

Preliminary Performance Review

The West Virginia State Police

**West Virginia State Police Staffing Levels Have
Fallen Below the Number of Full-time Equivalent
Positions Authorized by the Legislature and
Current Recruitment and Training Programs Do Not Provide
Adequate Numbers of Replacement Officers in a Timely Manner
to Fill Present and Future Needs**

**Increased Security Duties and Officer Shortages
Have Reduced Field Operation Activity Levels
Since Fiscal Year 2000**

**The West Virginia State Police Does Not Complete
the Number of Motor Vehicle Inspection Station
Compliance Reviews That Are Required by the
Motor Vehicle Inspection Program, but
Performance Has Improved in Recent Years**



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John Sylvia
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January 6, 2003

The Honorable Edwin J. Bowman
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The Honorable Vicki V. Douglas
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Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting a Preliminary Performance Review of the West Virginia State Police, which will be presented to the Joint Committee on Government Operations on Monday, January 6, 2003. The issues covered herein are "The West Virginia State Police Staffing Levels Have Fallen Below the Number of Full-time Equivalent Positions Authorized by the Legislature and Current Recruitment and Training Programs Do Not Provide Adequate Numbers of Replacement Officers in a Timely Manner to Fill Present and Future Needs;" "Increased Security Duties and Officer Shortages Have Reduced Field Operation Activity Levels Since Fiscal Year 2000;" and "The West Virginia State Police Does Not Complete the Number of Motor Vehicle Inspection Station Compliance Reviews That Are Required by the Motor Vehicle Inspection Program, but Performance Has Improved in Recent Years."

We transmitted a draft copy of the report to the West Virginia State Police on December 27, 2002. We held an Exit Conference with the State Police on January 2, 2003. We received the agency response on January 3, 2003.

Sincerely,

Handwritten signature of John Sylvia in cursive script.
John Sylvia

JS/wsc

Joint Committee on Government and Finance

West Virginia State Police

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Executive Summary

Issue 1: West Virginia State Police Staffing Levels Have Fallen Below the Number of Full-time Equivalent Positions Authorized By the Legislature and Current Recruitment and Training Programs Do Not Provide Adequate Numbers of Replacement Officers in a Timely Manner to Fill Present and Future Needs.

State Police staffing levels have consistently fallen below the number of FTE (full-time equivalent) positions authorized by the Legislature. This problem has become particularly serious during the last two years, since there have been no new classes of cadet troopers. The steady attrition of State Police officer numbers requires new State Police Academy classes each year. The two academy classes planned for calendar year 2003 will provide an inadequate number of replacements to fill all vacant positions.

Data indicate that the steady loss of officers has resulted in 114 vacancies agency wide. After FY 1997, the annual number of officers lost from all causes increased dramatically. From FY 1998 to FY 2002, an average of 48 officers have been lost each year. During FY 2002, the number of retiring officers increased from 24 to 37. Since retirements are the largest single source of officer losses, the State Police should track officers who are nearing eligibility for retirement and plan their future hiring needs accordingly. Given the current rate of officer attrition, the regularly scheduled replacement of officers is essential to maintain State Police manpower at a level that is relatively close to the authorized number of positions.

The elevated number of officers lost during FY 2002 have impacted State Police officers numbers so severely because of the lack of a graduating academy class. If the State Police has as many as 71 academy graduates in FY 2003 (the current number of active applicants), the agency may only gain 10 officers based on FY 2002's loss rate. **It is possible that the projected number of FY 2003 Academy graduates could be completely offset by officer losses for the year.**

The State Police's current budget request for FY 2004 will not substantially improve the staffing situation. The agency is currently requesting funding for 68 cadets, making allowances for an estimated 40 additional officer losses during the year. That means that the State Police will only gain 28 officers. At this rate of hiring and training, the State Police will not come close to filling its large number of vacancies for several more years.

The State Police Academy has room to house a maximum of 216 cadets. The agency does have the physical capacity to train a much larger number of cadets than it actually needs. Local law enforcement agencies also use the Academy's facilities for training new recruits at various times during the year. This does limit the amount of space that is available. While it is important to provide training for local law enforcement officers, the staffing needs of the State Police are serious and the training of State Police cadets should be the highest priority. The current State Police Academy curricula is structured in such a manner as to prevent the combining of state and local police training classes. Basic law enforcement training courses could be separated from State Police-specific training in such a way as to permit the training of both types of new officers in a single class. Instruction that involves policies and procedures unique to state or local police departments could be taught as separate courses. If both local and State Police recruits are trained in the same basic law enforcement courses, this could enable the State Police to train smaller numbers of new recruits on a more frequent basis, eliminating the need to wait for a large pool of eligible recruits. Also, combining classes would be a way for both types of officers to complete training at the same time, without one type of cadet class competing for Academy space with another.

Historically the State Police has hired only a fraction of available applicants for each cadet class. A large number of applicants voluntarily withdraw from the process, while others do not successfully complete the testing and screening process. The table in Appendix II provides data on the number of applicants completing each of the five steps in the initial testing and screening process. The table clearly illustrates that the greatest applicant losses are due to those who do not show up for or fail the initial phase one testing. **Since the State Police eliminates approximately 70-80% of applicants during this phase, perhaps the State Police should reevaluate phase one testing.** It is possible that some qualified applicants are unnecessarily eliminated early in the screening process, given the large numbers that fail during phase one.

Issue 2: Increased Security Duties and Officer Shortages Have Reduced Field Operation Activity Levels Since Fiscal Year 2000.

The number West Virginia State Police officers has declined during the last two years (see Issue 1). At the same time, the State Police has had to provide officers for additional security duties in the aftermath of the September

11, 2001 bombings and statewide flooding emergencies. During the last year, this has placed additional demands on an already understaffed agency. The result of under-staffing coupled with additional duties has been a reduction of field activity during the last year.

The number of officers assigned to field operations has fallen during recent years. This demonstrates that the loss of officers discussed in Issue 1 has resulted in significantly fewer officers assigned to field duties.

The demand for additional security duties coupled with personnel shortages have made a negative impact on the number of hours devoted to police hours. The category police hours refers to traditional police activities such as vehicle enforcement or criminal investigations. Seven basic activities comprise the category of police hours. These activities include road patrol, traffic, criminal investigation, supervision of personnel and/or administration of office duties, communications, criminal court, and traffic court. The largest amount of time is spent on criminal investigations. The category non-police hours includes five activities. These activities include special events, operator exams, assisting DMV, specialty hours, and other. Special events was the largest category until FY 2001, when other became the largest. Other includes an increasing number of security-related work hours.

The total number of hours spent by State Police officers in the field declined by 106,631 hours from FY 2001 to FY 2002. While the total number of field hours decreased, the number of non-police hours actually increased by 19,687 hours or 11.8%. The number of police hours fell by 126,318 hours or 17.3% during the same period.

The demand for officers to provide increased security following the September 11, 2001 attacks coincided with increased security demands following statewide flooding. These two activities contributed 21,600 hours of the 167,044 non-police hours worked by the State Police in FY 2002. The result was 19,687 additional non-police hours during FY 2002. These requirements strained a trooper force that was short 100 personnel. The demand for additional security officers combined with a falling number of field officers reduced total police hours.

The State Police categorizes ten activities as police activities. These include arrest, traffic citations, motor assistance, accident reports, revocation orders, criminal investigation reports, contraband, property recovery, information collection for the West Virginia Intelligence Exchange Database, and domestic violence protective orders. An examination of field activities that are not measured in hours further illustrates a decline from FY 2001 to FY 2002.

Almost all categories of police activities showed a decline in 2002. The greatest declines came in the areas of traffic violations, traffic warnings and misdemeanor arrests. Misdemeanor arrests declined by 4,318 or 19.5% during FY 2002 and declined almost every year since FY 1997. The number of traffic violations written by officers declined by 43,710 or 33.8% during FY 2002. This represented a major drop from any of the previous years listed in Table 7. The number of traffic warnings fell to a low as well, declining by 38,373 or 30% in FY 2002. The drop in traffic-related activity counts for FY 2002 coincided with a 28.8% drop in road patrol hours and a 19.7% drop in traffic duty hours. Felony arrest levels fell slightly, by 158 or only 1.8%, during FY 2002. **These numbers indicate that as the demand for security duties increased, the State Police focused less on arrests for minor offenses and traffic enforcement.** The result was a substantially reduced level of activity in these areas.

Issue 3: The West Virginia State Police Does Not Complete the Number of Motor Vehicle Inspection Station Compliance Reviews That Are Required by the Motor Vehicle Inspection Program but Performance Has Improved in Recent Years.

Data from the West Virginia State Police indicate that the number of compliance reviews conducted on Official Motor Vehicle Inspection Stations consistently falls short of the number required by the policies of the West Virginia Motor Vehicle Inspection Program. The Legislative Auditor's Office estimated the number of required compliance reviews based on the Motor Vehicle Inspection Program's policy of conducting reviews of each station every forty-five days. Since calendar year 2000, the proportion of required visits conducted has increased considerably, but as many as 30% of required visits are not conducted in a timely fashion.

