

**REPORT OF THE
JOINT LEGISLATIVE
AUDIT AND REVIEW COMMISSION ON**

**An Assessment of Eligibility
for State Police Officers
Retirement System Benefits**

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



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PREFACE

One of three separate State employee retirement systems in Virginia, the State Police Officers Retirement System (SPORS) covers only State police officers. Numerous proposals have been made to include other law enforcement officers in SPORS. However, the General Assembly postponed action on these proposals and directed that this study be conducted by JLARC.

Item 13 of the 1986 Appropriations Act directed the JLARC staff to review SPORS and identify the criteria implicit in its establishment as a separate system. JLARC was further directed to determine which, if any, other employees either employed or compensated by the State would meet all of the original criteria for SPORS coverage or would meet appropriate criteria if established at the present time. The mandate further specified that those employees must be sworn officers with general police powers.

The hazards inherent in law enforcement duties were cited in early legislative reports as a primary reason for the establishment of SPORS. A hazardous duty analysis was therefore conducted to compare other law enforcement groups employed or compensated by the State to the State Police. The analysis indicated that the State Police face a greater degree of hazards and risks than the other law enforcement groups.

In addition to the in-State comparison, this report analyzes law enforcement retirement policies in the 48 contiguous United States. This assessment shows that there is no predominant practice for earlier retirement of groups other than state police. Based on the results of the hazardous duty analysis in conjunction with the review of other retirement policies, it is recommended that other law enforcement groups not be added to the SPORS system at this time.

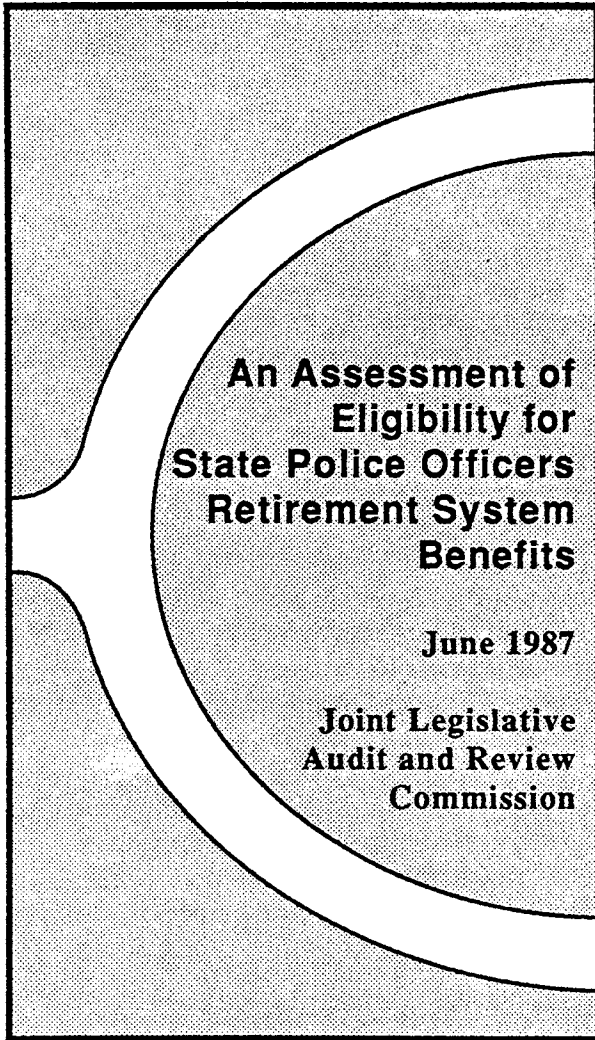
All law enforcement groups from whom data were collected during the course of the study were invited to comment on an exposure draft of the report. The comments from the responding groups can be found in the appendix to this report. Some of the law enforcement groups chose not to provide written comments.

On behalf of the JLARC staff, I wish to thank all of the law enforcement groups and State agencies involved in this study for their cooperation.



Philip A. Leone
Director

June 30, 1987



The State Police Officers Retirement System (SPORS) was established in 1950 to provide for earlier retirement of State Police officers. Officers may retire as early as age 55. However, they receive full benefits only if they have completed 30 years of service or remain on the force until age 60.

Over the years, other law enforcement groups have sought inclusion in SPORS. However, only local law enforcement groups have been granted retirement benefits similar to those for the State Police. In 1970, the General Assembly extended the option of providing SPORS-like benefits to local jurisdictions. Currently, 48 local governments provide these benefits to their law enforcement officers.

The 1986 Appropriations Act directed JLARC to review SPORS and to identify the criteria used to establish it as a separate system. JLARC was further directed to determine

which, if any, other groups of law enforcement officers with general police powers would be eligible for SPORS benefits.

Analysis of legislative reports on SPORS indicates that the earlier retirement age for SPORS members was intended to counter the effects of age on officer ability to perform State Police duties which regularly placed officers in hazardous situations. A set of criteria was developed to reflect the parameters of State Police work. These criteria were used to compare other law enforcement groups to the State Police.

A JLARC REPORT SUMMARY

The conclusion drawn from the comparison is that the Department of State Police is unique among all other law enforcement groups in the State. The other groups are not consistently exposed to hazards and risks comparable to those faced by the State Police.

A survey of the other 47 contiguous states indicated that all states but one allow their state police to retire earlier than other state employees. While many states also allow certain other law enforcement personnel to retire earlier, Virginia is not alone in restricting this benefit to state police. Based on the findings from the comparisons within Virginia and the survey of the other states, JLARC recommends that SPORS benefits should not be extended to any other State law enforcement groups at this time.

Study Methodology

In response to Item 13 of the 1986 Appropriations Act, JLARC staff designed a study to:

- determine the legislature's intent in establishing SPORS,
- establish criteria to regulate membership in SPORS, and
- determine which other groups, if any, would be eligible for SPORS benefits.

One of the first steps was to develop a comprehensive list of all agencies that appeared to employ sworn law enforcement officers. Twenty groups, including the State Police, were identified as providing a law enforcement function.

Second, a set of duty-based criteria was developed to quantify the hazards and risks of law enforcement. Legislative commission reports, interviews with experts in policing, and the study mandate were used to develop four assessment criteria:

- sworn law enforcement officers,
- general police powers,
- unlimited statewide jurisdiction, and
- face hazards and risks comparable to the State Police.

To be considered eligible for inclusion in SPORS, a law enforcement group had to be comparable to the State Police on all four criteria.

Third, the law enforcement groups were contacted and asked to provide the necessary data for the comparisons. Structured data collection instruments were mailed to those groups with a primary law enforcement function. The State Police completed the data collection instrument at the same time as did the other groups. In-person interviews were conducted at all groups sent data collection forms.

Initial analysis showed that two groups met the first three screening criteria and encountered some of the same hazards and risks as the Department of State Police. Therefore, field observations were conducted with three agencies: the Department of State Police, the Commission of Game and Inland Fisheries (GIF), and the Department of Alcoholic Beverage Control (ABC).

Finally, national data on current law enforcement retirement policies were collected. Telephone interviews were conducted with retirement administrators in the other 47 contiguous states.

Comparison of Law Enforcement Groups to the State Police

All law enforcement groups who participated in the data collection effort were com-

pared to the State Police on all four criteria. However, for discussion purposes within the report, each criterion is considered a screen to each subsequent criterion. This screening process reduces the number of groups discussed in each successive section of the report.

Only three groups meet the first three screening criteria. The Department of State Police, the Commission of Game and Inland Fisheries, and the Department of Alcoholic Beverage Control employ sworn law enforcement officers with general police powers and unlimited statewide jurisdiction. Therefore, comparisons to the State Police on the criterion of comparable hazards and risks are discussed only for GIF and ABC.

ABC enforcement officers and GIF game wardens do not face the same magnitude of hazards and risks as State Police officers. Of nine hazard and risk variables, ABC and GIF are comparable to the State Police on only two variables each.

The duties of the State Police are such that they face hazards and risks more consistently than other law enforcement officers. On this criterion, no other group of law enforcement officers in Virginia is comparable to the State Police.

