

LAW ENFORCEMENT IN VIRGINIA

**REPORTED TO
THE GOVERNOR
AND
THE GENERAL ASSEMBLY**



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**COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
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FOREWORD

The Division of Justice and Crime Prevention was directed by the General Assembly in 1973 (Senate Joint Resolution Number 62) to make detailed recommendations for the improvement of law enforcement in Virginia. This Report represents the results of these efforts.

A two-volume report which was entitled *Law Enforcement in Virginia* was presented to the last session of the General Assembly. The first Volume contained the findings of our comprehensive descriptive study of law enforcement. In the second Volume, nearly fifty recommendations were set forth to deal with the most serious problems identified as a result of the study effort.

The selection of the recommendations for ameliorative action contained in this Report resulted from careful analyses of the many problems which were documented during the previous Study. The recommendations which subsequently evolved were designed to attack the most serious of these problems and to have the greatest collective impact upon the law enforcement system.

A number of individuals made this report possible. I would like to express my sincere gratitude to Mr. Meredith S. Urick who made many substantive contributions to this project, to the State

officials who assisted in the development of the implementation procedures affecting their respective agencies, to Dr. Jack R. Gallagher who prepared the narrative portions of this Report, to Mr. Joseph N. Tucker who had the administrative responsibility for this Report and to other members of my staff who made substantive contributions.

October, 1974
Richmond,
Virginia

Richard N. Harris
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PRINCIPAL RECOMMENDATION SUMMARY

The purpose of this section is to present the major recommendations contained in this Report. Each of the nine recommendations, along with a brief statement of rationale for such is presented below.

ALL LAW ENFORCEMENT AGENCIES SHOULD MAINTAIN SELECTION STANDARDS WHICH INSURE THAT ALL INDIVIDUALS EMPLOYED TO WORK AS LAW ENFORCEMENT OFFICERS POSSESS AT LEAST CERTAIN MINIMAL MENTAL, EMOTIONAL, AND BACKGROUND CHARACTERISTICS,

IT IS RECOMMENDED THAT SECTION 9-109 OF THE VIRGINIA CODE BE EXPANDED TO EMPOWER THE CRIMINAL JUSTICE OFFICERS TRAINING STANDARDS COMMISSION TO ESTABLISH AND ENFORCE MINIMUM ENTRANCE STANDARDS FOR LAW ENFORCEMENT OFFICERS. (Chapter 1)

ALL SWORN PERSONNEL SHOULD BE PROVIDED AN ACTUARILY SOUND RETIREMENT PROGRAM AND SHOULD BE ABLE TO MOVE TO ANOTHER LAW ENFORCEMENT AGENCY WITHOUT LOSS OF ACCRUED RETIREMENT BENEFITS.

IT IS RECOMMENDED THAT THE VIRGINIA ADVISORY LEGISLATIVE COUNCIL BE DIRECTED BY RESOLUTION TO MAKE A DETAILED STUDY OF THE COSTS OF REQUIRING EACH LAW ENFORCEMENT AGENCY TO HAVE A RETIREMENT PLAN WHICH MEETS OR EXCEEDS THE BENEFITS OF THE STATE POLICE OFFICER'S RETIREMENT SYSTEM AND TO STUDY THE ALTERNATIVE METHODS OF FINANCING SUCH.

(Chapter 2)

NO LAW ENFORCEMENT OFFICER SHOULD HAVE TO WORK WITHOUT THE PROTECTION OF AN AGENCY-PROVIDED PROGRAM WHICH INSURES ADEQUATE HEALTH CARE FOR THE OFFICER AND WHICH IS ALSO AVAILABLE TO THE OFFICER'S IMMEDIATE FAMILY.

IT IS RECOMMENDED THAT ALL LAW ENFORCEMENT AGENCIES MAKE AVAILABLE A COMPREHENSIVE HEALTH CARE INSURANCE PLAN FOR ALL EMPLOYEES AND THEIR IMMEDIATE FAMILIES TO INSURE ADEQUATE HEALTH CARE AT A MINIMUM COST TO THE AGENCY AND THE EMPLOYEE. (Chapter 3)

DUE TO THE POTENTIALLY HAZARDOUS NATURE OF DUTIES PERFORMED BY LAW ENFORCEMENT OFFICERS, THE NEED IS PARTICULARLY GREAT FOR ADEQUATE LIFE INSURANCE COVERAGE TO REDUCE OFFICER ANXIETY OVER THE SECURITY OF HIS FAMILY IN THE FUTURE.

IT IS RECOMMENDED THAT ALL LAW ENFORCEMENT AGENCIES MAKE AVAILABLE TO ALL SWORN PERSONNEL A LIFE INSURANCE POLICY WHICH IS SUBSTANTIALLY COMPARABLE TO THE COVERAGE OF THE GROUP LIFE AND ACCIDENT INSURANCE POLICIES OFFERED THROUGH THE STATE.
(Chapter 4)

ALTHOUGH EVERYONE IN THE CRIMINAL JUSTICE SYSTEM, INCLUDING LAW ENFORCEMENT OFFICERS, NEEDS FINANCIAL PROTECTION AGAINST LOSSES INCURRED AS A RESULT OF THE PERFORMANCE OF THEIR OFFICIAL DUTIES, SOME LAW ENFORCEMENT OFFICERS IN VIRGINIA ARE NOT AFFORDED SUCH PROTECTION.

IT IS RECOMMENDED THAT ALL LAW ENFORCEMENT AGENCIES MAKE AVAILABLE TO ALL SWORN PERSONNEL A COMPREHENSIVE PROFESSIONAL LIABILITY INSURANCE POLICY WHICH IS SUBSTANTIALLY COMPARABLE TO THE COVERAGE OF THE POLICY OFFERED OFFICERS OF THE STATE POLICE DEPARTMENT.
(Chapter 5)

THE STATE COMPENSATION BOARD MUST MAKE DECISIONS REGARDING SALARY AND PERSONNEL LEVELS OF SHERIFF'S DEPARTMENTS WITHOUT THE BENEFIT OF POSITION CLASSIFICATION PLANS WHICH IDENTIFY THE CHARACTERISTICS OF POSITIONS, GROUP THE POSITIONS ACCORDING TO A LOGICAL PLAN AND ESTABLISH QUALIFICATIONS AND EQUITABLE SALARY SCALES FOR EACH GROUP.

IT IS RECOMMENDED THAT THE STATE PERSONNEL DEPARTMENT ASSIST THE STATE COMPENSATION BOARD IN THE DEVELOPMENT OF POSITION CLASSIFICATION PLANS FOR ALL LAW ENFORCEMENT POSITIONS SUPPORTED WHOLLY OR IN PART BY STATE FUNDS. *(Chapter 6)*

EVERY LAW ENFORCEMENT AGENCY SHOULD MAINTAIN A RECORD SYSTEM THAT ADEQUATELY RECORDS CRIME DATA; OPERATIONAL ACTIVITIES, INCLUDING ADMINISTRATIVE AND INVESTIGATIVE DATA; AND PERTINENT INFORMATION ON PERSONNEL.

IT IS RECOMMENDED THAT A STATE STATUTE BE ENACTED WHICH SPECIFIES THE AREAS FOR WHICH LAW ENFORCEMENT AGENCIES SHOULD MAINTAIN RECORDS, WHICH SPECIFIES THE RETENTION PERIOD FOR SUCH RECORDS AND WHICH PROHIBITS THE REMOVAL OR DESTRUCTION OF SUCH RECORDS. *(Chapter 7)*

ALL LAW ENFORCEMENT AGENCIES SHOULD ESTABLISH A SYSTEM OF FORMAL WRITTEN DIRECTIVES TO GOVERN INTERNAL OPERATIONS AND TO GUIDE AND ASSIST EMPLOYEES IN THE PERFORMANCE OF THEIR DUTIES

TO FACILITATE THE ESTABLISHMENT OF A FORMAL DIRECTIVE SYSTEM IN LAW ENFORCEMENT AGENCIES NOT HAVING ONE, IT IS RECOMMENDED THAT THE DIVISION OF JUSTICE AND CRIME PREVENTION DEVELOP A MODEL PROTOTYPE SYSTEM OF FORMAL DIRECTIVES WHICH CAN BE TAILORED TO INDIVIDUAL AGENCY NEEDS AND WHICH SHOULD BE IMPLEMENTED WITHIN TWELVE MONTHS OF ITS DEVELOPMENT.

(Chapter 8)

ALTHOUGH ALL CITIZENS OF THE COMMONWEALTH ARE ENTITLED TO CERTAIN MINIMAL LEVELS OF POLICE SERVICE, SOME POLITICAL SUBDIVISIONS, PARTICULARLY THE SMALLER TOWNS, ARE NOT ABLE TO PROVIDE SUCH SERVICES.

IT IS RECOMMENDED THAT THE DEPARTMENT OF STATE POLICE ESTABLISH A RESIDENT TROOPER PROGRAM TO FURNISH BASIC LAW ENFORCEMENT SERVICE TO ANY REQUESTING POLITICAL SUBDIVISION.

(Chapter 9)

PART ONE

REDUCING MANPOWER PROBLEMS

The problems relating to inadequate manpower were found during the previous Descriptive Study to be widespread among law enforcement agencies in Virginia. The single greatest need expressed by most sheriffs and chiefs of city and county police departments was for additional personnel. A fairly large percentage, particularly chiefs of police, emphasized the need for qualified and desirable personnel as well as for additional personnel. These law enforcement chief executives were acknowledging that the law enforcement manpower problem in Virginia is twofold and involves both qualitative as well as quantitative problems, and that the effectiveness of local law enforcement depends upon the competence of its personnel as well as the number of personnel.

Quantity problems and quality problems are obviously interrelated and clearly inseparable. Charles Saunders, a leading authority in the field of law enforcement, recently wrote that, "The shortage of quantity cannot be solved, or even defined, without consideration of the shortage of quality" (*Upgrading the American Police*, 1970, p.35). Saunders further asserted that the quality problem is built into the police system at every level. He maintained that it begins with inadequate standards of selection, which permit too many unqualified men to enter; is extended by an ineffective probation

which permits such men to stay, and is perpetuated by inadequate training, from the recruit stage on up the career structure, thus providing little means for developing the best men or improving the worst (p.40).

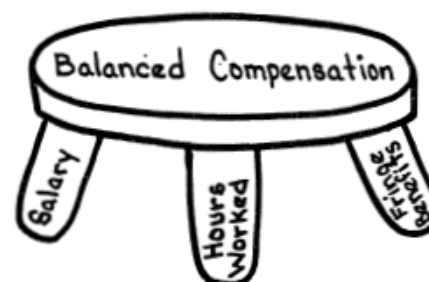
The recommendations contained in this Part focus primarily upon reducing manpower qualitative problems. Proposals are set forth which are designed to reduce two key quality related problems: (1) failure of sufficient numbers of highly qualified individuals to apply for positions available in law enforcement agencies within the Commonwealth and (2) failure of some law enforcement agencies to select individuals for employment who possess the necessary qualities for effective work in law enforcement.

It is apparent that the amount of compensation employees receive, the extensiveness of fringe benefits or indirect compensation and conditions of employment affect the quality of personnel which are attracted to local and to State law enforcement agencies. According to a noted authority in the field of law enforcement (William F. Danielson, *Police Compensation*, 1967), there are three basic elements of compensation for any position: salary (direct pay for work performed), hours worked (number of hours required by position, length of work-shift, frequency

of work-shift, times when work-shifts are scheduled, days when work-shifts are scheduled, and overtime) and fringe benefits (indirect pay for work performed). Danielson further noted that increasing numbers of qualified applicants for law enforcement positions are concerned with what their total career earnings in law enforcement would be as compared to their potential earnings in other occupations. Since fringe benefits constitute an important part of total career earnings, increasing applicant concern is focused upon the adequacy of such. As a consequence, law enforcement agencies must be able to offer adequate indirect as well as direct compensation if sufficient numbers of highly qualified applicants are to be attracted to positions in law enforcement.

Officer compensation is somewhat analogous to a three-legged stool. If one of the legs (in this case, amount of compensation) is significantly shorter (inadequate) relative to the other two, the stool will not provide a great deal of stability or security.

Proposals in Part I of the Report focus exclusively upon improvement of one of the above elements (indirect compensation or fringe benefits). According to the results of the Descriptive Study most of the important fringe benefits



were grossly inadequate or even lacking in many of the law enforcement agencies in Virginia. It is not surprising that a State Crime Commission subcommittee (headed by Delegate Claude W. Anderson) was reportedly told repeatedly in a public hearing of the urgent need for more equitable fringe benefits as well as salaries for local police (*Richmond Times Dispatch*, "Revenue Sharing Advised to Boost Police-men's Pay, August 17, 1974).

A proposal is set forth in Chapter 2 of this Report which authorizes the Virginia Advisory Legislative Council to examine ways of providing adequate retirement benefits to all law enforcement officers in Virginia. Other proposals set forth would

require political subdivisions to provide law enforcement officers with minimum hospitalization, life insurance and false arrest benefits.

The other major focus of recommendation for reducing manpower problems is upon improving the selection process. At the present time, entry-level selection requirements and practices vary considerably among law enforcement agencies in Virginia. This is partly due to the lack of Statewide minimum selection requirements. Quite clearly, manpower quality problems cannot be reduced significantly until certain minimum standards for selection are evolved and implemented on a Statewide basis. One of the major proposals contained in this Part is to empower the Criminal Justice Officers' Training Standards Commission to develop and implement such standards.

CHAPTER 1
MINIMUM SELECTION
STANDARDS

ALL LAW ENFORCEMENT AGENCIES SHOULD MAINTAIN SELECTION STANDARDS WHICH INSURE THAT ALL INDIVIDUALS EMPLOYED TO WORK AS LAW ENFORCEMENT OFFICERS POSSESS AT LEAST CERTAIN MINIMAL MENTAL, EMOTIONAL, AND BACKGROUND CHARACTERISTICS.

IT IS RECOMMENDED THAT SECTION 9-109 OF THE VIRGINIA CODE BE EXPANDED TO EMPOWER THE CRIMINAL JUSTICE OFFICERS' TRAINING STANDARDS COMMISSION TO ESTABLISH AND ENFORCE MINIMUM ENTRANCE STANDARDS FOR LAW ENFORCEMENT OFFICERS.

COMMENTARY

The importance of the process law enforcement agencies utilize to select individuals for employment as law enforcement officers cannot be overly emphasized. On the other hand, this process has received inadequate attention among law enforcement agencies across the country. According to the President's Commission on Law Enforcement and Administration of Justice (*Task Force Report: The Police*, 1967, p.125), existing selection requirements and procedures in the majority of law enforcement departments across the country, aside from physical requirements, are not adequate to screen

out those unfit to assume the awesome responsibilities facing the personnel who are selected.

Ruth Levy, a prominent authority on police in America, offered the following comment in an article in *The Police Yearbook* ("Summary of Report on Retrospective Study of 5,000 Peace Officer Personnel Records," IACP, 1966, p.61.):

Selection techniques in law enforcement cannot merely emulate those devised for business, industry or teaching. Law enforcement which invests authority and power in its representatives, also imposes upon them stresses unlike those encountered in any other profession.

Although insufficient research has been conducted to date to yield reliable indicators of aptitude or predictors of success in police work, it can be assumed that strong character, emotional stability and above average intelligence are necessary for inclusion in selection requirements (Charles B. Saunders, *Upgrading the American Police*, 1970, p.40).

Inadequate Selection Standards. The results of the previous Descriptive Study

revealed that the problem of inadequate employee selection standards was wide spread among law enforcement agencies in Virginia. Although none of the law enforcement agencies were found to have employee selection standards equaling each of those set forth by the National Advisory Commission on Criminal Justice Standards and Goals, some law enforcement agencies, particularly small ones, were found to employ either grossly inadequate standards or no specific standards at all in certain important areas. As a consequence, the problem of inadequate selection standards was found to be particularly acute among small law enforcement agencies.

Age requirements. According to the results of the previous Descriptive Study, some of Virginia's local law enforcement agencies have either maintained no maximum entry-level age requirements or maintained maximum entry-level age requirements which are significantly higher than are considered desirable. The International Association of Chiefs of Police has recommended that the maximum age for employment should be 29 years since young men, having established themselves in a trade or occupation, are less likely than others to leave police work during periods of economic prosperity, since young men can also be expected to fulfill their maximum working years with greater endurance and since younger men

present easier training subjects and are probably more amenable to the discipline necessary to police work (*A Survey of Police Services in Metropolitan Dade County, Florida*, 1963, p.39). The President's Commission on Law Enforcement and Administration of Justice recommended slightly higher maximum age requirements and also emphasized the need to maintain flexibility by allowing police administrators to waive lower maximum age requirements in certain circumstances (*Task Force Report: The Police*, 1967, p.132).

