

**REPORT OF THE SECRETARY OF
PUBLIC SAFETY ON**

**OVERLAPPING POLICE POWERS
IN STATE AGENCIES**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



SENATE DOCUMENT NO. 27

**COMMONWEALTH OF VIRGINIA
RICHMOND
1996**



COMMONWEALTH of VIRGINIA

Office of the Governor

George Allen
Governor

February 6, 1996

Jerry W. Kilgore
Secretary of Public Safety

TO: The Honorable George Allen
 Governor, Commonwealth of Virginia
 and Members of the General Assembly

Senate Joint Resolution No. 340, agreed to by the 1995 Session of the General Assembly, directed the Secretary of Public Safety to conduct an analysis of the overlapping of agencies with statewide police powers in the Commonwealth. The study was to include the need, feasibility, and advisability of placing all such police powers into the Department of State Police, under the administrative control of the Superintendent of State Police.

In fulfilling this directive, a study was conducted by staff of the Department of State Police with staff assistance from the Department of Alcoholic Beverage Control, the Virginia Marine Patrol, the Department of Game and Inland Fisheries, the State Lottery Department, the Department of Motor Vehicles and the State Crime Commission. I have the honor of submitting, herewith, the study and analysis of placing all state agencies with statewide police powers under the administrative control of the Department of State Police.

Respectfully submitted,

A handwritten signature in cursive script, reading "Jerry W. Kilgore".

Jerry W. Kilgore
Secretary of Public Safety

**STUDY ON
OVERLAPPING POLICE POWERS IN STATE AGENCIES
SENATE JOINT RESOLUTION 340**

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**STUDY ON
OVERLAPPING POLICE POWERS IN STATE AGENCIES
SENATE JOINT RESOLUTION 340**

I. Authority for the Study

During the 1995 legislative session, Warren E. Barry, Joseph B. Benedetti, Richard L. Saslaw, Kenneth W. Stolle, and Walter A. Stosch patroned Senate Joint Resolution 340, which directed the Secretary of Public Safety, with the assistance of the Virginia State Crime Commission, "to conduct an analysis of the overlapping of agencies with statewide police powers in the Commonwealth."

II. Study Group

The Secretary of Public Safety designated the Virginia Department of State Police (DSP) as the lead agency for the legislative study. A study group, composed of the DSP Director of the Bureau of Administrative and Support Services, Lieutenant Colonel Harry M. Durham; the DSP Director of the Bureau of Field Operations, Lieutenant Colonel W. Gerald Massengill; the Director of the Bureau of Criminal Investigations, Lieutenant Colonel Wayne A. Garrett; and a DSP Planning and Research Lead Analyst, Katherine B. Puckett, was selected to conduct a feasibility study, with Amy M. Curtis, a Legal Analyst with the Virginia State Crime Commission serving in an advisory capacity.

III. Executive Summary

Over the past few years there has been a continuing interest in studying law enforcement agencies in order to enhance the delivery of criminal justice services throughout the Commonwealth. These studies resulted from concerns that an increasing number of agencies have requested full law enforcement powers and that an unnecessary duplication of effort exists, which may, in fact, jeopardize security and the ultimate success of law enforcement operations, especially those of a covert nature.

Senate Joint Resolution 340, approved in February 1995, specifically directed the Secretary of Public Safety "to conduct an analysis of the overlapping of agencies with statewide police powers in the Commonwealth ... [and] study the need, feasibility, and advisability of placing all such police powers into the Department of State Police under the administrative control of the Superintendent of State Police." The state agencies specifically named in the legislation as having overlapping statewide police powers were the Department of State Police, the Department of Alcoholic Beverage Control, the Virginia Marine Patrol, the Department of Game and Inland Fisheries, the State Lottery Department, and the Department of Motor Vehicles.

Meetings were held with the various agencies named in the legislation and Virginia State Crime Commission staff to gather information and gain each agency's perspective on the benefits and impediments associated with such a consolidation. In addition, an extensive data collection effort was undertaken to provide sufficient information to objectively assess the feasibility of consolidation and provide an estimate of the financial ramifications.

The Conceptual Basis for Consolidation:

The rationale most frequently advanced for consolidating separate units within an organization, or for merging independent organizations, is commonality of mission, goals, and objectives. It is assumed that this approach will eliminate any duplication of effort, increase efficiency, and reduce costs. Whether actual economies of scale will be realized is largely dependent upon the specific entities that are merged, the method of consolidation, the resultant organizational structure, and administrative issues.

In this study, the consolidation involves agencies whose overall missions are focused on the specific, largely unique roles they play in state government. The agencies are considered to be specialized in the functions they perform and law enforcement is but one of many activities each agency performs to achieve its overall mission. Further, law enforcement efforts are typically restricted to the agency's respective specialization, either through statute or administratively. The Department of State Police is the only agency whose primary mission is to provide general law enforcement services throughout the Commonwealth.

Thus, the major opposition to consolidation centers on a presumed change in focus inherent in consolidating specialized enforcement activities into a larger agency tasked with general enforcement responsibilities. Given existing human resource limitations within state government, it is assumed that specialized efforts would be secondary to general enforcement and/or existing enforcement priorities within the acquiring organization (the Department of State Police).

The advantages of consolidation include the elimination of duplication of services, if existent; a reduction in territorial issues and enhanced coordination and cooperation among previously distinct factions; managerial and administrative savings, if attainable; the standardization of training and equipment for all law enforcement officers involved; shared facilities and communications systems; and standard policies and operating procedures.

Regardless of personal preferences or beliefs, there is no one right or wrong configuration that has proven to be most effective. In fact, different degrees of consolidation and different organizational structures appear to be equally effective, depending upon the specific circumstances. Further, it would be impossible to determine with any degree of certainty how effective a consolidation of law enforcement functions would be. One can make a convincing case for many approaches, and in the end, any number of configurations can be effective, if a fundamentally sound approach to the transition is developed and the affected parties are supportive of the endeavor.

The Feasibility of Consolidation:

A number of issues are raised when considering the feasibility of consolidating law enforcement functions and the possible impact on both the acquiring agency and the entities that are absorbed. It is anticipated that a significant impact would be experienced by the agency that acquires these entities, especially in terms of the additional resources that would be required to administratively support the functions and personnel acquired. More importantly, a number of issues must be considered and decisions made to ensure that additional responsibilities are integrated into existing operations with minimal disruption of services. The major decisions relate to the specific functions that will be transferred; the existing personnel that will be absorbed; where functions and personnel will be placed, organizationally and geographically; training and equipment issues; the accessibility of required computer systems; and many personnel issues. All of these factors are interrelated and personnel issues (i.e., pay grades, retirement benefits, promotional criteria, etc.) tend to be foremost in the minds of employees that are absorbed by another agency, as well as the existing employees of the acquiring agency. How these matters are dealt with can have a tremendous impact on morale and, in fact, determine the overall success of consolidation.

For those reasons, information was obtained from the agencies included in this study concerning job classifications and pay grades, specific job duties and supervisory/management responsibilities, administrative staff, equipment needs, facilities, computer applications, training programs, and funding sources. This information was reviewed to determine the similarity that exists among the agencies involved and the potential impact of consolidation on the Department of State Police. Based on that assessment, a preliminary estimate of the additional costs that might be incurred as a result of consolidation was determined.

Personnel

There are 377 state employees that were included in this study as subject to transfer due to a consolidation of law enforcement efforts. Classification and salary issues are a major concern, both in terms of funding and morale. Based upon the position descriptions and classification information provided by each agency, the pay grades assigned to various sworn positions within the five specialized agencies tended to be lower than those assigned to State Police sworn classifications. The only exception to this is the Department of Alcoholic Beverage Control (ABC), which is in the process of regrading their sworn positions. If the regrade proposal is approved, ABC's pay grades will be commensurate with State Police pay grades. If the positions transferred from other agencies are upgraded to similar State Police classifications, the additional salary and fringe benefits cost (excluding retirement costs) is estimated to be \$1,082,814. (The appropriateness of existing classifications was not examined in this study, nor was a job task analysis performed.)

State Police Retirement System

The State Police Retirement System (SPORS) provides increased retirement benefits, at younger retirement ages, with lower required years of service, to State Police law enforcement officers. The system was developed due to concerns about reduced officer effectiveness related to age and exposure to hazardous duty. Over the years, a number of attempts have been made to incorporate sworn officers from other state agencies into the system; however, the agencies included in this study are not currently covered by SPORS. If transferred employees were fully integrated into the existing State Police structure, positions would be upgraded to be consistent with State Police classifications, and the additional retirement cost is estimated to be \$569,587. It is likely that the absorbed personnel would make every effort to be included in SPORS, regardless of the specialized law enforcement functions they may perform.

Funding

To effect a consolidation, the appropriations currently provided for law enforcement purposes must be transferred to the State Police. It is anticipated that additional funds, above and beyond those currently appropriated to the respective agencies for law enforcement purposes, would be required to provide adequate funding for the consolidation. In addition, a legislative amendment to Section 4.1-117 of the Code would be required concerning the disposition of ABC profits to localities. While ABC's revenues would remain fairly constant, their profits would increase due to reduced operating expenses. As provided by statute, two-thirds of these profits would be distributed to localities. An amendment specifying the reduction of State Police expenses for ABC enforcement, prior to the distribution of ABC profits, would be required.

Facilities

All of the agencies studied have a number of leased and/or state-owned facilities located throughout the Commonwealth; however, limited information was provided concerning actual space requirements for enforcement personnel. The Department of State Police does not have adequate facilities for existing personnel; therefore, arrangements would have to be made to share space in state-owned facilities and to transfer existing leases, and funds, to the State Police. This is an area that could provide economies to the state regardless of the consolidation issue.

Equipment

All of the agencies studied, excluding the Department of the Lottery, issue similar equipment and supplies to their employees. There would be an additional cost of \$107,266 for equipping the Department of the Lottery employees with standard State Police equipment and supplies and for providing 9 mm weapons to sworn employees who are not currently issued such weapons.

It is assumed that the vehicles assigned to the affected employees would be transferred to the State Police, as would any funds designated for pool vehicles. It is possible that the vehicles transferred would not be appropriate for the job duties assigned to employees after the transfer, especially if additional options were provided to allow employees to enter existing State Police classifications, such as the trooper classification. In that case, there would be an additional vehicle expense, the extent of which cannot be determined.

Training

The agencies involved in this study provide varying degrees of training to their employees. Most employees are DCJS-certified; however, none of the agencies provide a basic training program as comprehensive as that provided by the State Police, at least in terms of the amount of training required to be a State Police trooper. The Department of State Police has historically required all troopers to graduate from the State Police Academy as a condition of employment. This is a practice that was continued when State Corporation Commission employees were transferred to the State Police, and it is assumed that this policy would be applied to employees joining the State Police through consolidation.

The impact of a consolidation of this magnitude on the State Police Training Division would be significant. It is impossible to determine the specific training that would be required without knowing the particular job tasks that employees would perform and how they would be incorporated into the State Police. At a minimum, a transitional training program would have to be provided to all DCJS-certified officers. Training sessions would be scheduled so that enforcement efforts could continue concurrently with the training program. In addition, in-service training programs concentrated on the specialized areas of enforcement transferred to the State Police would have to be developed and provided biennially to meet DCJS recertification requirements.

Given the magnitude of the training involved, and the need to use field personnel, this could have a negative impact on State Police operations and would significantly increase the workload of existing State Police Academy staff. It is estimated that a total of 7714 man-hours of instruction would be required to provide minimal transition training.

Data Processing

The agencies involved in this study all have a number of computer systems in place that are utilized for enforcement purposes. A number of these systems are also used by non-enforcement personnel for other purposes. Each agency is unique in the systems they maintain, and there are a number of methods which could be used to provide the necessary access to systems. If all five agencies were consolidated with the State Police, there would be a significant impact on State Police systems engineering and systems development, which would require additional data processing personnel. If existing systems were converted to operate in the State Police environment, a detailed analysis of each application would be required. Based on the limited information provided, it is estimated that five additional State Police positions would be required for development and support of these systems. It is anticipated that additional equipment costs would also be incurred; however, further analysis would be required to determine specific needs.

Administrative Staff

If the law enforcement functions discussed in this report are transferred to DSP, a minimum of 377 positions would be transferred to perform those functions, which equates to a 16 percent increase in the total DSP employment level. The impact on any one person may not be significant; however, impacts would be felt throughout the organization. Conversely, depending upon the size of a given agency, the number of employees transferred from an agency, and their relative proportion of that agency, there may be little or no cost savings that accrue to the agency that loses a portion of its staff.

If a consolidation occurs, additional positions, above and beyond those positions performing law enforcement functions, or directly supporting law enforcement functions, should be included in the transfer. If all 377 employees are transferred to the State Police, it is estimated that a minimum of five additional positions would be required for administrative support functions in the Property and Finance Division. The estimated cost of these additional positions is \$153,451. Additional positions would also be required for data processing and personnel functions. Most agencies included in the study were unable to determine the number of positions that provide indirect support to their law enforcement staff; however, the State Police should not be expected to increase its employment level by 16 percent without some increase in administrative support personnel.

Conclusions:

The fundamental issue to be addressed in this study was the degree of overlap that exists among state law enforcement agencies. Given the enforcement powers granted to these agencies by statute, the potential for duplication exists. However, based upon agency practices, the overlap appears to be minimal when comparing enforcement functions performed by the Department of the Lottery, the Marine Resources Commission, and the Department of Game and Inland Fisheries with those performed by DSP. Based upon arrest statistics, there appears to be some overlap in the enforcement efforts of the Department of Motor Vehicles (DMV) and DSP. However, when the entire range of activities performed by the enforcement arm of DMV is reviewed, only a small portion of their total activities are similar to State Police enforcement efforts. It does appear that the DMV/DSP Auto Theft Unit should be under the single management of the Department of State Police. There also appears to be some similarity in the criminal enforcement efforts of the Department of Alcoholic Beverage Control and the Department of State Police, the extent of which could not be determined. The overlap, however, appears to be largely a result of the integrated nature of their regulatory and criminal responsibilities.

The concept of merging or consolidating entities with common missions, goals, and objectives does not appear to apply where these agencies are concerned. Enforcement tends to be one of many activities these specialized agencies perform to serve their unique constituencies. Thus, there appears to be little congruency between the focus of these agencies and the overall mission of the State Police.

If attaining economies of scale is the compelling reason for considering consolidation, there is no indication that any economic advantage would be a reality. It is anticipated that an initial increase in overall costs would be experienced, as has been the case in some other states. Unless the agencies that are absorbed are capable of transferring administrative support staff as part of the consolidation, there would be additional administrative costs incurred by the State Police. During this preliminary assessment of feasibility, the extent to which specialized agencies would be able to support their remaining staff with fewer administrative positions could not be determined. However, it does appear that certain economies could be achieved through the utilization of shared facilities and communications systems. This could be accomplished without the transfer of enforcement functions, but would require additional study to determine the most efficient method of combining those resources.

In terms of efficiency, a number of agencies expressed concern related to the integrated nature of the job functions they perform. In most cases, these agencies have regulatory responsibilities as well as enforcement responsibilities, with regulatory violations often precipitating the discovery of criminal violations, and vice versa. In some instances, it could be difficult to completely segregate these functions. There is also concern over the inefficiencies that could result from enforcement and regulatory personnel operating in separate organizations and sharing databases and other information that would need to be retained by the specialized agency. The assumption has been that a consolidation would only involve enforcement responsibilities. It is questionable whether it would be advantageous to train and equip State Police sworn personnel to perform regulatory functions. However, many configurations of a workable and efficient "public safety department" are possible.

The estimated total additional cost of consolidation ranges from \$249,977 (assuming that an agency's law enforcement functions are transferred to the Department of State Police "as is"; i.e., there is no change in focus for the staff involved, the existing salary structure is maintained, existing equipment is transferred along with the positions, there is no change in the retirement program, and only minimal additional training is provided to familiarize staff with State Police policies and procedures) to \$1,913,118 (assuming that law enforcement functions are fully integrated into the existing State Police structure). Given the many decisions that must be made prior to consolidation, as well as during the consolidation process, and the number of largely unknown factors at this point, the total cost could exceed the \$1.9 million estimate.

Additional study would be required to plan and effect a smooth transition of law enforcement functions to the Department of State Police. If consolidation is pursued, a one-year transition period should be established to resolve the issues addressed in this report and allow adequate time to complete the initiative. Initially, a separate bureau of special operations within the State Police could be established, with the long-term goal of further restructuring the Department to more effectively merge the various functions and create a more efficient operation. An implementation team, composed of representatives from all affected agencies, could be established to plan and monitor the transition of responsibilities and resources.

Any legislation enacted to effect a consolidation should allow sufficient flexibility so that internal decisions, such as classification decisions, can be made by the acquiring agency which do not jeopardize the agency's organizational structure, violate policies, or create an "unequal pay for equal work" situation. Conversely, any appropriations language should be sufficiently specific regarding the transfer of resources to mitigate the negotiations that would be required to effectively absorb additional responsibilities.

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OVERLAPPING POLICE POWERS IN STATE AGENCIES
SENATE JOINT RESOLUTION 340**

BACKGROUND

Over the past few years there has been a continuing interest in studying law enforcement agencies in order to enhance the delivery of criminal justice services throughout the Commonwealth. These studies resulted from concerns that an increasing number of agencies have requested full law enforcement powers and that an unnecessary duplication of effort exists, which may, in fact, jeopardize security and the ultimate success of law enforcement operations, especially those of a covert nature.

In 1993, the Virginia State Crime Commission prepared a legislative report, as directed by House Joint Resolution 523, entitled Virginia's Criminal Justice System (House Document No. 50). As part of that effort a subcommittee was established to study law enforcement, focusing on a number of issues which included collaboration among law enforcement agencies and law enforcement's role in the criminal justice system. This study found that "there is significant confusion among law enforcement agencies and the courts as to what role the specialty state law enforcement agencies play. Duplication of efforts should be avoided and a balance established between these specialty law enforcement agencies and the local law enforcement agencies." A number of recommendations were made for further consideration, including that "the specialty state law enforcement agencies, including the Department of Alcoholic Beverage Control, the Department of Motor Vehicles, the Department of Taxation, the State Corporation Commission, the Virginia Port Authority, the Department of Corrections, the Department of Health Professions, the Capitol Police, the Department of Game and Inland Fisheries, the Marine Resources Commission, the Department of Professional and Occupational Regulations, and the various enforcement agencies of the state colleges and universities, should collaborate to determine the exact role each agency should fill (and how this should be established in the Virginia Code), the appropriate resources for each agency, and the appropriate balance with the local law enforcement agencies."

In 1994, a recommendation was made by the Governor's Blue Ribbon Strike Force "to explore bringing all law enforcement personnel from Alcoholic Beverage Control, Department of Motor Vehicles, and the State Corporation Commission into the Department of State Police." The Strike Force indicated concern over the unnecessary complexity created by granting full law enforcement powers to additional state agencies and a need for consistent training for all law enforcement officers.

As a result, in 1995, the General Assembly passed legislation which, in effect, abolished the State Corporation Commission's Motor Carrier Enforcement Division. The functions previously performed by that division, along with the personnel and resources required to absorb those functions, were transferred to the Department of State Police and the Department of Motor Vehicles. The transfer of functions to these two agencies is the only consolidation effort implemented thus far.

Senate Joint Resolution 340, approved in February 1995, specifically directed the Secretary of Public Safety "to conduct an analysis of the overlapping of agencies with statewide police powers in the Commonwealth ... [and] study the need, feasibility, and advisability of placing all such police powers into the Department of State Police under the administrative control of the Superintendent of State Police." The state agencies specifically named in the legislation as having overlapping statewide police powers were the Department of State Police, the Department of Alcoholic Beverage Control, the Virginia Marine Patrol, the Department of Game and Inland Fisheries, the State Lottery Department, and the Department of Motor Vehicles.

A committee of Department of State Police staff members was selected to participate in the study. Meetings were held with the various agencies named in the legislation and Virginia State Crime Commission staff to gather information and gain each agency's perspective on the benefits and impediments associated with such a consolidation. The following agency representatives were included in these meetings.

Department of Alcoholic Beverage Control
W. Curtis Coleburn, III - Policy/Judicial/Legislative Director
Garth L. Wheeler - Director of Operations

Department of Game and Inland Fisheries
Raymond E. Davis - Director of Administration
Major Herbert A. Foster - Assistant Chief of Enforcement

Department of the Lottery
Dennis Shaw - Director of Security
Frank M. Goodman - Assistant Director of Security

Marine Resources Commission
Robert D. Craft - Chief of Administration and Finance

Department of Motor Vehicles
Charles E. Murphy - Director of Investigative Services
W. Gail Morykon - Chief Investigator

In addition, an extensive data collection effort was undertaken to provide sufficient information to objectively assess the feasibility of consolidation and provide an estimate of the financial ramifications.

This report addresses the conceptual framework for consolidation, including the experiences of other states that have undergone some form of law enforcement consolidation. Information is provided on each agency relative to the law enforcement functions they currently perform; the overlap that exists, if any; the resources devoted to law enforcement; and the special needs of law enforcement staff within each agency in terms of equipment, training, data processing, physical facilities, etc. Finally, the feasibility of consolidation is addressed. From a cost perspective, two scenarios are presented.

THE CONCEPTUAL BASIS FOR CONSOLIDATION

There are several schools of thought concerning the most appropriate placement of police powers and the most efficient utilization of law enforcement resources. There are just as many proponents extolling the virtues of consolidation as there are opponents who focus on the disadvantages.