Law Enforcement Retirement in Other States

The retirement practices in the 48 contiguous states were reviewed to identify any trends in law enforcement retirement. This analysis found that all but one of the states allow their state police officers to retire at an earlier age than other state employees. Virginia is one of 15 states that restricts this benefit to members of its state police. The remaining states permit earlier retirement for certain other law enforcement groups in addition to state police. Game wardens are included in earlier retirement plans in 22 states, and alcoholic beverage enforcement officers are included in 16 states.

The retirement systems in most states are funded at least in part by employee contributions. Since State employees in Virginia do not contribute to their retirement, a more meaningful comparison would be among the ten states with non-contributory earlier retirement of law enforcement personnel. State police are eligible

for earlier retirement in all ten states. Four states, including Virginia, limit non-contributory earlier retirement to their state police. Game wardens and alcoholic beverage enforcement officers are included in four states and one state, respectively. Two states have non-contributory earlier retirement for state police and certain other law enforcement officers, but not game wardens or alcoholic beverage enforcement officers.

Conclusion and Recommendation

Within Virginia, the Department of State Police has a unique responsibility to the citizens of the State. This responsibility results in the State Police facing a greater number and degree of hazards and risks than the other law enforcement groups. This comparison is not meant

to imply that the other law enforcement groups within the State do not face hazards or physical hardships. However, according to the study data, these hazards are not comparable to those faced by the State Police.

Assessment of the retirement trends for law enforcement personnel in other states shows that the only prevailing practice is that State Police can retire earlier than other employees. There is no predominate trend for the earlier retirement of other law enforcement officers.

In light of these findings, JLARC recommends that the State Police Officers Retirement System should remain solely for those positions within the State Police that are currently covered. No other law enforcement groups should be added at this time.

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I. INTRODUCTION

The State Police Officers Retirement System (SPORS) provides for retirement of State Police officers at an earlier age than other State employees. Officers may retire as early as age 55. However, they only receive full benefits if they have completed 30 years of service or remain on the force until age 60.

SPORS is one of three separate State employee retirement systems in Virginia. Only State Police officers are covered under SPORS. Members of the Judiciary have their own system. All other full-time employees of the State, public school boards, and participating local governments are covered under the Virginia Supplemental Retirement System (VSRS).

Early reports by legislative commissions to consider establishing a separate retirement system for the State Police made note of the unique duties and responsibilities of State Police officers. Although these reports did not establish definitive criteria for membership in SPORS, they did identify several reasons for providing State Police officers with earlier retirement benefits than other State employees.

The primary reason for extending officers' special benefits seems to have been their regular performance of duties which may be considered hazardous. Moreover, the reports contended that the physical requirements of State Police work make officers unfit for duty beyond age 50 to 55. The inability to perform duties effectively beyond a certain age implies a potential hazard both to the citizens of Virginia and the individual police officers engaged in direct law enforcement activities.

Benefits like those in SPORS are now available to local law enforcement officers through VSRS, at the option of the participating local government. However, these benefits are not available to State law enforcement officers other than the State Police. All other State law enforcement officers are covered under VSRS.

Numerous proposals have been made to include other law enforcement officers in the State Police Officers Retirement System. The General Assembly postponed action on proposals to expand SPORS until JLARC completed its study. JLARC was mandated to assess the eligibility of other State law enforcement groups for SPORS benefits.

Law enforcement groups throughout the State were identified and contacted to determine whether or not they met the initial requirements for inclusion as outlined in the study mandate. A duty-based approach was taken to determine the level of hazards and risks encountered by the other groups. JLARC also conducted a telephone survey of the retirement administrators in the 47 other contiguous states. The purpose of the survey was to determine national trends for retirement of law enforcement personnel.

BACKGROUND AND HISTORY OF SPORS

Legislative action to establish a separate system for State Police officers began in 1942, when the Department of State Police separated from the Division of Motor Vehicles to become an independent State agency. At that time State Police rejected coverage under the Virginia Retirement System (VRS), the predecessor to VSRS. The majority of the officers thought the VRS coverage was impractical for their situation. Their dissent prompted studies to determine the need for a special retirement system for the State Police. SPORS was not established as a separate system until 1950. During the interim between 1942 and 1950, newly hired State Police officers were covered under VRS. Those officers already on the force who rejected the VRS coverage did not have a retirement plan.

Rationale Behind System

JLARC staff assessed the initial SPORS legislation and related legislative commission reports to determine the legislative intent behind establishing SPORS. In addition, various State officials were interviewed to obtain their impressions on the rationale behind the creation of SPORS. While the initial intent remains somewhat unclear, a number of important factors were identified.

Several reasons for a separate system put forward during the 1940s have recurred throughout subsequent reports. The legislative commission reports note that the Department of State Police is a unique body of law enforcement officers. The early studies stressed age effectiveness in performing the duties of the State Police. They also identified the hazards associated with direct law enforcement as a principal reason for earlier retirement of State Police.

Age Effectiveness. In the 1944 Report of the Commission to Consider a Death, Disability and Retirement System for the Virginia State Police Force, State Police officers were identified as having special retirement needs because:

....usefulness of a member of the State Police as such is ended at the age of fifty to fifty-five; and....it would be contrary to the best interests of the Commonwealth of Virginia....to have the majority of the members of the State Police rendered unfit for the duties of their service on account of age.

In the 1948 Report of the Virginia Advisory Legislative Council on Retirement of the State Police, it was contended that the physical requirements of State Police work made it impossible for them to remain with the State until the prescribed retirement age (65 at that time). Officers either left their jobs or stayed beyond their useful age, impairing to some degree the work of the force. Therefore, they required a different and lower age of retirement.

Currently in the medical research community, there is consensus that the ability to perform physical tasks does decline with age. However, there is much disagreement on the rate of that decline. Aging has been found to adversely affect aerobic capacity, isometric strength, and heat adaptation. However, these effects can be moderated depending on the individual's physical conditioning, hereditary predisposition, and diet (expert testimony as summarized in Judge Thomas A. Higgins memorandum EEOC vs. State of Tennessee Wildlife Resources Agency, U.S. District Court, Nashville, Tennessee, 1986). So, while there is a relationship between age and ability to perform, age alone does not cause decline in physical performance. However, this relationship between age and performance has been used in several states as the rationale for earlier retirement of law enforcement personnel.

Hazardous Duty. While hazardous duty is not defined in the legislation, the term has been used in reference to State Police officers' duties since the early 1940s. For example, the 1944 report states:

....because of the many hazards and risks incident to the duties of the State Police such members should be afforded further protection than is now provided by the Virginia Retirement Act.....the duties of the State Police require strenuous service under conditions often of great danger to the Police.....more adequate provision should be made to cover disabilities resulting from a performance of duty.....the retirement age of such persons should be lowered.

Other Issues. Though the age and hazards issues remained central to the argument for a separate State Police officers retirement system, other issues were identified. The 1944 report noted that "the Commonwealth of Virginia, by careful selection and training, has organized an effective State Police Force." It asserted the need for an adequate system of retirement for the State Police in order to recruit and retain quality personnel.

The 1980 Report of the Virginia Retirement Study Commission stated that the "unique characteristics inherent in....sworn law enforcement duty constitute sufficient grounds for individual retirement systems." The Commission further observed, in reference to other groups desiring similar coverage, that "SPORS benefits do not and should not encompass responsibilities which relate to the administrative enforcement of laws, generally, rather than direct enforcement of penal, traffic and highway laws."

Extension to Local Jurisdictions

The 1969 Report of the Virginia Advisory Legislative Council on Proposals to Improve the State's Retirement Programs addressed the issue of permitting localities participating in VSRS to provide SPORS-like benefits to "their law enforcement officers and other personnel whose duties are comparably hazardous to those of State police. So long as the rationale for the distinction based on job differences between State employees and State police is valid, it should apply as well at the local level." Since 1970, local govern-

ments participating in VSRS have had the option of extending these benefits to their law enforcement personnel.

