviewed were documents that were received from law enforcement agencies and then scanned into OTIS by DJCS staff. PERD did not test the accuracy of the information provided to the DJCS by law enforcement. Our data analysis also made the assumption that if the DJCS could not provide us with information indicating that a law enforcement agency or officer submitted firearms qualification data then that indicated qualification data were not submitted to the DJCS. However, we did not assume that the absence of qualification data meant that law enforcement officers or agencies did not complete firearms qualification.

This performance audit was conducted in accordance with Generally Accepted Government Auditing Standards (GAGAS). Those standards require that the audit is planned and performed to obtain sufficient, appropriate evidence to provide a reasonable basis for our finding and conclusions based on our audit objectives. The Legislative Auditor believes that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix C: Departments Submitting Firearms Qualification Data CY 2010

Departments Submitting Firearms Qualification Data CY 2010		
Department	Training Records Received	Number of Officers Submitted
Albright Police Department	No	-
Alderson Police Department	No	-
Anawalt Police Department	No	-
Anmoore Police Department	No	-
Ansted Police Department	No	-
Athens Police Department	No	-
Barbour County Sheriff's Office	No	-
Barboursville Police Department	Yes	18
Barrackville Police Department	No	-
Bayard Police Department	No	-
Beckley Police Department	No	-
Beech Bottom Police Department	No	-
Belington Police Department	No	-
Belle Police Department	No	-
Benwood Police Department	No	-
Berkeley County Sheriff's Office	No	-
Berkeley Springs Police Department	No	-
Bethany Police Department	No	-
Bethlehem Police Department	No	-
Bluefield Police Department	No	-
Bluefield State University Campus Police	No	-
Boone County Sheriff's Office	No	-
Bradshaw Police Department	No	-
Bramwell Police Department	No	-
Braxton County Sheriff's Office	No	-
Bridgeport Police Department	Yes	23
Brooke County Sheriff's Office	No	-
Buckhannon Police Department	No	-
Buffalo Police Department	No	-
Burnsville Police Department	Yes	2
Cabell County Sheriff's Office	Yes	7
Cairo Police Department	No	-
Calhoun County Sheriff's Office	No	-
Camden on Gauley Police Dept.	No	-
Cameron Police Department	No	-

Capon Bridge Police Department	Yes	1
Cedar Grove Police Department	No	-
Ceredo Police Department	No	-
Chapmanville Police Department	No	-
Charles Town Police Department	Yes	15
Charleston Police Department	Yes	176
Chesapeake Police Department	No	-
Chester Police Department	No	-
Clarksburg Police Department	Yes	1
Clay County Sheriff's Office	Yes	1
Clay Police Department	No	-
Clendenin Police Department	No	-
Concord University Police Department	No	-
Cowen Police Department	No	-
Danville Police Department	Yes	3
Davy Police Department	No	-
Delbarton Police Department	No	-
Division of Protective Services	Yes	17
Doddridge County Sheriff's Office	No	-
Dunbar Police Department	No	-
Durbin Police Department	No	-
East Bank Police Department	No	-
Eleanor Police Department	No	-
Elizabeth Police Department	No	-
Elkins Police Department	No	-
Fairmont Police Department	No	-
Fairmont State University Campus Police	No	-
Fairview Police Department	No	-
Farmington Police Department	No	-
Fayette County Sheriff's Office	Yes	32
Fayetteville Police Department	No	-
Flatwoods Police Department	No	-
Flemington Police Department	No	-
Follansbee Police Department	No	-
Fort Gay Police Department	No	-
Friendly Police Department	No	-
Gary Police Department	No	-
Gassaway Police Department	No	-
Gauley Bridge Police Department	No	-
Gilbert Police Department	No	-