Disciplinary actions taken by the State Police take the form of warnings issued to stations found to be in non-compliance or the suspension of stations or individual mechanics from participation in the Motor Vehicle Inspection Program. Few stations or mechanics are suspended from the Program, while the State Police issues a large number of warnings each year. A relatively small number of stations are not approved for the Motor Vehicle Inspection Program.

The relatively low numbers of suspensions and high numbers of warnings may be indicative of the competing goals inherent to the operation of the Motor Vehicle Inspection Program. On one hand, the State Police seeks to maximize the number of Official Vehicle Inspection Stations to facilitate public compliance with inspection requirements. This provides a disincentive for eliminating stations from the Program. At the same time, monitoring the quality of inspections is important; otherwise poorly-conducted inspections do nothing to ensure the safety of vehicles operating on the State's roads. This is an incentive to strictly enforce the standards which form the basis of compliance reviews. The State Police, therefore, seeks to balance the need for a large number of Official Vehicle Inspection Stations with the need to enforce inspection standards.

In 1999, the passage of House Bill 2258 transferred driver's licensing examination duties from the State Police to the Division of Motor Vehicles (DMV). The transfer of motor vehicle inspection duties to the DMV would free nineteen (plus one vacant position) uniformed officers for assignment to other duties. The State Police MVI Unit also employs seven civilian employees. Considering the number of current State Police vacancies and the recent demands for additional security officers, reassigning motor vehicle inspection duties to the DMV would make a significant number of additional officers available. The Legislature should consider amending WVC §17C-15-48(i) to transfer motor vehicle inspection duties to the DMV.

Recommendations:

- 1. The State Police should consider the regular annual scheduling of applicant testing dates and the regular scheduling of officer cadet classes, basing class sizes on historical officer attrition rates.*
- 2. The State Police should reevaluate applicant testing and screening procedures to determine if current practices are eliminating significant numbers of qualified applicants from further consideration.*
- 3. The State Police should collect data on applicants who are experienced police officers and determine if the testing and training process should be redesigned to hire additional recruits from this source.*
- 4. The State Police should identify positions that could be assumed by civilian employees and reassign uniformed officers to law enforcement duties.*

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5. *The State Police should consider restructuring State Police Academy courses to separate basic law enforcement training from training that is specific to the State Police policies and procedures, in order to train new recruits alongside those of other law enforcement agencies.*
 6. *The State Police should consider eliminating the use of State Troopers for out-of-state athletic events involving WVU, Marshall, or other institutions of higher education.*
 7. *If the State Police continues to provide State Troopers for use at out-of-state athletic events the Legislature should consider requiring institutions of higher-education to pay for all costs associated with such practices.*
 8. *The State Police should study and report back to the Legislature the costs associated with providing State Troopers for limited access paid events during the past three fiscal years.*
 9. *The State Police should seek to balance the demand for increased security services, plus any non-essential services, with the need to maintain police activity levels.*
 10. *The Legislature should consider amending WVC §17C-15-48(i) to transfer motor vehicle inspection duties to the Division of Motor Vehicles, thereby freeing uniformed State Police officers for other duties.*
 11. *If the Legislature chooses not to transfer motor vehicle inspection duties to the Division of Motor Vehicles, the State Police should consider limiting the amount of time MVI Unit officers are required to perform other duties, whenever possible, particularly in those regions where the targeted number of station compliance reviews are not conducted.*

Review Objective, Scope and Methodology

This is the report on the Preliminary Performance Evaluation of the West Virginia State Police. The Legislature created the State Police in 1919. According to West Virginia Code §15-2-12:

The West Virginia state police shall have the mission of statewide enforcement of criminal and traffic laws with emphasis on providing basic enforcement and citizen protection from criminal depredation throughout the state and maintaining the safety of the state's public streets, roads and highways.

Objective

The objective of this evaluation is to examine the following issues:

- (1) Do the current State Police recruitment and training programs provide an adequate number of replacements to fill current openings and those that will occur in the immediate future?
- (2) Has the shortage of officers and the additional demands for security caused by recent events, adversely affected State Police field operation activity levels?
- (3) Does the State Police Motor Vehicle Inspection (MVI) Unit perform the required number of inspection station compliance reviews?

Scope

The scope of this review focuses on the time period from FY 1997 to FY 2002. This report concentrates primarily on the effects of State Police staffing levels since FY 1997 on field operation activity levels, including the impact on the MVI Unit's productivity. The report also emphasizes the role of recruitment in maintaining State Police officers numbers given the rates of attrition experienced by the agency during recent years.

Methodology

The Legislative Auditor's Office obtained nearly all of the data used in this report from the West Virginia State Police. These data included the following:

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1. Uniformed officer staffing levels for each year since FY 1997 and the number of officers lost annually;
 2. The costs of training recruits;
 3. Applicant testing and cadet training procedures, as well as data on applicants who pass each phase of testing;
 4. The number of recent cadet class graduates;
 5. Recommendations from a State Police study entitled *Short-term Alleviation of Field Operations Manpower Shortages: An Abbreviated Staff Study*;
 6. Data on the numbers of officers assigned to State Police detachments;
 7. Data on the number of field hours worked and other activity counts, such as arrests and traffic enforcement activities;
 8. Data on the number of Motor Vehicle Inspection Station compliance reviews conducted by the Motor Vehicle Inspection (MVI) Unit, organized by regions;
 9. Data on disciplinary actions taken by the MVI Unit and disapproved stations, organized by regions;
 10. Data on the organization and procedures of the MVI Unit.

The Legislative Auditor's Office compared data on staffing levels and full-time equivalent positions with data on the number of applicants tested and new cadet officers trained each year. This determined to adequacy of State Police recruitment efforts. Changes in the composition and number of field hours worked by State Police officers, as well as other activity counts, were compared to changes in staffing levels. The goal of this analysis was to determine the impact of staffing levels and increased demands for security duties on the activity levels of field officers. Finally, the MVI Unit's activity levels were evaluated in light of the need to assign the Unit's officers to other duties, while ensuring the public's safety through the timely conduct of inspection station compliance reviews.

West Virginia State Police Staffing Levels Have Fallen Below the Number of Full-time Equivalent Positions Authorized By the Legislature and Current Recruitment and Training Programs Do Not Provide Adequate Numbers of Replacement Officers in a Timely Manner to Fill Present and Future Needs.

State Police staffing levels have consistently fallen below the number of FTE (full-time equivalent) positions authorized by the Legislature. This problem has become particularly serious during the last two years, since there have been no new classes of cadet troopers. The steady attrition of State Police officer numbers requires new State Police Academy classes each year. The two academy classes planned for calendar year 2003 will provide an inadequate number of replacements to fill all vacant positions.

The lack of regularly-scheduled testing dates for State Police applicants, coupled with the lack of regularly-scheduled academy classes provides uncertainty for prospective applicants. The inability of applicants to determine when they will be offered the opportunity to test for a position, or to know when they will actually begin working, provides a disincentive to seek a position with the State Police.

The Ongoing Attrition of Uniformed Officer Numbers

Data indicate that the steady loss of officers has resulted in 114 vacancies agency wide (see Figure 1). Table 1 presents data on the number of officers who have resigned, retired or been terminated during recent years. After FY 1997, the annual number of officers lost from all causes increased dramatically. From FY 1998 to FY 2002, an average of 48 officers have been lost each year. During FY 2002, the number of retiring officers increased from 24 to 37. An additional five officers who belong to the National Guard or Reserves are currently on active military duty. A total of 53 others, including 49 officers and four civilians, belong to the National Guard or Reserves and could be subject to active military duty. Since retirements are the largest single source of officer losses, the State Police should track officers who are nearing eligibility for retirement and plan their future hiring needs accordingly. Given the current rate of officer attrition, the regularly scheduled replacement of officers is essential to maintain State Police manpower at a level that is relatively close to the authorized number of positions.