Currently, 48 local governments provide SPORS-like coverage to their law enforcement officers through VSRS (Table 1). Sixteen counties and 13 cities have given their sheriffs and deputies these benefits. These include the Counties of Augusta, Henrico, and Loudoun and the Cities of Martinsville and Suffolk. Police officers are covered in three counties, 19 cities, and 11 towns. The three counties are Chesterfield, Henrico, and Prince William. The cities include Bristol and Fredericksburg, and the towns include Vienna, Culpeper, and Altavista.

Rather than extend the special VSRS coverage to their law enforcement officers, another ten localities have opted to establish their own retirement systems. Police officers are able to retire earlier than general employees in eight cities and the Counties of Arlington and Fairfax. Sheriffs and their deputies are extended these benefits in the same two counties and the City of Charlottesville.

Recent Efforts to Further Expand the System

Since 1979, several groups have sought retirement benefits equal to those of the State Police. Legislation to provide the SPORS-like benefits available to localities has been introduced on behalf of certain State employees: the law enforcement officers of the State Corporation Commission and the Department of Alcoholic Beverage Control, and campus police at State universities. However, the General Assembly has not enacted this legislation.

More recently, groups have sought inclusion in SPORS itself. Repeated proposals have come before the General Assembly to extend SPORS benefits to all sheriffs and their deputies, game wardens in the Commission of Game and Inland Fisheries, and law enforcement officers in the Department of Alcoholic Beverage Control. Again, the General Assembly has not granted these groups entry into SPORS.

No group at the State level has obtained retirement benefits like those of the State Police. However, these attempts at inclusion have focused attention on the issue of law enforcement retirement. Since 1982, successive House Joint Resolutions have called for studies to examine SPORS and determine what personnel should be included within the system. The Retirement System Review Board determined in January 1986 that the issue of retirement of law enforcement officers should be considered in total rather than in a piecemeal fashion. The General Assembly deferred action on any proposals to admit other groups into SPORS until a comprehensive study was completed.

SPORS TODAY

Membership in SPORS is mandatory for all eligible State Police officers. As of November 1, 1986, the State Police had 1,381 active personnel

Table 1

VIRGINIA LOCALITIES PROVIDING EARLIER RETIREMENT
FOR LAW ENFORCEMENT OFFICERS

LOCALITY	Sheriff	Police	LOCALITY	Sheriff	Police
<u>COUNTIES</u>			Hampton	yes	yes
Albemarle	yes	--**	Hopewell	no	yes
Appomattox	yes	no	Lynchburg	yes	yes
Arlington	yes*	yes*	Manassas	--**	yes
Augusta	yes	--**	Martinsville	yes	yes
Campbell	yes	--**	Newport News	no	yes*
Chesterfield	yes	yes	Norfolk	no	yes*
Essex	yes	--**	Petersburg	no	yes
Fairfax	yes*	yes*	Poquoson	--**	yes
Goochland	yes	--**	Portsmouth	no	yes*
Hanover	yes	--**	Radford	yes	yes
Henrico	yes	yes	Richmond	no	yes*
Henry	yes	--**	Roanoke	yes	yes*
Loudoun	yes	--**	Salem	yes	yes
Mecklenburg	yes	--**	Staunton	yes	yes
Prince William	yes	yes	Suffolk	yes	yes
Pulaski	yes	--**	Virginia Beach	yes	yes
Roanoke	yes	--**	Winchester	no	yes
York	yes	--**	<u>TOWNS</u>		
<u>CITIES</u>			Altavista	no	yes
Bedford	no	yes	Big Stone Gap	no	yes
Bristol	no	yes	Chatham	no	yes
Charlottesville	yes*	yes*	Culpeper	no	yes
Chesapeake	yes	yes	Hurt	no	yes
Colonial Heights	yes	yes	Luray	no	yes
Danville	yes	yes*	Narrows	no	yes
Falls Church	no	yes*	Pearisburg	no	yes
Fredericksburg	yes	yes	Vienna	no	yes
Franklin	--**	yes	Vinton	no	yes
			Warrenton	no	yes

*Retirement benefits provided by local plan rather than through VSRS.

**Locality does not have this type of law enforcement personnel.

Source: JLARC survey of localities, and VSRS. Data current as of December 1986.

covered under SPORS. However, there are an additional 55 uniformed positions within the Department of State Police that are covered under VSRS instead. The weight enforcement officers holding these positions are not included in SPORS because their activity is primarily stationary, the exposure to risk is lessened, and the potential to harm citizenry is minimal.

SPORS, like the other two State retirement systems, was employee contributory until 1983. At that time the State elected to pay the employee share for all State employees. However, local plans which provide SPORS-like coverage to their enforcement officers through VSRS may be employee contributory if the local government, as employer, does not elect to pay the employee share.

Legislation was passed in the 1987 session of the General Assembly which will permit retirement of employees covered under VSRS at age 55 with 30 years of service. VSRS estimates that this can be done at no additional cost to the State due to the favorable funding position of the VSRS. While this gives general employees the same age and years of service requirement as that for the State Police, the general employees are not eligible for the same supplemental benefits as the State Police.

There are four primary differences between SPORS and VSRS (Table 2). First, State Police officers may retire with full benefits at age 60 with any number of years of service or age 55 with 30 years. Employees participating in VSRS may retire at age 65 with any number of years of service or at age 55 or older with 30 years. Second, State Police officers receive cost of living adjustments in their retirement pensions at age 55 or upon retirement thereafter. General employees are not eligible to receive them until they attain age 60, regardless of the age at which they retire. Third, the maximum benefit from the retirement system plus one-half the Social Security benefit cannot be more than 62.5 percent of the average final compensation for retirees from VSRS. For retirees from SPORS, it cannot exceed 100 percent of the average final compensation. Fourth, State Police officers with 20 years of hazardous duty service are eligible for a special retirement supplement which is not available to general employees.

JLARC REVIEW

Item 13 of the 1986 Appropriations Act directs the Joint Legislative Audit and Review Commission to:

....review the State Police Officers Retirement System and identify the criteria for covered employees, implicit in establishing SPORS as a separate retirement system. The Commission shall determine by December 1, 1987, which if any, other employees either employed by the state or whose compensation is provided by the state, who are sworn officers with general police powers, and meet all the criteria originally established for coverage under SPORS, or would meet appropriate criteria if established at the present time.

Therefore, three major issues were identified and examined in the course of the JLARC review:

- (1) What was the Legislature's intent in establishing SPORS?
- (2) What criteria regulate membership in SPORS?

Table 2
DISTINCTIONS BETWEEN SPORS AND VSRS

	SPORS	VSRS
Normal retirement age ^a	60 (55/30)	65 (55/30) ^b
Eligible for cost of living adjustment	age 55	age 60
Maximum retirement allowance plus social security ^c	100% average final compensation	62.5% ^d average final compensation
Special supplement ^e	with 20 years hazardous duty service	none

^aAge (age and years of service) at which eligible for full retirement benefits.

^bThe 55/30 provision applies to local employees at the option of the locality.

^cMaximum benefit from the retirement system plus one-half of the primary social security benefit to which the retiree is entitled at age 65 cannot exceed a given percentage of the retiree's average final compensation.

^dAffects only individuals hired on or after April 1, 1980.

^eIn addition to their regular retirement benefits, SPORS retirees with at least 20 years of service in a hazardous duty position receive a special supplement of \$250 per month from the date of retirement until age 58, and \$500 per month from age 58 to age 65.

Source: Virginia Retirement Systems, reprinted from the *Code of Virginia of 1950 and the 1986 Cumulative Supplement*; and Senate Bill 434, 1987 legislative session.

- (3) Considering legislative intent and membership criteria, which other groups, if any, would be eligible for membership?

Study Activities

Several activities were undertaken to address the study issues. These include identification of law enforcement groups, establishment of assessment criteria, and data collection and analysis. A full technical appendix of research activities is available for review upon request at the JLARC offices, General Assembly Building, Suite 1100, Capitol Square, Richmond, Virginia.