The rationale most frequently advanced for consolidating separate units within an organization, or for merging independent organizations, is commonality of mission, goals, and objectives. Simply stated, it is a logical approach to combine like entities to achieve a common purpose. It is assumed that this approach will eliminate any duplication of effort, increase efficiency, and reduce costs. Whether actual economies of scale will be realized is largely dependent upon the specific entities that are merged, the method of consolidation, the resultant organizational structure, and administrative issues.

In this study, the consolidation involves agencies whose overall missions are focused on the specific, largely unique roles they play in state government. The agencies are considered to be specialized in the functions they perform and law enforcement is but one of many activities each agency performs to achieve its overall mission. Further, law enforcement efforts are typically restricted to the agency's respective specialization, either through statute or administratively. The Department of State Police is the only agency whose primary mission is to provide general law enforcement services throughout the Commonwealth.

Thus, the major opposition to consolidation centers on a presumed change in focus inherent in consolidating specialized enforcement activities into a larger agency tasked with general enforcement responsibilities. Given existing human resource limitations within state government, it is assumed that specialized efforts would be secondary to general enforcement and/or existing enforcement priorities within the acquiring organization (the Department of State Police). This could logically be overcome by establishing discrete entities dedicated to a particular specialty within some larger division or bureau of "special operations." However, this would tend to negate any cost savings assumed to be attainable through reductions in management and administrative staff. In actuality, this would be a transfer of personnel, equipment, and funds from one agency to another, which would accomplish little more than changing the organization to which staff members report. This could even necessitate a number of management positions being established to create an additional bureau/division organizationally commensurate with the existing structure.

The advantages of consolidation include the elimination of duplication of services, if existent; a reduction in territorial issues and enhanced coordination and cooperation among previously distinct factions; managerial and administrative savings, if attainable; the standardization of training and equipment for all law enforcement officers involved; shared facilities and communications systems; and standard policies and operating procedures. However, the Department of Criminal Justice Services (DCJS) already attempts to standardize training through the establishment of certain minimum performance objectives that must be attained during the training process to receive certification as a law enforcement officer. The standardization of equipment would presumably reduce costs due to volume/discount purchasing; however, even within the agencies performing law enforcement functions, equipment needs vary in accordance with specific job requirements. The sharing of physical facilities and communications systems is an issue that could and should be considered, regardless of consolidation efforts.

In addition to the factors noted above, some individuals simply embrace the "one-stop shopping" philosophy and advocate centralizing state law enforcement functions so that a single point of contact exists. Regardless of personal preferences or beliefs, there is no one right or wrong configuration that has proven to be most effective. In fact, different degrees of consolidation and different organizational structures appear to be equally effective, depending upon the specific circumstances. Further, it would be impossible to determine with any degree of certainty how effective a consolidation of law enforcement functions would be. One can make a convincing case for many approaches, and in the end, any number of configurations can be effective, if a fundamentally sound approach to the transition is developed and the affected parties are supportive of the endeavor.

With these basic precepts in mind, information was gathered from other states that have undergone some form of consolidation.

CONSOLIDATION EXPERIENCES OF OTHER STATES

The North Carolina state government is considering consolidating the Highway Patrol and the motor vehicle enforcement functions of their Department of Motor Vehicles (DMV). As a result, the North Carolina Highway Patrol is conducting a study to assess the extent of consolidation that exists among the highway patrol/state police agencies of the other 47 contiguous states and Alaska.

The North Carolina study is not yet completed; however, 35 states have responded to a survey concerning their consolidation experiences. Of the states responding, 15 have engaged in some form of merger/consolidation. Four of these states were involved in mergers that were not strictly law enforcement oriented: Louisiana's merger of the Departments of Public Safety and Corrections; Oregon's merger of the State Police with Emergency Management and Law Enforcement Data Systems; Texas' unspecified consolidation activity in 1935 (no data were available); and Washington's merger of the State Patrol with the Utilities and Transportation Commission and the Department of Community Trade and Economic Development.

Of the remaining eleven states, nine (Alaska, Arizona, Kansas, Kentucky, Nebraska, North Dakota, Ohio, Pennsylvania, and Tennessee) had been involved in a merger of a state police or highway patrol agency with smaller entities having some form of limited police power (e.g., motor carrier enforcement, alcoholic beverage/liquor control enforcement, motor vehicle enforcement). The remaining two states (California and New Jersey) merged the State Police and the Highway Patrol.

The survey results indicated a fairly consistent need to provide all officers with the same basic training. Where the enforcement functions of the merged organizations were more similar than different, newly hired employees attended the same basic school. When the functions were markedly different, task/job specific schools were used. In addition, transition courses were provided for existing employees of merging entities. Several agencies mentioned personnel issues as being problematic and critical to success. For some involved in the transition, the change induced trauma regarding equity in personnel issues such as pay, fringe benefits, rank, promotional criteria, etc., which led to opposition to the change.

From the data provided by North Carolina, the primary objective of consolidation was not the elimination of duplicative services. Rather, states were attempting to achieve economies of scale by combining similar support and even enforcement functions. By having all enforcement personnel similarly trained, management of affected agencies might also gain greater flexibility in the deployment of human resources during turbulent or crisis situations. Further, there was no conclusive evidence that these mergers produced desired efficiencies or economies of scale.

The following synopsis of individual survey results was prepared by the North Carolina Highway Patrol.

State Agency Summary of Those Who Have Consolidated

- 1. Alaska:** Consolidated in 1974 with the Fish and Game Office, who enforce resource laws, and the Fish and Wildlife Protection Division, who place emphasis on actual criminal violations. The consolidation involved approximately 50 personnel.

The perceived level of service has increased as a result of the Fish and Wildlife troopers having been given full powers of arrest for any criminal violation.

All officers attend the same basic school.

2. Arizona:

In 1969, the Arizona Department of Public Safety was formed by consolidating the Arizona Highway Patrol, the Narcotics Division of the Arizona Department of Law Enforcement, and the Enforcement Division of the Department of Liquor Licenses and Control.

Because of the time that has elapsed, financial budgets are not available. However, since all major enforcement was placed under single management, the merger was seen to be cost-effective.

Positive attributes include single management, better coordination of law enforcement support, centralized recruitment, cross-training, and a career path.

All officers attend the same basic training course. After basic training, all officers are required to complete an initial assignment with the Highway Patrol.

3. California:

The California Highway Patrol and the California State Police completed their consolidation in July 1995. The merger involved 8479 personnel from the Highway Patrol and 353 from the State Police.

Anticipated savings the first year are estimated at \$835,000.

Advantages include the officer's perception that the level of service has increased, better officer benefits, and a wider range of career paths.

Negative aspects of the consolidation include personnel/labor relations issues and trauma to personnel as a result of the sudden organizational change.

State Police officers were required to attend a three-phase transition training program. All new officers will attend the same basic training.

4. Kansas:

In 1988, the Kansas Highway Patrol consolidated with the Motor Carrier Inspection Bureau. This merger affected approximately 175 people.

The budgets remained separate and there were no additional moneys appropriated; therefore, there was no additional cost incurred as a result of the consolidation.

As a result of the merger, all officers attend the same basic school. The end result is that motor carrier officers were armed and received better equipment than they had prior to consolidation. This has caused some jealousy and bad feelings which continue today.

- 5. Kentucky:** The consolidation of five agencies took place in the early 1980's. It involved the State Police, Department of Transportation, Boating, Parks, and Physical Security.
- The Kentucky spokesperson indicated that the merger did not prove to be cost-effective; and the level of service actually decreased, which resulted in a large volume of personnel complaints.
- The spokesperson also stated that the executive and legislative branches of government need to be united with the same goals for consolidation, or one agency will fare better than others, creating jealousy and animosity.
- 6. Louisiana:** The Department of Public Safety and the Department of Corrections consolidated in 1984. This merger was perceived as being cosmetic to fulfill a constitutional requirement which limited the executive branch to no more than 20 departments.
- Both agencies continue to operate independently and both budgets have changed little, excluding inflation, with the level of service remaining unchanged.
- Each agency continues to train its own personnel.
- 7. Nebraska:** In 1986, the Nebraska State Patrol merged with the Carrier Enforcement Division, Commercial Motor Carrier Enforcement; however, their budget is still provided by their original umbrella agency, the State Department of Roads.
- The merger resulted in the Carrier Enforcement Division obtaining full arrest powers and making a notable contribution to road operations personnel.
- 8. New Jersey:** In 1984, the Highway Patrol Bureau merged with the New Jersey State Police. The consolidation involved approximately 125 personnel. The initial outlay to facilitate the consolidation was over \$1 million in addition to both operating budgets.
- Positive aspects realized were the elimination of duplicated services, broader enforcement powers, and much needed staffing.
- Factors to be considered are salary changes, promotional criteria, seniority, job security, training needs, pension and retirement, benefits, job assignments, qualifications, rank changes, a contractual agreement, statutory amendments, probation, life insurance, transportation, uniforms, civil service, and social security.
- All officers complete the same basic officer training program.
- 9. North Dakota:** North Dakota Highway Patrol consolidated with the North Dakota Department of Transportation, Truck Regulatory Division, in 1982. The merger involved approximately 80 persons.

The merger of these agencies proved to be a cost-effective measure as administration costs decreased and equipment and facilities could be shared.

The level of service decreased initially; but, within a year, it increased as a result of better coordination of state resources and services.

10. Ohio:

The Ohio Highway Patrol falls under the Ohio Department of Public Safety. Recent legislation calls for the enforcement divisions of the Department of Liquor Control, Taxation, Public Utilities, and Commerce to be consolidated under the Department of Public Safety.

Ohio is in the process of this merger; therefore no other information is available.

11. Oregon:

The Oregon State Police has just completed (1995) a consolidation with the Department of Oregon Emergency Management, the Law Enforcement Data System, and the State Fire Marshals Office which provides emergency response to hazardous materials incidents.

The Oregon spokesperson states that the first-year budget for the consolidated agencies was approximately \$20 million less than the total of all the agencies' budgets prior to merging. Additionally, there is easier access to the range of services offered to assist troopers.

Overall, the consolidation has been met with a favorable experience, although they are currently dealing with the "us versus them" attitude.

They are currently planning for the training of new persons and are leaning in the direction of task-specific training.

12. Pennsylvania: The State Police consolidated with the Liquor Control Board, Enforcement Bureau, in 1987. The merger affected 239 personnel being transferred.

During the initial transition, additional costs were incurred. The State Police budget increased 7 percent the year after the consolidation or approximately \$18 million.

The most positive aspect of the consolidation was better consistency in liquor law enforcement. Negative aspects include lower morale due to pay differences and a more complicated collective bargaining process.

Basic training is not universal and is job specific.

13. Tennessee:

In 1983, three agencies consolidated, involving 184 persons. The agencies are Motor Vehicle Enforcement, School Bus Driver Training, and the Law Enforcement Training Academy.

Each officer receives specialized training that is specific to the job tasks.

The general consensus is the consolidation was both cost-effective and is efficient in that duplication of services was eliminated.

- 14. Texas:** Texas consolidated services with several agencies in 1935. Due to the date, no information is available.
- 15. Washington:** The Washington State Patrol is currently in the process of consolidating with two other agencies, the Utilities and Transportation Commission and the Department of Community Trade and Economic Development. This merger will affect approximately 70 persons. The merger began in July 1995, and the transition has been smooth. However, not enough time has elapsed to determine the end result.

The Washington spokesperson states that the first-year budget for the consolidated agencies was approximately \$12 million less than the total of the agencies' budgets prior to merging.

Massachusetts did not respond to the North Carolina survey; however, information had previously been obtained from them for other purposes, and is presented below.

In 1990, a state law was enacted to merge the Metropolitan District Commission Division of Law Enforcement, the Capitol Police, and the Division of Law Enforcement of the Registry of Motor Vehicles with the Massachusetts Division of State Police. The consolidation was undertaken to improve efficiency through economies of scale attainable by a single large organization providing the same services as one larger and four smaller organizations. This consolidation had been anticipated, so a study was commissioned and conducted by an outside consultant with representatives of the affected organizations. The consultant's report was intended to be a plan for a smooth transition. In actuality, the merger occurred and, despite the plan, there was inadequate prior preparation.

Officers, both original state police officers and those from the acquired organizations, were contacted to gain some insight into what might be expected in a consolidation. Based upon these conversations, personnel issues were critical, as the consultants had indicated they would be. Differences in rank structures, differences in levels of responsibility accorded the different ranks, eligibility requirements for promotion, and salary/wage equity were all important in the transition. While the consultants report provided a valuable guide for what should be done to assure a smooth transition, officers indicated that the consolidation would have been much improved if the original plan been followed more closely. Those involved in the process felt that the "people" issues were paramount and the success or failure of the merger hinged in large part on the internalization or acceptance of the goals of consolidation.

CANDIDATES FOR CONSOLIDATION

Information on each agency specifically named in SJR 340 is provided concerning the law enforcement functions they currently perform; the overlap that exists, if any; the resources devoted to law enforcement; and the special needs of law enforcement staff within each agency in terms of equipment, training, data processing, physical facilities, etc.

DEPARTMENT OF STATE POLICE

The Department of State Police's mission is to "provide to the Commonwealth of Virginia a responsive, coordinated, composite statewide police department, independent yet supportive of other law enforcement agencies; to preserve law and order; to enforce criminal, traffic, and regulatory laws; to meet goals and objectives of the Department; and to provide security and safety services in the most efficient and effective manner." Authority for the operation of the Department is contained in Title 52 and in certain chapters of Titles 2, 19.2, 27, 46.2, and 56 of the Code of Virginia.

The State Police's mission is accomplished through the following agency goals:

- Ensure the safety and security of citizens and their property.
- Publicly propose and support initiatives to reduce violent crime in our communities.
- Persist toward the mark of eliminating illegal drug use within Virginia.
- Provide appropriate available Department resources to any requesting law enforcement agency.
- Promote the safe and orderly flow of traffic on Virginia's roadways.
- Ensure the safety, security, and high morale of Department personnel.
- Continually seek ways to deliver the most cost-effective and efficient law enforcement services possible.

The Department of State Police performs its functions through four primary organizational components: the Superintendent's Office, the Bureau of Field Operations, the Bureau of Criminal Investigation, and the Bureau of Administrative and Support Services.

The Superintendent's Office provides executive guidance to the agency and contains the Professional Standards Unit and the Public Affairs Unit.

The Bureau of Field Operations:

The Bureau of Field Operations, the largest of the three bureaus, is staffed with 1385 employees. The bureau is primarily responsible for patrolling over 64,000 miles of state roadways and interstate highways throughout Virginia. Uniformed State Police personnel provide both traffic enforcement and criminal law enforcement, as the need arises and based upon the ability of local law enforcement to respond. Troopers provide patrol services on all limited-access highways in the state and throughout counties that do not have police departments. Troopers have also been deployed in cities as Violent Crime Strike Forces to assist local police in curbing violent crime. The bureau is also responsible for managing the Motor Vehicle Safety Inspection Program, the enforcement of Motor Carrier and Commercial Vehicle Safety Regulations, the Executive Protection Unit, and the Aviation Unit. Enforcement statistics for the bureau are contained in Attachment I.

The Commonwealth's geography and size dictate the need to decentralize uniformed police services into seven field divisions and a safety division. Field division headquarters are located in Richmond, Chesapeake, Fairfax, Culpeper, Appomattox, Salem, and Wytheville. These divisions are further subdivided into 54 State Police areas that consist of one or more cities and/or counties. Manpower is allocated to these areas based upon workload demands at the city/county level.

Bureau of Criminal Investigation:

The Bureau of Criminal Investigation investigates criminal matters as mandated by statute and State Police policy. All matters referred by the Governor are investigated, along with cases referred by the Attorney General, commonwealth's attorneys, chiefs of police, sheriffs, and grand juries. Emphasis is also placed on cases that cross the jurisdictional boundaries of localities. (See Attachment I for enforcement statistics.)

There are 469 employees assigned to the bureau, which is divided into three divisions - the General Investigations Division (GID), the Drug Suppression Division (DSD), and the Criminal Intelligence Division (CID). The bureau accomplishes its mission through special agents located in field offices across the Commonwealth.

General Investigations Division (GID)

The General Investigations Division is organized to respond to complaints about violations which constitute Class 1, 2, or 3 felonies. Investigation of other classes of crime is discretionary. Major emphasis is placed on responding to requests from the Governor, Attorney General, commonwealth's attorneys, grand juries, chiefs of police, and sheriffs throughout the Commonwealth.

In addition, specialized training has been provided to a number of GID officers to enhance their investigative expertise in specific areas. For example, a number of special agents have been specifically trained to investigate arson and explosives-related matters. A chief arson investigator coordinates arson-related activities between the Bureau of Criminal Investigation and other investigative agencies throughout the state. Arson investigation training and assistance is provided to other localities, as requested. Similarly, a specialized Auto Theft Unit works closely with the Department of Motor Vehicles and federal and local law enforcement agencies investigating crime related to auto theft rings, chop shops, insurance fraud, and other illegal activities.

There are also agents who specialize in firearms investigations, fugitive apprehension, homicide and other violent crimes, white collar crime, and organized crime. Some agents are also trained as crime scene technicians and are often called upon by local law enforcement agencies to examine and evaluate evidence at the scene of a crime, while others have specialized training in areas such as accounting, asset forfeiture, and polygraph examination.

Drug Suppression Division (DSD)

The Drug Suppression Division (DSD) enforces Virginia's narcotics and substance abuse laws and supports local law enforcement agencies' efforts to enforce these same laws. Agents assigned to regional field offices perform operational narcotics enforcement investigations, support special operations initiated by other law enforcement entities (e.g., undercover, wire intercept, etc.), and conduct a regular program to eradicate domestically grown marijuana. There is also a specialty unit that deals with pharmaceutical drug diversion.

The division participated in 23 State/Local Multi-Jurisdictional Task Forces, representing 85 local jurisdictions during 1994. It also participated with the Drug Enforcement Administration, the Federal Bureau of Investigation, the U. S. Customs Service, the Internal Revenue Service, the Maryland State Police, and numerous local agencies in six State/Federal Task Forces.

Criminal Intelligence Division

The primary purpose of this division is to identify, document, and disseminate intelligence concerning persons involved in continuing criminal activity, organized crime, and terrorist groups. The division operates the Virginia Criminal Intelligence Center (VCIC), which is a repository of intelligence information that is available to all Virginia law enforcement personnel. VCIC personnel provide research and analytical support to criminal justice agencies twelve hours a day, five days a week. Two special agents interact with investigators and task forces to collect and supply information on current investigations.

The division also has surveillance agents that are trained in electronic and photographic surveillance that is used in combating criminal activity. Some of these agents are also assigned the responsibility of administering a program that provides surveillance vans to local law enforcement agencies for use in narcotics investigations. Agents also provide video, audio, and electronics installations when such support is requested.

The Help Eliminate Auto Theft (H.E.A.T.) Program is managed by this division. This program, which is funded by the insurance industry, offers rewards up to \$10,000 for information which leads to an arrest for auto theft and places emphasis on the investigation of chop shops and major auto theft rings.

Bureau of Administrative and Support Services:

This bureau provides the department with most of its staff support services. There are 488 personnel assigned to the bureau, which includes most of the department's non-sworn personnel. The bureau is comprised of the Property and Finance Division, the Communications Division, the Data Processing Division, the Records Management Division, the Personnel Division, the Training Division, and the Planning and Research Unit.

Personnel

The Department of State Police has an authorized strength of 2342 positions, all of which are devoted to the delivery or support of law enforcement services. Included in the total figure are 1727 sworn State Police officers in the following classifications:

1 Superintendent	
1 Deputy Superintendent	Grade 21
3 Bureau Directors	Grade 18
4 Deputy Bureau Directors	Grade 17
15 Captains	Grade 16
44 Lieutenants	Grade 15
57 First Sergeants	Grade 14
1 Legal Specialist	Grade 14
43 Assistant Special Agents-In-Charge	Grade 14
134 Sergeants	Grade 13
25 Special Agent Accountants	Grade 13
10 Surveillance Special Agents	Grade 13
56 Senior Special Agents	Grade 13
169 Special Agents	Grade 12
89 Master Troopers	Grade 12
13 Trooper Pilots	Grade 12
299 Senior Troopers	Grade 11
708 Trooper II's	Grade 10
55 Commercial Vehicle Enforcement Officer	Grade 9

Funding

The Department of State Police is funded through both general and non-general funds. The FY94-95 appropriation for operating expenses was \$132,393,548, the majority of which was general funds (\$115,908,028). The FY95-96 appropriation was increased to \$134,433,268.

Facilities

The Department currently owns or leases 63 facilities throughout the Commonwealth. Wherever possible, the Department is committed to the concept of co-locating with other state agencies.

Equipment

All sworn personnel receive certain law enforcement equipment that varies depending upon their job assignment. A list of standard equipment issued to troopers and special agents is found in Attachment II.

Training

All sworn employees are DCJS-certified. State Police basic training far exceeds the DCJS minimum standards. Employees are required to attend a 1040-hour, 26-week basic training program at the State Police Academy. Specialty training is also provided to maintain programs such as instructor certification and recertification, firearms instructor training, tactical field force training, and tactical team training.

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

The Department of Alcoholic Beverage Control oversees the manufacture, bottling, sale, distribution, and transportation of alcoholic beverages. The Department's mission is "to administer ABC laws with an emphasis on excellence in public service and a focus on public safety by ensuring a safe, orderly, and regulated system for convenient distribution and responsible consumption of alcoholic beverages while generating a reasonable profit for the Commonwealth and its localities."