Although city and county police departments were found to employ maximum entry-level age requirements similar to those recommended above, 26% of the sheriff's departments and 35% of the town police departments were found to maintain no maximum age requirements. All but one of the town police departments which had no maximum entry-level age requirements were from among the departments serving populations of less than 5,000. Unlike the town police departments, no maximum entry-level age requirements were found to be maintained by sheriff's departments of all sizes, from the largest to the smallest.

The average maximum entry-level age requirement for town police departments and for county sheriff's departments was found to be 39 years and 42 years

respectively. In contrast, the average maximum age requirements for city and county police departments was found to be 33 years.

Physical requirements. In the area of physical requirements, two major types of problems were found to exist. The first involved the maintenance of no physical requirements as a condition of employment. Eleven sheriff's departments, ten of the town police departments sampled and one city police department reported that no physical requirements were maintained as a condition of employment.

The problem of failure to require even a physical examination was found to be particularly widespread among county sheriff's departments and town police departments. Over four-fifths of the county sheriff's departments and nearly two-thirds of the town police departments reported that no entry-level physical examination was required although the need for such comprehensive examinations has been broadly acknowledged for many years. The President's Commission on Criminal Justice Standards and Goals recommended that every police agency require all applicants for police officer positions to undergo thorough entry-level physical examinations to insure detection of conditions that might prevent maximum performance under rigorous physical or mental stress (*Report on Police*, 1973, p.498).

Another inadequacy of entry-level physical requirements involves the use of inflexible height and weight requirements. Such major deficiencies in height and weight may eliminate from employment consideration some highly competent individuals who excel in other compensatory qualifications, such as experience, language skills and education. This was a problem which was found to be more prevalent among city and county police departments than among sheriff's departments and town police departments.

Education requirements. Although there is limited empirical information available on the relationship between formal education and officer performance, there has been increasingly greater acceptance by the law enforcement community of the need for higher education. The American Bar Association in its *The Urban Police Function* (1973, pp. 212-213) set forth two important reasons for attracting individuals with higher education into police work. The first reason related to the complexity of the tasks law enforcement officers are required to perform. The American Bar Association expressed the opinion that "The responsibilities of a municipal officer are no less difficult and no less complex" than those of school teachers, welfare workers, probation officers and FBI agents. It was further

noted that the educational requirements for police officers are far lower than those of the above professions. The second major reason cited by the American Bar Association related to the need for law enforcement agencies to access a broader pool of manpower than is available when only those high school graduates who do not pursue higher levels of formal education are considered for employment. The ABA stated that high school graduation was relatively high standard a few decades ago when a large number of highly qualified people were among the 90% of the high school graduates who did not attend college. It was further noted that the situation has changed a great deal today since the percentage of high school graduates not pursuing higher levels of formal education has shrunk to only 50%.

According to the results of a study just completed on the extent to which law enforcement agencies in Virginia were in compliance with the National Advisory Commission's standards and goals, only one local law enforcement agency and one state law enforcement agency required more than a high school degree as a condition of initial employment. The lone police department (an agency with 151-400 full-time personnel) reported the requirement of 60 semester units as a condition of initial employment. The State law en-

forcement agency was the Alcoholic Beverage Control Board which requires two years of college as a condition of initial employment.

Although most of the remaining law enforcement agencies in Virginia require a high school diploma or its equivalent as a condition of initial employment, a number of smaller agencies were found to require less than a high school diploma. During the previous Descriptive Study, 41.7% of the county sheriff's departments with 15 or fewer full-time personnel and 25.1% of the town police departments with 15 or fewer full-time personnel were found to require less than a high school degree or its equivalent.

Although there has been a steady increase in the number of agencies elevating entry-level educational requirements to a high school diploma or its equivalent, the effects of the previously lower standards maintained by many agencies, particularly county sheriff's departments and town police departments, is reflected by the fact that approximately a fourth of the officers in town police departments and sheriff's departments were found during previous Descriptive Study to have less than a twelfth-grade level of formal education although a few of these officers (older ones) did graduate under an eleventh grade program.

The number of law enforcement agencies maintaining educational requirements of less than high school will undoubtedly be further reduced as a result of an amendment of Virginia Code Section 14.1-73.2. Chapter 571 of the 1974 Acts of Assembly amended Section 14.1-73.2 so as to add a new requirement that full-time deputy sheriffs, who are law enforcement officers or correctional officers, employed on or after July 1, 1974, must have a high school diploma or the equivalent thereof in order to qualify for the minimum salary, which was increased to \$8,040. Chapter 571 takes effect on February 1, 1975.

Even though the above legislation will undoubtedly serve to reduce the entry-level educational requirement inadequacies which are particularly great among small law enforcement agencies, there will still be a need for minimum Statewide educational standards to insure that all law enforcement officers possess a certain minimal level of formal education.

Character background. Comprehensive background investigations represent one of the most powerful techniques available to law enforcement agencies for ferreting out the dishonest, the immature, the lazy, the immoral and the unreliable from among the applicants for positions. Comprehensive background investigations permit the systematic collection and evaluation of data

concerning an applicant's life. Such should include information about his educational history, work record, physical and emotional health, character and integrity. According to the National Advisory Commission on Criminal Justice Standards and Goals (*Report on Police*, 1973, pp.339-340) information about an applicant should be gathered by an investigator who interviews persons who have knowledge of the applicant's activities although considerable traveling may be involved.

Although information was available from the previous Descriptive Study on the extent to which law enforcement agencies conduct character background investigations, no information was available on the number of agencies employing background investigations as comprehensive as those mentioned above. Although 93% of the city and county police departments, 89% of the county sheriff's departments and 85% of the town police departments reported that character or background investigations were conducted, 90% of the county sheriff's departments, 83% of the town police departments, and nearly half of the city and county police departments reported that formal oral interviews were not a part of the selection process. As a consequence, it would appear reasonable to assume that character investigations conducted by many departments are limited in scope and do not yield enough information for a professional

evaluation.

For the above problem to be minimized significantly, all law enforcement agencies should be required to conduct comprehensive background or character investigations. All agencies should be provided guidelines regarding the procedures which should be followed in the investigations as well as minimal standards for officer character.

Need for State Mandated Minimum Selection Standards. Virginia is one of the few remaining states which does not have minimum statewide standards for the selection of police and other law enforcement officers. To date, a total of 35 states have passed the necessary legislation and established commissions empowered to set police selection and training standards (National Advisory Commission on Criminal Justice Standards and Goals, *Report on Police*, 1973, p.335). Furthermore, almost all of these states mandate local compliance with the respective state standards.

Recognition of the immeasurable benefits to law enforcement of state mandated minimum selection standards prompted the National Advisory Commission on Criminal Justice Standards and Goals to recommend that all states, by 1975, enact legislation establishing a state commission empowered to develop and enforce state minimum mandatory standards for the selection

of police officers (*Report on Police*, 1973, p.34).

The National Advisory Commission further recommended that these state commissions be composed of representatives of local law enforcement agencies to insure responsiveness to local needs. In Virginia, such a commission representative of local law enforcement agencies is already in existence. The 1968 General Assembly, under Section 9-107 of the Virginia Code, created the Law Enforcement Training Standards Commission (recently renamed Criminal Justice Officers' Training Standards Commission). Membership of this Commission was specified in a manner as to insure appropriate representation of local police and county sheriff's departments, state and federal law enforcement agencies, and other members of the criminal justice system including the Attorney General and the General Assembly.

The Criminal Justice Officers' Training Standards Commission has a type of diverse membership necessary for it to be responsive to the needs of local law enforcement and is clearly the existing commission which should assume the responsibility for developing and enforcing State minimum mandatory standards for the selection of law enforcement officers.

The National Advisory Commission on Criminal Justice Standards and Goals (*Report on Police*, 1973, p.334) recommended that the commission of each state develop and enforce minimum mandatory selection standards in the following areas:

- (A) *Age, with consideration to lowering the present minimum age of 21 and to establishing a maximum recruitment age that reflects physical demands placed upon a police officer and the retirement liability of police agencies.*
- (B) *Physical health, strength, stature, and ability, with consideration given to the physical demands of police work;*
- (C) *Character, with consideration given to the responsibilities of police officers and the need for public trust and confidence in police personnel;*
- (D) *Personality profile, with consideration given to the need for personnel who are psychologically healthy and capable of enduring emotional stress.*

(E) *Education, with consideration given to the mental skills and knowledge necessary to perform the police function properly.*

Although it is clearly desirable to establish standards in all of the above areas, such must be based upon careful study of all appropriate variables involved. Prior to setting standards, the Criminal Justice Officers' Training Standards Commission should make a careful analysis of the positions to be filled by local law enforcement agencies to determine minimum skill levels required to perform these functions. Since these types of analyses are rather complex and require considerable study, the Commission's initial efforts may be rather modest. For example, it may be necessary to adopt initially the same minimal standards for law enforcement agencies across the State. On the other hand, the Commission may eventually find it necessary and desirable to establish more encompassing standards as additional study results are obtained.

One of the major questions which must be addressed by the Commission in the future is whether the same Statewide minimum selection standards should be required for large, urban law enforcement agencies

as for small rural law enforcement agencies. It will not be possible to answer this question until differences in responsibilities assumed and duties performed by urban and rural law enforcement agencies are examined in detail to determine differential background and skill requirements.

Another question which must be eventually addressed by the Commission is whether the same Statewide entry-level standards for full-time law enforcement officers should pertain to reserve and other officers employed on a part-time basis. Once again, careful analysis of differential job requirements and responsibilities must be made in order for this question to be answered rationally.

Another question which must be addressed eventually is whether the Statewide standards should also be developed for certain civilian positions. With the anticipated increase use of civilian personnel in law enforcement, the importance of civilian personnel to effective law enforcement will undoubtedly be increased. As this occurs, the importance of addressing the above question will also increase.

The above discussion reveals clearly that there is a great need for the Criminal Justice Officers' Training Standards

Commission to be empowered to develop and enforce Statewide minimum selection standards for law enforcement officers. This Commission must also have the resources necessary to continually evaluate the statewide standards which are adopted so that appropriate modifications can be made as necessary.

The additional resources which the Criminal Justice Officers' Training Standards Commission will need for implementing the recommendations contained in the legislative proposal set forth in Part III will be rather minimal, requiring initially only a couple of additional professional staff and corresponding increases in clerical support. The extent of future resource requirements for implementation will be dependent, in part, upon the extent to which Commission efforts are complemented by those of other State and local agencies and organizations. For example, information relating directly to one or more of the questions to which the Commission must eventually address itself may be derived from studies conducted by other agencies and organizations, thus reducing long-term implementation costs in these areas.

CHAPTER 2
RETIREMENT

ALL SWORN PERSONNEL SHOULD BE PROVIDED AN ACTUARILY SOUND RETIREMENT PROGRAM AND SHOULD BE ABLE TO MOVE TO ANOTHER LAW ENFORCEMENT AGENCY WITHOUT LOSS OF ACCRUED RETIREMENT BENEFITS.

IT IS RECOMMENDED THAT THE VIRGINIA ADVISORY LEGISLATIVE COUNCIL BE DIRECTED BY RESOLUTION TO MAKE A DETAILED STUDY OF THE COSTS OF REQUIRING EACH LAW ENFORCEMENT AGENCY TO HAVE A RETIREMENT PLAN WHICH MEETS OR EXCEEDS THE BENEFITS OF THE STATE POLICE OFFICER'S RETIREMENT SYSTEM AND TO STUDY THE ALTERNATIVE METHODS OF FINANCING SUCH.

COMMENTARY:

In Virginia, as across the Nation, retirement systems for law enforcement officers vary considerably. Although officers in a few agencies receive reasonably adequate retirement benefits, most officers participate in a retirement system which provides inadequate retirement benefits. Some officers (primarily town policemen in Virginia) are provided no retirement benefits at all. It is not surprising that the National Council on Crime and Delinquency found poor retirement programs to be a major obstacle in making police

work attractive as a career (*Goals and Recommendations*, 1968, p.11).

No Retirement Provided. Information on the types of retirement programs offered by local law enforcement agencies in Virginia during 1973 was obtained from the previous Descriptive Study. These data are presented in Table 2-A. Inspection of this Table reveals that law enforcement agencies failing to provide any type of retirement program are concentrated primarily within the smaller law enforcement agencies. For example, the only city police departments which were found to provide no retirement program for its sworn personnel were from among those departments which serve populations of less than 10,000. Ten per cent of these departments fell under this category.

Similarly, twelve per cent of the county sheriff's departments which served a population of less than 10,000 and an additional nine per cent of the county sheriff's departments which served populations of 10,000-25,000 were also found to provide no retirement programs. This problem was found to be the most acute among the small town police departments. Half of the town police departments which serve populations of less than 5,000 were found to provide no retirement program. Only seven per cent of the town police departments which serve populations of

over 5,000 were found to provide no retirement program.

The problem of law enforcement agency failure to provide retirement benefits for sworn personnel will be ameliorated somewhat by the provisions of Section 51-111.31 of the Virginia Code. According to this statute, every county and city and every town having a population of 5,000 or more will be required to provide a retirement system by July 1, 1975, for all full-time, regular employees. Furthermore, these units of local government are required to provide either a local retirement plan which is at least substantially comparable to the State Retirement System or to participate directly in the State Retirement System.

Although the above legislation will reduce the number of law enforcement agencies which fail to provide any type of retirement program for sworn personnel, it will not affect the largest majority of agencies which do not provide any type of law enforcement retirement program, i.e. departments which serve populations of less than 5,000. On the other hand, it is reasonable to conclude that the obstacles to the recruitment of individuals qualified to be law enforcement officers would be at least as great for these small law enforcement agencies as for

TABLE 2-A

EXTENT OF PROVISION OF RETIREMENT BY PERCENTAGE OF TOTAL, TYPE
OF AGENCY AND POPULATION SERVED

TYPE OF AGENCY BY POPULATION SERVED	NO PAYMENT	PARTIAL PAYMENT	TOTAL PAYMENT
County Sheriff			
Total	6%	94%	0%
Over 100,000	0%	100%	0%
50,000-100,000	0%	100%	0%
25,000-49,999	0%	100%	0%
10,000-24,999	8%	92%	0%
Under 10,000	12%	88%	0%
City and County Police			
Total	5%	74%	21%
Over 100,000	0%	73%	27%
50,000-100,000	0%	67%	33%
25,000-49,999	20%	60%	20%
10,000-24,999	0%	79%	21%
Under 10,000	10%	80%	10%
Town Police			
Total	40%	51%	9%
Over 5,000	8%	84%	8%
Under 5,000	50%	40%	10%

the larger law enforcement agencies. Perhaps these obstacles would be even larger for the smallest law enforcement agencies since number of hours worked and other forms of compensation are generally poorer in the smallest law enforcement agencies when compared to the larger ones. As a consequence, all jurisdictions maintaining law enforcement agencies, regardless of size, should be required to provide law enforcement officers with a program of adequate retirement benefits.

Inadequate Retirement Benefits for Law Enforcement Officers. The problem of no retirement benefits for law enforcement officers is not as widespread as the problem of inadequate retirement benefits for law enforcement officers. The question of what constitutes an adequate retirement program for law enforcement officers was considered by the most recent national commission which studied law enforcement across the United States (The National Advisory Commission on Criminal Justice, Standards and Goals). The National Advisory Commission recommended that all sworn personnel employed within a state be provided an actuarially sound police retirement system. The National Advisory Commission concluded that a major characteristic of an adequate law enforcement retirement plan would be a requirement of a minimum of twenty-five years of service for normal retirement and the requirement

of a mandatory retirement age of 60 for all police personnel (*Report on Police*, 1973, p.510).