Gilmer County Sheriff's Office	Yes	3
Glasgow Police Department	No	-
Glen Dale Police Department	No	-
Glenville Police Department	Yes	5
Glenville State College	Yes	2
Grafton Police Department	No	-
Grant County Sheriff's Office	Yes	5
Grant Town Police Department	No	-
Grantsville Police Department	No	-
Granville Police Department	Yes	14
Greenbrier County Sheriff's Office	No	-
Hambleton Police Department	No	-
Hamlin Police Department	No	-
Hampshire County Sheriff's Office	Yes	21
Hancock County Sheriff's Office	No	-
Handley Police Department	No	-
Hardy County Sheriff's Office	No	-
Harpers Ferry Police Department	No	-
Harrison County Sheriff's Office	Yes	44
Harrisville Police Department	No	-
Hartford Police Department	No	-
Hatfield-McCoy Trail Rangers	Yes	4
Henderson Police Department	No	-
Hinton Police Department	No	-
Hundred Police Department	No	-
Huntington Police Department	Yes	24
Hurricane Police Department	No	-
Iaeger Police Department	No	-
Jackson County Sheriff's Office	No	-
Jane Lew Police Department	No	-
Jefferson County Sheriff's Office	No	-
Junior Police Department	No	-
Kanawha County Park Police	Yes	7
Kanawha County Sheriff's Office	Yes	87
Kenova Police Department	No	-
Kermit Police Department	No	-
Keyser Police Department	No	-
Keystone Police Department	No	-
Kimball Police Department	No	-
Kingwood Police Department	No	-

Lester Police Department	No	-
Lewis County Sheriff's Office	No	-
Lewisburg Police Department	No	-
Lincoln County Sheriff's Office	No	-
Logan County Sheriff's Office	No	-
Logan Police Department	No	-
Lost Creek Police Department	No	-
Lumberport Police Department	No	-
Mabscott Police Department	No	-
Madison Police Department	No	-
Man Police Department	No	-
Mannington Police Department	No	-
Marion County Sheriff's Office	No	-
Marlinton Police Department	No	-
Marmet Police Department	No	-
Marshall County Sheriff's Office	No	-
Marshall University Campus Police	No	-
Martinsburg Police Department	Yes	44
Mason County Sheriff's Office	Yes	1
Mason Police Department	No	-
Masontown Police Department	No	-
Matewan Police Department	No	-
Matoaka Police Department	No	-
McDowell County Sheriff's Office	No	-
McMechen Police Department	No	-
Mercer County Sheriff's Office	No	-
Milton Police Department	Yes	4
Mineral County Sheriff's Office	Yes	15
Mingo County Sheriff's Office	No	-
Mitchell Heights Police Department	No	-
Monongah Police Department	No	-
Monongalia County Sheriff's Office	Yes	36
Monroe County Sheriff's Office	No	-
Montgomery Police Department	No	-
Moorefield Police Department	Yes	5
Morgan County Sheriff's Office	No	-
Morgantown Police Department	No	-
Moundsville Police Department	No	-
Mount Hope Police Department	No	-
Mullens Police Department	No	-

New Cumberland Police Department	No	-
New Haven Police Department	No	-
New Martinsville Police Department	No	-
Newburg Police Department	No	-
Nicholas County Sheriff's Office	Yes	25
Nitro Police Department	No	-
North Fork Police Department	No	-
Nutter Fort Police Department	No	-
Oak Hill Police Department	No	-
Oceana Police Department	No	-
Ohio County Sheriff's Office	No	-
Paden City Police Department	No	-
Parkersburg Police Department	Yes	63
Parsons Police Department	No	-
Paw Paw Police Department	No	-
Pendleton County Sheriff's Office	No	-
Pennsboro Police Department	No	-
Petersburg Police Department	No	-
Peterstown Police Department	No	-
Philippi Police Department	No	-
Piedmont Police Department	Yes	1
Pine Grove Police Department	No	-
Pineville Police Department	No	-
Pleasants County Sheriff's Office	No	-
Poca Police Department	No	-
Pocahontas County Sheriff's Office	No	-
Point Pleasant Police Department	No	-
Pratt Police Department	No	-
Preston County Sheriff's Office	No	-
Princeton Police Department	No	-
Putnam County Sheriff's Office	No	-
Quinwood Police Department	No	-
Rainelle Police Department	No	-
Raleigh County Sheriff's Office	Yes	45
Randolph County Sheriff's Office	No	-
Ranson Police Department	Yes	13
Ravenswood Police Department	Yes	8
Reedsville Police Department	No	-
Rhodell Police Department	No	-
Richwood Police Department	No	-