The Department is composed of the Virginia Alcoholic Beverage Control Board, its agents, and employees. The Board consists of three members, appointed by the Governor and confirmed by the General Assembly, who are empowered by statute to perform certain functions. These include the following:

- Buy, import, and sell alcoholic beverages, other than beer and wine not produced by farm wineries, and have those beverages in its possession for sale.
- Control the possession, sale, transportation, and delivery of alcoholic beverages.
- Determine the localities within which government stores will be established or operated and the location of those stores.
- Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic beverages to and from warehouses.
- Purchase, build, lease, and operate distilleries and manufacture alcoholic beverages, as necessary.
- Determine the nature, form, and capacity of all containers used for holding alcoholic beverages under its jurisdiction, and prescribe the form and content of all labels and seals.
- Appoint agents and employees required for its operations.
- Hold and conduct hearings, issue subpoenas, administer oaths, and take testimony.
- Promulgate regulations in accordance with the Administrative Process Act and Title 4.1-111.
- Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale of alcoholic beverages.
- Assess and collect civil penalties and civil charges for violations of Title 4.1 and Board regulations.
- Establish minimum food sale requirements for all retail licensees.

Law Enforcement Functions

The Department's law enforcement responsibilities are performed by the Bureau of Law Enforcement Operations and Professional Standards. This bureau was established in the fall of 1995 as the result of restructuring the ABC's law enforcement division. The Bureau's mission is stated as follows: "The purpose of the Bureau of Law Enforcement Operations is to support the mission of the Department of Alcoholic Beverage Control with particular emphasis on controlling crime and ensuring public safety in connection with the distribution of alcoholic beverages."

This mission is accomplished through the following bureau priorities:

- 1.) Investigate applicants for ABC licenses to ensure that law-abiding persons are licensed in a timely fashion, and to detect organized crime, convicted criminals, and other persons unsuitable to hold ABC licenses.
- 2.) Educate licensees and the general public and seek voluntary compliance with ABC and related laws.

3.) Target problem applicants, licensees, and licensed or unlicensed establishments for arrest, civil forfeiture, and license suspension/revocation where applicable. Problem areas include:

- ◆ selling alcoholic beverages to persons who are underage or intoxicated;
- ◆ hidden ownership, drug trafficking, illegal gambling, financial crime, and other organized criminal activities involving owners and/or management;
- ◆ alcohol distribution that co-exists with drugs, firearms, and/or violence; and
- ◆ the organized illegal manufacture of liquor.

This bureau, composed of 177 positions, accounts for 17 percent of the Department's total manpower allocation. The bureau performs various functions, which include:

- License Application Processing and Investigation - approximately 2,500 retail and wholesale applications and 10,000 one-day special event applications for licenses to sell alcoholic beverages are received annually.
- Education - training sessions are conducted for licensee and civic groups concerning compliance with ABC laws. Approximately 25,000 people receive training annually.
- Regulatory Violation and Criminal Law Enforcement - inspections, observations, and investigations are conducted on licensed and non-licensed establishments. Typical investigations involve sales to minors, sales to intoxicated persons, illegal gambling, financial crimes, and the illegal manufacture and sale of alcoholic beverages.
- Tax and Fee Collection - annual license taxes are collected, as well as the Malt Beverage and Wine Liter taxes, approximating \$60 million annually.

A number of initiatives have been developed to target specific areas of concern. These include:

- The Cops-in-Shops program whereby undercover agents pose as clerks to apprehend users of false identification in off-premise establishments. This initiative is funded through federal grant funds.
- CORE, which is the Computerized Organization of Resources for Enforcement. This program attempts to increase the use of automation in work processes to enhance service delivery and improve agency efficiency.
- The ABC/DMV Task Force which targets individuals using false identification at on-premise establishments.
- The Financial Investigations Section which places major emphasis on the identification of white collar crime, targeting money laundering and tax evasion within licensed establishments.
- The Special Agent Productivity Team which was established to improve productivity through developing performance measures and identifying ways to reduce administrative time.
- The Under-Age Sales Team which was created to provide a two-pronged attack on sales to minors through combined educational and enforcement efforts.
- The Licensee Contacts Pilot Study which documents contacts with licensees to provide support for the administrative hearings process.

The Bureau consists of two divisions - the Investigative Services Division and the Administrative Services Division. The Administrative Services Division is segregated into four components: Compliance, Education and Training, License Services, and Support Services. However, actual enforcement activities are performed within the Investigative Services Division. This division is composed of regional field offices and the Special Investigations Section, which also includes Financial Investigations. Enforcement powers are derived from § 4.1-104 of the Code of Virginia which states that "Members of the Board are vested, and such agents and employees of the Board designated by it shall be vested, with like power to enforce the provisions of this title and the criminal laws of the Commonwealth as is vested in the chief law enforcement officer of a county, city, or town."

With the restructuring of the law enforcement division, the number of ABC regions was reduced from nine to five. The remaining four regional headquarters now function as satellite offices. ABC investigators are geographically dispersed throughout the state and are assigned to one of the five regional offices which are located in Abingdon, Staunton, Alexandria, Richmond, and Hampton.

Region 1 covers the southwestern portion of the state. There are 2,280 establishments in the region, which includes 12,811 square miles and has 25 sworn staff assigned to the area. Region 2 encompasses the southern central portion of the state and includes 2,704 establishments and 10,330 square miles, with 26 sworn staff assigned to the region. Region 3 includes the Tidewater area and the Eastern Shore, encompasses 3,106 square miles, and includes 2,802 establishments and 26 sworn staff. Region 4 covers the northern central portion of the state. There are 2,408 establishments in the region, which includes 12,143 square miles and has 27 sworn staff assigned to the area. Region 5 includes the northeastern tip of the state and includes 2,554 establishments and 1,312 square miles, with 21 sworn staff. Satellite offices are located in Chesapeake, Charlottesville, Lynchburg, and Roanoke.

Three specialized units were created within each region - the Economic Investigations Unit, the General Investigations Unit, and the Technical Investigations Unit. The General Crimes Unit is responsible for investigating complaints and initiating investigations involving underage buyers, drugs, gambling, prostitution, acts of violence, nip joints, and public nuisances. The Economic Investigation Unit handles regulatory and administrative matters such as background investigations, licensee extensions, licensee compliance, industry investigations, industry audits, inspections, and financial investigations. The Technical Investigations Unit serves as a support function to the Economic Investigation and General Crimes Units and is responsible for intelligence collection, surveillance operations, undercover operations, and still investigations.

According to ABC staff, a transfer of ABC's law enforcement responsibilities to the State Police would require the transfer of an estimated 33 positions. This estimate is based on a total of 50,249.10 hours spent on criminal enforcement during FY94-95 and an average of 1,860 hours available to work per person. ABC would retain 144 positions to continue to support their licensing and tax collection functions. It is, however, noted that prior to restructuring, ABC had estimated that transferring their enforcement functions to the State Police would necessitate transferring 75 positions.

There is potentially more overlap between the State Police and ABC and than there is with other agencies due to the strong linkage between alcohol, narcotics, and crime. Based on enforcement statistics provided by ABC for FY94-95, the following activities account for approximately 70 percent of the total time expended on division activities: Investigations (25.2 percent), Application Investigations (14.5 percent), Miscellaneous (14.3 percent), and Observations (14.1 percent). (See Attachment III for ABC enforcement data.)

A total of 15,125 application investigations were reported for FY94-95. In addition, 20,953 other investigations were conducted, 2,843 of which were criminal investigations. ABC staff members were unable to provide a detailed breakdown of the types of investigations conducted that would lend itself to assessing duplication of efforts. However, if all investigations that are ABC-related or licensee-related are excluded, 511 (18 percent) of the criminal investigations conducted by ABC appear to fall within the general crimes and offenses area (Section 18.2 of the Code). Application investigations and observations are clearly ABC functions that are not duplicative of State Police functions. No information was provided on the types of activities included in the miscellaneous category, so it is impossible to determine if there are any overlapping functions included in that category. However, the majority of activities reported appear to be focused on ABC-related matters that would not duplicate State Police functions.

During FY94-95, ABC reported 2799 arrests, 1431 arrest assists, and 2834 summonses. No information was provided concerning the summonses issued. The arrest data was categorized by licensee versus non-licensee and ABC-related versus non-ABC related arrests. The extent of overlap in actual arrests cannot be determined from the data provided.

ABC does not have any written policy regarding the referral of cases to other law enforcement agencies; however, the only investigations they refer to the State Police are traffic accident investigations involving state vehicles.

Personnel

There are a total of 177 positions assigned to the Bureau of Law Enforcement and Professional Standards, 146 of which are sworn positions. The 33 positions earmarked by ABC for transference are as follows:

3 assistant special agents-in-charge	Grade 11
27 special agents	Grade 10
3 executive secretaries	Grade 6

A proposal has been advanced to regrade sworn positions so that special agents will be in a Grade 12 classification and assistant special agents-in-charge will be Grade 14's. The total cost of the regrade proposal for all ABC sworn positions would be \$1,017,114. Funds have already been budgeted for this purpose in the Department's FY95-96 budget.

These 33 positions (with the exception of one position) are assigned to the General Crimes Units in the five regions - 8 positions in Region 1, 6 positions in Region 2, 5 positions in Region 3, 8 positions in Region 4, and 5 positions in Region 5. Special agents are responsible for conducting criminal and administrative investigations, collecting evidence, gathering intelligence concerning criminal activities, and making arrests in the enforcement of ABC and all other criminal laws. They conduct criminal investigations involving felonies and serious misdemeanors relative to alcohol violations, licensees of the Board, or persons who provide illegal services to licensees; analyze and interpret corporate and other business records to understand agreements and determine hidden ownership; analyze, reconstruct, and interpret financial records to determine the division of moneys, profits, liabilities, embezzlement of state fiduciary funds, income tax skimming, and money laundering; conduct investigations into the backgrounds of applicants for state ABC licenses; review applications; and prepare and present cases before administrative law tribunals.

Assistant special agents-in-charge supervise criminal investigations and related administrative functions within their assigned region. This includes supervising investigations of felonies and serious misdemeanors that involve public safety, criminal activities of ABC licensees or persons/businesses providing illegal services to licensees, cases involving Hot-line complaints, and DWI Tracking complaints. They assign cases, monitor progress, review case reports, provide guidance, and monitor criminal investigative files and other administrative information to ensure compliance with ABC laws, regulations, and policies.

Executive secretaries provide administrative and clerical support to regional staff by performing various duties, including processing paperwork and correspondence, responding to information requests, maintaining files, etc.

Although ABC estimated that 33 positions are required to perform criminal enforcement functions, it is unclear whether the same level of enforcement could be maintained without transferring additional sworn positions that are currently working in concert with and/or providing technical support to the General Crimes Unit.

Funding

The Department of Alcoholic Beverage Control is funded through special funds. Their FY94-95 appropriation for operating expenses was \$230,838,480. Of this total, \$8,241,966 was expended for law enforcement operations. The FY95-96 appropriation was increased to \$238,855,211; \$10,236,431 was appropriated for the law enforcement, which includes \$1,017,114 for upgrading sworn staff classifications. ABC estimates that an appropriation of \$1.5 to \$1.7 million would be required to fund the positions transferred to the Department of State Police.

Administrative Staff

The 1995 Appropriations Act included provisions for 1045 authorized positions, all of which are non-general fund positions. The Department's Maximum Employment Level has been reduced to 1019 and the number of positions allocated to the Bureau of Law Enforcement Operations and Professional Standards has been reduced to 177. ABC staff members were unable to segregate the number of employees performing administrative functions in indirect support of their law enforcement personnel.

Facilities

ABC leases 5321 square feet of office space for law enforcement personnel in Abingdon and Staunton. An additional 9800 square feet is provided in state-owned facilities in Alexandria and Hampton, and no information was provided on the Richmond regional office. These offices house sworn staff other than the General Crimes Unit personnel which would be transferred to the State Police. The total monthly rental expense for these facilities is \$3383.

Equipment

ABC special agents are issued standard equipment and supplies, similar to that of other law enforcement agencies. (See Attachment IV for a listing of specific equipment issued to staff.) The total cost of this equipment is estimated to be \$18,100 per employee, including \$16,000 for a new vehicle.

Approximately 164 vehicles are assigned to the Bureau of Law Enforcement Operations, 144 of which are assigned to sworn personnel and 20 of which are assigned to the various regions as spare or undercover vehicles. Vehicles are equipped with State Police radios and repeaters, as well as SIRS radios in rural areas; a siren; and strobe light. In the Northern Virginia, Richmond, and Tidewater areas, some agents are also provided hand-held radios programmed to local police frequencies.

Training

All sworn employees are DCJS-certified. They receive a variety of training beyond entry-level requirements, including law enforcement-related training from several regional and independent police academies located throughout the state, as well as training provided by the ABC Academy. A number of ABC agents are DCJS-certified instructors in such areas as firearms, defensive tactics, and defensive driving. In-service training is provided biennially, as required by DCJS.

Additional training opportunities in specialized areas are provided each year as deemed appropriate. Examples of specialized training include financial investigations, corporate law, surveillance techniques, FAA certification training for carrying firearms on commercial flights, automated systems, explosives training, first aid/CPR, defensive driving for ABS vehicles, executive protection, administrative law process, and management development courses for supervisors, managers, and administrators.

Data Processing

ABC has the following computer systems in place: the CRIS System (UCR/NIBRS), the Agent Activity System, the License Tracking System, the Financial Investigative System, the License System, the Inspection System, the Violation System, and the VCIN/NCIC/VNPI. These applications reside on the mainframe or are PC-based and use COBOL, Revelation, Powerhouse, DBase, or Microsoft Access. In addition, a system is being developed, CORE, that will incorporate all of the bureau's computer systems. The Department has a local area network and is installing a wide area network which will include their nine field offices.

Agency Perspective

ABC is opposed to the transfer of their law enforcement responsibilities to the State Police and feels it would be operationally inefficient. Since ABC is dedicated to regulating and enforcing alcohol-related statutes and regulations, the potential exists for alcohol law enforcement to suffer unless resources continue to be devoted exclusively to alcohol-related investigations. An additional concern stems from the integrated nature of their enforcement and regulatory responsibilities in that criminal investigations or charges frequently result from regulatory visits. Further, it may be difficult to maintain sufficient collaboration and cooperation to ensure that both agencies are staffed with professionally trained personnel and that interrelated issues, such as thorough licensee investigations, are performed effectively.

ABC staff members indicated that there is very rarely any overlap in the functions performed by ABC agents and State Police investigators. They stated that ABC agents are involved with matters that are closely related to the sale and distribution of alcoholic beverages and are not on the highways working radar or conducting the types of investigations State Police employees routinely perform. Further, it would be difficult to completely segregate regulatory functions from criminal investigations and the net result would be a duplication of efforts with State Police involved in administrative hearings as well as court proceedings.

DEPARTMENT OF GAME AND INLAND FISHERIES

The Department of Game and Inland Fisheries (DGIF) manages and protects the Commonwealth's wildlife species and habitats. They educate the public concerning wildlife, boating, and outdoor recreational resources and regulations, and enforce laws and regulations pertaining to these resources. The agency's stated mission is "to manage Virginia's wildlife and inland fisheries to maintain optimum populations of all species to serve the needs of the Commonwealth; to provide opportunity for all to enjoy wildlife, inland fish, boating, and related outdoor recreation; and to promote safety for persons and property in connection with boating, hunting, and fishing." This mission is accomplished through a number of Department goals and objectives including the following:

Goal: Provide for optimum populations and diversity of wildlife species and habitats.

Objectives:

- Establish a comprehensive wildlife management plan for Virginia's wildlife populations and habitats.
- Inventory and manage wildlife populations and habitats.
- Establish an agency-wide proactive environmental protection and monitoring program.
- Promote understanding of and compliance with wildlife and environmental laws and regulations.
- Promote judicial awareness of the importance of wildlife, boating, and environmental regulations.

Goal: Enhance opportunities for enjoyment of wildlife, boating, and related outdoor recreation.

Objectives:

- Provide wildlife, boating, and related outdoor recreation opportunities.
- Increase public awareness of available wildlife, boating, and related outdoor recreation resources and opportunities.

Goal: Improve understanding and appreciation of the importance of wildlife and its habitat.

Objectives:

- Involve the public in programs which benefit wildlife.
- Identify and utilize available resources within the Department and other agencies to promote wildlife education.
- Increase knowledge and understanding of wildlife for Virginia's youth.
- Expand the accessibility and form(s) of wildlife-related information.

Goal: Improve understanding and appreciation of the importance of wildlife and its habitat.

Objectives:

- Promote understanding and compliance with the laws and regulations concerning safe and ethical conduct in boating, wildlife, and related outdoor recreation.
- Increase the public's exposure to safe and ethical practices for outdoor-related recreation.

Law Enforcement Functions

The Department's law enforcement responsibilities are performed by a separate Law Enforcement Division, which is the largest of the agency's seven divisions. This division, composed of 185 positions, accounts for 45.1 percent of the Department's total manpower allocation. Their enforcement powers are derived from § 29.1-203 of the Code of Virginia, which states that "Game wardens shall have jurisdiction throughout the Commonwealth to enforce the hunting, trapping, and inland fish laws and may serve process in all matters arising from violations of such laws," and § 29.1-205, which states that "All game wardens are vested with the authority, upon displaying a badge or other credential of office, to issue a summons or to arrest any person found in the act of violating any of the provisions of the hunting, trapping, inland fish, and boating laws. Regular game wardens are vested with the same authority as sheriffs and other law enforcement officers to enforce all of the criminal laws of the Commonwealth."

The Division's responsibilities are primarily concerned with the enforcement of wildlife, fisheries, and boating laws. The focus of their activities varies throughout the year due to the time periods/seasons established for various hunting activities and the seasonal nature of other recreational activities.

The Division works closely with local authorities since calls for service that are within the DGIF's area of responsibility are frequently received by local law enforcement agencies (e.g., boating and hunting accidents, trespassing, hunting and boating complaints, etc.). Most of their officers have radio systems with local frequencies for sheriff's or police departments which allow them to respond to calls that most appropriately fall within their specialized area of responsibility.

The Division is also responsible for the Hunter Education Program which provides instruction in hunter safety, principles of conservation, and sportsmanship, as mandated by § 29.1-300.2 of the Code. This program must be completed before a hunting license can be issued to a person who has never obtained a license to hunt, or a person between the ages of 12 and 15 years old (inclusive). The program relies heavily upon the use of volunteers and is considered to be a crime prevention effort, whereby officers provide instruction on basic hunting laws to reduce violations that occur due to a lack of knowledge.

The Division also performs functions classified as general enforcement. This typically occurs when an officer encounters a situation during routine patrol that would be deemed a public safety issue requiring immediate action, such as driving while intoxicated or reckless driving. In addition, they may be involved in environmental enforcement. This usually occurs when game wardens detect a problem (e.g., an illegal tire dump, obstruction of streams, a fish kill, etc.) during the course of their routine patrol. These cases are often turned over to the Department of Environmental Quality or the Marine Resources Commission (MRC). Since the Marine Resources Commission does not have any personnel assigned to the western portion of the state, they have a cooperative agreement with DGIF whereby DGIF will respond to calls for service that would normally be handled by MRC officers. These investigations are, likewise, often referred to the MRC or other authorities for investigation.

There is the potential for overlap with other law enforcement agencies when dealing with contraband wildlife, since individuals dealing in one form of contraband are often dealing in other forms of contraband, such as drugs. However, most DGIF narcotics arrests are coincidental to other violations, such as arresting someone for a boating violation and discovering that the violator is in the possession of drugs. As a general rule, game wardens do not focus on narcotics investigations.

The DGIF holds sobriety checkpoints, but only on the water. They have joined forces with the State Police on holiday weekends to hold these checkpoints in proximity to one another to share breathalyzer resources, which has historically proven to be very effective. Game wardens are generally discouraged from traffic enforcement, unless, as previously stated, it is a public safety issue. On occasion they will participate in State Police checkpoints to look for evidence of wildlife violations.

Written policies in the form of General Orders have been developed that dictate how traffic violations, organized crime, and vice are handled, and when cases should be referred to other agencies. Policy states that motor vehicle laws will not be enforced on a routine basis - officers who observe traffic violations that threaten the life, limb, or property of another will handle those situations promptly; violations discovered as the result of investigating other violations may be handled at the officer's discretion; and all other traffic violations are reported to the State Police or the appropriate local law enforcement agency. Organized crime and vice investigations are not typical DGIF functions. The Department strives to identify, investigate, prosecute, and eliminate organized crime dealing in boats, fish, endangered plants, and wildlife. Organized crime and vice activities in conjunction with, but outside of these areas, are referred to the proper authority.

Enforcement statistics for FY94-95 were provided by the DGIF. Data were classified according to five major types of violations - Game, Migratory Bird, Fish, Boat, and General. On a percentage basis, these classifications account for 39.3 percent, 1.0 percent, 33.7 percent, 18.5 percent, and 7.6 percent of the Division's enforcement activity, respectively. (See Attachment V for detailed enforcement data.) The majority of violations classified as Game, Fish, Boat, and Migratory Bird are § 29.1 (Game, Inland Fisheries, and Boating) violations. A small percentage of general crimes and offenses (§ 18.2) are included in these categories, the majority of which relate to trespassing. These data clearly indicate that enforcement efforts are focused on wildlife, fish, and boating violations, which are not typically enforced by the State Police.