Identification of Groups. A list of groups of law enforcement officers was compiled using Report Number One of the Retirement System Review Commission, 1985. The listing obtained from the Commission Report was supplemented by a review of the 1986-88 Appropriations Act and the Commonwealth Planning and Budgeting System Manual for a comprehensive listing of agencies with law enforcement functions. Agencies that (1) received appropriations for law enforcement functions and (2) were not already included in the study were contacted to determine whether or not they employed sworn law enforcement officers. Discussions with the Department of Criminal Justice Services identified two other groups with sworn personnel. In total, 20 groups were contacted.

In addition to the Department of State Police, the following 14 State groups were identified as employing sworn personnel:

Commission of Game and Inland Fisheries,
Department of Alcoholic Beverage Control,
Department of Corrections,
Department of Forestry,
Department of General Services,
Department of Mental Health and Mental Retardation,
Department of Motor Vehicles,
Division of Capitol Police,
Division of Parks and Recreation,
Marine Resources Commission,
State Corporation Commission,
State museums,
State university campus police, and
Virginia Port Authority.

Sheriff's departments were also included in the study, as their compensation is provided by the State.

Rather than collect data from all sheriff's departments and campus police throughout the State, only selected departments were contacted. Four sheriff's offices were included in the review: the City of Emporia and the Counties of Dinwiddie, Fairfax, and Fluvanna. These jurisdictions were selected based on a mix of department size and type of duties. Two university

campus police departments were studied -- an urban campus (Virginia Commonwealth University) and a large campus (The University of Virginia). These campuses were chosen because of the documented relationship between population density and crime found by several respected researchers. The law enforcement activities at both campuses should be more varied than those at suburban/rural and small campuses, thereby making the strongest possible case for campus police.

It was not necessary to collect numerical data from several groups identified initially. Telephone screening was used to determine that, while these groups were performing an enforcement function, they were not using sworn law enforcement officers with general police powers to provide that function.

Development of Assessment Criteria. Criteria for assessing the various law enforcement groups were developed from several sources. These sources consisted of the study mandate, the intent behind the establishment of SPORS as determined from the previous legislative studies, and an analysis of the responsibilities of the State Police. (Here and throughout this report, unless specified otherwise, references to the State Police pertain only to those members of the State Police who are SPORS participants.) A set of duty-based variables was developed to compare hazards and risks of other enforcement personnel to those of the State Police. These variables were developed through a review of the literature, as well as discussions with experts in the field who have studied police and law enforcement activities.

Data Collection and Analysis. Structured data collection instruments were mailed to groups identified as having a primary law enforcement function, and quantitative data were collected on a wide range of operational activities. Agencies were asked to supply data for calendar year 1985. However, if these data were not available, data for the most recent year, fiscal or calendar, were accepted. Agencies were asked to supply actual numbers if available. At the time data were collected from the groups listed above, data were also collected from the Department of State Police.

The numerical data collected from the law enforcement groups have some significant limitations. Some of the groups do not keep records on many of the data items needed for this study. Therefore, estimates were accepted. The agencies submitted estimates which were derived in different ways. Some surveyed all of their officers, obtaining an estimate at the line staff level. The agency representative tallied all responses and reported the totals. Other agencies conducted a survey of a subset of their law enforcement staff and projected the data for the remaining enforcement staff based on the data submitted by the subset.

Comparisons on certain data items were limited by the differences in definitions of terms among agencies. For example, several agencies included all instances of high speed driving under the category "high speed chase." For that same item, agency definitions of "high speed" varied. Some agencies counted any incidents of driving over the speed limit as high speed. Others counted anything 15 miles-per-hour over the limit. Still others set a standard for high speed as over 85 miles-per-hour.

To compensate for many of these data limitations, the JLARC analysis focused primarily on those measures which could be documented, such as: numbers of arrests, citations, injuries, disability retirements, and deaths. As used in this analysis, the data are meaningful indicators of the hazards and risks of direct law enforcement.

In-person interviews were conducted at all agencies and sheriff's departments that were sent data collection forms. Agency officials or sheriffs were interviewed. Two field officers or deputies, one young and one older, were also interviewed at each agency.

Preliminary data analysis showed two groups met the initial assessment criteria and faced some of the same hazards and risks as the State Police. Therefore, field observations were conducted with three of the law enforcement groups. Officers from the Department of State Police, the Commission of Game and Inland Fisheries, and the Department of Alcoholic Beverage Control were observed during a "typical" shift.

In addition, national trends for earlier retirement of law enforcement personnel were determined. Telephone interviews were conducted with retirement administrators in the 47 other contiguous states.

Report Organization

Chapter I has discussed the legislative intent in establishing SPORS as a separate retirement system. It has also detailed recent attempts to change SPORS, the differences between SPORS and the retirement options for general employees, and the issues addressed and the approaches taken in this study. Chapter II compares the other law enforcement groups to the State Police on all of the screening criteria. Other operational issues, such as mission and the recruitment, training, and fitness standards used by the groups, are discussed. Chapter III provides an overview of retirement systems for law enforcement personnel in other states. Chapter IV summarizes the findings from the survey of the other states and the comparison with law enforcement groups in Virginia.

II. COMPARISON OF LAW ENFORCEMENT GROUPS TO THE STATE POLICE

Analysis of the SPORS-related legislative reports indicates that the earlier retirement benefits in SPORS were intended to counter the effects of age on officer ability to perform State Police duties which regularly placed officers in hazardous situations. The study mandate directed JLARC to determine if other law enforcement groups should be included in SPORS. JLARC was not asked to recommend whether these other groups might merit another type of retirement. Therefore, the JLARC analysis was limited to comparisons of these groups to the Department of State Police to assess eligibility for SPORS coverage.

To accomplish this objective, a set of criteria which reflects the parameters of State Police work was developed. The criteria were developed from several sources, including the study mandate as well as interviews with noted experts in the field of police science and senior officers in the Department of State Police. These criteria were used as the basis for the comparisons between the Department of State Police and other law enforcement groups. The following criteria, applied as successive screens, were used to assess eligibility for SPORS benefits:

- sworn law enforcement officers,
- general police powers,
- unlimited statewide jurisdiction, and
- face hazards and risks comparable to the Department of State Police.

All groups from whom data were collected were compared to the State Police on all four criteria. To qualify for SPORS eligibility, the groups must be comparable to the Department of State Police on all of the criteria. For purposes of this discussion, each criterion will be considered a screen to each successive criterion. This screening reduces the number of groups discussed in each subsequent section of the report.

Fifteen groups, including the Department of State Police, employ sworn law enforcement officers (Figure 1). Eleven of these groups have general police powers. However, only three groups have primary responsibility for statewide law enforcement. The three agencies which employ sworn law enforcement officers with general police powers and unlimited statewide jurisdiction are the Department of State Police, the Commission of Game and Inland Fisheries (GIF), and the Department of Alcoholic Beverage Control (ABC).

The next section of this chapter discusses the screening criteria in detail. The rankings of the law enforcement groups on three hazardous duty factors follow. The three factors are further amplified with a discussion of the component variables and the reported values for each. The final section of this chapter discusses the differences in operating mission and the recruitment, training, and fitness standards used by the agencies.

ASSESSMENT OF FULL AND UNRESTRICTED POLICE POWERS

The concept of full and unrestricted police powers can be defined in terms of three specific criteria. These criteria were derived directly from the study mandate. Law enforcement officers must satisfy all three criteria to meet the first major screening for SPORS eligibility. They must be sworn law enforcement officers with general police powers who have primary responsibility for statewide law enforcement.

Two groups, in addition to the Department of State Police, meet the three initial criteria for membership in SPORS. These two groups are the law enforcement staffs for the Commission of Game and Inland Fisheries and the Department of Alcoholic Beverage Control.

Sworn Law Enforcement Officers

SPORS was established for State Police officers, who are sworn law enforcement officers. Therefore, eligibility discussions should be limited to those sworn law enforcement officers who most closely resemble the State Police.

Individuals involved in law enforcement take an oath which swears them into service. They can be sworn into service as either law enforcement officers or conservators of the peace. These oaths specify which sections of the *Code* they may enforce.