Ridgeley Police Department	No	-
Ripley Police Department	No	-
Ritchie County Sheriff's Office	Yes	1
Rivesville Police Department	No	-
Roane County Sheriff's Office	No	-
Romney Police Department	Yes	3
Ronceverte Police Department	No	-
Rowlesburg Police Department	No	-
Rupert Police Department	No	-
Saint Albans Police Department	No	-
Saint Marys Police Department	Yes	4
Salem Police Department	No	-
Shepherd University Campus Police	Yes	7
Shepherdstown Police Department	No	-
Shinnston Police Department	No	-
Sistersville Police Department	Yes	3
Smithers Police Department	No	-
Sophia Police Department	No	-
South Charleston Police Department	No	-
Spencer Police Department	No	-
Star City Police Department	Yes	6
Stonewood Police Department	No	-
Summers County Sheriff's Office	No	-
Summersville Police Department	No	-
Sutton Police Department	No	-
Sylvester Police Department	No	-
Taylor County Sheriff's Office	No	-
Terra Alta Police Department	No	-
Thomas Police Department	No	-
Triadelphia Police Department	No	-
Tri-State Airport Police Department	No	-
Tucker County Sheriff's Office	No	-
Tunnelton Police Department	No	-
Tyler County Sheriff's Office	No	-
Union Police Department	No	-
Upshur County Sheriff's Office	No	-
Valley Grove Police Department	No	-
Vienna Police Department	No	-
Village of Clearview Police Department	No	-
Village of Windsor Heights Police Dept	No	-

War Police Department	No	-
Wardensville Police Department	No	-
Wayne County Sheriff's Office	No	-
Wayne Police Department	No	-
Webster County Sheriff's Office	No	-
Webster Springs Police Department	No	-
Weirton Police Department	No	-
Welch Police Department	No	-
Wellsburg Police Department	No	-
West Hamlin Police Department	No	-
West Liberty Police Department	No	-
West Liberty State University PoliceDept	No	-
West Logan Police Department	No	-
West Milford Police Department	No	-
West Union Police Department	No	-
West Virginia Natural Resources Police	Yes	12
West Virginia Public Service Commission	Yes	7
West Virginia State Police	No	-
West Virginia State University Police	No	-
West Virginia University PD	No	-
Weston Police Department	No	-
Westover Police Department	Yes	9
Wetzel County Sheriff's Office	No	-
Wheeling Police Department	Yes	65
White Hall Police Department	No	-
White Sulphur Springs PD	Yes	3
Whitesville Police Department	No	-
Williamson Police Department	Yes	4
Williamstown Police Department	Yes	5
Winfield Police Department	No	-
Wirt County Sheriff's Office	No	-
Wood County Sheriff's Department	Yes	1
WVU at Parkersburg Campus Police	No	-
WVU at Potomac State College PD	No	-
WVU Institute of Technology PD	No	-
Wyoming County Sheriff's Office	Yes	2
Yeager Airport Police Department	Yes	10
Total Number of Officers Submitting		912
Total Departments Submitting		51

Appendix D: Website Criteria Checklist and Points System Division of Justice and Community Services

Website Criteria Checklist and Points System Division of Justice and Community Services			
User-Friendly	Description	Total Points Possible	Total Agency Points
Criteria	The ease of navigation from page to page along with the usefulness of the website.	18	9
		Individual Points Possible	Individual Agency Points
Search Tool	The website should contain a search box (1), preferably on every page (1).	2 points	2 points
Help Link	There should be a link that allows users to access a FAQ section (1) and agency contact information (1) on a single page. The link's text does not have to contain the word help, but it should contain language that clearly indicates that the user can find assistance by clicking the link (i.e. "How do I...", "Questions?" or "Need assistance?")	2 points	0 points
Foreign language accessibility	A link to translate all webpages into languages other than English.	1 point	0 points
Content Readability	The website should be written on a 6 th -7 th grade reading level. The Flesch-Kincaid Test is widely used by Federal and State agencies to measure readability.	No points, see narrative	No
Site Functionality	The website should use sans serif fonts (1), the website should include buttons to adjust the font size (1), and resizing of text should not distort site graphics or text (1).	3 points	2 points
Site Map	A list of pages contained in a website that can be accessed by web crawlers and users. The Site Map acts as an index of the entire website and a link to the department's entire site should be located on the bottom of every page.	1 point	1 point
Mobile Functionality	The agency's website is available in a mobile version (1) and/or the agency has created mobile applications (apps) (1).	2 points	0 points
Navigation	Every page should be linked to the agency's homepage (1) and should have a navigation bar at the top of every page (1).	2 points	2 points