The "General" category included 412 arrests for general crimes and offenses (§ 18.2), 270 motor vehicle arrests (§ 46.2), and 266 miscellaneous arrests/violations. An additional 84 arrests could not be appropriately categorized due to erroneous Code citations. Thus, only 5.0 percent of their total reported enforcement activity involved violations routinely enforced by the State Police. Although the potential for overlap or duplication exists, it is insignificant based upon current enforcement practices.

Personnel

There are a total of 185 positions assigned to the Law Enforcement Division, 172 of which are sworn positions. Sworn staff are as follows:

1 chief of law enforcement (colonel)	Grade 16
2 assistant chiefs of law enforcement (major)	Grade 14
5 game warden managers (captain)	Grade 13
17 game warden supervisors (lieutenant)	Grade 11
1 game warden supervisor (lieutenant - Training)	Grade 11
1 game warden supervisor (lieutenant - Hunter Education)	Grade 11
1 game warden supervisor (lieutenant - Covert Operations)	Grade 11
26 game warden seniors (sergeant)	Grade 10
6 game warden seniors (sergeant - Hunter Education Training)	Grade 10
2 game warden seniors (special agent - Covert Operations)	Grade 10
110 game wardens	Grade 9

The Division is organizationally composed of five regions, which are further segregated into districts. Region I encompasses the Tidewater area and is headquartered in Williamsburg. There are four districts with a total of 35 employees assigned to the region. Region II includes the Roanoke area; its headquarters are located in Forest. There are 34 employees assigned to the region which is also sub-divided into four districts. Region III headquarters are located in Marion. The region covers the southwestern portion of the state, with three districts and 29 employees. Region IV, the Valley area, is staffed with 21 employees and includes two districts. Regional headquarters are located in Verona. The fifth region encompasses the Northern Virginia area. There are four districts and 31 employees assigned to the area, with headquarters in Fredericksburg. In addition to these field offices, there are 35 Law Enforcement Division employees, including 14 game warden trainees, assigned to central headquarters in Richmond.

Game wardens are responsible for enforcing all laws, state and federal, pertaining to fish, wildlife, and boating, and for enforcing all other laws of the Commonwealth in the course of performing these duties. An important function of their job is maintaining effective coordination with state, local, and federal agencies to ensure adequate enforcement coverage. They are also responsible for promoting and delivering programs related to the Department's wildlife management and public safety objectives. This includes providing instruction on hunting safety practices.

Game warden seniors are likewise responsible for the protection of wildlife and fish resources through the apprehension and prosecution of violators of game, inland fish, and boating laws. They plan and conduct patrol activities in multi-county work areas, respond to requests for information from the public, and provide instruction for hunting and boating safety courses.

Game warden supervisors are responsible for law enforcement personnel, programs, and equipment in their respective districts. They supervise the activities of game wardens and game warden seniors in enforcing fish, game, and boating laws to ensure the safe and controlled use of wildlife resources.

Game warden managers supervise law enforcement personnel and programs within their respective regions through the allocation of regional resources; directing the formulation of work plans, projects, reports, and budgets; and establishing regional operating procedures.

The two assistant chiefs of law enforcement perform different functions. One is responsible for the recruitment and training of game wardens. In addition, he functions as the personnel officer for the Division; supervises the planning and development of the Division budget; directs the Internal Affairs Section; and supervises the Training Section and the Hunter Education Program. The other assistant chief functions as the equipment and procurement officer for the Division and as the communications officer for the Department. He directs inter-district movement of personnel during peak periods and plans and supervises special field operations and investigations involving personnel from two or more districts. The chief of law enforcement directs the overall operations of the Law Enforcement Division in support of the Department and its mission.

In addition to sworn employees, there are 13 non-sworn personnel in the following positions: 1 radio dispatcher supervisor (Grade 7), 1 program support technician senior (Grade 7), 2 dispatchers/police (Grade 6), 1 executive secretary (Grade 6), 6 secretary seniors (Grade 5), and 2 office services specialists (Grade 5). There are also six wage positions (P-14's) in addition to the classified positions previously enumerated - two dispatchers, three office services assistants, and one radio specialist.

The radio dispatcher supervisor oversees the operation of the communications center and supervises the work of assigned dispatchers, who are responsible for handling radio traffic. The other non-sworn personnel provide clerical and administrative support by performing various duties, including processing paperwork and correspondence, responding to information requests, maintaining files, and entering data.

Funding

The Department of Game and Inland Fisheries is largely funded through special funds. Their FY94-95 appropriation for operating expenses was \$26,879,382, including \$100,000 from the general fund and \$6,033,476 in federal funds. Of this total, \$9,888,787 was expended for law enforcement operations. The FY95-96 appropriation was increased to \$27,516,882 and \$9,021,767 was appropriated for the Law Enforcement Division. A supplemental appropriation of \$2,559,754 has been requested, which would provide a total appropriation of \$11,581,521 (pending Department of Planning and Budget approval).

Administrative Staff

The 1995 Appropriations Act included provisions for 410 authorized positions, all of which are non-general fund positions. It is estimated that 117 positions provide direct or indirect administrative support to the agency (25 and 92 positions, respectively). It is further estimated that 18 positions currently provide administrative support to the Law Enforcement Division.

Facilities

The DGIF leases 10,432 square feet of office space for law enforcement personnel in four regions. An additional 3,410 square feet is provided in state-owned facilities in Richmond and Marion. The total annual rental expense for these facilities is \$74,214, with an additional utilities and maintenance expense of \$78,477, totaling \$152,691 per year.

Equipment

Game wardens are issued standard equipment and supplies, similar to that of other law enforcement agencies. (See Attachment VI for a listing of specific equipment issued to staff.) The total cost of this equipment is estimated to be \$37,345 per employee, including a patrol vehicle.

The Law Enforcement Division has 209 vehicles which includes 85 sedans and 93 4x4 utility trucks which are used for routine patrol operations. In addition, 17 4x4 pick-up trucks, 13 utility trucks, and 1 minivan are available for special operations. Vehicles are equipped with a light bar, siren, gun rack, and communications equipment. Patrol vehicles for executive staff (captains, majors, and colonel) are equipped with a High-Band radio with Game and Inland Fisheries and State Police frequencies, a cellular telephone, and portable radio charger. Field officers (game wardens, special agents, sergeants, and lieutenants) receive additional radios as deemed appropriate to meet specific communications needs. This includes Citizen-Band radios, Low-Band radios with local and SIRS frequencies, UHF with local frequencies, and 800 Mhz with local radio frequencies.

In addition to the standard equipment listed, boating enforcement equipment is provided for sworn officers. The Law Enforcement Division maintains the following watercraft:

- Large Patrol Watercraft:
 - 2 25'-27' Class II Patrol Boats
 - 8 21' Class II Patrol Boats
 - 1 19' Class I Patrol Boat
 - 19 18' Class I Patrol Boats
 - 10 17' Class I Patrol Boats
 - 24 16' Class I Patrol Boats
- Small Patrol Watercraft:
 - 65 14'-16' Aluminum Jonboats
 - 22 ABS/Aluminum Canoes

The total cost of this equipment is \$1,760,200, with an average cost per officer (i.e., sergeants/game wardens) of \$12,943.

Training

All sworn employees and dispatchers are DCJS-certified. They attend a 14-week (560 hours) DCJS-certified Basic Law Enforcement Training Program. In addition, they receive Game Warden Basic Training which consists of 240 hours of training related to Game and Inland Fisheries operations, followed by 12 to 15 weeks (480-600 hours) of field training. In-service training is provided biennially, as required by DCJS.

Training is provided at the Virginia Game Commission Academy. In addition to Department staff, instruction is provided by staff members from the FBI, the Lynchburg Police Department, the Virginia State Police, the Department of Personnel and Training, the Department of Employee Relations Counselors, and the Central Virginia Criminal Justice Training Academy.

Additional training opportunities related to wildlife and boating law enforcement are provided as deemed appropriate. Each year officers attend various schools, training institutions, and seminars, including the United States Coast Guard Boating Safety School, the Underwriters Laboratory Boating Accident School, the University of Kentucky's Southern Police Institute, and North Carolina State University's Administrative Officers Management Program.

Data Processing

The Department has an IBM Mainframe System 36 located at central headquarters which is utilized for the following law enforcement applications:

- arrest and conviction data
- criminal history information
- boat registration information
- hunter education student and instructor records
- time accounting records
- accounting and budget records

In addition, they maintain a PC Network at central headquarters and utilize WordPerfect, Lotus 1-2-3, and D-Base IV for calls for service, time accounting records, hunter education data, correspondence, inventory records, accounting/travel vouchers, budget planning/documentation, personnel records, professional compliance records, Division General Orders, Division report forms, E-mail, and network correspondence.

During 1995 regional offices will be equipped with file servers and laptop docking stations to enable access to agency data base information and to provide shared printer capabilities within each office. Each game warden has or will be issued an NEC laptop with a modem which will provide the ability to communicate through the Department's E-mail system. This system is also designed to provide a time accounting methodology that will be utilized to develop and monitor programmatic budgets. Officers will be able to access agency data base files from any telephone.

Agency Perspective

The following agency perspective was provided by the Department of Game and Inland Fisheries.

DGIF opposes the proposed consolidation of law enforcement efforts. There are significant concerns that the need of citizens interested in wildlife, fisheries, and recreational boating would be compromised due to the different priorities of the Department of State Police. One of the most important concerns is the possibility of a reduction in emphasis in the area of wildlife and boating law enforcement efforts. Currently, DGIF provides service to these citizens through a very highly specialized and trained law enforcement staff. In addition to the knowledge, skills, and abilities associated with law enforcement activities, game wardens must demonstrate competence in the areas of fisheries and wildlife management, boating, outdoor recreational activities, and hunter education. The degree and extent of specialization and training for these officers is unique and any diminished emphasis in these areas would result in a compromised level of service.

DGIF is also concerned about the loss of support services that are currently provided to the wildlife, fisheries, boating, public relations, and administrative services divisions within DGIF. This support includes wildlife research assistance, service to license agents and big game checking stations, on-site boating registration and titling inquiries, presentation of hunter education and boating safety programs, and annual regulatory water marker inspections. It is anticipated that with the loss of game wardens to another agency, these services would likewise be lost to DGIF.

DEPARTMENT OF THE LOTTERY

The State Lottery Department was established as an independent agency of the Commonwealth, exclusive of the legislative, executive, or judicial branches of government. Its fundamental purpose is to operate the State Lottery which produces revenue to be used for public purposes. The State Lottery Board, consisting of five members appointed by the Governor and confirmed by the General Assembly, is responsible for promulgating regulations that will ensure the integrity and the efficient and economical operation and administration of the lottery. As such, the agency views itself as a retail organization that performs those law enforcement functions necessary to ensure the integrity of its retail operations.

Law Enforcement Functions

The law enforcement functions of the Department of the Lottery are performed by the Security Division, which is one of seven divisions within the agency. This division is composed of thirteen staff members, ten of whom are authorized to conduct criminal investigations pursuant to § 58.1-4000 of the Code of Virginia. The Code stipulates that "The Director and the director of security or investigators appointed by the Director shall be vested with the powers of sheriff and sworn to enforce the statutes and regulations pertaining to the Department and to investigate violations of the statutes and regulations that the Director is required to enforce." These enforcement powers were granted through an amendment to § 58.1-4000 of the Code in 1992.

The Lottery's law enforcement responsibilities are largely focused on customer service. They respond to complaints and information received from approximately 5000 Lottery retailers and their customers. On occasion they collaborate with local police by providing lottery-related information associated with a specific investigation. However, most of their activities are associated with ensuring the integrity of the lottery itself, which includes conducting background investigations on their own employees, lottery retailers, and some retailer employees. Pursuant to § 58.1-4008 of the Code, a background investigation must be conducted by the chief security officer of the Department on every applicant prior to employment by the Department. All division directors and employees performing duties primarily related to security matters are subject to a background investigation conducted by the State Police prior to employment. Section 58.1-4009 further requires the chief security officer of the Department to conduct a background investigation on all applicants for licensure as lottery sales agents.

In addition, the Security Division conducts random audits of retailer settlement envelopes (i.e., winning tickets and canceled tickets) throughout the year. They are responsible for security measures pertaining to 12 daily TV and radio drawings conducted each week and supervise various marketing and promotional drawings where non-winning tickets are sent to the Lottery for an additional chance to win a prize. A great deal of effort goes into ensuring the integrity of the drawings, including several hours of preparation required for each drawing to ensure the unbiased selection and operation of lotto ball sets and machines. They are further responsible for the secure environment in which these items are housed.

The Division also maintains an inventory control system for instant tickets, on-line paper stock, on-line ribbons, and on-line play slips to ensure that tickets and supplies are actually delivered to the consigned retailer. In conjunction with this, the Division conducts quality control checks of all these items and oversees the printing process for instant ticket games. Other miscellaneous duties include responsibility for an access control system for Department headquarters and all other office buildings, quarterly office inspections, and semi-annual safety checks of all offices.

Criminal investigations are, therefore, only one of many functions performed by investigators. The Lottery was unable to provide estimates of the percentage of time devoted to conducting investigations versus other activities; however, for FY94-95 they report that 496 investigations were conducted. These investigations may be of a criminal or administrative nature, depending upon the specifics of the case. Examples of typical investigative activities include investigations of altered tickets, stolen tickets (typically assisting local authorities), claims/canceled tickets (retailers cancel tickets to pocket the purchase price), misprinted/defective tickets, sales to minors, damaged Lottery property, and retailers in non-compliance with Lottery rules and regulations. It is estimated that only one percent of all investigations conducted results in criminal charges where someone is prosecuted for violations of state law. Unlike other law enforcement agencies, Lottery investigators are not typically exposed to narcotics, stolen goods, etc., during the course of their investigations; however, they may deal with the same individuals that are under investigation by other agencies. It is more often the case that Security Division employees serve as suppliers of information to other agencies conducting criminal investigations. If it appears that a retailer is involved in criminal activities, they will open a case, track activities, and make recommendations concerning license revocation or suspension. In addition, all internal fraud cases are referred to the State Police, and any cases developed or criminal information received that is not related to Lottery responsibilities are referred to the appropriate authority. Attachment VII enumerates the specific investigations conducted by the Lottery during FY94-95.

In addition to these investigations, Security Division personnel conducted 37 background investigations on employees and an insignificant number of vendor investigations during FY94-95. As previously stated, background investigations are also conducted on retailers prior to licensing. According to Lottery statistics, the total number of background investigations conducted (employee, vendor, and licensee) has averaged less than 100 per year over the last five calendar years (1990-1994). This equates to an average of less than ten investigations per employee, based upon staffing levels during this time period. Lottery staff also indicated that background investigations, particularly for employment purposes, involve performing criminal history record checks. Vendor and licensee backgrounds may require obtaining tax information or other data in addition to criminal histories. If problems are encountered during licensee background investigations, a case will be opened and a licensee investigation conducted.

The majority (71 percent) of the Lottery's investigations involve licensee investigations and claim tickets. As previously stated, licensee investigations may result from information obtained during background investigations indicating a potential problem. They may also be initiated due to information obtained from other sources. This includes investigations initiated due to excessive canceling of tickets or violations of Lottery rules and regulations. Since these investigations typically pertain to Lottery-related activities, and other criminal matters are referred to the appropriate law enforcement agency, there does not appear to be any duplication or overlapping of enforcement efforts in this area. Motor vehicle accidents involving Lottery employees are also investigated; however, investigators do not work accidents per se as State Police troopers would - it is an administrative investigation.

The potential for overlap in functions performed by the Lottery and the State Police appears to involve fraud or assault cases, but only if of sufficient magnitude to warrant State Police involvement. Since these types of cases constitute less than five percent of their investigations (i.e., 23 cases last year), it is concluded that any overlap in law enforcement functions performed by the Lottery and the State Police is insignificant. Further, Lottery enforcement personnel made no arrests and did not refer any cases to State Police during FY94-95. Typically they conduct preliminary investigations and refer them to local agencies for arrest and prosecution, or, in some instances, obtain warrants themselves, which are ultimately served by local authorities. Despite their sworn status, the majority of their time is spent performing regulatory and audit functions, and ensuring the integrity of Lottery games. These functions are not congruent with the State Police's mission, goals, and objectives.

Personnel

Sworn personnel include a division director (Grade 18), assistant director (Grade 14), and eight investigators (Grade 10). Investigators are assigned to regional offices located in Richmond, Fairfax, Harrisonburg, Hampton, Farmville, Roanoke, and Abingdon, or to their headquarters in Richmond. Investigators are tasked with conducting and coordinating investigations into criminal violations and civil improprieties involving lottery operations. They conduct background investigations; implement and audit security procedures related to ticket distribution and storage, prize drawings, ticket validation, and gaming operations; inspect facility security systems in their respective regions; monitor computer systems; and perform security functions related to gaming operations.

In addition to sworn personnel, the Security Division has three non-sworn employees - a computer systems engineer (Grade 14), a quality assurance engineer (Grade 13), and an executive secretary (Grade 6). The computer systems engineer is responsible for ensuring the integrity of all Lottery computer systems (including the on-line computer system that processes millions of independent transactions across the state and the access control system) and is responsible for inventory control of supplies required to support Lottery sales. The quality assurance engineer is responsible for conducting tests to ensure that all on-line and instant ticket products, equipment, printed materials, and supplies comply with Department standards. The executive secretary provides secretarial support for the director of the Security Division, the Department, and staff.

Funding

The total costs for the operation and administration of the lottery are funded through the State Lottery Fund, a special fund created for the deposit of all moneys received from the sale of lottery tickets, less payment for prizes and compensation of licensed agents. Pursuant to § 58.1-4022 of the Code, this appropriation cannot exceed ten percent of the total estimated gross revenues generated from lottery sales. The Department's FY94-95 appropriation for operating expenses was \$64,988,661. A total of \$2,380,744 was expended for Security Division operations, \$1,337,245 of which funded on-line supplies. This appropriation was reduced to \$63,521,747 for FY95-96; \$2,264,513 is required for the operation of the Security Division, including \$1,115,000 for on-line supplies.

Administrative Staff

The 1995 Appropriations Act included provisions for 310 authorized positions. They are currently maintaining a Maximum Employment Level of 300, as requested by the Governor. Lottery staff members were unable to segregate the number of employees performing administrative functions in direct or indirect support of their law enforcement efforts.

Facilities

The Department of the Lottery has four facilities located in Richmond and seven regional offices, all of which are leased. The approximate total square footage of those facilities is 550,760 square feet; however, Lottery staff members were unable to determine the space requirements for their law enforcement personnel.

Equipment

The Lottery's law enforcement personnel are issued relatively little equipment compared to other law enforcement agencies. This includes an automobile, pager, car telephone, computer and printer, cameras, and invisible snare sets, the approximate cost of which is \$23,889 per investigator. Vehicles are not equipped with communications systems/radios, as is standard for most state enforcement personnel. See Attachment VIII for a listing of specific equipment issued to staff.

Training

Enforcement personnel receive training that complies with the DCJS-mandated minimum training requirements for certification. This training is provided at one of the nine state-certified regional training centers. Other than VCIN training, which is required for VCIN certification, no additional enforcement-related training is provided above minimum requirements. To maintain DCJS certification, in-service training is provided biennially and sworn personnel often attend ad hoc courses for credit toward in-service requirements.

Cross-training is also provided to enable investigators in the various regions to conduct warehouse and validation functions, and actually participate in the drawings if needed.

Data Processing

To perform their enforcement duties sworn staff members require access to the Lottery's IBM STRATUS system (the on-line network), the IBM AS/400 system (the instant ticket system), VCIN, and DMV records.

Agency Perspective

The Director of Security indicated that the security function should remain under the auspices of the Lottery Department. From the agency's viewpoint, the speed with which they are able to complete background investigations on retailers and respond to customer complaints is crucial. The longer it takes to license a retailer, the less money the state receives in lottery sales revenue. They feel that if this function is transferred to the State Police, additional layers of bureaucracy will be created which will ultimately result in a deterioration in response time.

The agency feels that their law enforcement personnel need to remain in their current physical locations in order to effectively fulfill their responsibilities, even if enforcement responsibilities are transferred to the State Police. Thus, a consolidation of this nature would more appropriately be described as a change in reporting requirements and organizational structure. It was also indicated that the Security Division should be considered as a whole, and that the non-sworn component must remain independent of other Lottery functions and should be included in any consolidation effort.

MARINE RESOURCES COMMISSION

The Marine Resources Commission, headquartered in Newport News, Virginia, is responsible for conserving and promoting the Commonwealth's seafood and marine resources. As stated by the agency, their mission is "to advance the value and benefits of the Commonwealth's marine resources for present and future generations." The agency views itself as a regulatory entity whose major functions are as follows:

- commercial and recreational saltwater fisheries - managing fishery resources, issuing regulations, and enforcing regulations and laws;
- tidal habitat - managing 5000 miles of shoreline and all the waterways in the tidal area of the state, issuing permits for dredging, bulkheads, piers, etc., and enforcing those permits; and
- marine law enforcement - includes fisheries enforcement, support of the Habitat Program, commercial fisheries licensing, administration of harvesting permits, shellfish sanitation enforcement, and waterborne assistance (e.g., search and rescue).