In Virginia, a retirement plan with these characteristics was first made available to State Police officers of the Department of State Police under Section 51-144 (15) and Section 51-150 through 51-159. Recognizing the need to provide such a retirement system to local law enforcement officers as well, the Virginia Supplemental Retirement Act was revised during the 1970 Session of the General Assembly to provide (under Section 51-111.37) political sub-divisions the option of electing to provide benefits equivalent to those of the State Police Officer's Retirement System for those of the sub-division's employees who are employed in law enforcement positions comparably hazardous to that of a State Police officer." Political sub-divisions not desiring to execute the above option could provide retirement benefits to law enforcement officers through the regular Virginia Supplemental Retirement System or through a local pension plan. Inspection of Table 2-A reveals that few law enforcement agencies in 1973 were providing law enforcement officers the retirement benefits equivalent to those provided officers of the Department of State Police. Only sixteen per cent of the city and county police departments, four per cent of the town police

departments and one per cent of the county sheriff's departments were providing these special benefits during the past year. There has apparently been little increase in number of agencies providing these special benefits since 1973. According to Mr. John R. Street, Assistant Director of the Virginia Supplemental Retirement System, only about sixteen localities are presently providing these retirement benefits to law enforcement officers.

Retirement benefits for almost all of the county sheriff's departments and approximately four-fifths of the city, county and town police departments were found to be provided through the regular Virginia Supplemental Retirement Program. In addition, slightly over four-fifths of the city and county police departments and seventeen per cent of the town police departments were found to provide retirement benefits under a local pension plan.

The retirement benefits offered law enforcement officers by political jurisdictions maintaining local pension plans vary a great deal. Some of these local pension plans may provide essentially comparable or even superior benefits to those of the State Police Officer's Retirement System while others offer in-

ferior benefits. Although no information on the adequacy of local pension plans provided law enforcement officers was available from the previous Descriptive Study, it is possible that some of these programs have encountered problems of fiscal viability comparable to those faced by other agencies across the country. This problem was pointedly reflected by the following comment by the Advisory Commission on Intergovernmental Relations (*State-Local Relations in the Criminal Justice System*, 1971, p.171):

The small size of many police pension funds almost invariably guarantees that they will not be fiscally sound. In such a situation, both employees and the public suffer. Employees have no assurance of the long-term solvency of their pension funds and localities financing retirement systems on a pay-as-you-go basis can only look forward to increasing demands on the general fund with little hope for relief.

The Advisory Commission took the position that the risk of possible insolvency in small pension funds could be ameliorated by state fiscal and administrative support. In Virginia, political sub-divisions which provide retirement plans for law enforcement officers which are inadequate or

which are not fiscally sound may elect to become members of the Virginia Retirement System under provisions of Section 51-111.34 of the Virginia Code. These political sub-divisions may further elect to provide benefits equivalent to those of State Police Officer's Retirement System to officers who qualify for such. As a consequence, political sub-divisions which have inferior or inadequate retirement plans for law enforcement officers may resolve this problem through executing options available under existing State legislation.

Although no information on the extent to which local pension plans were adequate for law enforcement officers was available from the previous Descriptive Study, it is clear that the overwhelming majority of police departments and sheriff's departments in the Commonwealth do not provide their officers with a retirement program with benefits comparable to the standards set forth by the National Advisory Commission on Criminal Justice Standards and Goals. The only retirement system, excluding private pension systems available to law enforcement officers which are adequate in terms of the National Advisory Commission's standards for retirement, is the program which provides local law enforcement officers with equivalent benefits to those of the State Police Officer's Retirement

System. As a consequence, the only local law enforcement officers participating in adequate retirement programs, with the exception of those participating in adequate local pension plans, were from departments participating in this special benefits program. As noted previously, only one per cent of the county sheriff's departments, four per cent of the town police departments and sixteen per cent of the county and city police departments were found to participate in this program during the previous year.

The basic rationale which underlies the provision of retirement benefits comparable to those recommended by the National Advisory Commission on Criminal Justice Standards and Goals and to those contained in the State Police Officer's Retirement System is that law enforcement officers are engaged in an occupation which may place an inordinate amount of physical and mental stress upon individuals from time to time. An officer may be called upon to pursue a suspected felon at high speeds in an automobile or to sprint down an alley to prevent additional bodily harm resulting from an ongoing assault. He may be called upon to make a life or death decision regarding the use of a firearm or when to apply other uses of force. Frequently, a relatively early retirement is necessary to protect

citizens from officers who no longer possess the physical or mental attributes necessary to perform these complex and high stress tasks and to protect these older officers from possible serious injury due to decreased physiologic and psychologic capabilities.

Under the State Police Officer's Retirement System, the normal retirement age is sixty rather than sixty-five as under the regular Virginia Supplemental Retirement System benefits. Early retirement is permitted at any time between ages fifty-five and sixty. If an officer retires between the ages of fifty-five and sixty, the actuarial reduction for early retirement is computed from age sixty; no reduction is applied if the member has thirty years of service. Furthermore, an officer who receives benefits equivalent to those of the State Police Officer's Retirement System receives an additional allowance of \$190 per month from the date of retirement until age sixty-five to compensate for lack of Social Security payments up until that time. Another major characteristic of this program is that the survivors benefit is available in the event of death of a member at any time after age fifty-five or after thirty years of service.

The benefits provided law enforcement

officers equivalent to those of the State Police Officer's Retirement System enable law enforcement officers to retire at a desirably early age without significant loss of compensation as would occur under the regular benefits offered through the Virginia Supplemental Retirement System.

In order to implement the recommendation that all law enforcement officers in Virginia be provided retirement benefits equivalent to those of the State Police Officer's Retirement System, it would be necessary for political subdivisions now providing law enforcement officers with regular benefits under the Virginia Supplemental Retirement System to provide these officers with the benefits equivalent to those of the State Police Officer's Retirement System; for political subdivisions offering no retirement program to law enforcement officers to either elect to become members of the Virginia Supplemental Retirement System and to provide these special benefits for law enforcement officers or to establish a local pension plan which provides law enforcement officers with retirement benefits substantially comparable to those of the State Police Officer's Retirement System; and for political subdivisions with local pension plans for law enforcement officers with benefits not substantially comparable to those of the State Police

Officer's Retirement System to either increase the benefits of their local pension system so that they are substantially comparable to the State Police Officer's Retirement System or to discontinue the local pension plan and provide the necessary benefits through the Virginia Supplemental Retirement System.

Need for Reciprocal Agreements. According to the National Advisory Commission (*Report on Police*, 1973, p.510), the fear of losing accrued pension credits is among the most serious impediments to professional flexibility in the police service. This statement is supported by a 1970 LEAA-sponsored survey of law enforcement officer mobility, in which a sample population ranged geographically from New York to Los Angeles and consisted of 368 individual Officers. The study findings revealed that the second most cited reason for not accepting or considering employment with another agency was this fear of pension benefit loss (*Report on Police*, 1973, pp.511-512).

Practically every national commission and national organization which has studied police retirement plans in recent years, have come to similar conclusions regarding the great obstacles to transferability and mobility posed by the diversity of existing law enforcement pension

plans. The President's Commission on Law Enforcement and Administration of Justice (*Task Force Report: The Police*, 1967, pp.111-112) emphasized the need for removal of regulations and policies in retirement plans which prevent lateral entry into the police service. This Commission found that most police personnel are frozen in the department in which they started because of immovable police pension rights. Quite frequently, officers who accept promotional transfers lose their accumulated benefits. It was suggested by the National Council on Crime and Delinquency (*Goals and Recommendations*, 1968, p.11) that this problem could be ameliorated somewhat if Civil Service regulations and departmental policies relating to retirement credit could be modified so that they would correlate with a uniform retirement system.

In Virginia, as across the country, the retirement plans offered law enforcement officers are diverse and do not facilitate the type of flexibility which is considered vital to the enhancement of police professionalism. For example, an officer in a department which provides retirement benefits equivalent to or substantially comparable to those of the State Police Officer's Retirement System may be dissuaded from accepting a promotional transfer to a

department which offers the regular benefits under the Virginia Supplemental Retirement System or offers inadequate benefits under a local pension system. On the other side of the ledger, law enforcement agencies offering no or inadequate retirement benefits may find that such contributes significantly to their problem of personnel turnover. Many of the officers of these agencies will take jobs with other agencies which provide higher levels of compensation, including retirement benefits and other fringe benefits.

Although one solution to the above described problem would be to require all law enforcement agencies to participate in the same retirement system, such would make it difficult for agencies desiring to provide additional benefits for law enforcement officers. The National Advisory Commission on Criminal Justice Standards and Goals recommended that each state provide a police retirement system for all sworn personnel within the state but also recommended that local agency membership in the retirement system be voluntary (*Report on Police*, 1973, p. 510). As a consequence, the most feasible solution involves the use of reciprocal agreements formulated between local pension plans and those offered by the State. Such agreements could protect the accrued benefits to the system the officer leaves and

complement at the time of eventual retirement the system the officer enters. Both pension systems could contribute a percentage of the total retirement benefits which should be the same to the retiree as those he would have received had he remained with the original system. Other variations of reciprocity between pension systems are possible and should be explored.

Officers transferring from a department with a local pension plan to a department with another local pension plan or to one that participates in the Virginia Supplemental Retirement System would lose accrued retirement benefits. Problems even exist when members of an entire department elect to become members of the Virginia Supplemental Retirement System. Although under Section 51-111.34 of the Virginia Code, any cash and securities to the credit of a local pension system is required to be transferred to the State Retirement System as of the date of approval, most insurance companies which provide local pension plans refuse to transfer to the State Retirement System all assets the local participants have accrued in the local pension system. This, of course, leads to rather difficult administrative problems for both the Virginia Supplemental Retirement System and for the local jurisdiction.

In addition to the variability among retirement plans offered law enforcement officers in terms of benefits there is also variability in terms of the amount of employee contribution to retirement plans. This type of diversity also affects law enforcement mobility and flexibility. According to information obtained during the previous Descriptive Study, twenty-one per cent of the city and county police departments and nine per cent of the town police departments provided the total contribution for officer retirement plans. None of the sheriff's departments, 74% of the city and county police departments and 51% of the town police departments were found to provide a portion of the contribution for retirement plans, with the officers providing the remaining portion. As a consequence, two retirement plans offering equivalent benefits but differing in the respect that one requires no payment from the employee and the other requires partial payment would differ in terms of attractiveness to prospective law enforcement officers.

Need for Study. Before the most appropriate legislation for insuring the provision of adequate retirement benefits for law enforcement officers can be drafted, a number of questions requiring additional study must be answered.

Perhaps the most fundamental question

which will require concentrated study effort is whether the entire financial burden for the provision of adequate retirement benefits for law enforcement officers should be borne solely by the participating local jurisdictions or whether a portion of such should be borne by the State. According to the National Advisory Commission on Criminal Justice Standards and Goals (*Report on Police*, 1973, p.511),

The state, the agency, and the officers should contribute one-third to a pension system funded over a period of time sufficient to pay all liabilities: current services, past service and unfunded.

In Virginia, as across the country, the burden of funding local police retirement systems has been borne solely by the individual officer and/or his agency. On the other hand, two-thirds of the employer contribution is provided by the State for officers employed by the county sheriff's departments and for officers employed by State law enforcement agencies.

In order to facilitate decisions pertaining to funding sources for implementation of the requirement that each law enforcement officer in Virginia be provided a retirement plan which meets

or exceeds the benefits of the State Police Officer's Retirement System, a detailed study should be made to determine the cost for implementing this recommendation. At the present time, there is limited information available on this matter. Nevertheless, it is clear that the cost of implementation will be greater in some departments than in others. For example, the cost of providing benefits to law enforcement officers equivalent to those provided under the State Police Officer's Retirement System would be greater for those political subdivisions which did not previously have a retirement plan or which had a retirement plan but had no or limited funds to transfer into the State Retirement System. Another important variable in determining additional costs for the provision of adequate retirement benefits for law enforcement officers is the age of the officers to be covered. For example, the cost of adding the additional benefits for departments which are composed primarily of older officers will be higher than will be the cost for departments composed of predominantly younger officers.

In addition to questions concerning cost of implementing the requirement of adequate retirement benefits for all law enforcement officers, the question of implementation effects on other governmental employees must be investigated.

For example, political subdivisions which provide retirement benefits to law enforcement officers as well as their other employees which are not essentially comparable to those offered under the State Police Officer's Retirement System may not be able to provide law enforcement officers with the additional benefits required without also providing the same benefits to the other governmental employees. Quite clearly, this problem needs to be studied and alternatives for its solution should be examined.

The problem of loss of pension benefits due to incompatible law enforcement retirement programs should also be examined in detail. More specifically, it is imperative to examine alternative methods for establishment of retirement systems which would allow any law enforcement officer in Virginia to accept any other law enforcement position available and still retain his accrued retirement benefits. An examination of existing obstacles to accomplishing this as well as the identification of ways these various obstacles can be removed should be an integral part of the proposed study.

The final major question which should be examined during the proposed study pertains to whether all law enforcement officers within the State, at both local and state levels, should be provided the type of retirement program recommended by the

National Advisory Commission of Criminal Justice Standards and Goals. Such a program is available presently to officers of the State Police under the State Police Officer's Retirement System and to political subdivisions which participate in the Virginia Supplemental Retirement System and which elect to provide benefits comparable to those offered under the State Police Officer's Retirement System. At the present time, there are sworn personnel employed by State agencies with law enforcement responsibility who are not covered presently by the State Police Officer's Retirement System. These are sworn personnel in the following agencies: Capitol Police, Enforcement Division of Alcoholic Beverage Control Board, Enforcement Division of the State Corporation Commission, the Arson Investigation Section of the Office of the Fire Marshal, the Division of Motor Vehicles, and the Law Enforcement Division of the Commission of Game and Inland Fisheries.

Under Virginia Code Section 51-111.37, local officers must be employed in a position comparably hazardous to that of a State Police officer as one requirement for eligibility to receive benefits equivalent to those offered under the State Police Officer's Retirement System. The Attorney General rendered the opinion that the positions of city sergeants, their deputies and town sergeants or jailers are deemed

comparably hazardous to those of the State Police officers (letter to Honorable Boyd F. Collier, Director Designate, Virginia Supplemental Retirement System, June 3, 1970). Furthermore, a 1974 amendment to Section 51-111.37 added full-time salaried firemen to the list of local employees eligible to receive benefits equivalent to those offered under the State Police Officer's Retirement System.

There is clearly a need to examine the eligibility question in more detail before effectuating any significant changes in the retirement system for law enforcement officers. This should be one of the major objectives of the proposed study.

Virginia Advisory Legislative Council. It is recommended that the Virginia Advisory Legislative Council conduct a study of the law enforcement retirement system in Virginia and that such be completed prior to the beginning of the next session of the General Assembly. The Virginia Advisory Legislative Council's actuarial study should focus upon the questions raised in the preceding discussion and should yield meaningful information upon which to base rational implementation decisions.

CHAPTER 3

HOSPITALIZATION

NO LAW ENFORCEMENT OFFICER SHOULD HAVE TO WORK WITHOUT THE PROTECTION OF AN AGENCY-PROVIDED PROGRAM WHICH INSURES ADEQUATE HEALTH CARE FOR THE OFFICER AND WHICH IS ALSO AVAILABLE TO THE OFFICER'S IMMEDIATE FAMILY.

IT IS RECOMMENDED THAT ALL LAW ENFORCEMENT AGENCIES MAKE AVAILABLE A COMPREHENSIVE HEALTH CARE INSURANCE PLAN FOR ALL EMPLOYEES AND THEIR IMMEDIATE FAMILIES TO INSURE ADEQUATE HEALTH CARE AT A MINIMUM COST TO THE AGENCY AND THE EMPLOYEE.

COMMENTARY

Health insurance represents one of the most important mechanisms available for reducing officer anxiety over what may happen to his family if he becomes ill or injured. Few individuals have the necessary personal resources to pay for needed medical attention for themselves and for their family in cases of serious accidents and prolonged illness. As a consequence, individuals without adequate health care insurance must either hope to avoid incurring major medical expenses or risk the possibility of being unable to provide the necessary medical attention needed for their families or themselves.

The skyrocketing increases in the cost of hospitalization and related services has certainly fostered increased public as well as private employer cognizance of the need to protect employees through the provision of comprehensive health insurance programs. In the area of law enforcement, such was reflected by the results of a survey conducted by the Kansas City, Missouri, Police Department in 1971 (*Report on Police*, 1973, p.507). According to this survey of municipal police agencies, 97% of the respondents reported that they had a health care program for their officers.

The importance of providing law enforcement officers with adequate health insurance was also recognized by the National Advisory Commission on Criminal Justice Standards and Goals. This Commission recommended that every law enforcement agency make available a complete health care program for all law enforcement officers and their immediate families (*Report on Police*, 1973, p.507). A similar recommendation was set forth previously by the President's Commission on Law Enforcement and Administration of Justice which recognized the inclusion of health insurance as vital to police departments in competing with the fringe benefits offered by private industry. According to the Commission, the provision of adequate hospitalization is extremely

helpful to police recruitment efforts (*Task Force Report: The Police*, 1967, p.135).