Website Criteria Checklist and Points System Division of Justice and Community Services			
FAQ Section	A page that lists the agency’s most frequent asked questions and responses.	1 point	0 points
Feedback Options	A page where users can voluntarily submit feedback about the website or particular section of the website.	1 point	1 point
Online survey/poll	A short survey that pops up and requests users to evaluate the website.	1 point	0 points
Social Media Links	The website should contain buttons that allow users to post an agency’s content to social media pages such as Facebook and Twitter.	1 point	0 points
RSS Feeds	RSS stands for “Really Simple Syndication” and allows subscribers to receive regularly updated work (i.e. blog posts, news stories, audio/video, etc.) in a standardized format. All agency websites should have a RSS link on their websites.	1 point	0 points
Transparency	Description	Total Points Possible	Total Agency Points
Criteria	A website which promotes accountability and provides information for citizens about what the agency is doing. It encourages public participation while also utilizing tools and methods to collaborate across all levels of government.	32	10
		Individual Points Possible	Individual Agency Points
Email	General website contact.	1 point	0 points
Physical Address	General address of state agency.	1 point	1 point
Phone Number	Correct phone number of state agency.	1 point	1 point
Location of Agency Headquarters	The agency’s contact page should include an embedded map that shows the agency’s location.	1 point	0 points

Website Criteria Checklist and Points System Division of Justice and Community Services			
Administrative officials	Names (1) and contact information (1) of administrative officials.	2 points	2 points
Administrator(s) biography	A biography explaining the administrator(s) professional qualifications and experience.	1 point	0 points
Privacy policy	A clear explanation of the agency/state's online privacy policy.	1 point	1 point
Public Records	<p>The website should contain all applicable public records relating to the agency's function. If the website contains more than one of the following criteria the agency will receive two points:</p> <ul style="list-style-type: none"> • Statutes • Rules and/or regulations • Contracts • Permits/licensees • Audits • Violations/disciplinary actions • Meeting Minutes • Grants 	2 points	0 point
Complaint form	A specific page that contains a form to file a complaint (1), preferably an online form (1).	2 points	0 points
Budget	Budget data is available (1) at the checkbook level (1), ideally in a searchable database (1).	3 points	0 point
Mission statement	The agency's mission statement should be located on the homepage.	1 point	1 point
Calendar of events	Information on events, meetings, etc. (1) ideally imbedded using a calendar program (1).	2 points	1 point
e-Publications	Agency publications should be online (1) and downloadable (1).	2 points	2 points

Website Criteria Checklist and Points System Division of Justice and Community Services			
Agency Organizational Chart	A narrative describing the agency organization (1), preferably in a pictorial representation such as a hierarchy/organizational chart (1).	2 points	0 points
Graphic capabilities	Allows users to access relevant graphics such as maps, diagrams, etc.	1 point	1 point
Audio/video features	Allows users to access and download relevant audio and video content.	1 point	0 points
FOIA information	Information on how to submit a FOIA request (1), ideally with an online submission form (1).	2 points	0 points
Performance measures/outcomes	A page linked to the homepage explaining the agencies performance measures and outcomes.	1 point	0 points
Agency history	The agency's website should include a page explaining how the agency was created, what it has done, and how, if applicable, has its mission changed over time.	1 point	1 point
Website updates	The website should have a website update status on screen (1) and ideally for every page (1).	2 points	0 points
Job Postings/links to Personnel Division website	The agency should have a section on homepage for open job postings (1) and a link to the application page Personnel Division (1).	2 points	0 points