Law Enforcement Functions

A separate division, currently consisting of 84 positions, was established as the Virginia Marine Patrol - the enforcement arm of the MRC. Their authority is derived from § 28.2-106 of the Code of Virginia which states that "Officers of the Virginia Marine Patrol shall have the same powers as regular game wardens appointed pursuant to Chapter 2 (§ 29.1-200 et seq.) of Title 29.1." It also states that "the Virginia Marine Patrol shall exercise such powers and duties as the General Assembly may confer upon it by law and as provided in regulations adopted pursuant to law, including but not limited to :

1. Patrolling the tidal waters and shoreline of the Chesapeake Bay, its tidal tributaries, and territorial sea;
2. Enforcing marine fishery and habitat conservation laws and regulations;
3. Enforcing health laws pertaining to the harvesting of seafood from condemned areas;
4. Enforcing or assisting other agencies in enforcing laws pertaining to the removal of obstructions and abandoned vessels from the water, to boating operation and navigation, and to larceny on the water;
5. Providing for water-borne safety; and
6. Conducting search and rescue activities."

The Marine Patrol's area of responsibility is all tidal waters up to the fall line, the coastal waters within the three-mile zone, and, through a compact with Maryland, the Potomac River. Sworn officers are assigned to one of the following areas: the Southern Area which includes Hampton Roads, the James River, the lower Chesapeake Bay, and the tributaries near and in Virginia Beach; the Middle Area which is between the Southern Area and the Rappahannock; the Northern Area which extends up to and includes the Potomac River; and the Eastern Shore Area. They have one single-engine airplane and operate approximately 60 vessels and boats, 16 to 18 of which are in the water at all times.

In 1984 the Fishery Management Policy Act was enacted which, in effect, altered the processes used to manage Virginia's fisheries, shifting the focus to a regulatory environment. There are approximately 100 regulations that are currently enforced, and staff members are instrumental in the promulgation of regulations that are enforceable from a pragmatic standpoint. Increased emphasis is placed on fishery management - developing plans, collecting data, and developing regulations for the conservation and management of fisheries.

According to time and activity statistics for FY93-94, the majority of Marine Patrol officers' time is expended on patrol activities (64.5 percent), followed by administrative functions (29.1 percent), and services (6.4 percent). Major patrol activities involve monitoring and enforcing regulations and laws related to fish, the National Shellfish Sanitation Program, crabs, clams, and oysters, respectively. Over 50 percent of their total time, or 84 percent of their patrol time, is involved in these five activities. Of lesser magnitude are service activities, which include court, search and rescue, repletion, and assisting other law enforcement officers; and administrative activities in support of law enforcement, which include equipment maintenance, paperwork, and training, etc. Attachment IX enumerates the activities included in these three classifications.

As these data demonstrate, the Marine Patrol's activities are maritime-oriented and, therefore, are not typical State Police functions. This is further evidenced by MRC arrest statistics for FY94-95 (See Attachment X.) The majority of arrests made (72 percent) were the result of violations of laws and regulations pertaining to fish (26.2 percent), saltwater recreational licenses (24.7 percent), or crabs (21.2 percent). However, 19.1 percent of arrests are classified as "Other Agencies," which is defined as non-§ 28.2 arrests (Fisheries and Habitat of the Tidal Waters), and include violations of miscellaneous regulations. According to MRC statistics collected over a six and a half year period, 65 percent of the "Other Agencies" category were boating violations in tidal waters, 10 percent were freshwater license violations in tidal waters, and 8 percent were violations associated with the Potomac River Fisheries Commission.

For FY94-95, the "Other Agencies" category included 54 general crimes arrests (§ 18.2), 23 motor vehicle arrests (§ 46.2), 221 game and inland fisheries arrests (§ 29.1), and 154 violations of miscellaneous regulations and statutes. In relative terms, only 3.3 percent (77) of their total arrests were for violations routinely enforced by the State Police. Similarly, § 29.1 arrests accounted for only 9.3 percent of their total arrests, and these were violations observed while patrolling tidal waters. It is therefore concluded that, although the potential for overlap or duplication exists, based upon actual MRC enforcement practices, it is insignificant.

A separate study is being conducted by the Joint Legislative Audit and Review Commission to examine the overall operations of the MRC and the Department of Game and Inland Fisheries and to evaluate the feasibility of merging these two agencies. The study is expected to be completed next spring.

Personnel

At the beginning of the 1994-96 biennium, there were 84 positions assigned to the Virginia Marine Patrol, 73 of which were sworn. These 73 sworn positions are as follows:

1 chief of law enforcement	Grade 16
1 assistant chief of law enforcement	Grade 15
4 area supervisors	Grade 12

1 law enforcement training and development coordinator	Grade 11
5 marine patrol officer C's	Grade 10
1 single engine pilot	Grade 10
31 marine patrol officer B's	Grade 9
29 marine patrol officer A's	Grade 8

Sworn employees are geographically dispersed throughout the Southern Area, the Middle Area, the Northern Area, and the Eastern Shore. The positions assigned to those areas number 21, 16, 15, and 17, respectively. Patrol officer A's are responsible for 1) monitoring and enforcing seafood harvesting laws and regulations, including time and season limitations, size and cull requirements, and type of gear and manner of use; 2) enforcing laws dealing with licensing, closing polluted areas, and transporting and purging condemned shellfish; and 3) rescue and assistance. Patrol officer B's supervise the work of patrol officer A's and perform similar duties to patrol officer A's. In addition, they function as the officer-in-charge of major patrol boats in the 30- to 40-foot class or as the officer-in-charge of a designated area. They are responsible for license issuance, approval of special permits or activities, and the assignment of locations for fixed fishing structures. Patrol officer C's supervise the work of patrol officer A's and B's. They function as the officer-in-charge of major patrol boats in the 50-foot or larger class and as the assistant regional supervisor

The area/regional supervisors are responsible for the supervision of all marine law enforcement activities in their respective region, deploying officers and equipment, and interpreting and applying laws and regulations. In addition they provide training and supervision related to operations and law enforcement proceedings. The assistant chief directs the division's operations and supervises area/regional supervisors and their subordinates. He monitors seafood harvesting activities, makes policy recommendations, and interprets laws and regulations. The chief directs the Virginia Marine Patrol, establishes policies and training standards, develops financial plans and objectives, interprets statutes, develops and administers the training program, coordinates the marine police radio communications system network with coastal police and sheriffs' departments, and performs a variety of administrative functions.

The training and development coordinator develops, coordinates, and/or conducts basic law enforcement training and in-service programs for law enforcement officers in accordance with state law enforcement training standards. The pilot operates aircraft, patrolling waters to enforce marine resources laws and regulations; transports governmental personnel; and performs the duties of a marine patrol officer when aircraft is not in use.

In addition, there are 11 non-sworn personnel in the following positions: a senior buyer (Grade 11), an agency management analyst (Grade 11), a fleet supervisor (Grade 10), 2 watercraft mechanics (Grade 9), 5 clerk dispatchers (Grade 6), and an executive secretary (Grade 6). The senior buyer position supervises the Law Enforcement Operations Center (their support center) which includes acting as the purchasing officer for MRC equipment, supplies, and services, and managing all agency materials, supplies, and equipment; supervising the police communications dispatchers/clerks; and maintaining the MRC radio communications center. The management analyst conducts evaluations of operational performance; develops PC applications for operational data; analyzes equipment and facility needs; and performs various support functions related to program efficiency, productivity, and fiscal integrity.

The fleet supervisor is responsible for coordinating and supervising support activities required to maintain the operational readiness of approximately 60 marine patrol vessels, including evaluating equipment needs, scheduling and supervising repairs and maintenance, and inspecting vessels and equipment. Watercraft mechanics perform specialized maintenance and major repairs in all phases of marine systems (i.e., mechanical, structural, electrical, electronic, and emergency equipment on patrol vessels) to ensure safe and proper operation and optimum performance. Clerk dispatchers provide radio communications and clerical support at the Operations and Communications Center. The executive secretary provides clerical and administrative support to the chief of the Law Enforcement Division, four area/regional supervisors, and field personnel.

According to MRC staff, the Maximum Employment Level for the Law Enforcement Division has been decreased to 75 due to the Work Force Transition Act. However, due to restructuring efforts and the current budget process, they are unable to determine the specific positions that will be affected. For purposes of this analysis their existing human resource allocation of 84 positions has been utilized.

Funding

The Marine Resources Commission is funded through a combination of general funds, special funds, Commonwealth Transportation Funds, and federal funds (approximately 62.5 percent, 25.3 percent, 2.0 percent, and 10.3 percent, respectively). The Commission's FY94-95 appropriation for operating expenses was \$12,051,172, of which \$4,131,149 was expended for Marine Patrol operations. The FY95-96 appropriation was reduced to \$11,732,066, of which \$4,141,420 is required for the operation of the Virginia Marine Patrol. The majority of the law enforcement appropriation (\$3,772,317) is from the general fund and no law enforcement positions are funded through federal funds.

Administrative Staff

The 1995 Appropriations Act included provisions for 161 authorized positions for the MRC - 144 general fund and 17 non-general fund positions. After accounting for the effects of the Work Force Transition Act, the MRC's authorized strength is 149; 19 of those positions perform administrative or support services. As previously stated, the Law Enforcement Division's Maximum Employment Level has been reduced to 75. MRC staff members were unable to segregate the number of employees performing administrative functions in indirect support of their law enforcement personnel.

Facilities

The MRC leases a total of 4013 square feet of office space for law enforcement personnel in their four regions. The total quarterly lease expense for these facilities is \$4050. Two additional facilities are used in Newport News for headquarters staff - one is state-owned and the other is leased. A portion of this space is occupied by law enforcement staff; however, no data were provided specifying space requirements for these employees.

Equipment

Marine patrol officers are issued standard clothing and equipment, similar to that of other law enforcement officers. (See Attachment XI for a listing of specific equipment issued to staff.) The estimated cost of clothing and equipment is \$3,000 per employee. In addition, 54 vehicles are assigned to the Division, 39 of which are pool vehicles. A total payment of \$155,500 was made to the Virginia Department of Transportation's Central Car Garage for pool vehicles in FY94-95. Vehicles owned by the MRC and used for law enforcement purposes include seven Chevy Caprices, three Dodge trucks, one Chevy truck, two Chevy blazers, and two Dodge vans. They are equipped with VHF radios, sirens, and emergency lights.

Training

Seventeen of the MRC's sworn personnel are fully certified according to DCJS standards and thirty-eight officers are provisionally certified; that is, these officers are allowed to serve only in the capacity of marine patrol officers and would be required to attend a full-length police academy if employed by another law enforcement agency. One officer is a State Police Academy graduate.

When full police powers were granted to the Virginia Marine Patrol, all officers not previously DCJS-certified were required to complete an 80-hour course to obtain provisional certification. Currently, all newly hired officers attend a full-length academy (13 weeks, 440 hours) which complies with DCJS minimum requirements. Training is provided at the Rappahannock Regional Criminal Justice Academy and required in-service training is provided biennially.

Data Processing

The MRC operates four systems for law enforcement purposes:

- Summons Data System - a multi-user data base of adjudicated summonses developed in Microsoft Access.
- Commercial Fishing License System - a multi-user application to manage license data developed in Microsoft Foxpro.
- VCIN.
- Time and Effort Data - summary activity data is stored and managed in Lotus spreadsheets.

Agency Perspective

The MRC does not feel that any overlap exists between the law enforcement functions they perform and those performed by any other law enforcement agency. Further, they embrace the philosophy that specialty law enforcement should remain within the specialty agency, and feel that their law enforcement efforts are an integral part of agency operations in managing and regulating fisheries. Staff indicated that it would be a mistake to isolate maritime law enforcement from other MRC functions due to their integrated nature.

DEPARTMENT OF MOTOR VEHICLES

The Department of Motor Vehicles, supervised and managed by the Commissioner of the DMV, is responsible to the Secretary of Transportation. Pursuant to § 46.2-200 of the Code of Virginia, the DMV is "responsible for the administration of the motor vehicle license, registration, and title laws; the issuance, suspension, and revocation of driver's licenses; the examination of applicants for and holders of driver's licenses; the administration, training, disciplining, and assignment of examiners of applicants for driver's licenses; the administration of the safety responsibility laws, fuel tax laws, the provisions of this title relating to transportation safety, and dealer licensing laws." The Department's mission is "...to ensure the ethical application of motor vehicle and related laws, promote safety, and collect revenue for transportation programs. Our goal is to provide the ultimate in customer service to the citizen owners of government and to our employees."

Law Enforcement Functions

DMV's enforcement powers are derived from § 46.2-217 of the Code which states that "The Commissioner, his several assistants, including those who are full-time sworn members of the enforcement division of the Department of Motor Vehicles, and police officers appointed by him are vested with the powers of sheriffs for the purpose of enforcing the laws of the Commonwealth which the Commissioner is required to enforce. Such full-time sworn members of the enforcement division of the Department of Motor Vehicles are hereby authorized to enforce the criminal laws of the Commonwealth, when violations of same are committed in their presence or occur in their plain view, while they are otherwise engaged in enforcing laws of the Commonwealth which the Commissioner is required to enforce. Any such violations, which do not relate to laws the Commissioner is required to enforce and which may require follow-up investigatory or other work, shall be promptly referred to the appropriate law enforcement or criminal justice agency or department. Nothing in this title shall relieve any law enforcement officer, commissioner of the revenue, or any other official invested with police powers and duties, state or local, of the duty of assisting in the enforcement of such laws within the scope of his respective authority and duty. All law enforcement officers appointed by the Commissioner may administer oaths and take acknowledgments and affidavits incidental to the administration and enforcement of this title and all other laws relating to the operation of motor vehicles, applications for driver's licenses, and the collection and refunding of taxes levied on gasoline."

The Department's organizational structure is segregated into three major components - Administrative and Fiscal Services, Customer Services Delivery, and Legal and Legislative Affairs, each of which is headed by a deputy commissioner or assistant commissioner. DMV's law enforcement functions are performed by the Investigative Services Administration, which is one component of Customer Services Delivery. The Investigative Services Administration is further segregated into the following components: Internal Affairs, the Field Investigations Division, the Headquarters Investigation Division, and the Vehicle Theft Prevention Division. The responsibilities assigned to each of these areas are presented below.

Internal Affairs:

Internal Affairs is responsible for objectively investigating complaints concerning the conduct of DMV personnel to ensure the honesty and integrity of Department employees and their adherence to established professional standards. Investigations may result in additional training requirements, disciplinary action up to and including dismissal, and/or arrest. Two sworn, classified positions and one P-14 (temporary investigator) are currently assigned to Internal Affairs.

Field Investigations Division:

The Field Investigations Division (FID), the largest of the three divisions, deploys sworn staff throughout the state. The mission of the Division is to provide an equal balance between the enforcement and regulatory requirements of state statutes that come under the purview of DMV. FID general investigators place major emphasis on administering and enforcing the Motor Vehicle Code as it relates to titling, registration, and licensing; licensing motor vehicle dealers; ensuring that licensees meet standards set forth by DMV; preventing the illegal sale of motor vehicles; investigating the use and/or possession of fraudulent documents; and collecting moneys owed to the Commonwealth due to delinquent invoices, bad checks, etc. There are 25 sworn employees and 3 non-sworn employees assigned to general Division responsibilities.

As part of an overall Department restructuring, a number of specialized units that were once separate entities have now been incorporated into the Field Investigations Division. Investigators continue to focus on the same specialized enforcement activities; however, for reporting purposes they are considered part of the Field Investigations Division. These specialties include fuels tax, salvage and identification, and security.

The Fuels Tax Unit was originally established to conduct investigations which would ultimately reduce tax losses resulting from tax evasion on fuels and automobile rentals. Investigators assigned to this specialty place major emphasis on the licensing and reporting by individuals, oil companies, service stations, truck stops, and other businesses that buy, use, and sell special fuels, and on the licensing and reporting of motor vehicle rental companies. Investigators also collect fees, delinquent invoices, and penalties, and audit licensees and non-licensees to determine if tax liabilities exist. Eight sworn employees are assigned to fuel tax investigative work.

Salvage and identification investigators are responsible for examining vehicles to maintain compliance with the Virginia Salvage Law (§ 46.2-1600 et seq.) and for establishing the positive identity of vehicles that have had vehicle identification numbers (VIN's) removed, altered, or concealed. They disassemble and reassemble salvage and non-salvage vehicles and install VIN plates on vehicles that are reconstructed, specially constructed, missing VIN's, or are homemade trailers. They also research files, records, and other sources to determine the appropriate disposal or disposition of vehicles that have been abandoned pursuant to the Abandoned Motor Vehicle Act and vehicles that are encumbered by mechanic's or storage liens. Ten sworn, classified positions and two P-14's (temporary investigators) are assigned to the unit.

Security functions in the Northern Virginia area are performed by two sworn personnel (classified positions) and ten P-14's (temporary security officers). They are responsible for the safety and security of DMV employees and customers. The unit monitors DMV buildings and grounds, parking areas, and public access areas; monitors safety devices and alarm systems to detect malfunctions; conducts accident and special investigations; secures evidence; makes arrests as necessary; and detains offenders until local authorities arrive.

Division employees participate in a task force with the Department of Alcoholic Beverage Control to combat the use of fraudulent driver's licenses and identification cards to gain entry into bars and lounges and illegally purchase alcoholic beverages. Assistance has also been provided to other task forces involving the Federal Bureau of Investigation, the Drug Enforcement Administration, Immigration and Naturalization Services, the State Police, the Internal Revenue Service, and other federal, state, and local police.

The total complement of staff assigned to the Field Investigations Division is 45 sworn, classified positions; 3 non-sworn, classified positions; and 12 P-14's (temporary staff).

Headquarters Investigation Division:

The Headquarters Division is comprised of four components - the Quality Control Unit, the Odometer Fraud Unit, and the Confidential Services Unit.

- The Quality Control Unit is responsible for providing technical support to DMV's customer service centers and headquarters personnel concerning the issuance of driver's licenses photo identification cards, and title documents. The unit is concerned with the use of fraudulent documents to obtain Virginia driver's licenses and photo identification cards; mechanics/storage liens; title-only transactions; foreign documents; and affidavits in lieu of title. Questionable proofs of identity and/or vehicle ownership are reviewed to determine if DMV documents should be issued. The unit is currently staffed with one non-sworn employee and one P-14 (temporary program support technician), who perform initial research. If further investigation is warranted, cases are referred to the Field Investigations Division.
- The Odometer Fraud Unit focuses on odometer fraud and issues related to title laundering, odometer tampering, alteration of documents, and title fraud. The unit is responsible for investigating individual odometer complaints generated by consumers, licensed motor vehicle dealers, lease car companies, or other complainants. Upon notification, odometer decals are assigned to vehicles indicating the date an odometer was replaced and the mileage at that time. The unit is also responsible for physically inspecting vehicles to determine if odometer tampering has occurred and recalling titles with incorrect odometer readings. The unit is currently staffed with one non-sworn employee who performs initial research. If further investigation is warranted, cases are referred to the Field Investigations Division.
- The Confidential Services Unit is responsible for reviewing and approving all confidential and fictitious vehicle titles, registrations, license plates, decals, and driver licenses for local, state, and federal law enforcement personnel, and for maintaining strict confidentiality and security of all information related to these documents or items. System inquiries on confidential and fictitious vehicle/driver records are monitored daily. As deemed appropriate, authorities are notified of inquiries, records are deleted, and new records are established for the protection of law enforcement personnel. The unit is currently staffed with two non-sworn employees.

Vehicle Theft Prevention Division:

Due to restructuring, the Vehicle Theft Prevention Division is solely composed of the Auto Theft Unit. The Auto Theft Unit (ATU) focuses on organized theft groups dealing with stolen vehicles, insurance fraud, chop shops, salvage yards, counterfeit vehicle documents, and other covert activities related to vehicles or vehicle parts. Staff also participate in task forces such as the Metropolitan Area Violent Vehicle Theft Task Force which concentrates on car jackings in the DC metropolitan area.

This is a joint effort involving staff from both DMV and the State Police. Currently there are four sworn DMV employees and nine sworn State Police employees dedicated to this function. In an effort to consolidate similar functions under the direction of one entity and allow DMV to focus on responsibilities more closely related to their overall mission, DMV proposed transferring their portion of the ATU to the State Police. To date, no action has been taken by either agency since a consensus was not reached concerning funding issues.

DMV abides by the provisions set forth in § 46.2-217 of the Code (quoted earlier in this report) as far as referring cases to the State Police or other authorities. They do not have any supplemental policies or procedures related to this and do not have data available concerning the number of cases referred to the State Police during FY94-95.

According to enforcement data provided by DMV for FY94-95, 1158 summonses/warrants were issued. The majority of these (65.5 percent) were for motor vehicle violations (§ 46.2). There were 243 additional summonses/warrants issued under § 4.1, which resulted from joint efforts of the ABC/DMV Task Force. The remaining offenses were issued for § 18.2 general crimes and offenses (12.4 percent of total arrests) and for miscellaneous charges (1.1 percent of total arrests). The specific arrest data is contained in Attachment XII.

The potential for overlap or duplication of efforts between DMV and the State Police exists since both agencies enforce the same statutes. Data were analyzed to determine how many of the summonses/warrants issued by DMV were for statutes typically enforced by the State Police. Of the 1158 summonses/warrants issued, 531 (45.9 percent) were for offenses routinely enforced by the State police. However, if the enforcement efforts attributed to the joint ABC/DMV Task Force are eliminated from consideration, 25.7 percent of the summonses/warrants issued were for violations typically enforced by the State Police. Based upon actual arrest data, it would appear that there is some overlap in DMV and State Police enforcement.