Another important reason for providing law enforcement officers with hospitalization is that such affords the employee with a definite tax advantage. This was pointed out by the International City Management Association which indicated that the principle benefit of employer payment of hospitalization premiums is that they are not considered part of the employee's income (*Municipal Police Administration*, 1969, p.190).

Various other national organizations, commissions and associations have offered one or more of the above reasons as support for recommendations favoring the provision of hospitalization insurance to law enforcement employees. One such organization is the Advisory Commission on Intergovernmental Relations which strongly endorsed increased State participation in the provision of law enforcement hospitalization and other fringe benefits (*State-Local Relations in the Criminal Justice System*, 1971, p.171).

The need to provide adequate health care programs has also received increasing attention during recent years. The National Advisory Commission on Criminal

Justice Standards and Goals in its *Report on Police* (1973, p.507) recommended that law enforcement health care programs provide the following: (1) surgery and related services; (2) diagnostic services; (3) emergency medical care; (4) continuing medical care for pulmonary tuberculosis, mental disorders, drug addiction, alcoholism, and child birth; (5) radiation, inhalation and physical therapy; (6) ambulance service; (7) nursing care; (8) prescribed medication and medical appliances; (9) complete dental and vision care; (10) hospital room; (11) income protection.

The above Commission also recommended that members of the health care program be allowed to continue coverage after retirement. This was considered to be extremely important since retired officers are likely to need medical coverage more than at any other time during their lives.

Lack of Hospitalization for Law Enforcement Officers. Information on the extent to which law enforcement agencies in Virginia provide hospitalization insurance to employees was obtained during the previous Descriptive Study. According to the findings of this Study, the problem of agency failure to make hospitalization insurance available to employees was found to be particularly

acute among county sheriff's departments. Seventy per cent of the county sheriff's departments reported that no hospitalization insurance was made available to agency employees. Inspection of Table 3-A reveals that, with the exception of the largest county sheriff's departments, this problem was prevalent among county sheriff's departments of all sizes.

With the exception of the smallest town police departments, the problem of lack of agency provision of hospitalization for employees was found to be non-existent. All city and county police departments and all town police departments which serve populations in excess of 5,000 reported that hospitalization insurance was made available to employees. As a matter of fact, over half (56%) of the city and county police departments and over a third (38%) of the town police departments paid the entire cost of employee contribution to the respective hospitalization insurance programs. Only 15% of the county sheriff's departments were found to make total payment for employee contributions.

Further inspection of Table 3-A reveals that nearly two-fifths (38%) of the small town police departments reported that no hospitalization insurance was provided for agency personnel. As a consequence, the problem of agency failure to make hospitalization insurance available to law

TABLE 3-A
EXTENT OF PROVISION OF HOSPITAL INSURANCE BY PERCENTAGE OF
TOTAL, TYPE OF AGENCY AND POPULATION SERVED

<i>TYPE OF AGENCY BY POPULATION SERVED</i>	<i>NONE</i>	<i>PARTIAL PAYMENT</i>	<i>TOTAL PAYMENT</i>
<u>County Sheriff</u>			
Total	70%	15%	15%
Over 100,000	0%	25%	75%
50,000-100,000	75%	25%	0%
25,000-49,999	52%	22%	26%
10,000-24,999	70%	19%	11%
Under 10,000	84%	4%	8%
<u>City and County Police</u>			
Total	0%	44%	56%
Over 100,000	0%	55%	45%
50,000-100,000	0%	33%	67%
25,000-49,999	0%	40%	60%
10,000-24,999	0%	36%	64%
Under 10,000	0%	50%	55%
<u>Town Police</u>			
Total	28 %	34%	38%
Over 5,000	0 %	54%	46%
Under 5,000	38 %	27%	35%

enforcement officers was found to be limited to county sheriff's departments and small town police departments. Approximately 650 officers of county sheriff's departments and 150 town policemen worked for agencies which made no hospitalization insurance available to them or their families during 1972.

Adequacy of Health Insurance Programs. Health and related insurance may be obtained for law enforcement personnel in one of two ways. One way for the political subdivision to obtain such insurance for its law enforcement personnel as well as for its other employees is through an agreement for such coverage with a private insurance company. Most of the city, county and town police departments have such private insurance coverage. The other method places the responsibility for obtaining coverage upon the individual officer.

Although it was beyond the scope of the previous Descriptive Study to investigate the adequacy and coverage comprehensiveness of the hospitalization plans provided local law enforcement officers, it is extremely doubtful that any cover all of the areas recommended for inclusion by the National Advisory Commission on Criminal Justice Standards

and Goals, e.g. complete dental and vision care, costs for all hospital services and continuing medical care for pulmonary tuberculosis, mental disorders, and child birth.

Although the health and related insurance plan provided for State employees, including officers of the State law enforcement agencies, also does not provide coverage in all areas recommended by the National Advisory Commission on Criminal Justice Standards and Goals, the provisions of this plan are fairly comprehensive. It provides coverage (as specified in Section 2.1-20.1 of the Virginia Code) which includes chiropractic treatment, hospitalization, medical, surgical and major medical coverage. The Program of Health Care Coverage (the State Plan) was obtained from Blue Cross and Blue Shield and includes a major medical program. The employee cost (\$15.30 per month) is paid by the State. In addition, the employees have the option of purchasing coverage for their families at a cost of \$24.80 per month which the employee pays. The employee may also purchase some additional coverage through a special provision known as the "Optional State Plan." The additional coverage costs the employee \$2.16 per month for him- or herself or an additional \$29.18 per month for dependent coverage.

The State Plan offered employees of the Commonwealth does comply with a major recommendation which was set forth by the National Advisory Commission of Criminal Justice Standards and Goals. This recommendation called for the provision of hospitalization benefits for retired officers. Under the State Plan, retired State employees are allowed to obtain coverage as was specified by Section 2.1-20.1 (5) of the Virginia Code. The cost of such program is borne entirely by the retired employee.

Need for Coverage Comparable to State Hospitalization Plan. In Part III of this Report, it is recommended that all local law enforcement agencies make available to employees a health and related insurance plan which is at least substantially comparable to that provided State employees through the State Plan.

The implementation of the above recommendation would affect most directly those county sheriff's departments and small town police departments which do not make hospitalization insurance available to employees (approximately 65 county sheriff's departments and 55 town police departments). The requirement by law to provide such insurance would mean that over 650 officers of county sheriff's departments and over 150 town policemen would, for the first time, be able to

participate in a program of health care coverage.

If political subdivisions are able to obtain health care coverage at rates which are fairly comparable to those available through the State Plan, then the initial annual cost for making health care insurance available to those county sheriff's officers who are not covered presently would be approximately \$120,000 (based upon the number of officers needing such in 1972). Since the State Compensation Board reimburses counties for two-thirds of the expenses their respective county sheriff's departments incur, then the initial annual cost to the Commonwealth for implementing this recommendation would be approximately \$80,000.

The collective annual cost for implementing the above recommendation to those small towns which provided no hospitalization insurance to law enforcement officers would be approximately \$18,000 to \$25,000, depending upon how cheaply the towns are able to obtain coverage.

Implementation of the above recommendation would completely eliminate the problem of law enforcement officers working for agencies which provide no hospitalization insurance. It would also eliminate the problem of law enforcement agencies provision of health care coverage

which is not at least substantially comparable to the State Plan.

In order for the above recommendation to be implemented fully, it will be necessary for political subdivisions not providing law enforcement officers with health care coverage which is substantially comparable to that offered under the State Plan, to enhance coverage to eliminate such deficiencies. Furthermore, political subdivisions should be assisted in determining whether their health care plan for law enforcement officers is substantially comparable to the State Plan. Each political subdivision should be provided with information detailing the minimum requirements of this Plan. Any remaining questions regarding the adequacy of local plans should be resolved by the State Department of Personnel, the agency responsible for administering the State Plan.

CHAPTER 4

LIFE INSURANCE

DUE TO THE POTENTIALLY HAZARDOUS NATURE OF DUTIES PERFORMED BY LAW ENFORCEMENT OFFICERS, THE NEED IS PARTICULARLY GREAT FOR ADEQUATE LIFE INSURANCE COVERAGE TO REDUCE OFFICER ANXIETY OVER THE SECURITY OF HIS FAMILY IN THE FUTURE.

IT IS RECOMMENDED THAT ALL LAW ENFORCEMENT AGENCIES MAKE AVAILABLE TO ALL SWORN PERSONNEL A LIFE INSURANCE POLICY WHICH IS SUBSTANTIALLY COMPARABLE TO THE COVERAGE OF THE GROUP LIFE AND ACCIDENT INSURANCE POLICIES OFFERED THROUGH THE STATE.

COMMENTARY

One of the most important fringe benefits which can be offered to an employee is life insurance. Adequate life insurance, which can be purchased at a much more reasonable cost through group plans, is an extremely important tool for reducing an employee's anxiety over what would happen to the family if the employee were to die. As a consequence, both private and public employers generally include life insurance as part of the fringe benefits provided to employees.

The importance of the provision of life insurance by law enforcement agencies has been recognized by various national

organizations and associations and past presidential commissions. For example, the Advisory Commission on Intergovernmental Relations emphasized that all police departments should insure that such fringe benefits as life insurance should be comparable to those offered in private industry (*State-Local Relations in the Criminal Justice System*, 1971, p.171). A similar position was taken by the International City Management Association which emphasized the need for police career opportunities to be competitive with those offered by private industry. The provision of adequate fringe benefits, including life insurance, was offered as a major recommendation for accomplishing this (*Municipal Police Administration*, 1969, pp.189-190).

It is probable that most law enforcement officers would perceive their need for life insurance as being particularly great due to the nature of their occupation. This is reflected by a statement made by Bruce Terris in an article which appeared in *The Annals* (November, 1967, p.61).

Even though statistics show that police work is less dangerous than occupations in mining, agriculture, construction, and transportation, many police officers worry constantly about the danger to their lives and limbs.

Officer perception of the relatively high risk of danger in law enforcement as compared to the risk of danger in other jobs is not without some foundation. A recent study of the matter undertaken by the United States Department of Labor (*The Police Chief*, "Copsules," January, 1969, p.6) indicated the following:

Only garbage collectors, loggers, and coal miners face more hazards on their jobs than policemen. A banker can expect 217 accident-free years on his job--he could work five lifetimes before suffering a disabling injury. Loggers, however, have only eight years before being felled by occupational accident; coal miners have 11 years; and for policemen odds run out in 12 years.

It is likely that the spouses and other family members of officers also perceive law enforcement as a particularly hazardous occupation. As a consequence, it is highly probable that these individuals would place a great deal more importance on adequate life insurance coverage for their husbands or fathers than would the families of individuals engaged in less hazardous occupations.

In light of the perceptions of officers and their families of the high risk of danger in the occupation of law enforcement and in light of the fact that life insurance is a standard fringe benefit provided by private as well as public employers, it is not difficult to see why law enforcement agencies which do not make life insurance available to employees would have a great deal of difficulty recruiting individuals with the qualifications necessary for effective work in law enforcement.

Lack of Life Insurance for Law Enforcement Officers. The problem of failures of law enforcement agencies to provide sworn personnel with life insurance was found to exist primarily among city and county police departments which serve populations of 50,000 to 100,000 and among town police departments which serve populations of less than 5,000. Although this problem was found to exist among county sheriff's departments of all sizes, it was found to be particularly great among those agencies which serve populations of 50,000 to 100,000.

A detailed breakdown on the extent to which local law enforcement agencies provided officers with life insurance is contained in Table 4-A. Inspection of this table reveals that 47% of the town

police departments, 30% of the county sheriff's departments and 9% of the city and county police departments reported that they did not provide officers with any life insurance. Further inspection of the information contained in Table 4-A reveals that over a fourth of the city, county and town police departments indicated that their agencies paid the entire premiums for officer life insurance policies. The percentage of sheriff's departments providing such was relatively small (8%) in comparison. On the other hand, the largest majority (nearly two-thirds) of both county sheriff's departments and city and county police departments provided only partial payment of the premiums of the life insurance policies for their officers.

Type of Life Insurance Provided. Life insurance may be provided to law enforcement officers in one of two ways. Some law enforcement agencies participate in the group life insurance plan which is administered through the Virginia Supplemental Retirement System. In the second method, law enforcement officers are provided life insurance through policies purchased from a private insurance company. In both cases, the method used to provide law enforcement officers with life insurance is dependent upon the method utilized by the political subdivision in which the law enforcement agency

TABLE 4-A

EXTENT OF PROVISION OF LIFE INSURANCE BY PERCENTAGE OF TOTAL,
TYPE OF AGENCY AND POPULATION SERVED

TYPE OF AGENCY BY POPULATION SERVED	NONE	PARTIAL PAYMENT	TOTAL PAYMENT
County Sheriff			
Total	30%	62%	8%
Over 100,000	25%	75%	0%
50,000-100,000	75%	25%	0%
25,000-49,999	26%	61%	13%
10,000-24,999	24%	71%	5%
Under 10,000	36%	56%	8%
City and County Police			
Total	9%	65%	26%
Over 100,000	9%	73%	18%
50,000-100,000	33%	33%	33%
25,000-49,999	0%	80%	20%
10,000-24,999	7%	71%	21%
Under 10,000	10%	50%	40%
Town Police			
Total	47%	25%	28%
Over 5,000	15%	39%	46%
Under 5,000	42%	20%	23%

is located.

Under Section 51-111.67:2 of the Virginia Code, employees of a political subdivision which participates in the Virginia Supplemental Retirement System, under certain conditions, can be provided life insurance through the group insurance program administered by the Virginia Supplemental Retirement System. Law enforcement officers in a large number of agencies which provide life insurance obtained such in this manner.

Under the group life insurance program administered by the Virginia Supplemental Retirement System, the amount of insurance an employee receives is directly related to the amount of the employee's salary, up to a maximum of \$30,000. The total cost for this insurance is \$.84 per \$1000 of salary. For State employees, the employee pays \$.60 per \$1,000 of insurance, and the State pays the remaining \$.24 per \$1,000 of insurance.

Political subdivisions which participate in the State Group Life Insurance Program may pay the total employee cost for life insurance or any portion thereof. The State is not permitted to pay any of the life insurance costs for employees of political subdivisions.

Law enforcement officers employed by

agencies in some political subdivisions are provided life insurance policies through programs administered by private insurance companies. As with the State program, the political subdivisions may pay all or only a portion of the cost of law enforcement officer life insurance.

Provision of Life Insurance for All Law Enforcement Officers. A legislative proposal is set forth in Part III which contains the recommendation that all law enforcement agencies in the State be required to make available to all officers a life insurance policy which is substantially comparable to the provisions of the group life insurance plans administered through the Virginia Supplemental Retirement System. The implementation of this recommendation would eliminate the problem of failure of law enforcement agencies to provide life insurance to law enforcement officers. During 1972, there were approximately 400 city and county policemen; 350 officers of county sheriff's departments and 265 town policemen who were employed by law enforcement agencies which did not provide life insurance. As a consequence, the only way a family of one of these officers would receive any job-related remuneration upon the officer's death would be in cases where the officers qualified for benefits provided under Section 15.1-136.2 of the Virginia Code or Title 5, Section 8191, of the United States Code.

Under the Virginia "Line of Duty" Act, any person whose death occurs as the "direct or approximate result of the performance of his duty as law-enforcement officer of this State or any of its political subdivisions" shall receive payment out of the general fund of the State Treasury for a sum not to exceed \$10,000. The counterpart federal legislation is specified in Title 5, Section 8191 of the United States Code and provides benefits for non-federal law enforcement officers killed, injured or sustaining disease while engaging in certain types of law enforcement action related to Federal law violations.

The future financial security of families of law enforcement officers is not very secure if the only protection afforded these families is through the provisions of the State "Line of Duty" Act and its federal counterpart. Quite clearly, all law enforcement officers should be able to participate in a group life insurance program which provides protection to their families under other than the limited conditions covered by the above described State and Federal legislation.

Cost of Implementation. The annual cost for implementing the legislative proposal contained in Part III will be very minimal. During 1972, there were approximately

400 city and county policemen which were employed by agencies not providing life insurance. The annual collective costs to these agencies for providing insurance to their officers is estimated to be only \$3,700 to \$4,500.

According to the results of the Descriptive Study, there were approximately 265 town police officers who were not provided life insurance during 1972. Based upon the rates of the group life insurance plans provided through the State, the collective annual cost to the town police departments for providing these officers with life insurance would be between \$1,600 and \$2,100.