Appendix E: Agency Response

Earl Ray Tomblin, Governor

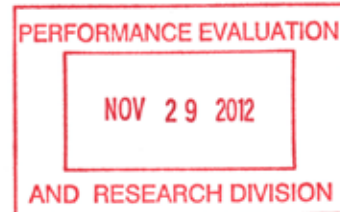


Department of Military Affairs & Public Safety

J. Norbert Federspiel, Director

November 29, 2012

John Sylvia, Director
West Virginia Legislature
Performance Evaluation and Research Division
Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610



RE: West Virginia Division of Justice and Community Services (DJCS) Performance Audit

Dear Director Sylvia:

This letter is the DJCS written response to the draft Performance Evaluation and Research Division's (PERD) performance audit, which began September 26, 2011 and ended November 27, 2012. I have reviewed the report in its entirety. Overall I am pleased with the material insofar as it contains fairly accurate information; and further, given the intensity and length of the audit, I'm quite pleased it produced no startling revelations. I concur with many of the recommendations and I intend to closely evaluate all suggestions made within the report and evaluate the Division's ability to implement more accurate performance measures and website improvements to comply with the spirit of this review. On behalf of my Division I would like to thank PERD for their efforts in assisting us with improving the services we provide to our clients and the citizens of the State of West Virginia. However, let me give particular attention to Item 1, as stated:

ITEM 1. *"The Division of Justice and Community Services is not enforcing the law enforcement officer certification process."*

RESPONSE: I concur with this statement only in part as it infers that DJCS is "wholly" deficient in its administration of the certification process. This inference is incorrect. This "broad brush" statement overlooks the other critical activities the agency conducts to certify modern, professional law enforcement officers. We are deficient in fully tracking the firearms qualification element of certification. Furthermore, I am pleased that PERD has chosen this matter to be brought to the attention of the Joint Committee on Government Operations, the Joint Committee on Government Organization and the Legislature in this manner.

This Division accepts responsibility for this finding and proffers that the deficiency was due *primarily* as a result of limited funds which severely relegated our ability to administer the officer firearms qualification aspect of the Law Enforcement Professional Standards (LEPS) Program. Until the 2011 Legislative Session this Division operated the State's entire LEPS unit with an annual dedicated special fund budget which averaged approximately \$30,000 - \$40,000 per year. These funds were derived from the Special Revenue Account established by the legislature in code at section 30-29-4, and allowed DJCS the use of 10% of those funds for administration of the program. This amount was intended to appropriately administer the law enforcement officer certification processes for approximately 3,770 active law enforcement officers that are employed by 270 agencies and additionally 170 officers who are currently under certification retention. This budget was inadequate and the funding deficiencies:

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- 1.) Only provided for the partial salary and benefits of one (1) LEPS Coordinator for the entire state. This Division is unaware of any other state in our nation which had only one individual responsible for the law enforcement certification processes of their entire state;
- 2.) Did not allow for modifications to, or replacement of, the existing antiquated online Officer Training Information System (OTIS). Replacement of this system would have enhanced our ability to track and report out on officer firearms qualifications in our State; and,
- 3.) Did not provide the Division the resources to appropriately monitor the status of officer firearms qualification in our State.

To suggest in the audit report that the Division has made limited efforts to improve in the tracking of firearms qualifications is not a realistic representation when contemplating the above-referenced circumstances.

Most recently the DJCS requested modest "improvement above current level budget requests" in its FY 2007 and then again in its FY 2008 Request for Appropriation. Granting these improvement packages would have afforded the Division the ability to address program deficiencies through the hiring of additional personnel. These requests for additional funding (and others which preceded them) were intended to afford DJCS the ability to greatly improve the administration of the LEPS program. These requests were not acted upon.

In 2009 the Division began exploring a suitable replacement for the antiquated OTIS. One of the key requirements of this system was the capacity to track officer firearms qualifications. In January 2011, DJCS secured \$300,000 in grant funds to purchase a new system which is now operational. This system has the ability to track officer continuing education and officer firearms qualification requirements stipulated in Code.