Section 9-169 of the *Code of Virginia* defines a law enforcement officer as "any full time employee....who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth....."

Fifteen groups employ individuals who are sworn as law enforcement officers. These groups are the Department of State Police, Commission of Game and Inland Fisheries, Department of Alcoholic Beverage Control, Department of Forestry, Division of Capitol Police, Marine Resources Commission, State Corporation Commission, University of Virginia, Virginia Commonwealth University, Virginia Port Authority, all four sheriffs departments, and the Department of Corrections.

The remaining groups are sworn as conservators of the peace. These groups include: investigators for the Department of Motor Vehicles; park rangers in the Division of Parks and Recreation of the Department of Conservation and Historic Resources; and the institutional police for the Department of Mental Health and Mental Retardation, the various Virginia State Museums, and the Department of General Services.

Individuals who are sworn as conservators of the peace should not be considered for membership in SPORS. Conservators of the peace have less authority than police officers. They are sworn only to maintain and preserve the peace. Their enforcement powers are limited to a set, relatively small

Figure 1

Evaluation Criteria for Assessing SPORS Eligibility

Law Enforcement Group	Full and Unrestricted Police Power			Hazardous Duty Factors									Mission	Standards	
	Sworn Law Enforcement Officer	General Police Powers	Unlimited Statewide Jurisdiction	Deaths, Disabilities, and Assaults				Arrests		High Speed Chases			Direct Public Protection	Training	Physical Fitness
				Line of Duty Death in Reporting Period	Recent Line of Duty Death	Rate of Duty Related Disability Retirement/Officer	Rate of Medical Attention Assault/Officer	Number Citations/Officer	Number Custodial Arrests/Officer	Average Number/Officer	Rate of Injury/Officer	Rate of Property Damage/Officer			
Department of State Police - Weight Enforcement Officers*	✓	✓	✓												
- All Other Officers	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Commission of Game and Inland Fisheries	✓	✓	✓								✓	✓			
Department of Alcoholic Beverage Control	✓	✓	✓				✓					✓			
Department of Forestry	✓														
Department of Motor Vehicles													✓		
Division of Capitol Police	✓	✓													
Division of Parks and Recreation															
Marine Resources Commission	✓					✓									
State Corporation Commission	✓														
University of Virginia	✓	✓					✓						✓		
Virginia Commonwealth University	✓	✓					✓						✓		
Virginia Port Authority	✓	✓								✓			✓		
Dinwiddie County Sheriffs Department	✓	✓													
Emporia City Sheriffs Department	✓	✓													
Fairfax County Sheriffs Department	✓	✓					✓								✓
Fluvanna County Sheriffs Department	✓	✓								✓			✓		
Department of Corrections Investigators*	✓														
Institutional Police for Department of Mental Health and Mental Retardation*															
Institutional Police for State Museums*															
Institutional Police for Department of General Services*															

✓ Indicates rates equal to or greater than those for the SPORS participants in the Department of State Police for numerical data, and similar requirements for non-numerical data
 Data for each law enforcement group is for the time period CY 1985 or FY 1986.
 * Because an early determination could be made that these groups were not sworn law enforcement officers with general police powers, no additional data were collected.
 Source: JLARC analysis of data supplied by law enforcement groups.

area. Groups whose officers are sworn as conservators of the peace have been eliminated from further consideration.

General Police Powers

"General police powers" (more commonly referred to as full police powers) include full arrest authority for all offenses as defined by the *Code of Virginia*, full service of process and papers, and authorized use of necessary deadly force. The Department of State Police is responsible for enforcing all criminal and traffic laws of Virginia. This responsibility necessitates the use of full arrest powers and has the potential to place officers in situations which could be hazardous. The police powers of the other law enforcement officers eligible for SPORS should be the same as those of the State Police.

Eleven groups of sworn law enforcement officers are vested with general police powers. These groups are the Department of State Police, Commission of Game and Inland Fisheries, Department of Alcoholic Beverage Control, Division of Capitol Police, University of Virginia, Virginia Commonwealth University, Virginia Port Authority, and all four sheriff's departments.

Five agencies employ sworn law enforcement officers with limited police powers. Marine Resources Commission officers are limited to enforcement of violations of fish and shellfish laws. Motor carrier inspectors for the State Corporation Commission (SCC) are limited to enforcing SCC regulations. Investigators for the Department of Corrections (DOC) have arrest powers for only those offenses related to DOC facilities, inmates, or staff. Forest wardens in the Department of Forestry are limited to enforcing only those laws that pertain to forests and woodlands. Finally, weight enforcement officers within the Department of State Police are statutorily vested with general police powers. However, the Department administratively limits them to enforcing weight and licensing infractions at the stationary truck scales.

Unlimited Statewide Authority

The final component of full and unrestricted police powers is unlimited statewide authority. Unlimited statewide authority is full police jurisdiction anywhere within and throughout the State. This component is important as it appears to represent a current legislative consideration behind the separate retirement system. Discussions and deliberations surrounding recent SPORS-related legislation, as well as the resolution calling for the study, indicated that groups admitted into SPORS should have the same statewide authority as does the Department of State Police. Two groups, in addition to the State Police, have unlimited statewide authority. These groups are the Commission of Game and Inland Fisheries and the Department of Alcoholic Beverage Control.

The criterion of unlimited statewide authority eliminates the Division of Capitol Police, Virginia Port Authority special police, campus police at the University of Virginia and Virginia Commonwealth University, and the four sheriff's departments. These groups have limited areas of jurisdiction. The Division of Capitol Police has jurisdiction on, and within 300 feet of, any property owned or controlled by the Commonwealth. In addition, they have enforcement responsibilities when assigned to accompany a number of State officials within Virginia. The Virginia Port Authority police have jurisdiction that extends one mile beyond Terminal property boundaries. The various groups of campus police enforce laws on the campus grounds and immediately adjacent streets, sidewalks, and highways. Sheriffs and deputies enforce laws in their localities.

A further consideration concerning sheriffs and their deputies is that they are constitutional officers. The General Assembly, in 1970, gave localities participating in VSRS the option of including their sheriff's departments in the local SPORS-like retirement plan. Twenty-nine localities currently provide SPORS-like benefits to these constitutional officers. As their duties are limited to a set jurisdiction, such as a county or city, the locality is the most appropriate place for their retirement benefits to be negotiated.

ASSESSMENT OF THE HAZARDS AND RISKS OF DIRECT LAW ENFORCEMENT

In addition to having the same arrest powers and range of authority, eligible law enforcement groups should meet the implied intent of SPORS. The final criterion for SPORS membership is that officers face hazards and risks comparable to those faced by the State Police. These hazards and risks appear to have been a major reason behind the establishment of a separate retirement system for the State Police.

The Department of State Police appears to consistently face more hazards and risks than do the other law enforcement bodies in the Commonwealth. All of the law enforcement groups in the State face hazards and risks of one kind or another. Individual officers have been involved in dangerous situations. However, the range and frequency of hazards and risks encountered by other law enforcement groups are not comparable to those faced by the State Police.

The hazards and risks of police work cannot be reduced to a single variable. However, a combination of three factors seems to measure the tangible aspects of direct law enforcement which produce the majority of the hazards and risks of the profession. The first factor demonstrates the extent of actual on-the-job injury or death. The second factor demonstrates the volume of arrest activity for the departments. As such, it is an indicator of the amount of individual officer exposure to situations which could be confrontational and, therefore, hazardous. The final factor, high speed chases, was mentioned by knowledgeable State officials as a reason for the establishment of SPORS. High speed chases were reportedly considered an

area where age may impede ability, consequently placing the public and individual officers in jeopardy.

The two remaining law enforcement groups have been ranked on these three factors *vis a vis* the Department of State Police (Table 3). When compared to the Commission of Game and Inland Fisheries and the Department of Alcoholic Beverage Control, the Department of State Police ranks first on six of nine variables. The GIF and ABC rank first on one and two variables, respectively. The Commission of Game and Inland Fisheries is first on average number of high speed chases per officer. The Department of Alcoholic Beverage Control ranks first on the per officer rates of medical attention assault and high speed chases with property damage.