Approximately 350 officers were found to be employed in county sheriff's departments which provided no life insurance. Using the same cost factors described above, the collective annual costs for providing these officers with life insurance would range from \$2300 to \$3000. Since the State Compensation Board would reimburse the respective counties for two-thirds of these costs, the additional annual cost to the Commonwealth would range from \$1,500 to \$2,000.

CHAPTER 5
FALSE ARREST
INSURANCE

ALTHOUGH EVERYONE IN THE CRIMINAL JUSTICE SYSTEM, INCLUDING LAW ENFORCEMENT OFFICERS, NEEDS FINANCIAL PROTECTION AGAINST LOSSES INCURRED AS A RESULT OF THE PERFORMANCE OF THEIR OFFICIAL DUTIES, SOME LAW ENFORCEMENT OFFICERS IN VIRGINIA ARE NOT AFFORDED SUCH PROTECTION.

IT IS RECOMMENDED THAT ALL LAW ENFORCEMENT AGENCIES MAKE AVAILABLE TO ALL SWORN PERSONNEL A COMPREHENSIVE PROFESSIONAL LIABILITY INSURANCE POLICY WHICH IS SUBSTANTIALLY COMPARABLE TO THE COVERAGE OF THE POLICY OFFERED OFFICERS OF THE STATE POLICE DEPARTMENT.

COMMENTARY

Law enforcement officers represent a formal control agency which attempts to maintain balance between maintenance of law and order and the protection of individual rights which are safe-guarded through the constitution. Police officers engage in a myriad of one-to-one relationships with individuals under a variety of circumstances, some of which may test them intellectually, emotionally, physically and ethically.

At times, officers are confronted with

unpredictable events which must be evaluated quickly and intelligently. Errors in judgment, although made in good faith, could result in an officer taking an action for which he could be sued for damages. One such area of particular concern to law enforcement officers is the execution of arrest procedures. An officer's failure to comply with all proper arrest procedures could provide sufficient grounds for an individual to bring charges of false arrest.

Although the need cannot be minimized for all law enforcement officers to be thoroughly familiar with the legal implications of all arrests procedures and any other action which he may be required to take, the complexity of criminal law coupled with intermittent changes in such may not always be adequately transmitted to the officer. As a result, an officer could make an illegal arrest through no fault of his own but still incur grave financial loss as a result of a false arrest suit.

It is doubtful that many potential applicants for positions in law enforcement would be attracted to agencies which do not protect its officers with adequate false arrest insurance. It is probable that most young people considering entering police service are acutely aware of the complexities of police

work and the high potential for becoming a focal point for the resentment and hostility of some citizens. Since these two areas could obviously influence the extent to which citizens sue law enforcement officers for false arrest, it is probable that most applicants for law enforcement positions recognize the growing need for adequate protection against possible financial losses incurred as a result of such actions.

Lack of False Arrest Insurance. According to the findings of the previous Descriptive Study, nearly half of the local law enforcement agencies in Virginia did not provide officers with false arrest insurance. A detailed presentation of these findings is presented in Table 5-A. Inspection of this Table reveals that 49% of both the county sheriff's departments and the city and county police departments in addition to 55% of the town police departments reported that false arrest insurance was not provided for officers.

Further inspection of the data presented in Table 5-A reveals that agency failure to provide officers with false arrest insurance was not limited to the smaller law enforcement agencies. The percentage of agencies which did not provide false arrest insurance was nearly as high for those agencies serving densely populated

TABLE 5-A
 EXTENT OF PROVISION OF FALSE ARREST INSURANCE BY PERCENTAGE
 OF TOTAL, TYPE OF AGENCY AND POPULATION SERVED

TYPE OF AGENCY BY POPULATION SERVED	NONE	PARTIAL PAYMENT	TOTAL PAYMENT
County Sheriff			
Total	49%	4%	47%
Over 100,000	50%	0%	50%
50,000-100,000	25%	0%	75%
25,000-49,999	22%	9%	69%
10,000-24,999	57%	0%	43%
Under 10,000	68%	8%	24%
City and County Police			
Total	49%	0%	51%
Over 100,000	45%	0%	55%
50,000-100,000	33%	0%	67%
25,000-49,999	60%	0%	40%
10,000-24,999	50%	0%	50%
Under 10,000	50%	0%	50%
Town Police			
Total	55%	2%	43%
Over 5,000	46%	8%	46%
Under 5,000	57%	0%	43%

political subdivisions as for those agencies located in rural areas. As a consequence, the problem of local law enforcement officers working without the financial protection afforded by an adequate false arrest insurance policy is widespread among local law enforcement agencies of all sizes.

According to the previous Descriptive Study, the problem of agency failure to provide officers with false arrest insurance was not limited to the local level. Three of the law enforcement agencies at the State level reported that officers were not provided false arrest insurance. These agencies were the Capitol Police Department, the Enforcement Division of the State Corporation Commission and the Division of Motor Vehicles.

Adequacy of False Arrest Coverage. Although it was beyond the scope of the previous Descriptive Study to investigate the coverage adequacy of the false arrest insurance policies which are provided by law enforcement agencies in Virginia, an examination of the coverage offered some agencies revealed certain inadequacies. For example, most of the sheriff's departments which offer false arrest insurance obtain such through the National Sheriffs' Association. Although the policy offered is far superior

to the one offered previously by this Association, one major gap in coverage still exists. This is in the area of punitive damages. The policy will not pay any punitive damages which are assessed against an officer although it will provide for the officer's defense in the event of a suit for punitive damages.

The above gap in coverage is not contained in the special liability policy which is afforded officers of the State Police Department. These officers are afforded a policy which covers punitive damages as well as damages in the other areas which are covered by the National Sheriffs' Association's policy. Although the policy offered by the National Sheriffs' Association has this major gap in coverage, it does provide some coverage which is superior to that offered officers of the State Police Department. For example, the limit of liability in the policy offered the State Police Officers is \$75,000, as required by Section 52-8 of the Virginia Code. The maximum liability protection per occurrence offered under the policy of the National Sheriffs' Association is \$300,000. The National Sheriffs' Association policy also provides officers up to \$25 per day for actual loss of wages and salaries incurred while attending trial. Such was not a provision of the policy offered officers of the State Police Department although they would be compensated by the Department.

The magnitude of the problem of providing officers with false arrest insurance which provides inadequate coverage is often not perceived until an officer is sued for damages not covered by his policy.

The suit against Sheriff George Bailey of Albemarle County represents one of several such examples which could be cited. Sheriff Bailey and Sheriff Carroll Lillard of Madison County were sued by the mother of a man arrested for assault and battery. He died shortly after incarceration in the Albemarle County jail of what was later found to be sclerosis of the liver. The suit alleged negligence on the part of Sheriff Bailey who had responsibility for the administration of the jail and on the part of Sheriff Lillard who transported the prisoner from Madison County to the jail. Although both sheriffs were exonerated in court, they did face the possibility of great personal financial loss since the plaintiff was attempting to obtain judgments, on the grounds of negligence, which would run into thousands of dollars. At the time these law enforcement officers were sued, it was learned that the false arrest insurance policy under which they were covered had a serious gap in coverage. Damages for negligence

were excluded. As a result, their false arrest policies were worthless in this particular situation.

The above example represents only one of many instances in which a law enforcement officer has faced the possibility of great financial loss and even possible financial ruin because either they were not covered under any policy or because the policy under which they were covered was not comprehensive enough.

Needed legislation. A legislative proposal is set forth in Part III of this Report which would require all law enforcement agencies to provide all sworn personnel with a comprehensive professional liability policy which is substantially comparable to that offered officers of the State Police Department. All law enforcement officers at both the State and local levels should be afforded such financial protection against losses incurred in the performance of their official duties. This can be accomplished only through the provision of a comprehensive liability policy which has no major gaps in coverage. Such a policy is now available to the officers of State Police Department.

The need for comprehensive professional liability coverage such as recommended above is particularly acute for officers

of county sheriff's departments. The Office of the Attorney General has held on two occasions that a sheriff is not entitled to be reimbursed by his county for legal expenses incurred by him in defending against a civil suit (*Report of the Attorney General, 1949-1950, p.34 and 1966-67, p.27*). Unlike town police officers, State police officers, and custodial officers of the Department of Corrections, officers of county sheriff's departments would be responsible for legal costs incurred as a result of defending against a civil suit unless these costs were covered under a comprehensive professional liability policy.

Cost of Implementation. According to the information obtained during the previous Descriptive Study, there were approximately 2,000 city and county police officers, 500 officers of county sheriff's departments and 275 officers of town police departments who were employed by agencies which did not provide professional liability insurance coverage. As a result, approximately 2,800 or 45%, of the sworn local police officers were found to be without false arrest insurance.

The cost of providing the above officers with adequate professional liability coverage is difficult to estimate. A number of factors influence the insurance rate of this type of liability coverage. For example, the general increase in

public willingness to bring suit against public officials has contributed to continued rises in the cost of various types of professional liability insurance, including the type of policy offered law enforcement officers. At the present time, the relative cost of the policy offered the officers of the State Police Department is relatively cheaper than the cost of the policy offered through the National Sheriffs' Association. Although these relatively more favorable rates are due to a number of factors, including policy differences, it is doubtful that individual units of government can obtain substantially comparable coverage this cheaply.

Using the present rates applicable to the policy provided by the National Sheriffs' Association as a basis for determining costs, the annual cost for providing comprehensive professional liability insurance coverage to the officers of county sheriff's departments without such will be approximately \$20,000. Counties purchasing this insurance would be reimbursed for two-thirds of this cost (approximately \$13,500). Using the same basis of calculation, the collective annual cost to the 21 city and county police departments found to provide no false arrest insurance would be approximately \$100,000. The estimated annual collective cost to the town police departments for providing this type of coverage

would be approximately \$15,000.

According to the above calculations, the total collective costs to all affected political subdivisions would be in the neighborhood of \$135,000 to \$150,000.

The accuracy of these projected costs figures depends, to a large extent, on how closely the rates eventually negotiated for adequate professional liability insurance coverage parallel those used to make these projections. At any rate, it is probable that the rates for this type of insurance will continue to rise in the future and thus affect long-range implementation costs. Similarly, the need for officers to have this type of protection will also increase.

PART TWO

IMPROVING OPERATIONS

Although a detailed examination of all major problems of organization and operations of law enforcement agencies across the Commonwealth was beyond the scope of the previous Descriptive Study, information in a few selected areas was obtained. The results of this study revealed that there were some problems of operation which were common to most law enforcement agencies across the State and that there were other problems which were particularly acute for small town police departments and county sheriff's departments.

The recommendations contained in this Part are set forth in hopes of ameliorating four of the most significant problem areas identified during the previous Descriptive Study.

Chapter Six contains recommendations designed to improve the effectiveness of law enforcement personnel administrative policies through the institution of effective position and classification plans. Although the focus of the recommendations contained in this Chapter is upon those agencies which are supported wholly or in part by State funds, it is hoped that they will provide impetus for the development of more effective position classification plans in other law enforcement agencies as well. Few police classification plans now in existence in Virginia allow adequately for

compensation based upon the duties and responsibilities of each officer.

The above problem was found to be particularly acute among county sheriff's departments. The magnitude of this problem was reflected by the results of the previous Descriptive Study. According to information provided the officers who collected the data for this Study, there was almost unanimous indictment on the part of the county sheriffs against the State Compensation Board. In essence, the major criticism levied by the sheriffs was that the Board did not consistently and uniformly establish salary levels for personnel in sheriff's offices and that the salaries assigned were often not commensurate with the magnitude of the duties and responsibilities assumed. The major reason for problems which do exist in the above area is the lack of position classification plans to assist the Board in discharging its responsibilities. The major recommendation contained in Chapter 6 calls for the State Personnel Department to assist the State Compensation Board in the development of appropriate position classification plans for positions supported wholly or in part by State funds.

The results of the Descriptive Study revealed that there were still some local law enforcement agencies in Virginia which

did not maintain even the most basic police records. This was a problem which was particularly acute among county sheriff's departments and town police departments. This problem was aggravated a great deal in some county sheriff's departments by the complete or almost complete removal of all records by an outgoing sheriff, leaving the incumbent with little or no information upon which to operate his department. In addition, many local law enforcement agencies were also found to be deficient in the maintenance of basic identification information, basic crime data and the most fundamental information on personnel and operations.

The recommendations contained in Chapter Seven were designed to ameliorate the above problems through provision of State legislation which mandates the maintenance of certain basic records and prohibits their removal.

The recommendations contained in Chapter Eight are aimed primarily at those agencies which operate without the benefit of a system of formal written directives to govern internal operations. According to the results of the previous Descriptive Study, several law enforcement agencies in Virginia, particularly small ones, operate primarily by "word of mouth." Quite clearly, it is extremely

difficult for officers to operate efficiently and effectively with such vague guidance.

Since many of the agencies which do not have a formal directive system also do not have the capability to develop one, a recommendation is set forth which would direct the Division of Justice and Crime Prevention to develop a model formal directive system which could be implemented with minor modifications, in those agencies without such.

The final chapter in this Part contains a recommendation which would provide an alternative to the towns which have police departments too small to be effective and efficient. Most of the smaller town police departments have excessively high personnel turnover rates, have the most poorly compensated and trained personnel and have the greatest difficulty in providing minimal levels of service. This recommendation calls for the establishment of a Resident Trooper Program which is to be administered by the Department of State Police. This Program would enable political subdivisions desiring such to contract with the Department of State Police for troopers who would provide police services to the jurisdiction.

Although the recommendations contained in

this Part do not focus on all of the major problems of operation with which law enforcement agencies across the Commonwealth are faced, they are designed to reduce some of the most significant ones and, thus, to improve significantly the operational efficiency of law enforcement agencies.

CHAPTER 6
POSITION CLASSIFICATION
PLAN

THE STATE COMPENSATION BOARD MUST MAKE DECISIONS REGARDING SALARY, AND PERSONNEL LEVELS OF SHERIFF'S DEPARTMENTS WITHOUT THE BENEFIT OF POSITION CLASSIFICATION PLANS WHICH IDENTIFY THE CHARACTERISTICS OF POSITIONS, GROUP THE POSITIONS ACCORDING TO A LOGICAL PLAN AND ESTABLISH QUALIFICATIONS AND EQUITABLE SALARY SCALES FOR EACH GROUP.

IT IS RECOMMENDED THAT THE STATE PERSONNEL DEPARTMENT ASSIST THE STATE COMPENSATION BOARD IN THE DEVELOPMENT OF POSITION CLASSIFICATION PLANS FOR ALL LAW ENFORCEMENT POSITIONS SUPPORTED WHOLLY OR IN PART BY STATE FUNDS.

COMMENTARY

If law enforcement agencies are to attract and retain qualified individuals, they must maintain effective personnel administration policies. One facet of personnel administration which is of paramount importance involves the administration of a sound position classification system. Modern position classification procedures evolved primarily from scientific management techniques which were instituted by private industry during the latter part of the last century. Due to the continued growth of industry, industrial engineers

began to analyze jobs to increase production at lower cost to employers, and personnel managers began analyzing information about job responsibilities and requirements. Subsequent to World War I, positions in private industry have been classified largely by job description and by the use of standardized personnel data forms. The increased efficiency which resulted has cemented the principle of position classification as an integral part of personnel administration (*Report on Police, 1973, p.353*).

Law enforcement agencies have generally failed to take advantage of much of this knowledge which has evolved through private industry. The National Advisory Commission on Criminal Justice Standards and Goals stated that few police classification plans allow for compensation based upon the duties and responsibilities of each officer. The Commission further noted that a sound position classification plan offers advantages beyond its obvious benefit as a recruitment and incentive tool since it creates a competitive climate among police officers and encourages advancement both within the basic ranks and to the higher classification levels. It was further noted that in order to develop such a plan, it is necessary to define accurately the requirements of each position in terms of the particular skill, specialty or experience needed to fill that position

(*Report on Police, 1973, pp. 353-364*).

Position Classification Inadequacies. According to the results of the recent study in which law enforcement in Virginia was compared with the recommendations of the National Advisory Commission, no law enforcement agencies were found to maintain position classification plans which were entirely commensurate with those recommended. Although these results indicated that the problems of inadequate personnel classification plans are widespread among local law enforcement agencies in Virginia, the problem is particularly acute among county sheriff's departments.