The 2011 Legislature amended and passed §30-29-2 and made additional amendments to Article 29 of Chapter 30, which broadened the responsibilities of the LEPS program and provided new general funding to absorb those responsibilities by hiring an assistant LEPS Coordinator and a Secretary. These funds are very much appreciated but there still exists a very real need for additional funding for a data entry clerk for the program.

The Division and LEPS subcommittee of the Governor's Committee on Crime, Delinquency and Correction (GCCDC) have proposed modifications to Legislative Rule 149CSR2 relating to law enforcement officer training and certification standards for consideration by the 2013 session of the legislature. These changes mandate that it is the law enforcement agency's responsibility to report compliance with firearms qualification requirements for its officers.

It is the Division's opinion that with additional staff, new OTIS and the proposed changes to 149CSR2 submitted to the legislature that this matter will be substantially addressed.

In closing I would like to again take this opportunity to inform members of the Joint Committees and the Legislature of a potentially more serious problem facing LEPS that was not addressed in the performance audit.

Enacting legislation for the LEPS Program (then Law Enforcement Training, LET) was passed in 1981, establishing that fees be collected to support LEPS efforts in West Virginia. The Special Revenue Account established at Section 30-29-4 was intended to support officer training with 90% of the revenue while 10% of amounts collected were set aside for the administration of the program. In 30 years, those fees supporting this vitally essential, and most basic criminal justice

component, have never been increased and no supplemental appropriation has been provided to specifically address Law Enforcement Training needs in West Virginia.

The number of law enforcement agencies and officers in this state that require basic training have significantly increased. The demands on those officers and agencies have changed significantly over the past 30 years demanding increasing sophisticated training. State and federal law have become increasingly complex. Homeland defense is at the forefront of both the nation's and West Virginia's concerns. Citizens of this state expect and deserve those individuals considered 1st responders – law enforcement – to be some of the most highly trained, coordinated, and professional individuals in our criminal justice system. Unfortunately however, funding to facilitate the training to meet these demands has not increased.

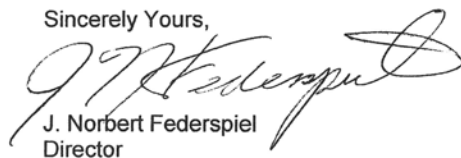
The average annual dollar amount generated from fees for the purposes of law enforcement training averages \$380,000 per year. These funds provide for basic, entry-level law enforcement training only. Approximately 3 years ago these funds dwindled to the degree that ANY basic law enforcement training in West Virginia would have ceased were it not for a chance allotment of grant monies which built the training fund back up. This was only a temporary fix however, and those grant funds are gone. The basic law enforcement training fund is again dwindling and when exhausted, law enforcement agencies in West Virginia will have untrained officers in the field for potentially protracted periods of time. These officers would remain untrained until more fees could be collected and the fund built up enough to provide for another basic law enforcement training class. All the while more officers would continue to be hired while other officers are awaiting training. This circumstance will create a "bottle neck" effect of untrained officers in West Virginia that will compound on itself creating a very real public safety hazard. This is not a "cry wolf" circumstance. This will happen.

It is also important to recognize that in addition to basic, entry-level law enforcement training, that so much more could be accomplished after that officer leaves the academy. "Advanced/In-Service" training addressing homeland defense, domestic violence, juvenile matters, police professionalism, etc. etc. etc., could be developed, standardized, coordinated and delivered in an effective manner. Continuing education and training of this nature is one of the most logical, cost effective ways to address many of the systemic problems West Virginia's criminal justice system currently faces.

Thank you for the opportunity to comment and bring to your attention the additional issue of needed investment in law enforcement training in our state. If you have questions, comments or concerns regarding this response please feel free to contact me at (304) 558-8814, extension 53335 or via email at J.Norbert.Federspiel@wv.gov

With kind regards and respectfully submitted, I am

Sincerely Yours,



J. Norbert Federspiel
Director

C: Joseph C. Thornton, Cabinet Secretary
WVDCJS 2011 PERD Performance Audit File
JNF:JDE/amw



WEST VIRGINIA LEGISLATIVE AUDITOR

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