The Department of State Police is the only group reporting any occurrences for three variables. The three variables are line-of-duty death during the reporting period, recent line-of-duty death, and high speed chases with officer injuries.

It appears that the Department of State Police is faced with a greater magnitude of hazards and risks than are any of the other law enforcement groups. The enforcement officers within the Commission of Game and Inland Fisheries and the Department of Alcoholic Beverage Control face some of the same hazards as the State Police. However, the data indicate that the State Police encounter hazardous situations more often.

The following sections discuss the variables which comprise the three hazard and risk factors. None of these variables should be used individually to determine the hazards and risks in law enforcement. When examined together, the variables appear to capture the range of physical hazards of direct law enforcement. In addition, measures of hazards have two components: the situation itself and officer reaction. In fact, several of the measures of individual injury may be attributable to officer error and not necessarily to the inherent hazards of the situation. The data collected by JLARC do not allow a determination of situational hazard as opposed to response hazard. However, this determination would not change the fact that the situation is hazardous.

Rates for the variables were computed by dividing the agency-supplied totals by the number of law enforcement staff. Complete tables for all law enforcement groups participating in the data collection effort may be found in Appendix B.

Death in the Line of Duty

The Department of State Police has a more frequent occurrence of death in the line of duty than either the Department of Alcoholic Beverage Control or the Commission of Game and Inland Fisheries. The Department of State Police experienced line-of-duty fatalities during the reporting period (CY 1985) as well as in 1986 and the first three months of 1987. In fact, during the period December 1984 to March 1987, there were five violent line-of-duty deaths in the Department of State Police. All State Police deaths are investi-

Table 3

**HAZARDOUS DUTY VARIABLE RANKINGS FOR THE
THREE LAW ENFORCEMENT GROUPS**

LAW ENFORCEMENT GROUP	HAZARDOUS DUTY VARIABLES								
	DEATHS, DISABILITIES, AND ASSAULTS				ARRESTS		HIGH SPEED CHASES		
	Line of Duty Death in Reporting Period	Recent Line of Duty Death	Rate of Duty Related Disability Retirement/ Officer	Rate of Medical Attention Assault/ Officer	Average Number Citations/ Officer	Average Number Custodial Arrests/ Officer	Average Number/ Officer	Rate of Injury/ Officer	Rate of Property Damage/ Officer
Department of State Police	1	1	1	2	1	1	2	1	3
Commission of Game & Inland Fisheries	*	*	2	3	2	2	1	*	2
Department of Alcoholic Beverage Control	*	*	*	1	3	3	3	*	1

*No occurrences during the reporting period.

Data for each law enforcement group is for the time period CY 1985 or FY 1986.

Source: JLARC analysis of data supplied by law enforcement groups.

gated by an internal review board. The review board found that no errors had been committed by the slain officers in any of these deaths.

During the reporting year (CY 1985), the State Police had three line-of-duty deaths. One of these was a violent death. The other two were heart attacks attributed to the job. During the same period, no other State law enforcement agency reported a line-of-duty death.¹

For all State law enforcement groups, deaths in the line of duty are fairly rare events. Therefore, the agencies were asked to report both deaths occurring during the reporting period as well as the date of the last line-of-duty death. The last line-of-duty death for the State Police was March 1987 while the last death in the line of duty for the GIF was in 1972. The ABC reports its last line-of-duty death occurred in 1950. Therefore, the Department of State Police is the only agency with a recent line-of-duty death.²

Historically, the Department of State Police has had a higher incidence of death in the line of duty than the other two agencies. Since the creation of the Department in 1942, 32 State Police officers have been killed in the line of duty. Three game wardens have died in the line of duty since the Commission of Game and Inland Fisheries was established in 1916. The Department of Alcoholic Beverage Control reports two line-of-duty deaths since its creation in 1934.

Disability Retirements

During the five-year period from 1982 to 1986, there were 15 line-of-duty disability retirements from the State Police (Table 4). The GIF had one disability retirement during this same period. There were no such retirements from the Department of Alcoholic Beverage Control. The average rates of disability retirement over the five-year period for the Department of State Police and the Commission of Game and Inland Fisheries are .00219 and .00126, respectively.

The rate for the Department of State Police includes three disability retirements due to severe heart problems. The 1978 Hypertension Act allows the State Police to take line-of-duty disability retirement for severe heart problems. Since the other two agencies do not have this option, a more appropriate comparison rate would be .00175, which removes the three heart disabilities from the State Police average. The revised rate of .00175 for the Department of State Police is still larger than that for the GIF.

¹No deaths were reported by the other State agencies included in this study.

However, among sheriff's departments statewide, one deputy was killed in the line of duty during the reporting period.

²Recent line-of-duty deaths are those which occurred in the period 1981-1985. Statewide, sheriff's departments have had a total of eight deaths during this period.

Table 4

DUTY-RELATED DISABILITY RETIREMENTS
BY LAW ENFORCEMENT GROUP, 1982-1986

LAW ENFORCEMENT GROUP	DISABILITY RETIREMENTS		
	Year	Position	Reason
Department of State Police	1986	Sergeant Agent Agent Trooper	back injury, struck by truck knee injury, fire scene leg injury, vehicle accident heart attack
	1985	Trooper Trooper	broken leg, struck by car heart attack
	1984	Sergeant Trooper Trooper	back injury, fall wrist injury, accident scene back injury, patrol car hit
	1983	Sergeant Trooper Trooper Trooper	back injury, lifting boat back injury, making arrest back injury, stacking tires shot in leg/lungs, making arrest
	1982	Trooper Sergeant	back injury, fall blocked artery, hypertension
Commission of Game & Inland Fisheries	1985	Warden	shot, spotlight patrol
Department of Alcoholic Beverage Control	--	--	--

-- None during this period.

Data for calendar years 1982-1986, inclusive.

Source: JLARC analysis of VSRS data.

Assaults

According to data supplied by the agencies, assaults are fairly rare events for all groups of law enforcement officers in Virginia. Nevertheless, the GIF and ABC both report higher rates of assaults than the Department of State Police (Table 5).

The per-officer rate of assaults requiring medical attention is higher for the ABC than for the Department of State Police (Table 6). The State Police had a total of 21 assaults which required medical attention. This results in a medical attention assault rate of .02 per officer for the Department of State Police. The Department of Alcoholic Beverage Control reports that four assaults required medical attention, which produces a rate of .03 per officer. The Commission of Game and Inland Fisheries reports two assaults required medical attention. The per-officer rate of medical attention assault for the GIF is .01.

Arrests

The State Police have much greater arrest activity than any of the other law enforcement divisions in the State agencies. On average, each State Police officer wrote 348 citations during calendar year 1985 (Table 7). This is over four times the average number (76) written by the GIF game warden. Comparatively, each ABC officer wrote nine citations during the same period.

The comparative dangers are further illustrated by the average number of custodial arrests per officer. Each State Police officer took, on average, 20 individuals into custody. On average, each GIF game warden took seven individuals into custody while each ABC officer made two custodial arrests.

High Speed Chases

None of the agencies had a specific definition of the speed at which a chase is considered high speed. Also, due to differences in their enforcement activities and responsibilities, agency reporting on this data item varied. While some agencies limited their submission to high speed pursuits, others included incidents of high speed driving.

The majority of State Police traffic activity is on interstate highways. Therefore, the traffic is moving at speeds usually in excess of the speed of traffic on smaller two-lane roads. For the purposes of this study, the Department of State Police reported those chases that resulted in an officer driving in excess of 85 miles per hour. There was some confusion by the Commission of Game and Inland Fisheries on the distinction between high speed pursuits and incidents of high speed driving. The data reported by the GIF appear to be a mix of the two. ABC agents frequently drive at high speeds for surveillance activities but rarely engage in high speed pursuits. The ABC submission also contains incidents of high speed driving.