The magnitude of the above problem was reflected by the results of the previous Descriptive Study. According to information provided by the retired law enforcement officers who collected the data for this Study, there was almost unanimous indictment on the part of county sheriffs against the State Compensation Board. The major criticism levied by these sheriffs was that the State Compensation Board did not consistently and uniformly establish salary levels for personnel in their respective departments. Many chief executives of the county sheriff's departments also strongly asserted that these salaries which are assigned by the State Compensation Board are

often not commensurate with the magnitude of the duties and responsibilities assumed.

In essence, the previous Descriptive Study revealed that a significantly large number of county sheriffs were found to believe that the system maintained by the State Compensation Board for establishing compensation levels for their personnel is inadequate and results in frequent inequities. A number of sheriffs have felt that the inequities were great enough to warrant court action. According to information supplied by the State Compensation Board, there have been 49 judicial proceedings involving salary disputes which were initiated by sheriffs during the preceding 10 years. Although some of these cases were settled by compromise out-of-court, all 49 cases did require court action. As a consequence, valuable time and resources were expended by all agencies involved, e.g. the State Compensation Board, the county sheriff's departments and the courts.

The major reason for the above salary dispute and many others which have arisen over the years is that the State Compensation Board has not had the benefit of a position classification plan for sheriffs and their personnel. As a consequence, the Board has faced the almost impossible task of having to

administer a compensation plan without adequate objective guidelines which would be afforded by a sound position classification plan.

Unlike the State Compensation Board, the State Personnel Department is not hampered by the lack of a position classification plan in the discharge of its personnel administrative duties for State employees. The State Personnel Department assists the Governor in carrying out the duties he assumes as Chief Personnel Officer and which are set forth in Section 2.1-114 of the Virginia Code. Among these duties are the establishment and maintenance of the following:

- (1) *A roster of all employees in the service of the Commonwealth, in which there shall be set forth as to each employee, the employing agency, the class title, pay and status, and such other data as may be deemed desirable to produce significant facts pertaining to personnel administration.*
- (2) *A classification plan for the service of the Commonwealth, and he shall from time to time, make such amendments thereto as may be*

necessary. The classification plan shall provide for the grouping of all positions in classes based upon the respective duties, authority, and responsibilities. The Governor shall allocate each position in the service of the Commonwealth to the appropriate class title therein, and make reallocations from time to time.

- (3) A compensation plan for all employees, and he shall, from time to time, make necessary amendments thereto. The compensation plan shall be uniform; and for each class of positions there shall be set forth a minimum and a maximum rate of compensation and such intermediate rates as shall be considered necessary or equitable.
- (4) A system of service ratings, for all employees in the service of the Commonwealth, based upon the quality of service rendered.

The major objectives of the provisions

of the above legislation is the establishment and maintenance of sound and equitable personnel administration policies which are conducive to attracting qualified personnel and then retaining them in the service of the Commonwealth. It was recognized that the establishment and maintenance of a sound position classification plan was fundamental to the accomplishment of this objective.

The State Compensation Board has a similar need for a position classification plan to accomplish its objectives. According to Section 14.1-73 of the Virginia Code, the State Compensation Board is authorized to fix salaries of sheriffs and their full-time deputies, of which the counties and cities receive two-thirds reimbursement from the State. As is noted above, the Board performs these duties without the benefit of a sound position classification plan and is guided primarily by the following factors:

- (1) Length of service of such sheriff or deputy,
- (2) The population area of the county or city for which he is elected or appointed,
- (3) Whether a sheriff also served a second-class city

wholly within the county,

- (4) *the number of persons committed to the jail thereof,*
- (5) *the aggregate number of days spent by prisoners in the jail thereof,*
- (6) *the compensation previously received by the sheriff and each of his full-time deputies,*
- (7) *the amount of fees collected by such officers and*
- (8) *such other factors as the Compensation Board deems proper.*

An example of a problem resulting from failure to base salaries upon a sound position classification plan occurs when a vacancy is filled by a less qualified officer. Under present procedures, the compensation provided the officer which previously held the position would be used to determine the newly appointed officer's compensation level. As a consequence, a deputy or sheriff who has had little, if any,

previous law enforcement experience, could receive the same salary as the vacating officer who is more highly qualified by comparison. The opposite situation also frequently occurs, in both situations, patent inequities exist.

The above problems as well as many others with which the State Compensation Board must deal cannot be ameliorated significantly until the State Compensation Board establishes and maintains a sound position classification plan such as that maintained for State employees by the State Personnel Department

Need for Legislation. A legislative proposal is set forth in Part III of this Report which would enable the State Compensation Board to take advantage of the experience and expertise in the development of position classification plans which is resident in the State Personnel Department. This proposal would require the State Compensation Board, with the assistance of the State Personnel Department, to develop position classification plans for all positions which are supported wholly or in part by State funds. This plan would provide a structured classification system with specific requirements for each position for which State reimbursement is provided.

The proposed position classification plan would eliminate many of the inequities described previously and promote more effective personnel administration policies among sheriff's departments. This will be accomplished primarily through providing the State Compensation Board with a mechanism for fixing salaries which reflect different kinds of work performed, different levels of responsibilities assumed and different levels of individual qualifications required.

The inequities in salaries which exist both within agencies and between agencies will be reduced significantly through the institution of sound position classification plans. There should be fewer incidents in which sheriffs bring court action against the State Compensation Board because of alleged salary inequities. Most of these have resulted from a sheriff's observation that these salaries for one or more of his officers were fixed by the State Compensation Board at a lower level than the salaries of officers in other departments who were performing duties which appeared to be comparable. Furthermore, intra-departmental disenchantment should also be reduced since there should be an amelioration of the problem of officers within the same department receiving identical salaries while performing duties requiring widely differing experience, expertise, and ability.

EVERY LAW ENFORCEMENT AGENCY SHOULD MAINTAIN A RECORD SYSTEM THAT ADEQUATELY RECORDS CRIME DATA; OPERATIONAL ACTIVITIES, INCLUDING ADMINISTRATIVE AND INVESTIGATIVE DATA; AND PERTINENT INFORMATION ON PERSONNEL.

IT IS RECOMMENDED THAT A STATE STATUTE BE ENACTED WHICH SPECIFIES THE AREAS FOR WHICH LAW ENFORCEMENT AGENCIES SHOULD MAINTAIN RECORDS, WHICH SPECIFIES THE RETENTION PERIOD FOR SUCH RECORDS AND WHICH PROHIBITS THE REMOVAL OR DESTRUCTION OF SUCH RECORDS.

CHAPTER 7

BASIC RECORDS

COMMENTARY

Basic records not only serve as the "official memory" of a law enforcement agency but also provide vital instruments needed by law enforcement administrators to make decisions which cover daily and long range operations. All law enforcement agencies must maintain certain basic information if they are to function effectively and efficiently. The extensiveness and complexity of information maintained vary somewhat according to the size of the agency.

When basic information is incomplete, fragmented, poorly organized and not readily

accessible, law enforcement agencies are incapable of satisfactory performance. According to the National Advisory Commission on Criminal Justice Standards and Goals (*Report on Police*, 1973, p.576), poor record keeping makes it difficult for agencies to perform the three following functions: (1) to measure work loads and performance levels accurately, (2) to allocate resources properly and (3) to project realistic budgets.

Inadequate Basic Records Systems. Information on the extent to which local law enforcement agencies maintain various types of basic records was obtained during the previous Descriptive Study. The results of these findings indicated that there were still some local law enforcement agencies in Virginia which did not maintain even the most basic police records. This was a problem which was prevalent among county sheriff's departments and town police departments.

The most fundamental component of any law enforcement information system is the reportable incident file. In larger agencies, these files usually consist of an assortment of precinct incident logs, field unit activity logs, traffic incident reports, and criminal and non-criminal investigative reports. Less extensive files are maintained by the smaller law enforcement agencies. Never-

theless, these documents provide the primary means for entering line-level operational data into the agency's information system. As a consequence, every law enforcement agency should develop and maintain reportable incidents files.

Information on the extent to which law enforcement agencies in Virginia maintained reportable incidents files was collected during the recent study of law enforcement in Virginia relative to the National Advisory Commission Law Enforcement Standards and Goals. These data are summarized in Table 7-A. Inspection of these data reveals that the only local law enforcement agencies which did not maintain some type of reportable incidents files were from among the small county sheriff's departments and town police departments. Approximately one-sixth of the county sheriff's departments which had 15 or fewer full-time personnel and a twelfth of the town police departments with 15 or fewer full-time personnel reported that no reportable incidents files were maintained.

Even the reportable incident files maintained by some of the agencies reporting such were found to be inadequate to varying degrees. One such basic area of inadequacy involved records of complaints received and arrests made. Complaints

TABLE 7-A
 LAW ENFORCEMENT AGENCIES MAINTAINING "REPORTABLE INCIDENT FILES"
 BY TYPE OF INCIDENTS, PERCENTAGE OF TOTAL
 AND TYPE AND SIZE OF AGENCY

TYPE OF AGENCY BY AGENCY SIZE	A	B	C	D
City & County Police				
Total	100.0%	97.7%	100.0%	0%
401-1000	100.0%	66.7%	100.0%	0%
151-400	100.0%	100.0%	100.0%	0%
76-150	100.0%	100.0%	100.0%	0%
75 and under	100.0%	100.0%	100.0%	0%
County Sheriffs				
Total	89.5%	78.9%	38.9%	10.5%
16-75	100.0%	100.0%	50.0%	0%
15 and under	83.3%	66.7%	33.3%	16.7%
Town Police				
Total	85.1%	78.0%	85.1%	7.1%
16-75	100.0%	100.0%	100.0%	0%
15 and under	84.6%	76.9%	84.6%	7.7%

A - All crime

B - The central non-criminal incidents such as missing persons, lost and found property, suicides, and accidental death

C - Traffic incidents, where appropriate

D - None

may come to law enforcement agencies from many sources. Upon investigation, the complaint may be found to be true, meaning that a crime was actually committed, or it may be unfounded, meaning that no evidence of crime could be found.

Failure to obtain these basic records was once again isolated to the small county sheriff's departments and town police departments. This was a particularly serious problem among the small town police departments (those which serve populations of less than 5,000) of which a third reported that their agency did not maintain records of felony and misdemeanor complaints of known crimes. Among the county sheriff's departments which serve populations of less than 10,000, 16% reported that they did not maintain these complaint records.

The problem of failure to maintain arrest records was nearly as great. A fourth of the town police departments which serve populations of less than 5,000 and 12% of the county sheriff's departments which serve populations of less than 10,000 reported that no records of felony and misdemeanor arrests were maintained.

It would appear that the maintenance rather than the initial recording of the above type of criminal information is the major problem among these small law enforcement

agencies. Practically all of the above agencies do report to the Central Criminal Records Exchange and the Department of State Police. Under Virginia Code Section 19.1-19.3, all law enforcement agencies are required to make a report to the Criminal Records Exchange, on forms provided by it, of all arrests made, of persons accused of felonies and certain types of misdemeanors. Apparently, many of the above law enforcement agencies complete the form as required and forward it to the CCRE but fail to keep a copy of the forms or fail to record the information contained therein. In either case, these agencies are without this basic and vital criminal information.

The smaller county sheriff's departments and town police departments were also found to be the only local law enforcement agencies which did not maintain files on central non-criminal incidents such as missing persons, lost and found property, suicides and accidental deaths. Two-thirds of the county sheriff's departments with 15 or fewer full-time personnel and 76.9% of the town police departments with 15 or fewer full-time personnel were found to be devoid of these types of records.

Problems of lack of any or inadequate criminal identification information were also found to exist in some law enforcement agencies in Virginia. Data obtained

during the recently conducted study of law enforcement are summarized in Table 7-B. Even a casual analysis of this information reveals that city and county police departments generally maintain more comprehensive criminal identification information than do county sheriff's departments and town police departments. Inadequacy of these types of records was found to be greatest among town police departments. A fourth of the town police departments were found to maintain no type of criminal identification information. Six per cent of the county sheriff's departments reported that no forms of criminal identification information were maintained.

Lack of adequate personnel records represents another major type of basic record deficiency which was found to exist among law enforcement agencies in Virginia. These deficiencies were found to be rather widespread and were particularly evident during the collection of the data for the previous Descriptive Study. Data interview schedules for the previous Study required local law enforcement agencies to provide certain types of information on personnel, e.g. age, length of service, compensation levels, amount of training, educational levels, etc. Agencies of all sizes had a great deal of difficulty providing the requested information. The major reasons for these

difficulties was that personnel records were both inadequate and not easily accessible.

An example of the pervasiveness of the problem of inadequate personnel records was afforded by one of the largest city police department's failure to provide most of the personnel information requested during the previous Descriptive Study. Many other agencies, both small and large, were unable to provide the requested data from existing records.

Removal or Destruction of Basic Records. A problem which was found to be particularly acute among county sheriff's departments was the lack of any basic records for previous years or the gross inadequacy of such. A limited reflection of the extent of this problem was afforded by the fact that nearly a fourth of the sheriff's departments were unable to provide the officers from the previous Descriptive Study with basic information on personnel employed during 1967 and the succeeding years. Several of the other departments which did provide this information had to do so from memory or from information provided by the State Compensation Board.

The reason which practically all sheriffs gave for their agency's lack of basic records from previous years was that the

actions while they were in office, no sheriff or other official should be allowed to remove the records maintained by their law enforcement agency. Since no State law is in existence which prohibits the removal of such, it is necessary that such a statute be enacted to eliminate the removal of these basic law enforcement records.

A legislative proposal is set forth in Part III which specifies that law enforcement records are departmental property, that such cannot be removed or destroyed.

Since the informational requirements for effective law enforcement agency operation are continually increasing, law enforcement agencies operating without certain minimal basic records will find that such will increasingly hamper agency operations. As a consequence, the implementation of the recommendations contained in this Chapter should facilitate the operational efficiency and effectiveness of certain law enforcement agencies in Virginia, particularly those agencies which presently maintain very limited or few basic records.

sheriff who had been in office previously had failed to leave any records or had left very scanty records after leaving office.

This failure to leave public records for succeeding sheriffs can certainly limit the extent to which planning can be carried out by the new sheriff and the extent to which the agency has made progress in carrying out certain objectives.

Need for State Legislation. As discussed above, certain law enforcement agencies in Virginia maintain inadequate basic law enforcement records. These inadequacies, which are particularly great among small law enforcement agencies, are reflective of the need for State legislation which insures that each law enforcement agency maintains at least the minimal basic records necessary for an agency to carry out its functions properly.

The proposed legislation, which is set forth in Part III, specifies the types of basic records which all law enforcement agencies would be required to establish and maintain. The proposed legislation would affect most directly those law enforcement agencies which presently maintain few if any basic police records. Quite clearly, State legislation is necessary to insure the maintenance of adequate personnel, crime,

criminal investigation and administrative records by all law enforcement agencies in Virginia.

In some cases, agencies may reduce the inadequacy in their basic record system by merely retaining copies of the forms presently completed and forwarded to appropriate State and federal agencies. For example, agencies which presently maintain no reportable incidents files on crime could keep copies of the reports forwarded to the Central Criminal Records Exchange. In this case, it would only be necessary to initiate a file of complaints received in order to supplement this information.

Although improvements in basic records maintained can undoubtedly be effectuated with minimal effort in some agencies, some of the smaller agencies will undoubtedly have to expand their record system a great deal in order to have minimally adequate records in the above described areas.

The proposed State legislation will also provide a means for eliminating the problem of basic record removal or destruction. Although retiring or defeated sheriffs should have the right to make copies of certain information maintained by their agency which might be beneficial in defending themselves against subsequent law suits resulting from actions or alleged

actions while they were in office, no sheriff or other official should be allowed to remove the records maintained by their law enforcement agency. Since no State law is in existence which prohibits the removal of such, it is necessary that such a statute be enacted to eliminate the removal of these basic law enforcement records.

A legislative proposal is set forth in Part III which specifies that law enforcement records are departmental property, that such cannot be removed or destroyed. The retention period for the maintenance of these records is also specified.

Since the informational requirements for effective law enforcement agency operation are continually increasing, law enforcement agencies operating without certain minimal basic records will find that such will increasingly hamper agency operations. As a consequence, the implementation of the recommendations contained in this Chapter should facilitate the operational efficiency and effectiveness of certain law enforcement agencies in Virginia, particularly those agencies which presently maintain very limited or few basic records.

CHAPTER 8

FORMAL DIRECTIVE
SYSTEM

ALL LAW ENFORCEMENT AGENCIES SHOULD ESTABLISH A SYSTEM OF FORMAL WRITTEN DIRECTIVES TO GOVERN INTERNAL OPERATIONS AND TO GUIDE AND ASSIST EMPLOYEES IN THE PERFORMANCE OF THEIR DUTIES.