Figure 1

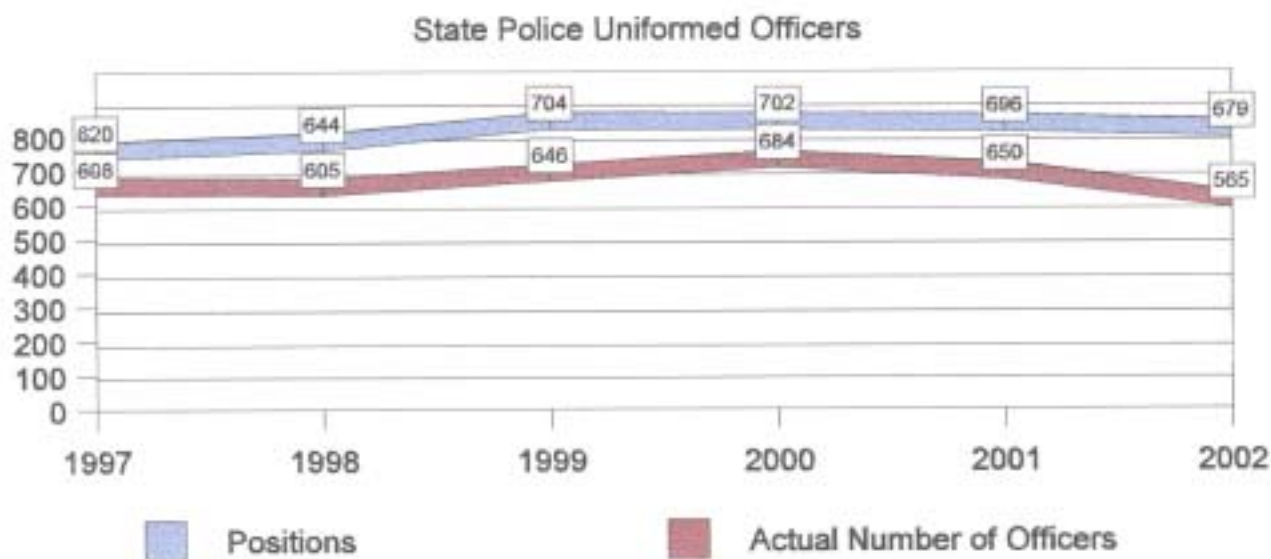


Table 1
Officer Losses: FY 1997-FY 2002

	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
Terminations	0	0	6	3	3	4
Resignations	7	24	18	25	6	20
Retirements	10	17	24	29	24	37
Total Losses	17	41	48	57	33	61

Data provided by the State Police.

The Costs Associated With Training State Police Recruits

The State Police provided the Legislative Auditor's Office with information regarding the total costs associated with the training of each cadet. Table 2 lists each category of expense paid for the training of a single cadet. Considerable costs arise from the need to provide room and board as well as uniforms and equipment for cadets during the six months of Academy training. Following the completion of Academy training and the Field Officer Training Program, each new officer will also need a vehicle that includes police radio and computer equipment. The State Police projected the cost of each of these

vehicles at \$39,430 in FY 2003.

Table 2 Total Costs Per State Police Cadet Trooper	
Uniforms and Related Equipment	\$4,450
Training Ammunition	\$480
Food	\$1,300
Applicant Psychological Testing	\$140
Applicant Physicals and Lab Work	\$84
Training Supplies	\$300
Office Supplies and Misc.	\$180
*Recruiting Advertisement	\$222
Total for one cadet	\$7,156
Total for a class of 45 cadets	\$322,020
<i>*Based on a cost of \$10,000 for a class of 45 cadets. Data provided by the State Police.</i>	

State Police Applicant Testing and Cadet Classes Should Be Regularly Scheduled in Order to Supply an Adequate Number of Replacements

Currently, the testing dates for State Police applicants are not regularly scheduled, therefore, some prospective applicants may miss the opportunity to take the test. If testing dates were scheduled at approximately the same time each year, prospective applicants would become familiar with the routine and would know when to apply. Regularly scheduled testing could only take place after the State Police completes accelerated hiring to fill current vacancies. This is the case since additional applicants and cadet classes would be necessary to immediately fill all vacancies.

Table 3 lists State Police cadet classes conducted during recent years. The classes are not regularly scheduled with one class graduating during calendar

years 1997 and 1998 and two classes finishing each year during 1999 and 2000. The last class graduated from the academy on July 7, 2000. While it has been demonstrated that attrition among the ranks of the State Police is steady, the supply of replacement officers is not.

Table 3 also lists tentatively-scheduled State Police Academy classes. The State Police currently has plans to conduct two academy classes beginning in January 2003. The number of new officers will total no more than 71. That is the number of currently remaining applicants (see Appendix II). Since the application process is not yet completed, the final number may be smaller. Given that the State Police currently has 100 vacancies and that it requires a two-year period to screen and train recruits, the number of replacements gained from the two classes will be inadequate. As has already been discussed, the State Police has lost an average of 48 officers each year since 1998. **This means that additional classes will be necessary to fill current vacancies as well as those that will occur during the next year.** This would require the appropriation of funds for the additional classes by the Legislature.

Table 3	
Recent State Police Cadet Classes	
Graduation Date	Number of Cadets Trained
45 th Class: April 18, 1997	27
46 th Class: March 20, 1998	30
47 th Class: May 7, 1999	39
48 th Class: June 11, 1999	39
49 th Class: April 14, 2000	38
50 th Class: July 7, 2000	42
*51 st Class: June 2003	Combined total of no more than 71 cadets (the number of currently active applicants)
*52 nd Class: June 2003	
<i>*Dates are estimated based on tentatively scheduled classes. Data provided by the State Police.</i>	

Table 4 illustrates the net effect of officer losses and replacements for FY 1998-FY 2002. The numbers listed are the result of subtracting the annual number of officers lost (see Table 1) from the number of graduating cadets (see

Table 3). As the data indicate, the elevated number of officers lost during FY 2002 have impacted State Police officers numbers so severely because of the lack of a graduating academy class. Table 4 also shows that if the State Police has as many as 71 academy graduates in FY 2003 (the current number of active applicants), the agency may only gain 10 officers based on FY 2002's loss rate. **It is possible that the projected number of FY 2003 Academy graduates could be completely offset by officer losses for the year.**

Table 4 Net Gain/Loss of Uniformed State Police Officers By Fiscal Year						
1997	1998	1999	2000	2001	2002	2003
10	-11	30	-19	9	-61	*no more than 10
*Estimated net officer gain/loss if the State Police loses the same number of officers in FY 2003 that were lost in FY 2002. Data also assumes 71 projected Academy graduates. Data provided by the State Police.						

The total length of time required for a new recruit to complete the applicant screening process, academy training and the Field Officer Training Program is approximately two years. Applicant screening and testing requires approximately six months, as does academy training. The Field Officer Training Program requires approximately one year. Since preparing an officer to operate independently requires such a long time period, the hiring of new officers should take place on a regular basis, at least annually. Hiring should occur at an accelerated pace until the number of vacancies is greatly reduced. While new officers are completing their training, additional officers will retire and resign, requiring more replacements. **This means that even if the State Police took immediate steps to fill all vacancies, the State Police staffing levels would continue to be significantly below the number of authorized FTEs from a lack of fully trained officers in the field for at least the next two years.**

The State Police's current budget request for FY 2004 will not substantially improve this situation. The agency is currently requesting funding for 68 cadets, making allowances for an estimated 40 additional officer losses during the year. That means that the State Police will only gain 28 officers. At this rate of hiring and training, the State Police will not come close to filling its large number of vacancies for several more years.

The State Police Academy has room to house a maximum of 216 cadets. The agency does have the physical capacity to train a much larger number of cadets than it actually needs. Local law enforcement agencies also

use the Academy's facilities for training new recruits at various times during the year. This does limit the amount of space that is available. While it is important to provide training for local law enforcement officers, the staffing needs of the State Police are serious and the training of State Police cadets should be the highest priority.

The State Police Hires Only a Small Number of Applicants

Historically the State Police has hired only a fraction of available applicants for each cadet class. A large number of applicants voluntarily withdraw from the process, while others do not successfully complete the testing and screening process. The table in Appendix II provides data on the number of applicants completing each of the five steps in the initial testing and screening process. The table clearly illustrates that the greatest applicant losses are due to those who do not show up for or fail the initial phase one testing. Table 5 summarizes data from Appendix II to show the percentage of applicants who fail phase one testing. **Since the State Police eliminates such a large proportion of applicants at this phase, perhaps the State Police should reevaluate phase one testing.** It is possible that some qualified applicants are unnecessarily eliminated early in the screening process, given the large numbers that fail during phase one.

Table 5 Percentage of State Police Applicants Failing Phase One Testing				
46 th Class	47 th and 48 th Class	49 th Class	50 th Class	51 st and 52 nd Class
69.1%	79.6%	78.9%	69.9%	69.8%
<i>Calculated using data provided by the State Police.</i>				

Experienced Police Officers May Be an Under-Utilized Source of Recruits

A substantial proportion of applicants hired by the State Police are experienced police officers. The current requirement that newly-hired officers complete the entire State Police Academy program may, however, be a deterrent to some experienced officers who do not need to receive basic law enforcement training and do not want to repeat their academy training. A

representative of the State Police estimated that as many as 25% of new recruits are experienced police officers and the number could grow if the State Police streamlined the training process to match their experience level. Although the State Police could not provide data on the number of experienced officers hired, the number appears to be significant. Data in Table 5 has already demonstrated that the State Police eliminate the vast majority of applicants during phase one testing. It is possible that sizeable numbers of experienced police officers have failed phase one testing as well. This cannot be known for certain because of the lack of data on the number of applicants who are experienced police officers. **The State Police should collect data on applicants who are experienced police officers and determine if the testing and training process should be redesigned in order to avoid eliminating some qualified and experienced applicants.**

Civilian Employees Could Fill Some Positions

A recent State Police staffing study indicated that some positions could be filled with civilian employees instead of the uniformed officers currently filling them. These positions included Academy Instructors, MVI supervisors, headquarters support positions and Forensic Lab positions. These positions do not involve law enforcement duties and could free a small number of uniformed officers for field duties. In effect, the study concluded that the effects would be minor and short-term in nature. The study stated:

Because the number of potential reassignments are so small, this would have little impact on the overall manpower shortage. It would help in preventing elevation of additional line officers to fill a few supervisory vacancies.