Additional data were provided on the types of criminal, regulatory, and other investigations conducted by DMV during FY94-95. A total of 12,300 investigations were conducted, all of which relate to activities DMV is responsible for regulating and/or enforcing. The majority of investigations conducted are not typical of the investigations undertaken by the State Police. (See Attachment XIII for data on DMV investigations.)

Although 25.7 percent of DMV's summonses/warrants were for violations typically enforced by the State Police, given the volume of investigations conducted by the agency, these arrests are only a small percentage of DMV's total enforcement efforts.

Personnel

There are a total of 64 classified positions assigned to the Investigative Services Administration, 54 of which are sworn positions. Sworn staff are as follows:

1 director	Grade 17
1 chief investigator	Grade 13
1 program manager	Grade 12
2 assistant chief investigators	Grade 12
3 investigator supervisors	Grade 11
6 investigator seniors	Grade 10
38 investigators	Grade 9
1 security officer supervisor	Grade 8
1 security officer	Grade 6

The following non-sworn staff are also assigned to Investigative Services.

1 program support technician senior	Grade 7
1 office services supervisor senior	Grade 7
1 executive secretary	Grade 6
3 program support technicians	Grade 6
3 office services specialists	Grade 5
1 secretary senior	Grade 5

In addition to the positions enumerated above, there are 14 wage positions (P-14's) - 3 investigators, 10 security officers, and 1 program support technician.

A total of 19 employees (including P-14's) are assigned to headquarters in Richmond; however, the majority of sworn employees are dispersed throughout the state according to districts. The area referred to as Districts 1/2 extends from Appomattox westward, covering the southwestern portion of the state. Districts 3/4 encompass Charlottesville and the northern portion of the state, and Districts 5/6 include Richmond and the Tidewater areas.

Each district, directed by an investigator supervisor, is comprised of some combination of general field investigators and specialty investigators. The following staffing figures include both permanent and temporary investigators (P-14's). Districts 1/2 include a total of 13 sworn employees. Two employees are assigned to Fuels Tax, five employees are assigned to Salvage and Identification, one employee is assigned to Auto Theft, and five employees are assigned general field responsibilities. Districts 3/4 are comprised of 24 sworn employees. Three employees are assigned to Fuels Tax, two employees are assigned to Salvage and Identification, twelve employees are assigned to Security, two employees are assigned to Auto Theft, and five employees are assigned to general field investigations. Districts 5/6 include 19 sworn employees. Three employees are assigned to Fuels Tax, five employees are assigned to Salvage and Identification, and eleven employees are assigned general field responsibilities.

Specific job duties are as follows:

Internal Affairs investigators conduct investigations of DMV employees and agents for fraud or abuse of funds or property, including misappropriations, bribery, embezzlement, theft, or any other act of a serious nature.

General field investigators within the Field Investigations Division are responsible for administering and enforcing the Motor Vehicle Code as it relates to titling, registration and licensing, motor vehicle sales and use tax, and motor vehicle dealer licensing. They inspect the premises of motor vehicle dealers and applicants for dealer licensing to determine conformance with legal requirements; investigate citizens reportedly selling motor vehicles without being duly licensed; monitor motor vehicle dealers and inspect records concerning sales, transfers of titles, reported sales tax, documented ownership of vehicles, etc.; and conduct requisite investigations within the agency's purview (e.g., fraudulent applications, misuse of license plates, odometer tampering, etc.).

Fuels Tax investigators enforce state laws, federal laws, and DMV policies regarding fuels tax by conducting investigations to determine violations, performing inspections to determine tax liabilities, and assessing and collecting penalties.

Salvage and Identification investigators enforce salvage statutes; examine the premises of license applicants for conformance with legal requirements; monitor salvage activities of salvage dealers, rebuilders, demolishers, vehicle remover operators, motor vehicle dealers, and scrap metal

processors; conduct physical examinations of repaired vehicles prior to issuance of titles; and conduct physical examinations to determine proper identification of vehicles.

Auto Theft investigators examine and make positive identification of motor vehicles; respond to questions regarding theft or ownership; conduct title searches to determine ownership history; and investigate allegations of theft of motor vehicles, motor vehicle parts, and/or motor vehicle equipment by vehicle salvage pools, scrap metal processors, chop shops, salvage dealers, and demolishers.

Security officers patrol property, buildings, and grounds to protect property and provide for the safety and security of personnel, customers, and visitors.

Investigator seniors perform the same functions as investigators; however, they also lead investigations, provide guidance and training to investigators, and function as experts in their respective area of responsibility.

Investigator supervisors provide supervision, guidance, and direction to subordinate investigators and investigator seniors in their respective districts. They assign, coordinate, and review work assignments, and participate in investigations as necessary to relieve backlogs.

The assistant chief investigator for the Field Investigations Division provides direct supervision of investigations related to licensed motor vehicle dealers, curbstoners (unlicensed dealers), and motor vehicle fuels dealers; title fraud; fuels tax evasion; the salvage program; vehicle identification; and the collection of various fees and penalties. He reviews all requests for investigative services and makes assignments to appropriate field personnel; provides technical guidance and direction concerning statutes and agency policies and procedures; and provides assistance to the chief investigator.

The assistant chief investigator for the Vehicle Theft Prevention Division plans, directs, and manages the activities of the Division. He provides technical guidance, reviews work assignments, maintains ongoing liaison with State Police personnel assigned to the Auto Theft Unit, and ensures compliance with the DMV/State Police operating agreement.

The program manager is responsible for managing the Headquarters Investigation Division. He develops standards, goals, and objectives for the various programs within the Division, and is responsible for evaluating the progress made toward achieving those goals and objectives. He serves as a technical expert concerning document fraud, and as an agency liaison and coordinator for related investigations.

The chief investigator is responsible for managing and directing the day-to-day operations and investigative activities of DMV. The director of Investigative Services provides leadership and direction to subordinate managers in administering DMV programs and services. He communicates agency priorities and assists managers with organizing functions and realigning resources to meet program initiatives.

The support positions assigned to Investigative Services provide various degrees of administrative and technical support in their respective areas. The executive secretary and secretary senior provide administrative and clerical support to the director and the chief investigator. Two office services specialists assigned to the Field Investigations Division provide support through assigning case numbers to requests for investigative services, processing case-related paperwork, performing title and driver history research, and performing routine clerical duties. The Field Division program support technician reviews requests for investigations to determine whether an investigation is warranted, performs background research, and resolves cases (if possible) or refers them to investigators through the assistant chief.

The confidential services program support technician and program support technician senior review and approve requests for confidential and fictitious vehicle titles, registrations, licenses, etc. They establish and monitor confidential vehicle records and ensure the integrity of the program. The office services specialist assigned to Odometer Fraud, the office services supervisor senior and program support technician assigned to Quality Control, and the program support technician assigned to the Vehicle Theft Prevention Division gather and analyze data, conduct background research to determine if investigations are warranted, and resolve cases, if possible.

Funding

The Department of Motor Vehicles is largely funded through special funds. Their FY94-95 appropriation for operating expenses was \$134,023,032, which included \$113,404,078 in special funds, \$6,303,000 in Commonwealth Transportation Funds, \$10,693,324 in Trust and Agency funds, and \$3,622,630 in federal funds. Of this total, \$3,698,924 was expended for law enforcement operations. The FY95-96 agency appropriation was decreased to \$130,006,773; \$2,599,655 was appropriated for Investigative Services.

In addition to these funds, DMV received approximately \$50,000 in FY94-95 for overtime expenses incurred while working on the ABC/DMV Task Force. An estimated \$10,000 was received from the Federal Highway Administration's Joint Federal/State Motor Fuel Task Force Compliance Project for fuel tax investigators' travel, equipment, and training. In addition, Help Eliminate Auto Theft (H.E.A.T.) funds of approximately \$90,000 were provided for the salaries and fringe benefits of two DMV investigators assigned to the Auto Theft Unit.

During FY95-96, the Federal Highway Administration project will continue, with a maximum allowable reimbursement of \$25,000. H.E.A.T. funding for two Auto Theft investigators will also continue. In addition, DMV has entered into an IRS/Virginia Diesel Fuel Sampling Agreement whereby program start-up costs (up to a maximum of \$50,000) and costs of \$40 per inspection (up to a maximum of \$225,000) are reimbursable.

Administrative Staff

The 1995 Appropriations Act included provisions for 1888 authorized positions, all of which are non-general fund positions. Due to reductions resulting from the Work Force Transition Act (WTA), the Department's Maximum Employment Level has been reduced to 1735. The number of positions allocated to Investigative Services will be reduced to 62 with the upcoming retirement of 2 additional employees participating in WTA. DMV staff members were unable to segregate the number of employees performing administrative functions in indirect support of their law enforcement personnel.

Facilities

Headquarters and administrative employees are assigned to DMV headquarters in Richmond and utilize approximately 3725 square feet of office space. Two DMV and four State Police employees assigned to the Auto Theft Unit occupy 1800 square feet of leased space at another location in Richmond, which costs \$1300 per month.

Investigators assigned to field districts are located in Customer Service Centers throughout the state in offices of approximately 100 square feet. These offices are incorporated in facilities that are owned or leased by DMV. Their proportionate share of office space is not directly charged to Investigative Services; therefore, no costs estimates were provided.

Equipment

DMV staff members are issued standard clothing and equipment, similar to that of other law enforcement officers. Specific items issued to a given employee vary depending upon particular job requirements. (See Attachment XIV for a listing of specific equipment issued to staff.) The estimated cost of clothing and equipment, excluding vehicles, ranges from \$940 to \$4070 per employee, with a weighted average cost of \$1705 per employee.

In addition, 50 vehicles are assigned to the Investigative Services Administration. All vehicles are equipped with State Police Aerotron radios. Full-size, unmarked police-package vehicles (e.g., Crown Victorias and Caprices) have permanently installed blue lights, sirens, and SIRS radios. Covert vehicles (e.g., Grand Prixes, Regals, and Tauruses) have a removable "Kojak" blue light. Approximately 50 percent of the vehicles are equipped with cellular telephones. Vehicle costs were not provided.

Training

All sworn employees are DCJS-certified and a number of their sworn staff are DCJS-certified instructors. The majority of people hired are certified prior to employment with DMV. Employees who are not certified are required to attend a 500-hour, 13-week basic police training course at the regional academy nearest to their home.

The Department is a member of the Crater Criminal Justice Academy, which allows employees to attend courses sponsored by Crater free of charge. They also receive discounts on courses sponsored by other regional academies in the state.

Investigative Services staff members provide biennial in-service training, required for continued DCJS certification, as well as annual instruction on Selected Acts and Firearms Qualification. Additional specialized training is provided through a variety of sources, if deemed necessary and funds are available. Examples of additional training courses include DCJS General Instructor, DCJS Firearms Instructor, Supervisor Development, Surveillance Techniques, Domestic Money Laundering, Basic Internal Affairs Investigation, and Creating Satisfied Customers.

Data Processing

Investigative Services sworn personnel access computerized customer records, stored on the mainframe at DMV headquarters, via terminals located in Customer Service Centers. Some databases are not accessible from remote terminals which necessitates accessing data at headquarters and transmitting data via some other medium to the field. Access to the DMV mainframe and these databases would be required to fulfill their law enforcement functions. In addition, many records and documents required in preparing cases are stored on microfilm at headquarters, where support personnel perform preliminary research for investigators.

Agency Perspective

The following agency perspective was provided by DMV.

The majority of work performed by the Investigative Services Administration is not duplicated by other law enforcement agencies. In addition, many Investigative Services' responsibilities are not traditional law enforcement functions and, as such, would not be compatible with the mission of the State Police. For instance, DMV investigators perform a vital problem-solving role for the agency. Customers routinely rely on them to resolve titling and licensing problems which are administrative or civil in nature. Also, the Fuels Tax Unit's concentration on an issue heretofore unaddressed has had a significant deterrent effect on potential tax evaders. Revenue collections have increased since the unit's inception, providing evidence that disbandment of the unit would have the opposite effect and negatively impact the Commonwealth. Another example is the licensing and regulation of T+M vehicle dealers pursuant to Chapter 19 of Title 46.2

The agency performs various duties that require the continual exchange of information between segments of the Department. If DMV law enforcement responsibilities were transferred to the State Police, it is probable that the existing functional segregation would not be kept in tact, but that instead the responsibilities would be integrated into a number of different areas within the State Police's organizational structure. This would create difficulties in coordinating activities within the State Police, as well as coordinating activities with the appropriate DMV staff who would still retain some responsibilities in these specialized areas.

Two previous consolidations - the most recent in 1983 - were futile, ultimately necessitating the re-establishment of law enforcement units within the agency. These unsuccessful ventures demonstrate the overwhelming need for a police presence within DMV to handle the multitude of complex and unique issues not addressed by other law enforcement entities.

FEASIBILITY OF CONSOLIDATION

A number of issues are raised when considering the feasibility of consolidating law enforcement functions and the possible impact on both the acquiring agency and the entities that are absorbed. It is anticipated that there will be a significant impact experienced by the agency that acquires these entities, especially in terms of the additional resources that would be required to administratively support the functions and personnel acquired. More importantly, a number of issues must be considered and decisions made to ensure that additional responsibilities are integrated into existing operations with minimal disruption of services. The major decisions relate to the specific functions that will be transferred; the existing personnel that will be absorbed; where functions and personnel will be placed, organizationally and geographically; training and equipment issues; the accessibility of required computer systems; and many personnel issues. All of these factors are interrelated and personnel issues (i.e., pay grades, retirement benefits, promotional criteria, etc.) tend to be foremost in the minds of employees that are absorbed by another agency, as well as the existing employees of the acquiring agency. How these matters are dealt with can have a tremendous impact on morale and, in fact, determine the overall success of consolidation.

For those reasons, information was obtained from the agencies included in this study concerning job classifications and pay grades, specific job duties and supervisory/management responsibilities, administrative staff, equipment needs, facilities, computer applications, training programs, and funding sources. This information was reviewed to determine the similarity that exists among the agencies involved and the potential impact of consolidation on the Department of State Police. Based on that assessment, a preliminary estimate of the additional costs that might be incurred as a result of consolidation was determined.

As stated earlier in the report, two scenarios are presented for cost purposes. One assumes that an agency's law enforcement functions are transferred to the Department of State Police "as is"; i.e., there is no change in focus for the staff involved, the existing salary structure is maintained, existing equipment is transferred along with the positions, there is no change in the retirement program, and only minimal additional training is provided to familiarize staff with State Police policies and procedures. The second scenario assumes that law enforcement functions are fully integrated into the existing State Police structure. While this scenario might also require the establishment of a separate bureau for special operations, staff would be integrated into existing bureaus where possible. It is assumed that these two scenarios present the extremes in terms of financial ramifications, and that if a consolidation were to occur, the actual costs would fall somewhere between these two extremes. Each area of impact is discussed below.

Personnel

Classification and salary issues are a major concern, both in terms of funding and morale. Based upon the position descriptions and classification information provided by each agency, the pay grades assigned to various sworn positions within the five specialized agencies tended to be lower than those assigned to State Police sworn classifications. The only exception to this is the Department of Alcoholic Beverage Control, which is in the process of regrading their sworn positions. If the regrade proposal is approved, ABC's pay grades will be commensurate with State Police pay grades.

Scenario I: Employees from the five agencies would be transferred to the State Police and remain in the same classification and grade. There would be no additional salary expense for existing and transferred employees. The only additional salary expense incurred would be for additional employees required to support the law enforcement functions transferred to the State Police.

Scenario II: Employees would be integrated into the existing structure. In order to project the potential cost of this alternative, existing grades and position descriptions for each agency were compared to State Police positions. It was assumed that positions would be upgraded to similar State Police classifications. The costs associated with such an upgrade are as follows:

Department of Alcoholic Beverage Control: There would be no budgetary impact assuming the ABC regrade is approved.

There would be an additional salary and fringe benefits cost (excluding retirement costs, which will be discussed separately) for each of the other agencies.

Department of Game and Inland Fisheries	\$ 516,673
Department of the Lottery	50,483
Marine Resources Commission	175,132
Department of Motor Vehicles	<u>340,526</u>
Total	\$1,082,814

It is likely that some options would be developed to allow employees absorbed by the State Police some flexibility in determining their career paths, as was done when 24 State Corporation Commission positions were transferred to the State Police. In that case, several agency-unique classifications were developed specifically for the transition. It is impossible to determine the specific options that would be appropriate without a thorough analysis of the functions that would be transferred. In addition, decisions concerning the organizational structure would also be an important factor in determining the extent of integration that would occur and, thus, the appropriate classifications. The organizational structure would also partially depend upon the total number of positions involved in a consolidation. It is further noted that classification decisions would have to be made so that an "unequal pay for equal work" situation is not created. Based on very general assumptions, and given these caveats, it is estimated that there would be an additional salary and fringe benefits cost of \$1 million (exclusive of retirement benefits). (The appropriateness of existing classifications was not examined in this study, nor was a job task analysis performed.)

State Police Retirement System

The State Police Retirement System (SPORS) provides increased retirement benefits, at younger retirement ages, with lower required years of service, to State Police law enforcement officers. The system was developed due to concerns about reduced officer effectiveness related to age and exposure to hazardous duty. Over the years, a number of attempts have been made to incorporate sworn officers from other state agencies into the system; however, the agencies included in this study are not currently covered by SPORS.

Scenario I: Employees transferred to the State Police would not be included in SPORS since they would continue performing their existing job functions. There would be no additional cost to the state.

Scenario II: If transferred employees were fully integrated into the existing State Police structure, positions would be upgraded to be consistent with State Police classifications, and the additional retirement cost would be as follows:

Department of Alcoholic Beverage Control	\$ 47,366
Department of Game and Inland Fisheries	278,698
Department of the Lottery	20,509
Marine Resources Commission	110,927
Department of Motor Vehicles	<u>112,087</u>
Total	\$569,587

It is likely that the absorbed personnel would make every effort to be included in SPORS, regardless of the specialized law enforcement functions they may perform.

Funding

To effect a consolidation, the appropriations currently provided for law enforcement purposes would be transferred to the State Police. Depending upon the actual timing of the consolidation, funds would be transferred through the execution of the Department of Planning and Budget's Form 27. It is anticipated that additional funds, above and beyond those currently appropriated to the respective agencies for law enforcement purposes, would be required to provide adequate funding for the consolidation. Ultimately, funding for these functions would be appropriated to the State Police through the normal budget process. In addition, a legislative amendment to Section 4.1-117 of the Code would be required concerning the disposition of ABC profits to localities. While ABC's revenues would remain fairly constant, their profits would increase due to reduced operating expenses. As provided by statute, two-thirds of these profits would be distributed to localities. An amendment specifying the reduction of State Police expenses for ABC enforcement, prior to the distribution of ABC profits, would be required.

Facilities

All of the agencies studied have a number of leased and/or state-owned facilities located throughout the Commonwealth; however, limited information was provided concerning actual space requirements for enforcement personnel. The Department of State Police does not have adequate facilities for existing personnel; therefore, arrangements would have to be made to share space in state-owned facilities and to transfer existing leases, and funds, to the State Police. More detailed information would be needed to determine the most efficient use of existing facilities, which would also depend upon the number of personnel involved in the transfer and the functions those employees perform after the transfer. This is an area that could provide economies to the state regardless of the consolidation issue.

Equipment

All of the agencies studied, excluding the Department of the Lottery, issue similar equipment and supplies to their employees.

Scenario I: The only additional expense would be for issuing a 9 mm pistol to employees who currently use other firearms or are not armed. The cost of equipping these employees would be:

Department of Alcoholic Beverage Control	\$17,340
Department of Game and Inland Fisheries	0
Department of the Lottery	5,780
Marine Resources Commission	42,194
Department of Motor Vehicles	<u>31,212</u>
Total	\$96,526

Scenario II: There would be an additional cost of \$10,740 for equipping the Department of the Lottery employees with standard State Police equipment and supplies. The total cost for providing this equipment and 9 mm weapons would be \$107,266.

It is assumed that the vehicles assigned to the affected employees would be transferred to the State Police, as would any funds designated for pool vehicles. It is possible that the vehicles transferred would not be appropriate for the job duties assigned to employees after the transfer, especially if additional options were provided to allow employees to enter existing State Police classifications, such as the trooper classification. In that case, there would be an additional vehicle expense, the extent of which cannot be determined.

Training

The agencies involved in this study provide varying degrees of training to their employees. Most employees are DCJS-certified; however, none of the agencies provide a basic training program as comprehensive as that provided by the State Police, at least in terms of the amount of training required to be a State Police trooper. The Department of State Police has historically required all troopers to graduate from the State Police Academy as a condition of employment. This is a practice that was continued even with those employees transferred from the State Corporation Commission, and it is assumed that this policy would be applied to employees joining the State Police through consolidation.

The impact of a consolidation of this magnitude on the State Police Training Division would be significant. It is impossible to determine the specific training that would be required without knowing the particular job tasks that employees would perform and how they would be incorporated into the State Police. Actual training records would have to be reviewed in conjunction with an analysis of job functions before curriculums could be developed. In addition, in-service training programs concentrated on the specialized areas of enforcement transferred to the State Police would have to be developed.

The training programs of all agencies included in the study were reviewed to provide a general estimate of the additional training that might be required if a consolidation occurred. In the event that special agency-unique job classifications were developed for any of the people transferred, special training curriculums would be developed for those classifications. Further, if employees were fully integrated into the existing State Police structure and given the option of being regular State Police troopers, they would continue performing their duties and attend the first available Basic Trooper School, unless they had previously graduated from the State Police Academy. Special curriculums of shorter duration would be developed for employees transferring to other State Police classifications.