TO FACILITATE THE ESTABLISHMENT OF A FORMAL DIRECTIVE SYSTEM IN LAW ENFORCEMENT AGENCIES NOT HAVING ONE, IT IS RECOMMENDED THAT THE DIVISION OF JUSTICE AND CRIME PREVENTION DEVELOP A MODEL PROTOTYPE SYSTEM OF FORMAL DIRECTIVES WHICH CAN BE TAILORED TO INDIVIDUAL AGENCY NEEDS AND WHICH SHOULD BE IMPLEMENTED WITHIN TWELVE MONTHS OF ITS DEVELOPMENT.

COMMENTARY

The personnel of even the smaller law enforcement agencies in Virginia perform a number of diverse and often complex tasks. Even for these agencies, the need to provide formal written policy to guide these activities is of great magnitude. The need for effective policies and procedures is even greater for agencies with large numbers of personnel and several administrative layers.

Law enforcement agencies, or any other agency organization for that matter, cannot effectively attain their goals and

objectives if employees are guided by only "word of mouth" directives or if they are provided little guidance at all. The need for effective policy, procedures, and rules to guide the operations of law enforcement agencies is particularly great due to the diverse nature of activities performed and to the complexity of underlying agency objectives.

All law enforcement agencies should periodically evaluate agency goals and objectives and should develop written policy which provides specific guidelines for the performance of activities directed toward the achievement of these goals and objectives. Agencies must also provide comprehensive written statements of procedures or routines for achieving agency goals and objectives. Such is necessary to provide officers and other employees with the necessary guidance and direction to assist them in determining the proper courses of action to pursue and to protect them when they follow these courses of action. Comprehensive written directives and policy statements also promote uniformity and aid coordination among individuals and units within the agency. Another benefit of written directives and policy statements is that such promotes continuity through transmitting an agency's customs and traditions to new employees. They also serve as training aids for instructors and minimize

distortion that can result from verbal communication. A final major benefit of written directives and policy statements is that such aids supervisors in making fair and consistent decisions (National Advisory Commission on Criminal Justice Standards and Goals, *Report on Police*, 1973, p.54).

An agency's system of communicating policy, and procedures and rules for carrying out these policies must, in addition to being written, be detailed enough to insure that the action it directs will produce the desired results, must be clearly stated to minimize problems of interpretation and must articulate exact expressions of intent and attitudes. Quite clearly, no law enforcement officer or employee of the law enforcement agency should be required to work without the type of guidance described above, and no community in Virginia should be served by a law enforcement agency which does not provide its employees with such.

Lack of Formal Directive Systems. The findings of the previous Descriptive Study revealed that a significant number of local law enforcement agencies in Virginia were operating without the benefit of a formal system of written directives. The magnitude of this problem is reflected by data contained in Table 8-A. Inspection of these data reveal that most

TABLE 8-A
 PERCENTAGE OF AGENCY HEADS REPORTING A FORMAL DIRECTIVE SYSTEM
 BY TYPE OF AGENCY AND POPULATION SERVED

TYPE OF AGENCY BY POPULATION SERVED	PER CENT REPORTING YES
<u>County Sheriff</u>	
Total	23%
Over 100,000	50%
50,000-100,000	50%
25,000-49,999	35%
10,000-24,999	19%
Under 10,000	8%
<u>City and County Police</u>	
Total	79%
Over 100,000	100%
50,000-100,000	67%
25,000-49,999	80%
10,000-24,999	73%
Under 10,000	60%
<u>Town Police</u>	
Total	40%
Over 5,000	50%
Under 5,000	37%

city and county police departments were found to maintain a formal written directive system to guide agency operations. Nearly four-fifths of the city and county police departments responded that their agency did maintain such a system of formal written directives. All of the city and county police departments which serve populations in excess of 100,000 were found to use a formal written directive system. Approximately two-thirds to four-fifths of the city and county police departments which served the remaining population groups also reported the use of a formal directive system. As a consequence, there were relatively few city and county police departments which did not use written directives to direct agency operations. Nevertheless, approximately a fifth of these agencies still had not implemented a formal written directive system.

The problem of lack of agency use of formal written directives was of great magnitude for county sheriff's departments and town police departments. The problem was most acute for smaller county sheriff's departments. Only 8% of the county sheriff's departments which serve populations of less than 10,000 and 19% of the county sheriff's departments which serve populations of 10,000 to 25,000 reported the use of a system of formal written directives. Similarly,

approximately two-thirds of the town police departments which serve populations of less than 5,000 were found to operate without a system of formal written directives.

It was beyond the scope of the previous Descriptive Study to investigate the comprehensiveness and adequacy of the written directives and statements of written policy which were maintained by law enforcement agencies. On the other hand, it was apparent from the information which was available that many agencies do not adequately articulate policy in written form and, as a result, do not adequately provide the rationale for utilizing the procedures which are set forth.

Need for Model or Prototype Manual of Written Directives. Many of the law enforcement agencies which were found to operate without a formal system of written directives, particularly the smaller agencies where this problem is the most prevalent, do not have the resources to enable them to develop such a system. A number of the sheriffs and police chiefs interviewed during the previous Descriptive Study acknowledged the difficulties encountered by "word of mouth" operations and indicated the desire for their agency to utilize a system of written directives.

The suggestion was offered frequently by the sheriffs and police chiefs that each officer be provided a manual which includes rules, regulations and job descriptions. A number of these chief executives indicated that the State should develop a manual containing a comprehensive set of rules, regulations and procedures for performing various duties. It was further suggested that this prototype manual be designed to facilitate individual tailoring to specific agency needs. For example, the prototype manual might include written procedures or directives for performing a wide range of activities and involving various types of specialized operations. The agencies could then select only those procedures and written directives appropriate to their specific operations, thus removing written material which is inappropriate for their respective agencies. The model manual could also be designed to enable agencies to incorporate policy statements of goals and objectives and relate these to the written directives or procedures which are selected for retention by the local agencies.

Since the above recommendations which were offered by a number of sheriffs and police chiefs represent a feasible and economic method for implementing formal written directive systems in

those local law enforcement agencies without such, it is recommended that a manual containing a formal model written directive system be developed and made available for local use. To implement this recommendation, a legislative proposal is contained in Part III which directs the Division of Justice and Crime Prevention to develop such a model manual.

The development of the most effective and useful manual will require significant inputs from those agencies which will have the greatest need for such. As a consequence, it is further recommended that the Division of Justice and Crime Prevention be assisted with the task of developing a model manual by the Virginia Sheriff's Association and Virginia Association of Chiefs of Police. These organizations are representative of the agencies which will benefit from the eventual development of the manual and will provide an effective mechanism for securing the type of input needed during the developmental phase.

The legislative proposal also recommends that the Division of Justice and Crime Prevention complete the development of the manual of model formal directives within a twelve month period. It is further recommended that those law enforcement agencies operating without the benefit of a formal system of written directives be required, by law, to implement such a

system within twelve months after the model manual has been developed and distributed.

In addition to providing a feasible method for implementing formal directive systems in those local law enforcement agencies currently without such, a model manual should also be of benefit to many agencies which are currently operating under a system of inadequate written directives. These agencies will be able to make a detailed comparative analysis of their own written statements of rules, regulations and policies with those contained in the model manual. It would be possible for these agencies to utilize some of the material contained in the model manual to supplement their own system of written directives and thus reduce inadequacies of such.

ALTHOUGH ALL CITIZENS OF THE COMMONWEALTH ARE ENTITLED TO CERTAIN MINIMAL LEVELS OF POLICE SERVICE, SOME POLITICAL SUBDIVISIONS, PARTICULARLY THE SMALLER TOWNS, ARE NOT ABLE TO PROVIDE SUCH SERVICES.

IT IS RECOMMENDED THAT THE DEPARTMENT OF STATE POLICE ESTABLISH A RESIDENT TROOPER PROGRAM TO FURNISH BASIC LAW ENFORCEMENT SERVICE TO ANY REQUESTING POLITICAL SUBDIVISION.

CHAPTER 9

RESIDENT TROOPER PROGRAM

COMMENTARY

In Virginia, as across the country, small law enforcement agencies are faced with many problems which are of significantly greater magnitude than those faced by larger law enforcement agencies. Although these small law enforcement agencies employ but a small percentage of the total law enforcement officers in the State, they constitute a majority of the total local law enforcement departments. For example, over 90% of the town police departments in Virginia serve populations of less than 5,000. Most of these agencies have fewer than five full-time officers.

The previous Descriptive Study revealed that manpower quantitative and qualitative problems are particularly acute among the small

town police departments. A number of factors contribute to these problems. Many of these agencies offer smaller salaries, few, if any, fringe benefits, little or no in-service training and excessively long work weeks. As a result, the personnel turnover rates are high and many of these agencies face considerable difficulty in providing continuous patrol and preliminary investigative services. Almost a third of the officers of the town police departments which serve populations of less than 5,000 were separated during 1972, and 60% of the town police departments serving jurisdictions with less than 5,000 residents were found to provide less than 24-hour-a-day police service during 1972.

Although there have been few empirical studies dealing with questions relating to minimal levels of police service necessary, their cost, and the relation of these two victimization rates and citizen satisfaction with police services, it is clear that many of the smaller law enforcement agencies in Virginia, particularly the smallest town police departments are faced with very serious obstacles which impede attempts to provide adequate levels of service.

Improvement Through Intergovernmental Agreements Needed. As the result of the

documentation afforded by the previous Descriptive Study, of the particularly serious problems faced by many of the smaller law enforcement agencies in Virginia, the Division of Justice and Crime Prevention recommended in its report to the General Assembly that each local government and law enforcement agency investigate the extent to which various cooperative arrangements with other law enforcement agencies can improve the quality, level and efficiency of services provided while maintaining responsiveness to the citizenry.

A number of alternatives are available to local units of government for improving the police service available to the residents of the jurisdiction. Several of these involve the development of cooperative arrangements with the law enforcement agencies which are in a position to provide cost-effective services to smaller jurisdictions.

Recognition of the need for such cooperative arrangements prompted the General Assembly to pass legislation which would enable local units of government to enter into such agreements. Section 15.1-133.3 of the Virginia Code permits a wide range of interagency agreements to facilitate improvements in law enforcement. A number of towns, cities and counties have already entered into various types of agreements

with other local jurisdictions to receive radio communication and criminal identification services.

According to the results of data obtained from the *Local Government Information 1973 Survey Report* which was prepared by the Division of State Planning and Community Affairs, 20.5% of the cities, 10.5% of the counties and 23.8% of the towns reported intergovernmental agreements for radio communication services. Furthermore, these Survey results reveal that 25.6% of the cities, 4.2% of the counties and 9.5% of the towns reported intergovernmental agreements for criminal identification services.

Although the above data should be viewed cautiously due to certain reporting problems, it is apparent that at least some local law enforcement agencies in Virginia have entered into agreements designed to improve the level of police service offered. Nevertheless, the number of such agreements is still small and generally involves the provision of services by cities to towns. Few counties have profited from such agreements as yet. There is still great need among smaller political subdivisions, in particular, to obtain assistance from other governmental agencies in their efforts to overcome many of the

serious problems with which they are faced.

An Additional Type of Intergovernmental Agreement Needed. Not all of the smaller law enforcement agencies in Virginia will be able to obtain needed services from neighboring jurisdictions for various reasons. One of the most common reasons is that no law enforcement agencies in the area have sufficient resources to enable them to provide the needed services in a cost-effective manner. The results of a recent study on law enforcement which was conducted by the Division of Justice and Crime Prevention revealed that most small political subdivisions which need to contract with other law enforcement agencies for services will be unable to obtain such from other local jurisdictions. All law enforcement agencies which were interviewed during this recent Study were asked if they were in a position to offer cost-effective staff services to other law enforcement agencies. None of the county sheriff's departments and none of the town police departments responded in the affirmative. The only law enforcement agencies which did respond in the affirmative were from among city and county police departments of which 17.4% so responded.

Since the above information indicates that very few local law enforcement agencies in Virginia are in a position

to offer cost-effective services to other agencies and political subdivisions in need of such, there is a clear need for the State to develop a program which would insure that all political subdivisions desiring such could contract for basic law enforcement services.

The only State law enforcement agency which has the resources necessary to provide localities with needed basic law enforcement services is the State Police Department. As a consequence, a legislative proposal is contained in Part III of this Report which would establish a "resident trooper program" in the Department of State Police. This program would make available basic law enforcement services to political subdivisions desiring to contract for such.

The need for the establishment of such a program in the Department of State Police was recognized previously by the Governor's Management Study Commission. In its 1970 report (*Survey and Recommendations*, November, 1970, p.108), this Commission made the following statement:

Many communities and small cities find it difficult to employ a trained police officer or officers. Consequently, the level and standard of law enforcement varies widely.

...Richmond-Petersburg Turnpike employs 17 troopers and a sergeant and pays a fee to the State Police for salaries, car expenses, and the like. A similar arrangement should be made available to towns, cities and counties. It would provide advantages of:

The presence of a trained officer in the community.

Ready-made communication via area police network.

The possibility of training "local" officers on the job to augment school courses.

Uniform law enforcement.

The Resident Trooper Program. It is proposed that the "resident trooper program" which is eventually established in the Department of State Police incorporate the most positive features of the successful programs of this nature which are in operation while avoiding the least effective ones.

There appears to be a great deal of agreement among officials from other states who have been involved in resident trooper programs on the manner in which rules and regulations should be drawn up. According to a study conducted by the staff of the Maryland State Police Department, officials involved in the resident trooper programs studied uniformly agreed that the organization furnishing the police services should maintain full control of the program. It was further concluded that there must be clear understanding that the administering agency (the state police department in most cases) is providing police services to the municipality, not renting a policeman. As a consequence, it was concluded that resident troopers should receive orders from the local or regional State Police facility in the same manner as do members of the regular force and that the same rules, regulations and procedures should apply to the resident trooper as to the regular force.

It is proposed that the Resident Trooper Program in Virginia operate in the same manner as described above. Such an administrative arrangement is necessary to insure that the program is administered efficiently and effectively.

Another area in which some insight into program effectiveness can be gained from

the study of previous programs is "cost." The establishment of an equitable and reasonable unit of cost to the local unit of government for the use of resident troopers is probably the most important item to be considered when implementing a program of this nature. Patently, unrealistic costs will discourage small political subdivisions from taking advantage of the program regardless of the program attractiveness. As a result, it is necessary to determine the cost to the Department of State Police for providing the program, the cost to local units of government and the benefits they should expect to receive.

The Department of State Police has made a careful analysis of the cost for providing the Resident Trooper Program. As would be expected, the first year cost is higher than that of succeeding years. It is anticipated that the first year cost for one officer would be \$19,500. In addition to the officer's salary and fringe benefits, this figure includes the costs for the following items: automobile, uniforms, individual police equipment, car radio, car repairs, car supplies, travel expenses, communication expenses, printed materials and car insurance. Actual costs for the second and remaining years is anticipated to be approximately \$14,500. The cost for a trooper after the first year is less because the

automobile, car radio and other items of equipment have already been purchased and must only be maintained.

In addition to the determination of actual costs for the program, it is necessary to determine the percentage of cost local political subdivisions will be required to pay. Some helpful information on this point is available from the review of resident trooper programs which was conducted by the Maryland State Police Department. According to the results of this study, resident trooper programs which were found to be successful were the ones offering cost-sharing plans to localities. The programs charging full costs were not deemed to be successful. An example is the Resident Trooper Program administered by the Alaska State Troopers Department. This force provides police service to villages and small towns and does not share in the costs. Although 15 villages and towns initially came under contract with the Department, only one remained in the program three years after its inception. The chief cause of this situation was reported to be the smaller jurisdiction's inability to pay the high cost of the program (Maryland State Police, *Staff Study: Resident Trooper Program*, 1971, p.3).

In contrast to the program offered by the State of Alaska, successful programs have

been operated in Canada and in Connecticut. The Canadian program has been in operation since 1935 and involves more than 2,000 officers. In both of the above cases, local units of government are not required to pay the full cost of the programs. Canada splits the cost on a 50%-50% basis for the first five men and on a 75%-25% basis for six or more. The State of Connecticut splits cost on a 60%-40% basis. In Maryland, the State subsidizes the locality for 25% of the cost of their program (Maryland State Police, *Staff Study: Resident Trooper Program*, 1971, pp.3-5).