However, the Legislative Auditor could not verify this statement.

Current State Police Academy Training Could be Restructured

As discussed earlier, the State Police Academy also holds training classes for officers employed by local police departments. Local police academy classes have taken place during the two-year period in which there have been no State Police classes. The current State Police Academy curricula is structured in such a manner as to prevent the combining of state and local police training classes. Basic law enforcement training courses could be separated from State Police-specific training in such a way as to permit the training of both types of new officers in a single class. Instruction that involves policies and

procedures unique to state or local police departments could be taught as separate courses. If both local and State Police recruits are trained in the same basic law enforcement courses, this could enable the State Police to train smaller numbers of new recruits on a more frequent basis, eliminating the need to wait for a large pool of eligible recruits. Also, combining classes would be a way for both types of officers to complete training at the same time, without one type of cadet class competing for Academy space with another.

Providing basic law enforcement training and advanced training in separate courses would enable the State Police to reduce the length of academy training time required for experienced police officers hired by the agency. By designing separate advanced courses, experienced police officers, hired by the State Police, would not have to complete redundant basic law enforcement training. This would eliminate a possible disincentive for experienced officers to apply for State Police positions as well as resulting in possible cost savings due to the abbreviated length of training time.

The State Police Should Reconsider Providing Security for Higher Education Facilities and for Private Entities.

The State Police currently provides protective services to private entities, such as the West Virginia State Fair, and security to state agencies, such as Marshall University and West Virginia University. These services are being provided at a significant cost to the State Police, with little to no reimbursement from the State Fair and from higher education institutions. Furthermore, some of the services provided may not be necessary. For example, the troopers supplied to out-of-state MU and WVU football games have no enforcement authority when outside of West Virginia. Given the shortage of troopers that the State is currently experiencing, the State cannot afford to provide officers for unnecessary purposes.

Security Provided for Out of State Football Games is Unnecessary

The State Police supplies two officers for each MU and WVU away game. Both universities provide transportation, lodging and meals for these games. The State Police then covers the salary costs for these troopers. The Legislative Auditor understands that the presence of a State Trooper may provide a sense of security to the head coaches of the MU and WVU football teams. However, these troopers have no actual enforcement authority outside the state. With the current shortage of troopers that the State Police is

experiencing, the State needs to examine any unnecessary and/or non-vital functions which state troopers are presently used for. As a result, it is recommended that the State Police consider eliminating the use of State Troopers for out-of-state athletic events.

Security Provided to Private Entities and Higher Education Institutions is Costly

The State Police also provides security at MU and WVU home football games. On average, security for WVU costs \$12,700 for 55-60 troopers per home game; security for MU costs approximately \$1,500 for 10-12 troopers per home game. Assuming six home games are scheduled in a year, this security costs the State Police approximately \$76,200 for WVU and \$9,000 for MU annually, plus travel expenses for each trooper. **However, MU did not reimburse any of these costs in calendar year 2002 and WVU reimbursed only \$3,500.**

In addition to the services provided to WVU and Marshall, the State Police oversees the security at the West Virginia State Fair. In 2002, the State Police disbursed \$77,400 to provide 30 troopers for security at this fair. **The State Fair did not reimburse the State Police for any of these costs.**

West Virginia *Code* §15-2-18(b) gives the State Police the authority to provide security services by contract.

Notwithstanding any other provision of this article, the superintendent may contract with public, quasi-public, military or private entities to provide extraordinary police or security services by the department when it is determined by the superintendent to be in the public interest...The department shall be reimbursed for the wages, overtime wages, benefits and costs of providing the contract services as negotiated between the parties.

Despite the authority provided to the State Police to contract and charge for security services, the State Police does not have a contract with the MU and WVU football programs, or with the State Fair. In light of the obvious trooper staff shortages and the current budget concerns, the Legislative Auditor recommends the State Police review its policy of providing security to institutions of higher education and private entities. Specifically, a comprehensive study should be performed to determine the cost of providing services to these entities.

Conclusion

The State Police has experienced steady attrition since FY 1998 and could schedule academy classes accordingly. It is essential that the State Police accelerates testing and training of new recruits as soon as possible in order to check the growth in the number of vacant positions. The two classes that are tentatively-scheduled for calendar year 2003 will provide an inadequate supply of new officers. The two-year training period for new recruits ensures that a shortage of fully-trained officers will exist for years into the foreseeable future. Temporary measures such as hiring more civilian employees and transferring duties from the State Police to other state agencies may provide limited and temporary relief, but there is no alternative to hiring large numbers of additional officers as soon as possible. The State Police should consider methods to identify larger numbers of suitable applicants, particularly from among experienced police officers.

Recommendations:

1. *The State Police should consider the regular annual scheduling of applicant testing dates and the regular scheduling of officer cadet classes, basing class sizes on historical officer attrition rates.*
2. *The State Police should reevaluate applicant testing and screening procedures to determine if current practices are eliminating significant numbers of qualified applicants from further consideration.*
3. *The State Police should collect data on applicants who are experienced police officers and determine if the testing and training process should be redesigned to hire additional recruits from this source.*
4. *The State Police should identify positions that could be assumed by civilian employees and reassign uniformed officers to law enforcement duties.*
5. *The State Police should consider restructuring State Police Academy courses to separate basic law enforcement training from training that is specific to the State Police policies and procedures, in order to train new recruits alongside those of other law enforcement agencies.*

-
6. *The State Police should consider eliminating the use of State Troopers for out-of -state athletic events involving WVU, Marshall, or other institutions of higher education.*
 7. *If the State Police continues to provide State Troopers for use at out-of-state athletic events the Legislature should consider requiring institutions of higher-education to pay for all costs associated with such practices.*
 8. *The State Police should study and report back to the Legislature the costs associated with providing State Troopers for limited access paid events during the past three fiscal years.*

Issue 2

Increased Security Duties and Officer Shortages Have Reduced Field Operation Activity Levels Since Fiscal Year 2000.

The number of West Virginia State Police officers has declined during the last two years (see Issue 1, Figure 1). At the same time, the State Police has had to provide officers for additional security duties in the aftermath of the September 11, 2001 bombings and statewide flooding emergencies. During the last year, this has placed additional demands on an already understaffed agency. The result of under-staffing coupled with additional duties has been a reduction of field activity during the last year.

Reduced Numbers of Field Officers

Table 6 lists the numbers of officers assigned to field operations at the beginning and end of each year from FY 1997 to FY 2002. This demonstrates that the loss of officers discussed in Issue 1 has resulted in significantly fewer officers assigned to field duties.

Table 6						
Uniformed Officers Assigned to Detachments						
Year	1997	1998	1999	2000	2001	2002
Beginning FY	469	476	466	514	539	516
Ending FY	483	472	516	487	510	441
Net Loss/Gain	+14	-4	+50	-27	-29	-75

Calculated using data provided by the State Police.

Officer losses have historically been offset by new troopers graduating from the State Police Academy. As discussed in Issue 1, there was no new Academy class during FY 2002 to provide replacements in the field.

Growth in Non-Police Hours Coincided With a Reduction in Police Hours

The demand for additional security duties coupled with personnel shortages have made a negative impact on the number of hours devoted to police hours. The category police hours refers to traditional police activities such as vehicle enforcement or criminal investigations. Seven basic activities comprise the category of police hours. These activities include road patrol, traffic, criminal investigation, supervision of personnel and/or administration of office duties, communications, criminal court, and traffic court. The largest amount of time is spent on criminal investigations. The category non-police hours includes five activities. These activities include special events, operator exams, assisting DMV, specialty hours, and other. Special events was the largest category until FY 2001, when other became the largest. Other includes an increasing number of security-related work hours.