Table 5

ASSAULT RATE PER OFFICER, BY LAW ENFORCEMENT GROUP
AND TYPE OF ASSAULT

LAW ENFORCEMENT GROUP	TYPE OF ASSAULT			Total
	Unarmed	Armed	Motor Vehicle	
Department of State Police	.10 (136)*	.02 (28)*	.03 (37)*	.15 (201)*
Commission of Game & Inland Fisheries	.22 (35)*	.12 (19)*	.12 (19)*	.46 (73)*
Department of Alcoholic Beverage Control	.25 (34)	.13 (18)	.04 (6)	.43 (58)

*Estimate submitted by group.

Numbers in parentheses are group totals.

Data for each law enforcement group is for CY 1985 or FY 1986.

Source: JLARC analysis of data supplied by law enforcement groups.

Table 6

MEDICAL ATTENTION ASSAULTS, BY LAW ENFORCEMENT GROUP

LAW ENFORCEMENT GROUP	MEDICAL ATTENTION ASSAULTS	
	Number	Rate Per Officer
Department of State Police	21	.02
Commission of Game & Inland Fisheries	2	.01
Department of Alcoholic Beverage Control	4	.03

Data for each law enforcement group is for CY 1985 or FY 1986.

Source: JLARC analysis of data supplied by law enforcement groups.

Table 7

AVERAGE NUMBERS OF CITATIONS AND CUSTODIAL ARRESTS
PER OFFICER, BY LAW ENFORCEMENT GROUP

LAW ENFORCEMENT GROUP	Average Number of Citations Per Officer	Average Number of Custodial Arrests Per Officer
Department of State Police	348 (477,069)	20 (26,869)
Commission of Game & Inland Fisheries	76 (12,089)	7 (1,059)
Department of Alcoholic Beverage Control	9 (1,204)*	2 (286)*

*Estimate submitted by group.

Numbers in parentheses are group totals.

Data for each law enforcement group is for the time period CY 1985 or FY 1986.

Source: JLARC analysis of data supplied by law enforcement groups.

The Commission of Game and Inland Fisheries reports the highest number (approximately four) of high speed chases per officer (Table 8). The Department of State Police reports approximately two high speed chases per officer. The ABC reports that on average each enforcement officer participated in approximately one high speed chase during the reporting period.

The definitional impurities of this measure were discussed in the beginning of this section. Due to these impurities, information on personal injury and property damage resulting from high speed chases might be better indicators of risk.

The Department of State Police reports that nine officers were injured in high speed chases. These are the only injured officers reported by any of the State law enforcement agencies.

All three agencies report property damage resulting from high speed chases. The ABC reports that high speed driving results in a per-officer

Table 8

HIGH SPEED CHASES, BY LAW ENFORCEMENT GROUP

LAW ENFORCEMENT GROUP	HIGH SPEED CHASES			
	Total Number	Average Number Per Officer	Rate of Injury Per Officer	Rate of Property Damage Per Officer
Department of State Police	2,266*	1.7	.007 (9)	.023 (32)
Commission of Game & Inland Fisheries	679*	4.3	0 (0)	.025 (4)
Department of Alcoholic Beverage Control	163	1.2	0 (0)	.081 (11)

*Estimate submitted by group.

Numbers in parentheses are group totals.

Data for each law enforcement group is for the time period CY 1985 or FY 1986.

Source: JLARC analysis of data supplied by law enforcement groups.

property damage rate of .081. The GIF and the Department of State Police report property damage from high speed chases at per-officer rates of .025 and .023, respectively.

The property damage reported by the Department of Alcoholic Beverage Control is limited to vehicular damage, most of which resulted in repair costs of approximately \$100. The most serious damage occurred during point-to-point surveillance rather than during an actual pursuit. The agent lost control of the car, and damage to the vehicle was estimated at \$1,300. The damages reported by the GIF include a broken fence, a downed tree, and damages to two vehicles. The costs of the vehicular damage ranged from \$250 to \$3,000. The damages usually occurred during spotlight patrol. The Department of State Police was unable to provide descriptions of its reported property damage.

OTHER OPERATIONAL CONSIDERATIONS

In addition to the assessment criteria discussed in the previous sections, there are two other areas which seem to highlight the differences between the Department of State Police and all other law enforcement groups within the State. These two areas are the operating missions and the standards for recruitment, training, and fitness.

Operating Mission

The mission of the State Police is the protection of the public. All State Police work is directed toward this responsibility. The full range of their powers of arrest is concerned with public protection.

While both the GIF game wardens and ABC enforcement officers are statutorily vested with general police powers, these general powers are not used routinely. The Commission of Game and Inland Fisheries states that its mission is game and wildlife enforcement. Game wardens do not ordinarily enforce other laws. The ABC also notes that, while its officers have full arrest authority, the Department concentrates primarily on alcohol-related offenses.

The ABC is a regulatory agency controlling the sale of alcoholic beverages. The Department of Alcoholic Beverage Control keeps records of time spent on licensing activities and non-licensing activities for its enforcement staff. The ABC estimates that its law enforcement staff spends 73 percent of its total time on licensee work, which includes background investigations on individuals applying for liquor licenses and inspections of licensed establishments. However, as some of this time is spent on criminal investigations, the Director of Field Operations estimates that 60 percent of law enforcement staff time is devoted to criminal matters and 40 percent to non-criminal matters. During interviews with law enforcement staff, however, one officer estimated that 60 percent of his time is spent on administrative work and 40 percent on police activities.

The primary mission of the Commission of Game and Inland Fisheries is the regulation and protection of wildlife. The 1985-1986 Annual Report of the Law Enforcement Division of the Virginia Game Commission contains various statistics on activities conducted by the game wardens throughout the State. The emphasis on game, fish, and boating law enforcement is noted by the percentages of law enforcement staff time devoted to enforcing these laws. The percentages of law enforcement staff time for 1986 are reported as 32 percent game law enforcement, 21 percent fish laws, 7 percent boating law enforcement, 2 percent general law enforcement, 10 percent hunter education, and 28 percent other not specified.

The different missions and degree of utilization of the statutorily defined powers of arrest are documented in the agency reported data on arrests (Table 9). The large majority of staff in both the ABC and the GIF make arrests only for misdemeanors. The majority of misdemeanors result in the

Table 9

PERCENT OF STAFF MAKING ARRESTS FOR FELONIES (F),
MISDEMEANORS (M), AND TRAFFIC VIOLATIONS (TV)

LAW ENFORCEMENT GROUP	ARRESTS								
	% Staff with 15 or More			% Staff with More than 5			% Staff with at Least 1		
	F	M	TV	F	M	TV	F	M	TV
Department of State Police	8 (107)	23 (318)	63 (867)	22 (304)	40 (551)	67 (923)	57 (779)	60 (822)	69 (949)
Commission of Game & Inland Fisheries	0 (0)*	86 (137)*	1 (1)*	1 (1)*	87 (139)*	6 (10)*	22 (35)*	90 (143)*	38 (60)*
Department of Alcoholic Beverage Control	1 (1)	36 (49)	0 (0)	3 (4)	60 (82)	0 (0)	13 (17)	79 (108)	13 (17)

*Estimate submitted by group.

Numbers in parentheses are group totals.

Data for each law enforcement group is for the time period CY 1985 or FY 1986.

Source: JLARC analysis of data supplied by law enforcement groups.

issuance of a summons to appear in court. Rarely is someone taken into custody on a misdemeanor. An individual's personal freedom is not at issue as would be the case in a felony arrest.

The percentage of the staff making arrests for both felonies and traffic violations is much greater for the Department of State Police than either of the other two groups. In CY 1985, 57 percent of the State Police made at least one felony arrest, 22 percent made more than five, and eight percent made more than 15. ABC reports that one officer (less than 1 percent of the enforcement staff) made over 15 felony arrests. None of the GIF game wardens made over 15 felony arrests, and less than one percent made more than five felony arrests. The numbers are similar for traffic violation arrests.

This mix of arrests is not surprising, as the majority of the offenses for which both ABC and GIF are primarily responsible are misdemeanors. Both these agencies appear to be using their full powers of arrest infrequently. Conversely, the numbers also indicate that the State Police are using their full arrest powers routinely.