Since available evidence indicates that a state subsidy is necessary to insure the success of a resident trooper program, it is proposed that political subdivisions entering into a contract for such services with the Department of State Police be required to provide 60% of the program cost. This proposal can be justified on the basis of a number of reasons, among which are the following:

- (1) Small municipalities cannot afford to pay the full cost of a resident trooper.
- (2) Citizens of the municipalities are already contributing to the support of the State Police through the

payment of taxes.

- (3) If a municipality enters into a contract for police services, it would benefit the Department of State Police by reducing the amount of support the regular force customarily renders to the municipality and would thereby tend to conserve manpower.
- (4) By having a contract policeman in a municipality, the consistency of enforcement programs together with better record keeping should have a favorable effect upon the enforcement effort in the county and in the State.

The implementation of a resident trooper program will make available, for the first time, an alternative to many of the small towns which are unable to provide effective basic law enforcement to their citizens. Such is not the case now since few local law enforcement agencies can provide smaller agencies with needed services on a cost-effective basis. Such cost-effective service can be provided by the Department of State Police due to the economy of resources resulting from their state-wide organi-

zational structure. For example, resident troopers would have the benefit of departmental communications and information systems, training programs and administrative resources. Localities would have the benefit of an experienced law enforcement officer who would be replaced during times of vacation, sickness and absences due to other reasons.

PART II I

NEEDED LEGISLATION

The purpose of this Part is to present the nine legislative proposals necessary to implement the major recommendations contained in this Report. All but one of the major recommendations will require statutory action for implementation. The exception is Proposal 2 which will require a joint resolution.

The nine legislative proposals are set forth as follows:

PROPOSAL 1

Statute Empowering CJOTSC to Establish Minimum Statewide
Selection Standards

LD4231 Four hundred forty-six D 10/21/74 CWW C 10/23/74 ,jb DR 446
 RDF 10/23/74 HPA C 10/29/74 sg

A BILL to amend and reenact §§ 9-109 and 9-111.1 of the Code of Virginia, relating to powers of the Criminal Justice Officers' Training and Standards Commission; compliance with minimum entrance and training standards by certain police officers.

Be it enacted by the General Assembly of Virginia:

1. That §§ 9-109 and 9-111.1 of the Code of Virginia are amended and reenacted as follows:

§ 9-109. Powers.--In addition to powers conferred upon the Commission elsewhere in this chapter, the Commission shall have power to:

(1) Promulgate rules and regulations, pursuant to Chapter 1.1 (§ 9-6.1 et seq.) of Title 9 of the Code of Virginia, for the administration of this chapter including the authority to require the submission of reports and information by police officers within this State.

(1) (a) Establish compulsory minimum entrance standards prior to employment as a law-enforcement officer (a) in permanent positions and (b) in temporary or probationary status.

(2) Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer, (a) in permanent positions, and (b) in temporary or probationary status, and establish the time required for completion of such training.

(3) Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools operated by or for the State or any political subdivisions thereof for the specific purpose of training law-enforcement officers.

(4) Consult and cooperate with counties, municipalities, agencies of this State, other governmental agencies, and with universities, colleges, junior colleges, and other institutions concerning the development of police training schools and programs or courses of instruction.

(5) Approve institutions and facilities for school operation by or for the State or any political subdivision

thereof for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not.

(6) Make or encourage studies of any aspect of law-enforcement administration.

(7) Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement.

(8) Make recommendations concerning any matter within its purview pursuant to this chapter.

(9) Employ and fix the salaries of such personnel as may be necessary in the performance of its functions. The salaries of such personnel shall be fixed in accordance with the standards of classification of Chapter 10 (§ 2.1-110 et seq.) of Title 2.1

(10) Adopt and amend rules and regulations, consistent with law, for its internal management and control.

(11) Enter into contracts or do such things as may be necessary and incidental to the administration of its authority pursuant to this chapter.

§ 9-111.1. Compliance with minimum training standards by officers employed after July 1, 1971.--Every

law-enforcement officer employed after July one, nineteen hundred seventy-one, shall, within a period of time fixed by the Commission through rules and regulations promulgated by the Commission pursuant to Chapter 1.1 (§ 9-6.1 et seq.) of Title 9 of the Code of Virginia, comply with the compulsory minimum training standards established by the Commission. Any person employed as a law-enforcement officer after July one, nineteen hundred seventy-one, who is not in compliance with the compulsory minimum training standards as established by the Commission, shall be suspended from such employment without pay until such time as he is in compliance therewith. The Commission shall have the power to require law-enforcement agencies of the Commonwealth and its political subdivisions to submit rosters of their personnel and pertinent data with regard to the training status of such personnel.

Every law-enforcement officer employed on or after January one, nineteen hundred seventy-six shall meet the entrance requirements established by the Commission.

PROPOSAL 2

Resolution Directing VALC to Study Retirement System
for Law Enforcement Officers

LD4225

Four hundred forty-six D 10/23/74 HPA T 10/28/74 sq

DP 446

SENATE JOINT RESOLUTION NO.....

Directing the Virginia Advisory Legislative Council to study the cost of requiring each law-enforcement agency to provide law-enforcement officers with a retirement plan which meets or exceeds the benefits of the State Police Officer's Retirement System.

Whereas, all full-time law-enforcement personnel should be provided an actuarially sound retirement program which provides adequate benefits; and

Whereas, law-enforcement officer retirement plans should provide for mandatory retirement ages low enough to protect citizens from officers no longer in possession of physical or mental attributes necessary for effective police work and to protect older officers from possible serious injury due to decreased physiologic and psychologic capabilities; and

Whereas, poor retirement programs represent a major obstacle in making police work attractive as a career, and, thus, impedes efforts to recruit qualified personnel; and

Whereas, a substantial number of smaller local law-enforcement agencies provide their sworn personnel with no retirement benefits; and

Whereas, the retirement benefits for most of those law-enforcement officers in agencies which do offer retirement programs are inadequate; and

Whereas, benefits equivalent to those provided under the State Police Officer's Retirement Act are adequate for law-enforcement officers; and

Whereas, all law-enforcement officers should be presented with retirement benefits which are essentially comparable with or exceed those offered under the State Police Officer's Retirement Act; and

Whereas, it is necessary to make an actuarial study of the cost of making such benefits available to all law-enforcement officers before such is provided; and

Whereas, the Virginia Advisory Legislative Council is an appropriate body to make such a study; now, therefore, be it

Resolved by the Senate of Virginia, the House of Delegates concurring, That the Virginia Advisory Legislative Council is directed to make the appropriate studies necessary to determine the feasibility of requiring law-enforcement agencies to provide full-time personnel with retirement benefits substantially comparable to those provided under the State Police Officer's Retirement Act. Such studies shall include consideration of alternative methods of financing, shall identify the major problems of implementation and shall examine, in detail, the question of who should be eligible to receive such benefits.

All agencies of the State shall assist the Virginia Advisory Legislative Council in its study upon request.

The Virginia Advisory Legislative Council shall complete its study and report to the Governor and the General Assembly not later than November one, nineteen hundred seventy-five.

PROPOSAL 3

Statute to require localities to
 Provide Health and Accident Insurance
 For Law enforcement officers

LD4251

Four hundred forty-six 10/29/74 WR C 10/29/74 dr

RW 446

A BILL to amend the Code of Virginia by adding a section numbered 15.1-134.1, so as to require localities to provide law-enforcement officers with certain insurance coverages.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.1-134.1 as follows:

§ 15.1-134.1. All political subdivisions, counties, cities, and towns of the Commonwealth which employ their own law-enforcement officers shall provide such officers with the same, or substantially equal, health and accident insurance coverages as are afforded members of the State Police by the Commonwealth of Virginia.

PROPOSAL 4

Statute to Require Localities to
Provide Life Insurance for Law
Enforcement Officers

LD4253

Four hundred forty-six D 10/29/74 WR T 10/29/74 sdg

SG 446

A BILL to amend the Code of Virginia by adding a section numbered 15.1-134.2, so as to require localities to provide law-enforcement officers with certain insurance coverages.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.1-134.2 as follows:

§ 15.1-134.2. All political subdivisions, counties, cities, and towns of the Commonwealth which employ their own law-enforcement officers shall provide such officers with the same, or substantially equal, life insurance coverages as are afforded members of the State Police by the Commonwealth of Virginia.

PROPOSAL 5

Statute to require localities to
 Provide Liability Insurance for
 Law Enforcement Officers

LD4249

Four hundred forty-six D 10/23/74 WR C 10/24/74 sdg
 RDF 10/29/74 WR C 10/29/74 rw

RW 446

A BILL to amend the Code of Virginia by adding a section numbered 15.1-134.3, so as to require localities to provide law-enforcement officers with certain insurance coverages.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.1-134.3 as follows:

§ 15.1-134.3. All political subdivisions, counties, cities, and towns of the Commonwealth which employ their own law-enforcement officers shall pay the premiums necessary for such officers to post bond or obtain liability insurance for the same, or substantially equal, insurance coverages as are afforded members of the State Police by the Commonwealth of Virginia.

PROPOSAL 6

Statute Directing Compensation Board to Draft
 Position Classification Plans for All State Supported
 Law Enforcement Positions

LD4227

Four hundred forty-six D 10/21/74 GWW C 10/22/74 ss

DP 446

A BILL to require the Director of Personnel in cooperation with the Virginia State Compensation Board to establish a job classification plan for all law-enforcement officers who are compensated in whole or in part by State funds and to provide how such plan shall be administered.

Be it enacted by the General Assembly of Virginia:

1. § 1. "Law-enforcement officers" as used in this section, means deputy sheriffs, deputy sergeants, employees of jails, police officers, or any other person whose sole duty consists of the maintenance of peace and order in the Commonwealth, and whose compensation is derived in whole or in part from State funds.

§ 2. Notwithstanding the provisions of Virginia § 2.1-116(12), the Director of Personnel in cooperation with the Virginia State Compensation Board shall formulate a classification plan for the service of law-enforcement

officers for the Commonwealth, and he shall, from time to time, make such amendments thereto as may be necessary. The classification plan shall provide for the grouping of all positions in classes based upon such officers' respective duties, authority and responsibilities. Each position shall be allocated to the appropriate class title, and reallocations shall be made from time to time.

§ 3. A compensation plan for all such personnel shall be established and maintained, and from time to time necessary amendments shall be made thereto. Such plan shall be uniform, and for each class of positions there shall be set forth a minimum and a maximum rate of compensation and such intermediate rates as shall be considered necessary or equitable.

§ 4. Compensation shall continue to be fixed by the Compensation Board, and administered in the same manner as is now provided by law, except as may be inconsistent with the provisions of §§ 2 and 3 hereof.

§ 5. The provisions of this act shall not apply to personnel of counties and cities which have initiated such a plan which, in the judgment of the Director, is comparable to the plans formulated by the Director.

PROPOSAL 7

Statute Directing Law Enforcement Agencies to Maintain
Basic Records

LD4106

Four hundred forty-six D 10/28/74 HPA C 10/29/74 .sg

SG 446

A BILL to amend the Code of Virginia by adding a section numbered 15.1-135.1, providing for the maintenance of certain records by each sheriff or chief of police: penalty for violation.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.1-135.1 as follows:

§ 15.1-135.1. It shall be the duty of the sheriff or chief of police of every county, city or town to insure, in addition to the records required by law, the maintenance of adequate personnel, administrative, criminal investigation, and crime records necessary for the efficient operation of his office. Failure to maintain such records or failure to relinquish such records to his successor in office shall constitute a misdemeanor. Former sheriffs or chiefs of police shall be allowed access to such files for preparation

of a defense to any suit or action arising from the performance of his official duties. The enforcement of this section shall be the duty of the attorney for the Commonwealth of the county or city wherein the violation occurs.

PROPOSAL 8

Statute Directing DJCP to Develop Model Formal

Directive System

LD4243

Four hundred forty-six D 10/21/74 GWW C 10/22/74 ss
 RDF 10/23/74 HPA T 10/25/74 dr
 RDF 10/28/74 HPA C 10/28/74 dp

A BILL to require the Division of Justice and Crime Prevention in cooperation with the Virginia State Sheriffs' Association and the Virginia Association of Chiefs of Police to promulgate a uniform system of formal directives to govern internal operations of the several law-enforcement agencies of the Commonwealth; to require such agencies to carry out such directives and to report to the Division of Justice and Crime Prevention.

Be it enacted by the General Assembly of Virginia:

1. § 1. The Division of Justice and Crime Prevention in cooperation with the Virginia State Sheriff's Association, and the Virginia Association of Chiefs of Police shall promulgate and distribute to the several law-enforcement agencies of the Commonwealth a uniform system of formal, written directives to govern internal operations of such law enforcement agencies, which it is empowered to revise from

time to time. Such directives shall be distributed to all law-enforcement agencies within the Commonwealth by January one, nineteen hundred seventy-six.

§ 2. Upon receipt of a copy of the directives set out in § hereof, the chief officer of each law-enforcement agency within each county, city or town in the Commonwealth shall, within one year, implement such directives, and shall report such fact in writing to the Division of Justice and Crime Prevention.

PROPOSAL 9

Statute Directing Department of State Police to Offer
a Resident Trooper Program

LD4233

Four hundred forty-six D 10/21/74 GWW C 10/22/74 ss

DR 446

A BILL to amend the Code of Virginia by adding in Chapter 1 of Title 52 a section number 52-11.3, so as to authorize the Superintendent of the Department of State Police to contract with political subdivisions of the State to provide police services; and to provide the manner in which the Department is to be compensated for such service.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 52 a section numbered 52-11.3 as follows:
§ 52-11.3. A. The governing body of any county, city or town is authorized to contract with the Superintendent of the Department of State Police, for a period not to exceed five years, which may be renewable, that the Department act as, and take over, all or a portion of the functions of a police force for the county, city or town.

B. Under any such agreement, the Department, within the county, city or town shall enforce the State laws and ordinances of the county, city or town, and perform related police services, in addition to its other and regular duties therein. For this purpose, the Superintendent is authorized to provide such employees, buildings and facilities as may be required by the agreement or, if not so required, as may be reasonable and proper in the discretion of the Superintendent to carry out the purposes of the agreement.

C. Every such agreement shall provide that the reasonable and proper cost of the service is the obligation of the county, city or town, however, in no event shall the obligation exceed forty per centum of such cost. The agreement shall further provide for the time and manner of payment by the county, city or town to the Commonwealth.

D. The Attorney General shall approve each such agreement as to its legal sufficiency.

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SENATE JOINT RESOLUTION NO. 62

Offered February 15, 1974

2
3 *Directing the Division of Justice and Crime Prevention to study further the Law*
4 *Enforcement and Criminal Justice System in Virginia.*

6 Patron—Mr. Walker (By Request)

8 Referred to the Committee on Rules

9
10 Whereas, the General Assembly heretofore directed the Divi-
11 sion of Justice and Crime Prevention to study the law enforcement
12 system in the Commonwealth; and

13 Whereas, the Division has completed such study and presented
14 its report to the Governor and the General Assembly; and

15 Whereas, such study is the first comprehensive analysis of law
16 enforcement in Virginia; and

17 Whereas, the Division has described a number of needs and
18 problems presently existing in the State's law enforcement system;
19 and

20 Whereas, the most effective means for dealing with and provid-
21 ing solutions to these needs and problems requires careful consider-
22 ation, the weighing of alternatives, and an analysis of the impact of
23 various solutions upon the entire criminal justice system; now,
24 therefore, be it

25 Resolved by the Senate, the House of Delegates concurring,
26 That the Division of Justice and Crime Prevention is directed to con-
27 sider the most effective means for addressing the most pressing
28 needs and problems identified in the initial report and to recom-
29 mend the most effective manner by which solutions can be imple-
30 mented. Such study shall include consideration of personnel, opera-
31 tions, quality of service, physical and financial resources, and other
32 immediate and long-range factors necessary to ensure that all citi-
33 zens receive maximum benefits which can be provided by law en-
34 forcement and the criminal justice system.

35 In carrying forth its study, the Division of Justice and Crime
36 Prevention is directed to utilize the advice and counsel of the Coun-
37 cil on Criminal Justice and the State Crime Commission.

All agencies of the State shall assist the Division of Justice and
2 Crime Prevention in its study upon request.

3 The Division of Justice and Crime Prevention shall complete its
4 study and report to the Governor and General Assembly not later
5 than November one, nineteen hundred seventy-four.

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with amendment	with amendment
without amendment	without amendment
Date:	Date:
Clerk of the Senate	Clerk of the House of Delegates