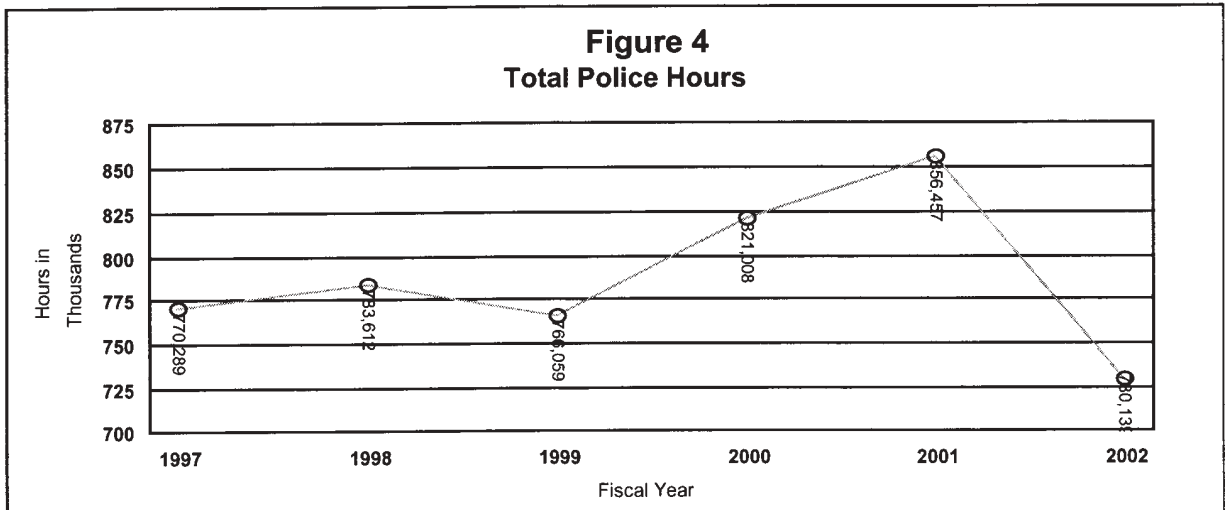
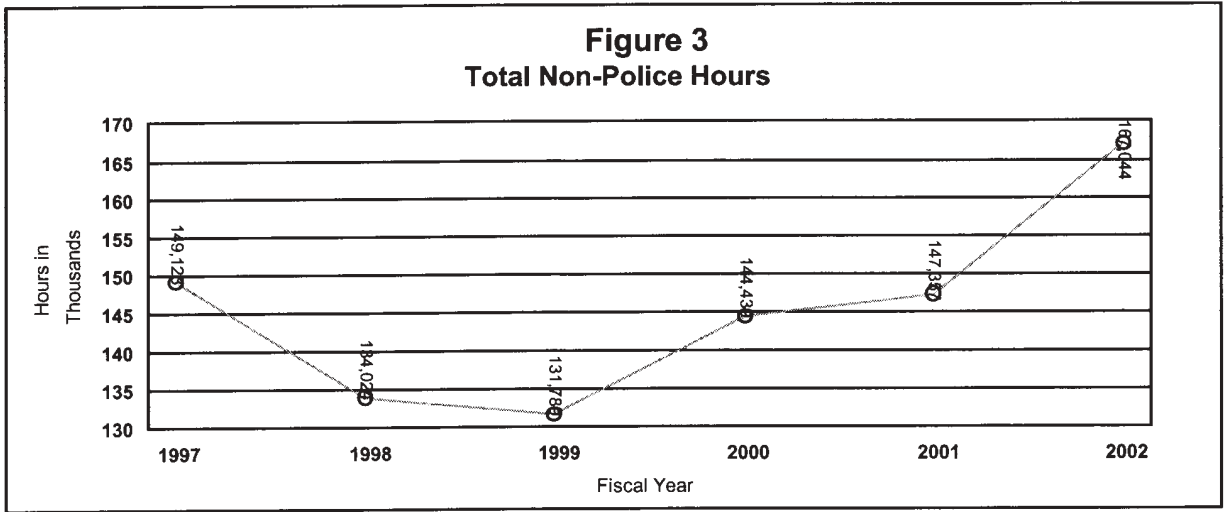
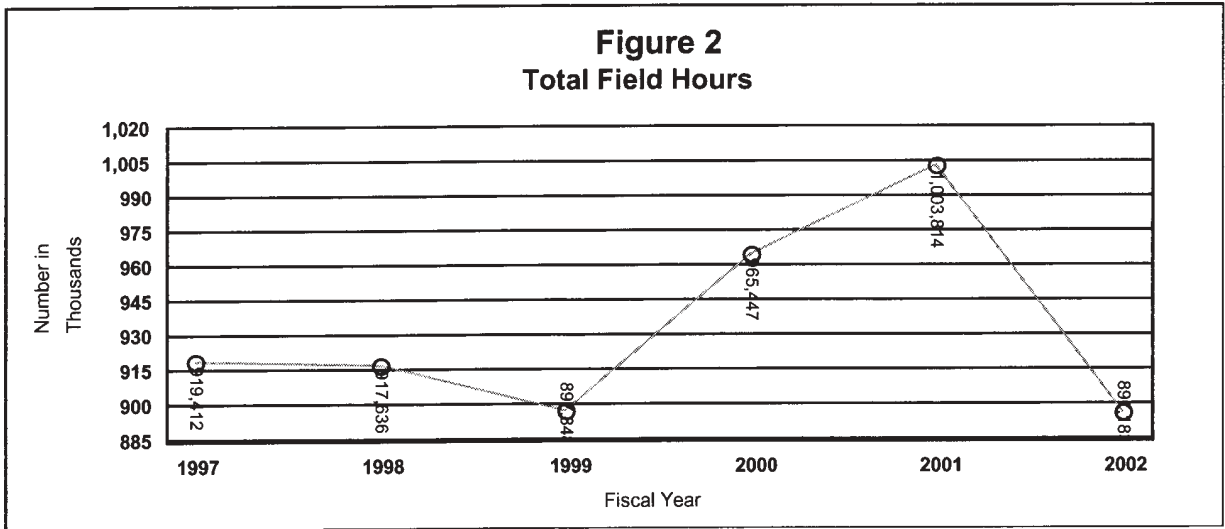
The total number of hours spent by State Police officers in the field declined by 106,631 hours from FY 2001 to FY 2002 (see Figure 2). While the total number of field hours decreased, the number of non-police hours actually increased by 19,687 hours or 11.8% (see Figure 3). The number of police hours fell by 126,318 hours or 17.3% during the same period (see Figure 4).

Non-Police Hours Increased Due to Emergencies

The demand for officers to provide increased security following the September 11, 2001 attacks coincided with increased security demands following statewide flooding. These two activities contributed 21,600 hours of the 167,044 non-police hours worked by the State Police in FY 2002 (see Figure 3). The result was 19,687 additional non-police hours during FY 2002. These requirements strained an already thinly spread force that was short 100 personnel. The demand for additional security officers combined with a falling number of field officers (see Table 6) to reduce total police hours.

Other Measures of the Decline in Field Activity

The State Police categorizes ten activities as police activities. These include arrest, traffic citations, motor assistance, accident reports, revocation orders, criminal investigation reports, contraband, property recovery, information collection for the West Virginia Intelligence Exchange Database, and domestic violence protective orders. An examination of field activities that are not measured in hours further illustrates a decline from FY 2001 to FY 2002.



Almost all categories of police activities showed a decline in 2002. The greatest declines came in the areas of traffic violations, traffic warnings and misdemeanor arrests. Misdemeanor arrests declined by 4,318 or 19.5% during FY 2002 and declined almost every year since FY 1997. The number of traffic violations written by officers declined by 43,710 or 33.8% during FY 2002. This represented a major drop from any of the previous years listed in Table 7. The number of traffic warnings fell to a low as well, declining by 38,373 or 30% in FY 2002. The drop in traffic-related activity counts for FY 2002 coincided with a 28.8% drop in road patrol hours and a 19.7% drop in traffic duty hours. Felony arrest levels fell slightly, by 158 or only 1.8%, during FY 2002. **These numbers indicate that as the demand for security duties increased, the State Police focused less on arrests for minor offenses and traffic enforcement.** The result was a substantially reduced level of activity in these areas.

**Table 7
Police Activities Count: FY 1997 to FY 2002**

Activity	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
Criminal Investigations	30,151	32,418	34,573	33,571	36,712	33,150
Felony Arrests	8,524	7,526	8,690	8,582	8,663	8,505
Misdemeanor Arrests	31,059	28,599	27,908	19,992	22,185	17,867
Traffic Violations	124,940	133,638	136,229	126,963	129,301	85,591
Traffic Warnings	188,253	162,725	135,986	123,307	127,801	89,428
Motorist Assists	34,590	36,721	33,305	16,327	16,547	13,894
Accident Reports	12,791	12,556	12,123	12,803	13,302	11,738
Vehicles Recovered	829	775	803	614	759	722
Revocation Orders	2,446	3,267	2,701	2,254	2,084	2,241
<i>Data provided by the State Police</i>						

Conclusion

The State Police experienced a substantial decline in the number of officers in the field from FY 2001 to FY 2002. At the same time, there was an increase in the demand for security services. The result was a decline in emphasis on misdemeanor arrests and traffic enforcement. If the State Police is to provide the increased levels of security that recent events have required, while maintaining an acceptable level of activity with respect to traditional law enforcement duties, they must increase the number of field officers. The State Police cannot do this unless the agency can hire and retain enough officers to greatly reduce the number of vacant positions.

Recommendation:

9. *The State Police should seek to balance the demand for increased security services, plus any non-essential services, with the need to maintain police activity levels.*

The West Virginia State Police Does Not Complete the Number of Motor Vehicle Inspection Station Compliance Reviews That Are Required by the Motor Vehicle Inspection Program but Performance Has Improved in Recent Years.