At a minimum, a transitional training program would have to be provided to all DCJS-certified officers that includes an overview of the Department of State Police; firearms training; driver training; defensive tactics; rules of evidence; laws of arrest, search and seizure; State Police reports; officer survival; State Police Manual; humanistic approach to law enforcement; health maintenance; physical training; sexual harassment policy; CPR/first aid; hazardous material awareness; and motor vehicle code. Time would also be allotted for a State Police orientation and equipment exchange and issue. The length of the program and the number of sessions required to train employees would vary according to the number of employees transferred from a given agency and the number of agencies that are simultaneously consolidated.

Training sessions would be scheduled so that enforcement efforts could continue concurrently with the training program. In addition, specialized in-service training would be provided biennially to meet DCJS recertification requirements. Instruction would be provided by State Police staff assigned to the Training Division, the Bureau of Field Operations, and the Bureau of Criminal Investigation. Given the magnitude of the training involved, and the need to use field personnel, this could have a negative impact on State Police operations and would significantly increase the workload of existing State Police Academy staff. Any training officers transferred to the State Police could be of assistance in this endeavor and would be assigned to the Training Division.

An additional concern is the planning horizon required for training activities. During 1996, the State Police Training Division will be conducting trooper and supervisor mandated in-service training. It is anticipated that two Basic Trooper Schools will be started and new specialty training and in-service specialty training will be conducted to maintain programs such as instructor certification and recertification, firearms instructor training, tactical field force training, and tactical team training. If employees from these agencies were transferred into the Department of State Police, training could not be initiated until the Winter of 1997, as adequate lodging would not be available at the State Police Academy due to prior training commitments. If a consolidation occurred, a lengthy transition period would be required to plan and provide the necessary training.

Given these factors, the following estimates of the amount of training required for each agency are provided. If staff from more than one agency were transferred to State Police, the training time for these transitional programs would increase one week, due to the anticipated number of employees undergoing firearms and driver training at the same time.

- Department of Alcoholic Beverage Control: ABC has 30 sworn personnel, all DCJS-certified, who would be involved in the consolidation. They would attend a six-week transitional training program. Two six-week sessions would be scheduled, requiring 1152 man-hours of instruction.
- Game and Inland Fisheries: There are 172 sworn positions assigned to the law enforcement division, who are all DCJS-certified, and 3 dispatchers who are DCJS-certified. The sworn employees would attend a seven-week transitional training program. Three seven-week sessions would be scheduled, requiring 1848 man-hours of instruction. The DCJS-certified dispatchers would not require additional training, except for biennial dispatchers in-service training.
- Lottery: The Lottery has ten sworn personnel, all DCJS-certified, who would be involved in the consolidation. They would attend a six-week transitional training program; two six-week sessions would be scheduled, requiring 1152 man-hours of instruction.
- Marine Resources Commission: The MRC has 17 DCJS-certified officers that would attend a six-week transitional training program, involving approximately 576 man-hours of instruction. The MRC also has 38 officers who are provisionally certified and a number of vacant positions. These provisionally certified officers would attend an 11-week school at the State Police Academy that meets all DCJS certification requirements. This training would also include classes that would orient employees to Department of State Police policies and procedures, such as State Police Manual, overview of the Department, departmental reports, health maintenance, physical training, bloodborne pathogens, basic life support, cultural diversity, fingerprinting, sexual harassment, and geography of Virginia. Two sessions would be scheduled, involving 1754 man-hours of instruction.

If the clerk dispatchers were transferred to the State Police, they would continue their duties and receive in-service retraining, biennially, at the State Police Dispatcher's In-Service School. If they were not DCJS-certified, they would have to attend a two-week Basic Dispatcher School, involving 80 man-hours of instruction. Instruction would be provided by staff from the State Police's Training Division, existing troopers, and dispatchers.

- Department of Motor Vehicles: There are a total of 54 full-time sworn employees that are all DCJS-certified. These employees would attend a six-week transitional training program. Two six-week sessions would be scheduled, involving approximately 1152 man-hours of instruction.

Data Processing

The agencies involved in this study all have a number of computer systems in place that are utilized for enforcement purposes. A number of these systems are also used by non-enforcement personnel for other purposes. These computer applications were reviewed to determine the difficulties that might be encountered if enforcement personnel need continued access to existing systems. The impact on existing data processing staff at the State Police was considered as well.

- Department of Alcoholic Beverage Control: Given the current applications in place at ABC, a WAN (Wide Area Network) and/or dial-up data circuits could be installed between the two agencies to allow investigators to continue functioning while minimizing the impact of consolidation. Additional software support personnel and equipment would be required to convert ABC's various LAN-based systems in a timely manner.
- Department of Game and Inland Fisheries: DGIF has a large number of applications on the IBM System 36 and LAN network. These applications would either need to be converted to State Police systems, or, in lieu of conversion, leased or dial-up lines could be provided until a conversion or relocation is implemented.
- Department of the Lottery: In order for investigators to continue to perform their duties, continued access to the Lottery's STRATUS and AS/400 systems would be necessary. This could be accomplished by either a direct leased line or dial-up lines, depending on the capabilities of the Lottery's hardware.
- Marine Resources Commission: Patrol officers would be able to continue accessing VCIN and any other State Police systems with fewer problems than are currently experienced with a single Bull VCIN terminal. MRC applications would have to be relocated to the State Police network, converted to MAPPER, located on a State Police server, or DDS Ethernet circuits could be installed to access their current systems.
- Department of Motor Vehicles: DMV investigators access many systems on either the DMV system located at D.I.T. or on their own IBM 4300 system. Either way, additional data circuits would be required and further research would be needed to determine the appropriate method of access. Current requirements of accessing some data using alternate mediums would continue until an acceptable alternative could be devised.

If all five agencies were consolidated with the State Police, there would be a significant impact on State Police systems engineering and systems development, which would require additional data processing personnel. If existing systems were converted to operate in the State Police environment, a detailed analysis of each application would be required. Based on the limited information provided, it is estimated that five additional State Police positions would be required for development and support of these systems. It is anticipated that additional equipment costs would also be incurred; however, further analysis would be required to determine specific needs.

Administrative Staff

If the law enforcement functions discussed in this report are transferred to DSP, a minimum of 377 positions would be transferred to perform those functions, which equates to a 16 percent increase in the total DSP employment level. The impact on any one person may not be significant; however, impacts would be felt throughout the organization. Conversely, depending upon the size of a given agency, the number of employees transferred, and their relative proportion of that agency, there may be little or no cost savings that accrue to the agency that loses a portion of its staff. For example, transferring 13 employees from the Department of the Lottery would not produce any significant reduction in the administrative workload of that agency. In the case of the Department of Game and Inland Fisheries, their law enforcement division constitutes 45 percent of the total agency; therefore, there would be a considerable reduction in the overall workload. However, each situation is unique. In cases where only one person is responsible for a particular function, and the function must continue, albeit at a reduced level, there may not be any administrative savings unless job functions can be combined.

A consolidation of this magnitude would have a significant impact on many State Police administrative functions, particularly in the initial stages of a consolidation. If all 377 positions are transferred to the State Police, existing Personnel Division staff would be unable to update records and personnel systems, determine appropriate classifications, prepare job descriptions, etc., in a timely fashion, or provide the ongoing functions required to maintain and support these positions. The State Police Health Maintenance Program would also be impacted in terms of providing physical examinations, electrocardiograms, blood analysis, physical surveys, etc., for the additional sworn personnel.

If all 377 employees are transferred to the State Police, it is estimated that a minimum of 5 additional positions would be required for administrative support functions in the Property and Finance Division. This includes two mechanics to equip vehicles and install State Police radios, one fiscal technician to handle additional payroll responsibilities, one storekeeper to handle the issuance and maintenance of equipment, etc., and one fiscal assistant to process the increased volume of vouchers, invoices, and credit cards charges. The estimated cost of these additional positions is \$153,451.

As indicated earlier in this report, additional positions would be required for data processing purposes and personnel functions. If a consolidation occurs, additional positions, above and beyond those positions performing law enforcement functions, or directly supporting law enforcement functions, should be included in the transfer. Most agencies included in the study were unable to determine the number of positions that provide indirect support to their law enforcement staff; however, the State Police should not be expected to increase its employment level by 16 percent without some increase in administrative support personnel.

CONCLUSIONS

The fundamental issue to be addressed in this study was the degree of overlap that exists among state law enforcement agencies. Given the enforcement powers granted to these agencies by statute, the potential for duplication exists. However, based upon agency practices, the overlap appears to be minimal when comparing enforcement functions performed by the Department of the Lottery, the Marine Resources Commission, and the Department of Game and Inland Fisheries with those performed by DSP. Based upon arrest statistics, there appears to be some overlap in the enforcement efforts of DMV and DSP. However, when the entire range of activities performed by the enforcement arm of DMV is reviewed, only a small portion of their total activities are similar to State Police enforcement efforts. It does appear that the DMV/DSP Auto Theft Unit should be under the single management of the Department of State Police. There also appears to be some similarity in the criminal enforcement efforts of the Department of Alcoholic Beverage Control and the Department of State Police, the extent of which could not be determined. The overlap, however, appears to be largely a result of the integrated nature of their regulatory and criminal responsibilities.

The concept of merging or consolidating entities with common missions, goals, and objectives does not appear to apply where these agencies are concerned. The State Police is the only agency dedicated to general law enforcement. The missions, goals, and objectives of the specialized law enforcement agencies are tailored to the unique role each plays in State government. Enforcement tends to be one of many activities these specialized agencies perform to serve their unique constituencies. Thus, there seems to be little congruency between the focus of these agencies and the overall mission of the State Police.

If attaining economies of scale is the compelling reason for considering consolidation, there is no indication that any economic advantage would be a reality. It is anticipated that an initial increase in overall costs would be experienced, as has been the case in some other states. Unless the agencies that are absorbed are capable of transferring administrative support staff as part of the consolidation, there would be additional administrative costs incurred by the State Police. During this preliminary assessment of feasibility, the extent to which specialized agencies would be able to support their remaining staff with fewer administrative positions could not be determined. However, it does appear that certain economies could be achieved through the utilization of shared facilities and communications systems. This could be accomplished without the transfer of enforcement functions, but would require additional study to determine the most efficient method of combining those resources.

In terms of efficiency, a number of agencies expressed concern related to the integrated nature of the job functions they perform. In most cases, these agencies have regulatory responsibilities as well as enforcement responsibilities, with regulatory violations often precipitating the discovery of criminal violations, and vice versa. In some instances, it could be difficult to completely segregate these functions. There is also concern over the inefficiencies that could result from enforcement and regulatory personnel operating in separate organizations and sharing databases and other information that would need to be retained by the specialized agency. The assumption has been that a consolidation would only involve enforcement responsibilities. It is questionable whether it would be advantageous to train and equip State Police sworn personnel to perform regulatory functions. However, many configurations of a workable and efficient "public safety department" are possible.

The estimated total additional cost of consolidation ranges from \$249,977 (Scenario I) to \$1,913,118 (Scenario II). Given the many decisions that must be made prior to consolidation, as well as during the consolidation process, and the number of largely unknown factors at this point, the total cost could exceed the \$1.9 million estimate.

Additional study would be required to plan and effect a smooth transition of law enforcement functions to the Department of State Police. If consolidation is pursued, a one-year transition period should be established to resolve the issues addressed in this report and complete the initiative. Initially, a separate bureau of special operations within the State Police could be established, with the long-term goal of further restructuring the Department to more effectively merge the various functions and create a more efficient operation. An implementation team, composed of representatives from all affected agencies, could be established to plan and monitor the transition of responsibilities and resources.

Any legislation enacted to effect a consolidation should allow sufficient flexibility so that internal decisions, such as classification decisions, can be made by the acquiring agency which do not jeopardize the agency's organizational structure, violate policies, or create an "unequal pay for equal work" situation. Conversely, any appropriations language should be sufficiently specific regarding the transfer of resources to mitigate the negotiations that would be required to effectively absorb additional responsibilities.

ATTACHMENT I

ATTACHMENT I

Virginia State Police FY94-95

Bureau of Field Operations

Incidents Investigated:	<u>Number</u>
Traffic Crashes	54,428
DUI	13,952
Other Misdemeanors	11,533
Drugs	8,140
Other Felonies	4,072
Larceny	816
Auto Theft	751
Serious Felonies	<u>709</u>
Total	94,401
 Summons/ Arrests:	
Traffic	616,978
Criminal	<u>17,344</u>
Total	634,322

Bureau of Criminal Investigation

Cases Investigated:	<u>Number</u>
Illegal Drugs	4,375
Other Criminal	2,123
Public Official	1,465
Arson	344
Bomb	286
White Collar Crime	196
Organized Crime	<u>29</u>
Total	8,818
 Polygraph Examinations:	
Criminal	1,089
Pre-employment	<u>246</u>
Total	1,335
 Charges:	5,271

Source: Department of State Police

ATTACHMENT II

ATTACHMENT II

Virginia State Police Equipment Issued

Troopers

1 blouse	1 radio carrier
1 uniform jacket	1 OC spray and holster
4 winter shirts (long sleeve)	1 handcuffs
4 summer shirts (short sleeve)	1 handcuff case
2 shirts (utility-long sleeve)	1 whistle and chain
6 trousers	1 helmet, riot
2 trousers (utility)	1 riot stick
1 hat - winter	1 State Police Manual w/binder
2 hat - summer	1 Police & Motor Vehicle Laws
1 cap (utility)	1 box 9 mm ammunition
2 hat straps	1 raincoat
2 chin straps	1 Training Manual w/ binders
2 pairs shoes	1 template
1 pair boots, leather, utility	1 tape, measuring
1 hat cover	1 rotatape
4 ties	2 name plates
1 pair rubber boots	1 latent fingerprint kit
1 flashlight	1 tire tread depth gauge
1 revolver belt	1 badge
1 traffic baton	1 identification card and bridge pass
1 night stick	1 Records Management Manual
1 waist belt	1 Communications Manual
1 holster	1 Inspection Manual
1 pistol 9 mm	1 fur cap
1 safety vest	1 tire pressure gauge
1 pouch for safety vest	1 armored vest w/ extra carrier
1 flashlight/nightstick holder combination	1 first aid kit
1 double vertical pouch for 9 mm pistol	2 utility blankets
1 case fusees	1 gun case
1 riot gun	1 electronic flash unit
1 35 mm camera	5 12-gauge shotgun slugs
20 12-gauge shotgun shells	1 State Police credit card
1 VISA credit card	1 Alco Sensor III
1 Summons book holder	

Equipment (Continued)

Special Agents

1 jacket unlined nylon (raid)	1 first aid kit
1 pair rubber boots (optional)	1 latent fingerprint kit (all purpose)
1 raincoat (optional)	1 tire depth gauge (optional)
1 pair coveralls, navy blue	1 tire pressure gauge (optional)
(with pocket fold-out State Police patch)	1 badge
1 flashlight	1 case - S/A ID & badge
1 holster (ballistic nylon)	2 S/A large ID cards
1 pistol - 9 mm	1 S/A billfold ID card
1 double vertical pouch (ballistic nylon) for 9 mm pistol	1 Records Management Manual
1 safety vest (optional)	1 BCI Admin. and Operations Manual
1 riot gun	1 Communications Manual
1 gun case	1 pair handcuffs
20 12-gauge shotgun shells (#00 buckshot)	1 riot stick (optional)
1 night stick	1 OC spray and holster
1 State Police Manual w/binder	5 12-gauge shotgun slugs
1 Police & Motor Vehicle Laws	1 VISA credit card
1 box 9 mm ammunition	1 camera, 35 mm w/case SLR
1 Training Manual w/binders	1 electronic flash
1 tape, measuring - 100 ft.	1 blue warning light - portable
	1 briefcase

ATTACHMENT III

ATTACHMENT III

Department of Alcoholic Beverage Control Enforcement Division FY94-95

Regulatory and Other Activities:	<u>Number of Activities</u>	<u>Percent of Activities</u>	<u>Percent of Time</u>
Contacts (Licensee & Non-Licensee Related)	32,975	21.48%	9.66%
Miscellaneous	29,512	19.23	14.25
Observations (Licensed & Non-Licensed Establishments, ABC Store, Search Warrant Execution)	24,286	15.82	14.14
Investigations (Licensee & Non-Licensee, ABC, drugs, gambling)	20,953	13.65	25.19
Application Investigations	15,125	9.85	14.54
Inspections (Retail & Club)	11,613	7.57	3.85
Court (Adult & Juvenile, Licensee & Non-Licensee Related)	5,815	3.79	4.44
Training	4,436	2.89	8.09
Arrests (Adult & Juvenile, Licensee & Non-Licensee Related, ABC & Non-ABC Related)	2,799	1.82	1.14
Arrest Assists (Adult & Juvenile, Licensee & Non-Licensee Related, ABC & Non- ABC Related)	1,431	0.93	0.45
Buys & Attempted Buys (Alcohol & Drugs, Licensee & Non-Licensee Related)	1,169	0.76	0.73
Destruction/Disposition (Alcohol, Drugs, Gambling Equipment, Weapons, etc.)	909	0.59	0.50
Hearings (Applications, Disciplinary, Serving Subpoenas)	766	0.50	1.02
Seizures (Alcohol, Currency, Drugs, Gambling Equipmt., Weapons, Vehicles, etc.)	705	0.46	0.32
Board Orders (Revocations & Suspensions)	569	0.37	0.34
Court-Confiscation (Alcohol, Currency, Drugs, Gambling Equipment, Weapons, Vehicles, etc.)	172	0.11	0.09
Distilleries & Stills	111	0.07	0.13
Inspection Reviews	71	0.05	0.56
Audits/Surveys (Retail, Out-of-Bond Warehouse)	63	0.04	0.56
Invalid Group Code	<u>2</u>	<u>0.00</u>	<u>0.00</u>
Total	153,482	100.00%*	100.00%

*Actual total varies due to rounding.

Source: Department of Alcoholic Beverage Control

ATTACHMENT III

**Department of Alcoholic Beverage Control
Enforcement Division
FY94-95**

Criminal Enforcement Activities:	Number	Percent
Observations:		
Licensed Establishments	17,836	46.90%
Non-Licensed Establishments	4,133	10.87
Search Warrant Execution - Licensee Related	12	.03
Search Warrant - Non-Licensee Related	93	.24
Total	22,074	58.05%*
Investigations:		
Drug - Non-Licensee Related	420	1.10%
Drug - Licensee Related	56	.15
Gambling - Licensee Related	20	.05
Gambling - Non-Licensee Related	45	.12
ABC Non-Licensee Related	1,554	4.09
ABC Licensee Related	700	1.84
ABC Store Burglary	15	.04
ABC Store Embezzlement	8	.02
ABC Store Larceny	15	.04
ABC Store Robbery	6	.02
ABC Store Vandalism	2	.01
DUI Tracking - Written Warnings	1	.00
DUI Tracking - Closed No Results	1	.00
Total	2,843	7.48%
Arrests:		
Adult - Licensee Related	1,263	3.32%
Juvenile - Licensee Related	173	.45
Adult - Non-Licensee Related	939	2.47
Juvenile - Non-Licensee Related	107	.28
Adult - Non-ABC - Licensee Related	119	.31
Juvenile Non-ABC - Licensee Related	11	.03
Adult - Non-ABC - Non-Licensee Related	180	.47
Juvenile - Non-ABC - Non-Licensee Related	7	.02
Total	2,799	7.36%*

Criminal Enforcement Activities (Continued):	Number	Percent
Arrests Assists:		
Adult - Licensee Related	279	.73%
Juvenile - Licensee Related	23	.06
Adult - Non-Licensee Related	373	.98
Juvenile - Non-Licensee Related	52	.14
Adult - Non-ABC - Licensee Related	75	.20
Juvenile Non-ABC - Licensee Related	5	.01
Adult - Non-ABC - Non-Licensee Related	603	1.59
Juvenile - Non-ABC - Non-Licensee Related	20	.05
Serving Subpoenas	<u>1</u>	<u>.00</u>
Total	1,431	3.76%
Court:		
Adult - Licensee Related	1,292	3.40%
Juvenile - Licensee Related	193	.51
Adult - Non-Licensee Related	1,803	4.74
Juvenile - Non-Licensee Related	144	.38
Prepare Affidavit/Obtain Search Warrant - Licensee Related	36	.09
Prepare Affidavit/Obtain Search Warrant - Non-Licensee Related	171	.45
Filing Lab/Court Documents - Licensee Related	862	2.27
Filing Lab/Court Documents - Non-Licensee Related	1,164	3.06
Serving Subpoenas - Licensee Related	62	.16
Serving Subpoenas - Non-Licensee Related	<u>88</u>	<u>.23</u>
Total	5,815	15.29%
Distilleries & Stills:	111	.29%
Buys & Attempted Buys:		
Alcohol - Licensee Related	98	.26%
Alcohol - Non-Licensee Related	690	1.81
Drugs - Licensee Related	71	.19
Drugs - Non-Licensee Related	300	.79
Other - Licensee Related	2	.01
Other - Non-Licensee Related	<u>8</u>	<u>.02</u>
Total	1,169	3.07%*

Criminal Enforcement Activities (Continued):	Number	Percent
Seizures:		
Legal Alcohol - Licensee Related	204	.54%
Legal Alcohol - Non-Licensee Related	163	.43
Illegal Alcohol - Licensee Related	10	.03
Illegal Alcohol - Non-Licensee Related	70	.18
Currency - Licensee Related	2	.01
Currency - Non-Licensee Related	11	.03
Drugs - Licensee Related	15	.04
Drugs - Non-Licensee Related	122	.32
Gambling Equipment - Licensee Related	1	.00
Gambling Equipment - Non-Licensee Related	2	.01
Vehicles - Non-Licensee Related	17	.04
Weapons - Licensee Related	2	.01
Weapons - Non-Licensee Related	29	.08
Other - Licensee Related	34	.09
Other - Non-Licensee Related	23	.06
Total	705	1.85%*
Court - Confiscation:		
Alcohol - Licensee Related	65	.17
Alcohol - Non-Licensee Related	71	.19
Currency, Drugs, Gambling Equip., Vehicles, Weapons, Other - Licensee Related	8	.02
Currency, Drugs, Gambling Equip., Veh., Weapons, Other - Non-Licensee Related	28	.07
Total	172	.45%
Destruction/Disposition:		
Legal Alcohol - Licensee Related	223	.59%
Illegal Alcohol - Licensee Related	41	.11
Legal Alcohol - Non-Licensee Related	379	1.00
Illegal Alcohol - Non-Licensee Related	70	.18
Drugs - Licensee Related	4	.01
Drugs - Non-Licensee Related	67	.18
Gambling Equipment - Licensee Related	13	.03
Gambling Equipment - Non-Licensee Related	2	.01
Weapons - Licensee Related	2	.01
Weapons - Non-Licensee Related	14	.04
Other - Licensee Related	40	.11
Other Non-Licensee Related	54	.14
Total	909	2.39%*
Grand Total	38,028	100.00%*

*Actual total varies due to rounding.