Summary of Inspection and Disciplinary Activities

Data from the West Virginia State Police indicate that the number of compliance reviews conducted on Official Motor Vehicle Inspection Stations consistently falls short of the number required by the policies of the West Virginia Motor Vehicle Inspection Program. Table 8 illustrates the number of required visits, actual visits and inspection stations from calendar year 1997 through August 2002. The Legislative Auditor's Office estimated the number of required compliance reviews based on the Motor Vehicle Inspection Program's policy of conducting reviews of each station every forty-five days. **Since calendar year 2000, the proportion of required visits conducted has increased considerably, but as many as 30% of required visits are not conducted in a timely fashion.**

	1997	1998	1999	2000	2001	2002
Stations	1,232	1,319	1,387	1,493	1,596	1,710
Required Visits	9,856	10,552	11,096	11,944	12,768	8,550
Actual Visits	8,110	5,366	4,856	8,627	9,892	5,957
% of Required Visits Conducted	82.3%	50.9%	41.3%	72.2%	77.5%	69.7%

Data provided by the State Police.

Disciplinary actions taken by the State Police take the form of warnings issued to stations found to be in non-compliance or the suspension of stations or individual mechanics from participation in the Motor Vehicle Inspection Program. Table 9 demonstrates that few stations or mechanics are suspended from the Program, while the State Police issues a large number of warnings each

year. Table 9 also presents the number of stations whose applications for participation in the Program are disapproved each year. Once again, a relatively small number of stations are not approved for the Motor Vehicle Inspection Program.

Table 9						
Disciplinary Actions and Disapproved Stations: 1997-August 2002						
	1997	1998	1999	2000	2001	2002
Disapproved Stations	10	2	12	18	21	14
Mechanics Suspended	10	3	2	13	29	30
Stations Suspended	13	5	2	11	18	10
Station Warnings	328	180	106	304	251	181
<i>Data provided by the State Police.</i>						

The relatively low numbers of suspensions and high numbers of warnings may be indicative of the competing goals inherent to the operation of the Motor Vehicle Inspection Program. On one hand, the State Police seeks to maximize the number of Official Vehicle Inspection Stations to facilitate public compliance with inspection requirements. This provides a disincentive for eliminating stations from the Program. At the same time, monitoring the quality of inspections is important, otherwise poorly-conducted inspections do nothing to ensure the safety of vehicles operating on the State's roads. This is an incentive to strictly enforce the standards which form the basis of compliance reviews. The State Police, therefore, seeks to balance the need for a large number of Official Vehicle Inspection Stations with the need to enforce inspection standards.

Organization of the Motor Vehicle Inspection Program

Data provided by the State Police described the organization of the Motor Vehicle Inspection Program (MVI):

The Traffic Records Section (Motor Vehicle Inspection Unit) of the West Virginia State Police consists of twenty (20) uniformed members. These members are stationed at various locations throughout the State [at State Police detachments]. In addition, there are six (6) civilian employees who assist with the administration and clerical duties of this program.

The Motor Vehicle Inspection Unit is divided into five (5) specific regions throughout the State. Each region has from three (3) to four (4) uniformed members assigned. The region is then divided into three (3) or four (4) areas dependent upon the number of uniformed personnel and MVI stations within the region and the geographical area of coverage by the members. This breakdown is done to provide the most effective management of the area and to be the most cost-effective relative to mileage, gasoline usage and vehicle maintenance as well as supervision of members assigned.

The uniformed members assigned to MVI detail (except the Director & Operations Officer) are required to conduct Motor Vehicle Inspection Station compliance checks on a daily basis. Each officer is required to visit his/her assigned stations at least once every forty-five (45) days, provided no other duties or assignments have been given which would prevent this from occurring.

Given that officers should visit each of their assigned stations every 45 days, every station, except those that did not participate in the Program for the entire year, should receive approximately eight (8) visits annually. Figure 1 has already demonstrated that the State Police consistently falls short of the estimated number of required visits. The above quote does indicate that MVI officers receive other assignments that may decrease the number of visits to their assigned stations.

There are several types of duties assigned to MVI officers in addition to conducting compliance reviews. MVI officers conduct training and certification classes for mechanics and station owners/operators on a frequent basis. Until July 1, 2000, MVI officers and regional coordinators were charged with the supervision and oversight of the Driver License Examination Program and civilian third party commercial driver license examiner programs. These duties accounted for approximately 30% of MVI officer man hours. A current shortage of manpower has led the State Police to occasionally assign MVI officers to normal police functions. These include the following duties:

-
1. The investigation of traffic crashes;
 2. Motorist assistance;
 3. Emergency operations (flood and security details, for example);
 4. Speed enforcement;
 5. DUI enforcement.

Analysis of Motor Vehicle Inspection Unit Activity Levels By Region

When the Motor Vehicle Inspection Program is examined on a regional basis, it is clear that some regions actually exceed the minimum required number of compliance reviews, while others fall far short of their targeted number of reviews. Appendix B includes data on the percentage of required visits completed in each of the five regions. During calendar years 2001 and 2002, Regions III and IV have met or exceeded 100% of the required number of station visits. The newly-created Region V performed fairly well in calendar year 2001, completing 92.7% of required visits, but only completing 69.2% of required visits in calendar year 2002. Regions I and II did not perform as well during the same two years, completing only about half of required visits during calendar year 2002. Region I performed particularly poorly, completing no more than half of required visits during any of the years examined.

Appendix B also provides data for the average number of station visits per work day. These data indicate that Region I had a lower average number of visits than any other region for every year except calendar year 2002. This is the case in spite of the fact that Region I had the largest workload for every year except in calendar year 2002. The lowest average number of daily visits occurred in Region II during calendar year 2002, when the productivity of this region fell to a low of 2.7 visits per day. It is possible that the additional duties assigned to MVI officers contribute to differences in the numbers of compliance reviews conducted by various regions.

Region I had the largest number of stations to visit for every year except calendar year 2002 (see Table 10). The total number of stations statewide increased by 38.8% from 1997-2002. The number of stations has increased steadily each year, as has the corresponding need for compliance monitoring. Regions III and IV had a considerably smaller number of stations to monitor during each year examined than did Regions I and II. The creation of Region V in 2000 coincided with reduced number of stations in Regions I and IV and a leveling off of Region III's number of stations in calendar year 2001. The trend towards increasing numbers of stations (an average increase of 7.2% during the last three years) means that the State Police must try to catch up with the

workload in some regions while the number of required compliance reviews is constantly growing in every region.

The Transfer of Motor Vehicle Inspection Duties to the Division of Motor Vehicles Would Free 19 Uniformed Officers for Other Duties

In 1999, the passage of House Bill 2258 transferred driver's licensing examination duties from the State Police to the Division of Motor Vehicles (DMV). The transfer of motor vehicle inspection duties to the DMV would free nineteen (plus one vacant position) uniformed officers for assignment to other duties. The State Police MVI Unit also employs seven civilian employees. Considering the number of current State Police vacancies and the recent demands for additional security officers, reassigning motor vehicle inspection duties to the DMV would make a significant number of additional officers available. This transfer of responsibility to the DMV may be cheaper than under the State Police. **The Legislature should consider amending WVC §17C-15-48(i) to transfer motor vehicle inspection duties to the DMV.**

Conclusion

Since MVI Unit officers are sometimes required to perform other duties, in addition to those associated with the Program, this could substantially impact the number of station compliance reviews conducted. Staffing shortages in other areas of State Police operations could require MVI Unit officers to be employed to a greater extent for other purposes. The State Police must prioritize its manpower resources when staffing shortages exist. Issue 1 has already discussed the possibility of transferring some positions currently held by uniformed officers to civilian employees. Duties associated with the MVI Unit do not necessarily require State Police officers and therefore motor vehicle inspection duties could be transferred to the Division of Motor Vehicles. While the State Police should not neglect the demands of traditional police duties, the effectiveness of the MVI Program depends on the timely enforcement of the guidelines for conducting inspections. For this reason, the safety of vehicles operating in the State relies on the enforcement efforts of the MVI Unit for as long as this function is assigned to the State Police.

Recommendations:

10. *The Legislature should consider amending WVC §17C-15-48(i) to transfer motor vehicle inspection duties to the Division of Motor Vehicles, thereby freeing uniformed State Police officers for other duties.*
11. *If the Legislature chooses not to transfer motor vehicle inspection duties to the Division of Motor Vehicles, the State Police should consider limiting the amount of time MVI Unit officers are required to perform other duties, whenever possible, particularly in those regions where the targeted number of station compliance reviews are not conducted.*

Appendix A: Transmittal Letter to Agency

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

December 27, 2002

Colonel Howard Hill, Jr., Superintendent
West Virginia State Police
725 Jefferson Road
South Charleston, West Virginia 25309-1698

Dear Colonel Hill:

This is to transmit an initial draft copy of the Full Performance Evaluation of The West Virginia State Police. To ensure that the State Police have an opportunity to review a copy of the draft, you are receiving a draft that is subject to change until its final edit. This report is scheduled to be presented at the Sunday, January 5, 2003 interim meeting of the Joint Committee on Government Operations. 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 committee may have.

We need to schedule an exit conference to discuss any concerns you may have with the report. We would like to schedule the meeting with you sometime before January 2, 2003. Please notify us to schedule an exact time. In addition, we need your written response by noon on January 2 in order for it to be included in the final report. If your agency intends on distributing additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, January 2 to make arrangements.

We request that your personnel treat the draft report as confidential and that it not be disclosed to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink that reads "Aaron Allred".

Aaron Allred
Legislative Auditor

Enclosure

cc: Joe Martin, Secretary
Military Affairs and Public Safety

Joint Committee on Government and Finance

Appendix B

State Police Applicant Data for Each Step of Testing and Screening

State Police Applicant Data for Each Step of Testing and Screening						
46th Class: 1998						
	Phase One: Initial Testing	Phase Two: Oral Interviews	Phase Three: Backgrounds	Phase Four: Psychological Exam	Phase Five: Physicals	Hired
Invited	817	172	120	50	44	39
No Shows	261	9	-	-	1	
Tested	556	154	120	50	43	
Failed	384	34	35	6	0	
Withdrew	-	9	14	0	2	
Passed	172	120	74: 20 not selected	44	41	
47th and 48th Class: 1999						
Invited	1,567: 1,856 original applicants	197	175	104	101	96
No Shows	593	8	-	0	-	
Tested	968	189	175	103	101	
Failed	771	14	71	2	2	
Withdrew	7	-	-	1	3	
Passed	197	175	104	101	99	
49th Class: 2000						
Invited	1,191	151	110	58	50	45
No Shows	474	3	-	3	-	
Tested	715	142	110	56	49	
Failed	564	30+2 disqualified	42+6 terminated background check	5	0	
Withdrew	2	6	4	-	1	
Passed	151	110	58	50	49	

50 th Class: 2000						
	Phase One: Initial Testing	Phase Two: Oral Interviews	Phase Three: Backgrounds	Phase Four: Psychological Exam	Phase Five: Physicals	Hired
Invited	841	128	94	54	53	50
No Shows	412	5	1 disqualified before background check	1	1	
Tested	429	123	93	53	52	
Failed	300	29	34+3 terminated background checks	-	-	
Withdrew	1	-	2	-	2	
Passed	128	94	54	53	50	
51 st and 52 nd Classes: Scheduled for 2003						
Invited	1,105	172	134	74	Process Incomplete	Not Yet Hired
No Shows	508	7	-	1		
Tested	597	165	134	73		
Failed	417	31	46	-		
Withdrew	8	-	14	2		
Passed	172	134	74	71		
<i>Data provided by the State Police</i>						

Appendix C

State Police MVI Unit Activity Counts By Region: 1997-August 2002

State Police MVI Unit Activity Counts By Region: 1997-August 2002

Year	Region	Required Number of Visits	Station Visits	Percentage of Required Visits Completed	New Stations Appointed	Canceled Stations	Station Disapprovals	Average Station Visits Per Work Day	Mechanics Trained	Investigations
1997	I	3,512	1,736	49.4	48	44	3	3.9	2,229	2
	II	2,616	2,362	90.3	38	52	4	7.1	1,430	9
	III	1,752	1,451	82.8	35	30	3	4.2	915	17
	IV	1,976	2,561	129.6	25	26	0	5.4	1,574	8
	Total	9,856	8,110	82.3	146	152	10	20.6	6,148	36
1998	I	3,712	918	24.7	47	16	0	3.7	225	1
	II	2,808	1,995	71.0	34	38	1	4.7	324	26
	III	1,936	979	50.6	24	15	1	4.2	209	19
	IV	2,096	1,474	70.3	23	22	0	4.5	200	7
	Total	10,552	5,366	50.9	128	91	2	17.1	958	53
1999	I	3,912	749	19.1	36	29	2	2.7	270	8
	II	2,928	1,588	54.2	37	32	2	4.1	277	5
	III	2,072	918	44.3	34	30	4	2.9	214	2
	IV	2,184	1,331	60.9	35	20	4	3.5	214	0
	Total	11,096	4,586	41.3	142	111	12	13.2	975	15
2000	I	4,176	1,503	36.0	36	32	6	2.9	329	35
	II	3,168	2,453	77.4	31	46	6	4.4	252	7
	III	2,232	1,861	83.4	25	23	2	4.7	191	11

Year	Region	Required Number of Visits	Station Visits	Percentage of Required Visits Completed	New Stations Appointed	Canceled Stations	Station Disapprovals	Average Station Visits Per Work Day	Mechanics Trained	Investigations
2001	III	2,232	1,861	83.4	25	23	2	4.7	191	11
	IV	2,368	1,320	55.7	17	14	4	3.2	131	1
	V	N/A	1,490	N/A	22	17	0	3.2	171	2
	Total	11,944	8,627	72.2*	131	132	18	18.4	1,074	56
	I	3,688	1,673	45.4	22	31	6	2.6	208	34
	II	3,608	2,332	64.6	42	40	6	3.5	253	19
	III	2,192	2,721	124.1	23	21	4	4.4	184	24
	IV	1,600	1,609	100.6	15	15	5	3.5	119	3
	V	1,680	1,557	92.7	16	27	0	3.4	106	9
	Total	12,768	9,892	77.5	118	134	21	17.4	870	89
Jan-Aug 2002	I	2,405	1,203	50.0	15	33	2	4.6	1,826	48
	II	2,460	1,210	49.2	17	26	6	2.7	1,844	30
	III	1,485	1,661	111.9	20	11	3	4.3	1,000	22
	IV	1,070	1,101	102.9	18	14	3	3.6	867	30
	V	1,130	782	69.2	13	9	0	3.1	767	15
	Total	8,550	5,957	69.7	83	93	14	18.3	6,304	145

*Calculation excludes unavailable data for Region V for calendar year 2000.

Appendix D

State Police MVI Unit Disciplinary Activity by Region: 1997-August 2002

State Police MVI Unit Disciplinary Activity by Region: 1997-August 2002

Year	Region	Warnings	Suspensions	Mechanics Suspended
1997	I	61	1	1
	II	157	3	2
	III	36	7	7
	IV	74	2	0
	Total	328	13	10
1998	I	39	0	0
	II	91	3	3
	III	17	2	0
	IV	33	0	0
	Total	180	5	3
1999	I	9	1	1
	II	61	1	1
	III	11	0	0
	IV	25	0	0
	Total	106	2	2
2000	I	56	3	1
	II	115	2	4
	III	71	5	7
	IV	36	0	0
	V	26	1	1

Year	Region	Warnings	Suspensions	Mechanics Suspended	
2001	V	26	1	1	
	Total	304	11	13	
	I	37	3	5	
	II	84	6	8	
	III	50	5	9	
	IV	52	1	0	
	V	28	3	7	
	Total	251	18	29	
	January-August 2002	I	58	3	21
		II	40	3	2
III		20	0	0	
IV		54	4	7	
V		9	0	0	
Total		181	10	30	

Appendix E: Agency Response



West Virginia State Police
725 Jefferson Road
South Charleston, West Virginia 25309-1698
Executive Office

Bob Miss
Governor

January 3, 2003

Colonel H. E. Hill, Jr.
Superintendent

Mr. Aaron Allred, Legislative Auditor
Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610

Dear Mr. Allred,

I have received and reviewed the draft copy of the Full Performance Evaluation of the West Virginia State Police as submitted to our office. In compliance with your request please consider this correspondence as our written response to your findings and recommendations. I shall, for clarity, list your recommendations and our responses in the order they appear in the draft evaluation.

Recommendation 1

The State Police should consider the regular annual scheduling of applicant testing dates and the regular scheduling of officer cadet classes, basing class sizes on historic officer attrition rates.

The West Virginia State Police fully support annual cadet classes to offset attrition; such classes would stabilize the uniform workforce and allow the department to more quickly respond to changing demands for law enforcement around the state. Additionally, the department could more accurately plan for the future without the constant worry of personnel issues. With these goals in mind the department initiated a testing cycle for a cadet class to begin in the next fiscal year. Unfortunately, the department is unable to regularly schedule cadet testing and classes; such testing and training requires associated fiscal support in our budget. Normally, such classes require the submission of a budget improvement request. Such requests are necessary for the department to obtain the funds to offset the costs associated with cadet screening and training. During the last administration funds were allocated to increase the uniformed complement of the West Virginia State Police; however, sufficient funds were not provided to maintain the officers once they were through training. In order to support these troopers the department had to utilize personnel funding to pay for some of the

initial and recurrent costs associated with the officers (uniforms, vehicles, radios, fuel, utilities, consumables, etc.). This did not allow the department to fully realize the number of "funded" positions authorized by the legislature. Each time the "complement" of officers was increased there was not a corresponding increase in the funding to equip and support the new officers. The department's equipment budget has steadily declined since its peak in 1994 while equipment and support costs have steadily increased compounding the problem.

Recommendation 2

The State Police should reevaluate applicant testing and screening procedures to determine if current practices are eliminating significant numbers of qualified applicants from further consideration.