Source: Department of Alcoholic Beverage Control

ATTACHMENT IV

ATTACHMENT IV

Department of Alcoholic Beverage Control Equipment Issued

Automobile	Flashlight
40 Caliber Beretta Pistol and Holder	Handcuffs
Virginia Criminal Law	Motor Vehicle Handbook
First Aid Kit	Special Agent ID
Gun Case	Buckshot
Brief Case	Pager
Toll Road Pass	Charges and Objection Manual
Armored Vest	Binoculars
Infectious Disease Control Kit	File Cabinet
Gun Cleaning Kit	Nylon Jacket
Double Magazine Pouch	Enforcement Directives Manual
Ammunition - 40 caliber	Telephone Credit Card
Badge	Riot Gun
Shotgun Slugs	Polaroid Camera
Portable Blue Light	Regulations Manual
I.D. Checking Guide	Baseball Hat
Calculator	Evidence Storage Cabinet
Typewriter	Summons Book Holder
Shot Gun Cleaning Kit	Fire Extinguisher
Radio, Walkie Talkie	

ATTACHMENT V

ATTACHMENT V

Department of Game and Inland Fisheries Violations FY94-95

<u>Type of Violations</u>	<u>Number of Violations</u>	<u>Percentage of Violations</u>
Game:		
§ 29.1 (Game, Inland Fisheries, and Boating)	3044	22.42%
§ 18.2 (General Crimes and Offenses)	1359	10.01
Miscellaneous Regulations	775	5.71
Other Miscellaneous Charges	<u>157*</u>	<u>1.16</u>
Total Game	5335	39.29%**
*Includes 10 § 46.2 (Motor Vehicles) violations.		
Fish:		
§ 29.1 (Game, Inland Fisheries, and Boating)	3619	26.65%
§ 18.2 (General Crimes and Offenses)	413	3.04
Miscellaneous Regulations	357	2.63
§ 28.2 (Fisheries and Habitat of the Tidal Waters)	125	.92
Other Miscellaneous Charges	<u>56</u>	<u>.41</u>
Total Fish	4570	33.66%**
Boat:		
§ 29.1 (Game, Inland Fisheries, and Boating)	1719	12.66%
Miscellaneous Regulations	775	5.71
Other Miscellaneous Charges	<u>16</u>	<u>.12</u>
Total Boat	2510	18.49%
*Includes 6 § 18.2 (General Crimes and Offenses) violations and 2 § 46.2 (Motor Vehicles) violations.		
General:		
§ 18.2 (General Crimes and Offenses)	412	3.03%
Other Miscellaneous Charges/Regulations	350*	2.58
§ 46.2 (Motor Vehicles)	<u>270</u>	<u>1.99</u>
Total General	1032	7.60%
*Includes 84 unknown violations.		
Migratory Bird:	131	.96%
Total Violations	13,578	100.00%

**Actual total varies due to rounding.

Source: Department of Game and Inland Fisheries

ATTACHMENT VI

ATTACHMENT VI

Department of Game and Inland Fisheries Equipment Issued

Patrol Vehicle	Radios
Vehicle Equipment	Microcomputer and printer
Intermediate Weapons (ASP/OC Spray)	Handcuffs
Binoculars	Flashlights (Maglight and Surefire)
35 mm Camera	Compass/Topographic Maps
Evidence/Accident Investigation Kit	Duty Gear - Nylon and Leather
Leatherman Tool	Compass
Maps, topo laminated	Briefcase
Summons Cases	PFD (Life Jacket)
Alcosensor	Batteries
Postage Stamps	Canvass Gear Bag
Business Cards	Body Armor
Shirts - Long Sleeve and Short Sleeve	BDU's
Slacks - Winter and Summer	Belt
Dress Hats	Caps
Ties	Boots - Insulated and Uninsulated
Dress Shoes	Coat - Winter/Summer
Foul Weather Gear	Traffic Safety Vest
Badges	Nameplate
ID Case	General Orders Manual
Hunter Education Instructor's Manual	Forms Manual
Code of Virginia	Magistrate's Code Book
Game Warden Field Notebooks	First Responder/Blood Borne
Firearms (9 mm pistol, shotgun, magazines, and ammunition)	Pathogen Supplies

ATTACHMENT VII

ATTACHMENT VII

Department of the Lottery Investigations FY94-95

<u>Type of Case</u>	<u>Number of Cases</u>	<u>Percentage of Cases</u>
Licensee Investigations	227	45.8%
Claims Involving Lottery Tickets/Canceled Tickets	126	25.4
Damaged Lottery Property	47	9.5
Altering Lottery Tickets	29	5.8
Stolen Lottery Tickets	24	4.8
Fraud	21	4.2
Underage Purchase of Lottery Tickets	4	.8
Violation of Rules and Regulations	4	.8
Accident Investigation	3	.6
Other Non-Criminal	3	.6
Assault of a Lottery Employee	2	.4
Defective Tickets	2	.4
Other Criminal	2	.4
Counterfeiting of a Lottery Ticket	1	.2
Loss in Shipment	<u>1</u>	<u>.2</u>
Total	496	100.0%*

*Actual total varies due to rounding
Source: Department of the Lottery

ATTACHMENT VIII

ATTACHMENT VIII

Department of the Lottery Equipment Issued

Vehicle - Ford Explorer or Oldsmobile Cierra
Pager
Car Phone
PC and Printer
35 mm Camera
Polaroid Camera
Invisible Snare Kit

ATTACHMENT IX

ATTACHMENT IX

Virginia Marine Patrol Activities FY93-94

	Percentage of Time
<u>Patrol Activities:</u>	
Fish	21.1%
National Shellfish Sanitation Program	13.8
Crabs	10.9
Clams	4.7
Special Duty (non-MRC)	4.6
Oysters	3.8
Small Boating Act	2.1
Special Assignment (MRC related)	1.2
Wetlands	.9
Seafood Buyer (Business)	.7
Other	.6
Seafood Buyer (Boat/Truck)	.1
Conchs	.0
Total	64.5%
<u>Administrative Activities:</u>	
Equipment Maintenance	11.8%
Paperwork	6.3
Training	4.0
Office Detail	3.4
Supervisors Meeting	1.6
Complaints	.6
Miscellaneous	.4
Misdemeanor Investigation	.3
Boat Accident Investigation	.2
Felony Investigation	.2
Travel	.2
OWI/DUI Case	.1
Boat Theft Investigation	.0
Operations (Pick Up Supplies/Equipment)	.0
Total	29.1%
<u>Service Activities:</u>	
Court	2.4%
Search and Rescue	.9
Repletion	.7
Assist Other Law Enforcement Officers	.6
Standby/Miscellaneous	.6
Liaison Meeting	.3
Serve Legal Papers	.2
Public Display	.2
Instructing	.2
Assist Citizens	.1
Public Speaking	.1
Hazard Material Spill	.1
Potomac River Fisheries Commission	.1
Reef	.0
Total	6.4%*

*Actual total varies due to rounding.

Source: Virginia Marine Patrol

ATTACHMENT X

ATTACHMENT X

Virginia Marine Patrol Arrests FY94-95

<u>Type of Arrests</u>	<u>Number of Arrests</u>	<u>Percentage of Arrests</u>
Fish	620	26.2%
Saltwater Recreational Licenses	584	24.7
Crabs	502	21.2
Other Agencies	452	19.1
Oysters	95	4.0
Clams	21	.9
National Shellfish Sanitation Program	18	.8
Commercial Fishing License	16	.7
Resisting Officer	14	.6
Fishing Without A License/Revoked License	11	.5
Buyers	10	.4
Habitat/Wetlands	6	.3
License Tags	6	.3
Casting Garbage/Trash	4	.2
Piers	3	.1
Removal of Obstructions	1	.0
Non-Residents	<u>1</u>	<u>0</u>
Total	2364	100.0%

Source: Virginia Marine Patrol

ATTACHMENT XI

ATTACHMENT XI

Virginia Marine Patrol Equipment Issued

Coats - Refrigerator, Windbreaker, and Dress
Belt
Insulated Coveralls
Ties
Hats - Felt, Straw, and Fur Trooper
Pants - Summer and Winter
Shirts - Long Sleeve, Short Sleeve, and Court
Name Tags
Smith & Wesson .38 Revolver
Speed Loaders and Cases
MT-1000 Radio
ASP and Cases
Sam Browne Belts
Handcuffs and Cases
Caps - Winter and Summer
Tie Tack
Rain Cover
Khaki Jumpsuit
Boots - Hip, Knee, and Iceman
Dress Shoes
Badge
Socks
Survival Suit
Rain Suit
Serving Since Tags
Keepers
Mag Light
Duty Holsters

ATTACHMENT XII

ATTACHMENT XII

Department of Motor Vehicles Summonses/Warrants FY94-95

Type of Violations	Number of Violations	Percentage of Violations
Title 18.2:		
Fraudulent Use of Birth Certificate/Driver's License	28	2.42%
Forge Public Records	25	2.16
Indecent Exposure	22	1.90
Possession of Fictitious Driver's License	16	1.38
Forge/Utter Other Writings	6	.52
Appear in Public in Intoxicated Condition	6	.52
Conspiracy to Commit Felony	5	.43
Trespassing	5	.43
Possession of Marijuana	5	.43
Disorderly Conduct	4	.35
Obstruct Justice by Threats/Force	4	.35
Give False Reports to Police Officers	4	.35
Possession of Controlled Substance	3	.26
Use Abusive Language	3	.26
Receive Stolen Goods	1	.09
Fraudulent Conversion/Removal of Property Subject to Lien/Title	1	.09
Damage Public Building	1	.09
Obtain Money/Signature by False Pretense	1	.09
Issue Bad Check/Larceny	1	.09
Carry Concealed Weapon	1	.09
Perjury	1	.09
Unlawfully Assume Name of Another	1	.09
Total	144	12.44%*

Title 46.2:

Fraud/False Statement in Driver's License Applic.	82	7.08%
Possession/Use of Fictitious Title/Registration	50	4.32
Expired Registration	44	3.80
Expired Safety Inspection	43	3.71
Engage in Bus. of Motor Veh. Dealer Without a License	43	3.71
Unlawful Display of License Plates	37	3.20
Operate Motor Vehicle Without License Plates	36	3.11
Unlawful Possession of Title	36	3.11
Unlawful Procurement of Certificate/License	30	2.59

Type of Violations (continued)	Number of Violations	Percentage of Violations
Title 46.2 (continued):		
Registration Card Not in Possession	27	2.33%
False Application for Special Identification Card	24	2.07
Alter/Forge Title/Registration	19	1.64
Unlawful Use of Dealer License Plates	19	1.64
Fail to Inspect Vehicle Prior to Sale	18	1.55
Fail to Secure Registration/Title	18	1.55
Fail to Maintain Consignment Vehicle Contract	16	1.38
Solicit Sale of Motor Veh. by Unlicensed Person	16	1.38
Failure of Nonresident Owner to Register Vehicle	15	1.30
Fail to Pay Apportionment Fees	14	1.21
Fraudulent Application for Temporary Plates	14	1.21
Driving Without a License	13	1.12
Driving on Suspended/Revoked License	13	1.12
Unlawful Use of Temporary Tags	13	1.12
Fail to Obtain Title	10	.86
Obtain DMV Documents when Not Entitled	9	.78
Fail to Secure Title Before Selling Vehicle	9	.78
Possession /Use of Fictitious Driver's License	8	.69
Fail To Maintain Dealer Records	7	.60
Operate Uninsured Motor Vehicle	6	.52
Issue Temporary Tag To Person Not Entitled	6	.52
Defective Equipment	5	.43
Fail to Drive in Specified Lane	4	.35
Reckless Driving	4	.35
Operate Vehicle Without VIN	4	.35
Fail To Maintain Buyers Order	4	.35
Making False Affidavit	3	.26
Odometer Tampering	3	.26
Fail to Surrender Revoked Title/Registration	3	.26
Alter/Forge License Plates /Decals	3	.26
Fail to Have Established Place of Business	3	.26
Fail to Display List of Salespersons	3	.26
Display of Sign Not in Compliance With Code	3	.26
Engage in Sale of Motor Vehicles at Supplemental Location Without License	2	.17
Fail To Maintain Business Hours	2	.17
Unlawful Use of Temporary Transport Tags	2	.17
Unlawful Use of Learner's Permit	1	.09
Fraudulent Use of Driver's License to Obtain Alcohol	1	.09
Operation of Vehicle by Habitual Offender	1	.09
Fail To Notify DMV of Change of Address	1	.09
Fail to Endorse Assignment of Title	1	.09
Improper Registration	1	.09
Unlawful Use of License Plates by Persons Delivering Unladen Vehicles	1	.09
Fail To Drive on Right Side of Highway	1	.09
Ride/Drive Vehicle on Sidewalk	1	.09
Fail to Wear Motorcycle Helmet	1	.09
Change of Location without Proper Notice	1	.09
Salesperson Selling for Other than Employer	1	.09
Possession of Vehicle With VIN Removed	1	.09
Fail to Notify DMV of Termination of Business	1	.09
Engage in Bus of Salvage Dealer without License	1	.09
Total	758	65.46%*

Type of Violations (continued)	Number of Violations	Percentage of Violations
Title 4.1: (In conjunction with ABC/DMV Task Force)		
Drinking Alcohol in Public Place	119	10.28%
Underage Possession of Alcohol	114	9.84
Purchase Alcohol For One to Whom It May Not Be Sold	4	.35
Attempt/Aid or Abet To Do Prohibited Acts	4	.35
Unlawful Sale of Alcoholic Beverage	<u>2</u>	<u>.17</u>
Total	243	20.98%*
Miscellaneous:		
No SCC Authority	5	.43%
Unlawfully Use VA Birth Certificate	4	.35
Levy	3	.26
Fail To Appear	<u>1</u>	<u>.09</u>
Total	13	1.12%*
Grand Total	1158	100.0%

*Actual total varies due to rounding.

Source: Department of Motor Vehicles

ATTACHMENT XIII

ATTACHMENT XIII

Department of Motor Vehicles Regulatory/Other Investigation Conducted FY94-95

<u>Nature of Investigation:</u>	<u>Number of Investigations</u>
Salvage Vehicle Exam - Repaired Vehicle	6252
Salvage Vehicle Exam - Rebuilt Vehicle	929
Vehicle Exam - VIN Verification	670
Returned Check	560
Motor Vehicle Dealer - New Licensee	546
Vehicle Exam/VIN Plate Installation - Missing/Altered VIN	490
Salvage Dealer Inspection	318
Fuels Tax - Delinquent Reports/Penalties Collected	202
Motor Vehicle Dealer Inspection	191
Motor Vehicle Dealer Records	178
Motor Vehicle Dealer License Cancellation	155
Salvage Dealer - New Licensee	108
Consumer Complaint	102
Fuels Tax - Other Investigations	76
Fuels Tax - New Licensee	75
Rental Tax - New Licensee	59
Delinquent Invoices	58
Rental Tax - Other Investigations	57
Other Licensing Violations	55
Fuels Tax - Exempt Decal Cancellation	51
Court Appearance - Subpoena for Agency Representative	41
Special Assignments/Law Enforcement Assistance	38
Fuels Tax - Exempt Decal Issue	33
Title Investigation	32
Curbstoning	27
Fuels Tax - License Cancellation	24
Fraudulent Driver's License/Identification Card	18
Suspension Order Service	12
Motor Vehicle Dealer Order of Revocation Service	10
License/Registration Violations	10
Salvage Dealer License Cancellation	9
Rental Tax - License Cancellation	9
Fuels Tax - Licensee Assistance	7
Salesperson/Dealer Operator Order of Suspension/Revocation Service	6
Fuels Tax - Unpaid Assessments/Collections	3
Fuels Tax - Refund Claim Investigations	3
Rental Tax - Licensee Assistance	2
Fuels/Rental Tax - Special Assignments	2
Fuels Tax - Suspension Order Service	2
Rental Tax - Reporting Discrepancies	1
	<u>11,421</u>

Investigations in bold print are routinely enforced by the State Police.

Source: Department of Motor Vehicles

ATTACHMENT XIII

Department of Motor Vehicles Criminal Investigations Conducted FY94-95

<u>Nature of Investigation:</u>	<u>Number of Investigations</u>
Fraudulent Driver's License/Identification Card	252
Title Investigation	218
Returned Check	119
Consumer Complaint	65
License/Registration Violations	63
Curbstoning	62
Odometer Fraud	31
Other Licensing Violations	29
Motor Vehicle Dealer Records	14
Altered Document	9
Salvage Dealer Investigation	5
Vehicle Theft	5
Motor Vehicle Dealer Inspection	3
Sales Tax Collection	3
Foreign Dealer Violation	<u>1</u>
Total	879

Investigations in bold print are routinely enforced by the State Police.

Source: Department of Motor Vehicles

ATTACHMENT XIV

ATTACHMENT XIV

Department of Motor Vehicles Equipment Issued

Vehicle--Full Size with Police Package or Mid-Size Covert	Trousers--Work and Dress Uniform
Shirts--Short and Long Sleeve, Work and Dress Uniform	T-shirts
Coveralls	Jackets--Work Style and Windbreaker
Stetson Hat	Raincoat
Shoes	Baseball Cap
Gun Belt and Holster	Boots
Badge, ID Card, Badge Case	Belt-Leather
Ammunition	Handcuffs and Case
Virginia Code Books	Smith & Wesson .38 Revolver
Maglite	870 Remington Shotgun
Adding Machine/Calculator	Summons Book Holder
Tape Recorder	Typewriter
Pager	Answering Machine
Briefcase	Laptop Computer
Tool Chest	Polaroid Camera
Screwdrivers, Pliers, Hammer, Tape Measure	State Certification Seal
Drill	Extension Bar Set
Dermel Tool Kit, Bits, and Sander	Mechanics Tool Set
	Jack and Jack Stand

Portions of the equipment listed are issued to sworn staff, depending upon their job functions. The cost per employee varies as follows:

Administrative Staff	\$ 940
Security	1150
General Investigation	1320
Salvage and Identification	1930
Auto Theft Unit	2225
Fuels Tax	4070

Based upon current staffing, including P-14's, this equates to a weighted average cost of \$1705 per employee.

ATTACHMENT XV

**1995 SESSION
ENGROSSED**

LD1707607

SENATE JOINT RESOLUTION NO. 340

Senate Amendments in [] — February 7, 1995

Requesting the Secretary of Public Safety, with the assistance of the [~~Joint Legislative Audit and Review~~ Virginia State Crime] Commission, to conduct an analysis of the overlapping of agencies with statewide police powers in the Commonwealth.

Patrons—Barry, Benedetti, Saslaw, Stolle and Stosch

Referred to the Committee on Rules

WHEREAS, the State Police, the Department of Alcoholic Beverage Control, the Virginia Marine Patrol, the Department of Game and Inland Fisheries, the State Lottery Department, the Department of Motor Vehicles and other entities all have certain police powers statewide; and

WHEREAS, the police powers of those agencies and their agents overlap; and

WHEREAS, the overlapping of those powers may result in unnecessary expenditures and occasionally does result in disagreements among those agencies about which is the proper agency to exercise those powers; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Secretary of Public Safety, with the assistance of the [~~Joint Legislative Audit and Review~~ Virginia State Crime] Commission study the need, feasibility, and advisability of placing all such police powers into the [~~Division~~ Department] of State Police under the administrative control of the superintendent of State Police.

The Secretary of Public Safety, with the assistance of the [~~Joint Legislative Audit and Review~~ Virginia State Crime] Commission, shall complete his work in time to submit his findings and recommendations to the Governor and the 1996 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Official Use By Clerks

Passed By The Senate

without amendment ☐
with amendment ☐
substitute ☐
substitute w/amdt ☐

Date: _____

Clerk of the Senate

Passed By

The House of Delegates

without amendment ☐
with amendment ☐
substitute ☐
substitute w/amdt ☐

Date: _____

Clerk of the House of Delegates