The current testing and screening procedures are, and have been, undergoing evaluation. The department needs many applicants to enable it to fill the ranks, yet the department cannot lower the standards for admission to the point where the quality of the department is compromised. The current standards require the applicant to pass a physical fitness test required for admission to the academy (based upon standards set by the Governor's Committee on Crime, Delinquency and Correction). Additionally, the applicants are required to take a reading comprehension test to determine their cognitive ability. The video judgment test, which had been the largest single disqualifier, has been removed from the screening process to allow more applicants to continue to the next phase. The test had been utilized for the last seven years and was a judgment-based testing package consisting of a multiple choice video test, an observation and writing test, along with a reading test. These tests were designed to measure an applicant's abilities in the areas of human interaction, situational judgment, ethics and social maturity, capability for unbiased enforcement, handling authority, and responding calmly to provocation. The department hopes that its removal will not negatively affect the quality of the applicant pool as the screening tool was validated by the EEOC. The department acknowledges that the vast majority of applicants do not meet existing standards for employment. The standards to become a West Virginia State Trooper are set high for good cause; as troopers normally work alone, they must be capable of taking independent action in stressful circumstances where such action will be dissected by attorneys and the public media at length. They must be of the highest moral character and have a strong sense of duty and honor. They must be intelligent, articulate, and compassionate. They must be capable of interpreting verbal and non-verbal signals. They must be physically adept and capable of defending themselves and others. Unfortunately, these characteristics are not all that common in the real world; hence the high rejection rate. The department is willing to consider any screening process that will provide us with the high caliber applicants we so desperately need. While we wish to attract more high quality applicants, our current level of compensation and the associated benefits package make it difficult to attract the quality candidates so desperately needed when they can do significantly better in any surrounding state. Only with fiscal support will the problems be addressed successfully.

Recommendation 3

The State Police should collect data on applicants who are experienced police officers and determine if the testing and training process should be redesigned to hire additional recruits from this source.

The State Police is, and has been, exploring this option. While there are many obvious advantages to this recommendation the department has met significant resistance from field personnel who believe that any trooper, regardless of his/her background, should undergo the full six months of cadet academy training. Academy staff are concerned about class size and unit cohesiveness as well as the impact such a move would make to the degree program (since 1985 graduates of the cadet program receive an associate degree from Marshall University, the only such program in the nation). Additionally, Sheriffs and Police Chiefs are threatened by the idea of losing some of their best officers to the State Police should such an option be realized. The county commissions and city counsels have a fiscal interest in each of their respective officers (they pay the officer's salary while in the academy and a \$1,000 basic class tuition to LETC) and would suffer a significant fiscal impact should the officers leave for other employment. While the issues noted above are significant, the academy staff was directed to conduct a feasibility study concerning this issue. I believe that the need to staff the department may justify a pilot program in this area and I am awaiting the results of the academy staff study.

Recommendation 4

The State Police should identify positions that could be assumed by civilian employees and reassign uniformed officers to law enforcement duties.

This is an ongoing process which began over a decade ago. In 1990 the forensic lab began the transition to civilian employees. Currently, over half of the laboratory staff are civilians. As sworn officers in the lab retire they are replaced by civilian forensic examiners. Civilian Evidence Technicians have been hired to receive and distribute evidence for forensic examination. Other areas identified for transition to civilian employees include MVI compliance inspection personnel (ongoing process), crime scene technicians, and computer technicians. Such transitions will not, however, free up uniformed officers for law enforcement duties unless the civilian positions are approved and fully funded (budget improvement request). If not, the only funding mechanism available is to utilize funds from vacant trooper's positions which then makes the positions unavailable for field use.

Recommendation 5

The State Police should consider restructuring State Police Academy courses to separate basic law enforcement training from training that is specific to the State Police policies and procedure, in order to train new recruits alongside those of other law enforcement agencies.

If Recommendations 1 and 3 are implemented Recommendation 6 will be moot. This recommendation will be addressed in the academy staff study noted in the answer to Recommendation 3.

Recommendation 6

The State Police should consider eliminating the use of State Troopers for out-of-state athletic events involving WVU, Marshall, or other institutions of higher education.

The present administration of the State Police inherited the current arrangement. Based upon present manpower limitations the State Police does not object to terminating the arrangement to provide security to coaches traveling out of state.

Recommendation 7

If the State Police continues to provide State Troopers for use at out-of-state athletic events the Legislature should consider requiring institutions of higher education to pay for all costs associated with such practices.

The State Police agree with this recommendation; currently these institutions pay for the travel, room and board for officers on these details while the department pays for the officers salaries and benefits. The institutions could consider "contracting" the security detail through the department utilizing off-duty officers in compliance with WVC § 15-2-18 (b).

Recommendation 8

The State Police should study and report back to the Legislature the costs associated with providing State Troopers for limited access paid events during the past three fiscal years.

The State Police will provide the requested information within 30 calendar days.

Recommendation 9

The State Police should seek to balance the demand for increased security services with the need to maintain police activity levels.

The very nature of law enforcement services requires that significant resources be devoted to "reactive" police responses. Additionally, there are special events that require allocation and reallocation of limited resources and which are largely beyond the control of the State Police, such as floods, other natural and man-made disasters and terrorists threats. Because there are limited manpower resources available to react to these special emergencies, the reallocation of available resources results in there being fewer man-hours for road patrol and criminal investigation services of either the reactive or pro-active type. This phenomenon manifests itself in lower arrests and citations and requires active management of available resources for distribution to priority enforcement areas. The State Police recognizes this and works actively to balance all demands on the agency.

The two most important factors impacting police activity are the number of Troopers reacting to calls for service and identified enforcement objectives, and the availability of fiscal resources to pay overtime for Troopers working to "fill the gap" created by emergency reassignment. Obviously, emergencies reduce the number of Troopers available for field services and the fiscal resources to pay additional overtime hours are limited to a finite amount. While the number of arrests in certain areas of traditional police work are down, this number must be viewed in light of the number of available man-hours devoted to these activities. Fewer Trooper man-hours equate to fewer arrest and citations. When man-hours are limited, the department encourages its managers and line officers to set enforcement priorities. Often these priorities are driven by calls for service, which generally are crime related, rather than traffic related. Thus, when limited manpower is available, the enforcement concentration tends to gravitate towards criminal investigation activities.

The State Police works hard to balance its mission of providing for the public safety through criminal and traffic law enforcement and providing law enforcement protective services for our increased national security concerns. This juggling act is not a situation unique to the West Virginia State Police, but one that many, if not all, large police departments are facing nationwide in light of home land security concerns. Additional manpower would increase the overall activity numbers, but even with more Troopers, the activity numbers would decline when Troopers are reassigned for emergency response. Such a reduction in activity is a natural and expected result of temporary reassignment and redirection of resources to meet other important concerns.

Recommendation 10

The State Police should consider limiting the amount of time MVI Unit officers are required to perform other duties, whenever possible, particularly in those regions where the targeted number of station compliance reviews are not conducted.

The State Police attempts, where possible, to limit the amount of time MVI Officers are utilized to perform routine police functions. The sale of inspection stickers, by code, funds the MVI program including the salaries of the officers assigned as well as the equipment necessary to sustain the compliance and inspection effort. Utilization of the members assigned to MVI for normal police duties is discouraged due in no small part to the restrictions of the special revenue source funding these positions. Officers assigned to routine police functions must be paid from general revenue sources and not from the special revenue account. Members of this detail are utilized only as a "last resort" for additional manpower. Should the department be adequately staffed there would be less need to utilize the MVI personnel for such routine duties. Emergencies may still require the utilization of such personnel.

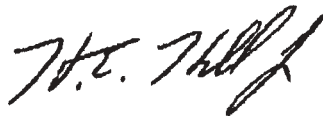
Recommendation 11

The Legislature should consider amending WVC §17C-15-48(i) to transfer motor vehicle inspection duties to the Division of Motor Vehicles, thereby freeing uniformed State Police officers for other duties.

The State Police has been statutorily charged with the oversight of this program since its inception. State Police oversight is directly responsible for the integrity of the program and the high level of respect it receives, not only in West Virginia, but throughout the nation. The department realizes the need for the reorganization of this program to reduce the amount of uniformed personnel assigned and has taken the first steps to implement this plan. As stipulated in earlier correspondence to your office the MVI program has been reorganized and the transition from eighteen (18) uniformed members to six (6) uniformed members is underway. This transition period will rely upon promotion, retirement and/or voluntary reassignment of uniformed members and the subsequent assignment of civilian personnel to perform the duties of the area supervisor. Upon completion this will effectively place an additional twelve (12) uniformed members into field services. The six (6) remaining Troop Oversight Officers will not *routinely* perform any other duties except those MVI related. Again, the success of transferring these positions to civilians is contingent upon authorization of the necessary fiscal support; otherwise, vacant trooper positions will have to be utilized to fund the positions which will continue to limit the number of officers available for the field. Should this recommendation be adopted as written the State Police would require sufficient additional general revenue funds to subrogate the personnel and equipment funds now received from the MVI special revenue account.

Should additional information be required please feel free to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "H.E. Hill, Jr.", written in a cursive style.

Colonel Howard E. Hill, Jr.
Superintendent