The State Police also perform services unique to their department. These services often put the officers in situations with great risk potential. State Police officers handle strike duty and riot calls throughout the State. In addition, units within the State Police respond to bomb complaints and hostage situations. Other units provide assistance with hazardous chemical disposal and spills.

The Department of State Police takes precautions to avoid putting individual officers in unnecessarily perilous situations. However, the scope of the responsibilities of the State Police is such that the department serves as back-up for all other law enforcement groups in hazardous situations.

Recruitment, Training, and Fitness Standards

While there are no recruitment, training, or fitness requirements for inclusion in SPORS, the high selection and training standards used by the Department of State Police were noted in the initial legislative study of a separate retirement system for the State Police. The 1944 Report of the Commission to Consider a Death, Disability and Retirement System for the Virginia State Police Force stated, "the Commonwealth of Virginia, by careful selection and training, has organized an effective State Police Force." Moreover, such standards may be indicative of the performance level required of the personnel hired. All three groups currently exceed the training standards established for law enforcement officers by the Department of Criminal Justice Services (DCJS).

The Department of State Police is more stringent in its hiring practices than either the Commission of Game and Inland Fisheries or the Department of Alcoholic Beverage Control. The Department of State Police also exceeds all other groups in its training and physical fitness requirements.

Recruitment. For consideration by the State Police, applicants must be high school graduates or have a GED, be 21 years of age, have 20/40 uncorrected vision in each eye, and be of good character and reputation (Table 10). They must successfully complete a written examination and a physical agility test, be of sound physical condition as determined by a physician, possess a valid Virginia motor vehicle operator's license and a good driving record, and be willing to accept assignment anywhere in the State. If they meet all of these criteria, they are brought in for a personal interview. Successful candidates then undergo psychological testing. Background investigations are performed on all applicants.

The stated recruitment standards for both the GIF game wardens and the ABC enforcement officers are less rigid than those imposed by the State Police. Of the two agencies, the recruitment standards for the GIF are more similar to those used by the State Police. However, the GIF requires fewer written tests and physical fitness standards for recruits than does the Department of State Police. Although the Department of Alcoholic Beverage Control imposes a more stringent educational requirement on candidates, overall its recruitment standards are less rigorous than those of either the GIF or the State Police.

Training. The Department of Criminal Justice Services mandates an eight-week basic training course at an approved academy and 60 hours on-the-job field training for all certified State law enforcement officers. Officers must qualify with firearms annually and attend 40 hours of in-service recertification training every two years.

Table 10

RECRUITMENT STANDARDS AND PROCESSES
BY LAW ENFORCEMENT GROUP

LAW ENFORCEMENT GROUP	Standards	Processes
Department of State Police	high school graduate or GED minimum age 21 valid driver's license good driving record willing to relocate vision standard weight & height standard good physical condition	written aptitude test Reid report Gordon profile background investigation psychological exam physical exam physical agility test
Commission of Game & Inland Fisheries	high school graduate or GED minimum age 21 valid driver's license good driving record willing to relocate vision standard no handicaps	written aptitude test medical history background investigation psychological exam physical exam physical agility test
Department of Alcoholic Beverage Control	Associate of Arts degree law enforcement experience administrative ability	background investigation physical exam

Standards reported in effect as of November 1986.

Note: Processes column is not correlated to standards column.

Source: JLARC analysis of data supplied by law enforcement groups.

New employees of the Commission of Game and Inland Fisheries and the Department of Alcoholic Beverage Control have academy training periods of 11 and 13 weeks, respectively (Table 11). However, GIF game wardens hired before 1983 and ABC enforcement officers hired before 1977 are not required to meet DCJS academy training standards. Therefore, these agencies report that approximately 20 percent of the present force of the Commission of Game

Table 11

TRAINING STANDARDS, BY LAW ENFORCEMENT GROUP

LAW ENFORCEMENT GROUP	TRAINING STANDARDS			
	Field Training	Academy Training	In-Service Training	Firearms Qualification
Department of State Police	3 months	19 weeks	every year	twice a year
Commission of Game & Inland Fisheries	2 weeks	11 weeks	every two years	once a year
Department of Alcoholic Beverage Control	up to 6 weeks	13 weeks	every two years	once a year

Standards reported in effect as of November 1986.

Source: JLARC analysis of data supplied by law enforcement groups.

and Inland Fisheries and 30 percent of the enforcement officers within the Department of Alcoholic Beverage Control have not had the mandated academy training. They do, however, meet the in-service training and firearms qualifications.

Training standards for the State Police are more rigid. Immediately upon employment, troopers attend a five-day preliminary training program and orientation. They are then assigned to an experienced trooper for a three-month period of field training and observation, during which time their progress is evaluated. Following field training, troopers attend a 19-week basic training school at the State Police Academy in Richmond. After receiving their assignments, all officers spend one week each year attending in-service training. Twice a year troopers must qualify with firearms.

Fitness Standards. In the Department of State Police, fitness standards are applied both at entry on duty and annually thereafter (Table 12). Before a trooper is hired, he or she must pass a psychological test and a complete physical performed by the department doctor. Visual acuity must be 20/40 in each eye uncorrected. Every year thereafter, officers undergo checks on their blood pressure, weight, and visual acuity. Complete physicals are performed periodically based on officer age: every four years for officers age 21 to 34, every two years for officers age 35 to 49, and every year for officers age 50 and over.

Table 12

FITNESS STANDARDS, BY LAW ENFORCEMENT GROUP

LAW ENFORCEMENT GROUP	FITNESS STANDARDS			
	Physical Exam	Visual Acuity	Weight in Proportion to Height	Agility Tests
Department of State Police	entry and periodically	entry and periodically	entry and periodically	entry
Commission of Game & Inland Fisheries	entry	entry	---	entry
Department of Alcoholic Beverage Control	entry	---	---	---

---No standards reported for these areas.

Standards reported in effect as of November 1986.

Source: JLARC analysis of data supplied by law enforcement groups.

The physical examination includes an electrocardiogram, aural acuity, uncorrected vision, urine and blood analysis, and reaction time. Any abnormality is referred to the department doctor. Individuals are put on weight control as needed. If satisfactory performance is not made, action is taken under the standards of conduct, which could lead to termination.

State Police also undergo rigorous physical strength and agility tests at time of employment. The battery of tests is designed to measure different physical abilities and is used as an indicator of the applicant's ability to perform the physical aspects of the job. Scores must be achieved on these tests which meet or exceed the standards established by the Department of State Police.

Fitness requirements for the GIF game wardens and the ABC enforcement officers are applied at entry on duty. Both agencies require new employees to pass a medical examination. In addition, the Commission of Game and Inland Fisheries has a vision standard, requires psychological testing of candidates, and has an agility test consisting of running and lifting. Neither agency, however, has a standard for weight in proportion to height as does the Department of State Police.

SUMMARY

This analysis has been limited to a comparison of the various law enforcement groups in Virginia to the Department of State Police to assess eligibility for the retirement benefits in SPORS. JLARC was not asked, nor has this analysis attempted, to assess eligibility of these groups for another type of retirement system.

Comparison criteria were developed from several sources including the study mandate and interviews with individuals knowledgeable about policing. Using the comparison criteria, the number of groups found to be similar to the State Police decreased with each step in the analysis. Fifteen groups, including the Department of State Police, employ sworn law enforcement officers. Eleven of these groups are vested with general police powers. Three of these 11 groups have unlimited statewide jurisdiction: the Department of State Police, the Commission of Game and Inland Fisheries, and the Department of Alcoholic Beverage Control. Both groups do face some of the same hazards and risks as the State Police.

Individual officers from most State law enforcement groups have been involved in some extremely dangerous situations. However, the data indicate that none of these groups face hazards and risks as frequently as does the Department of State Police. The final conclusion drawn from the analysis is that the Department of State Police is unique among all the other law enforcement groups in the State of Virginia.

III. RETIREMENT SYSTEMS FOR LAW ENFORCEMENT OFFICERS IN OTHER STATES

Virginia is not alone in allowing its State Police officers full service retirement at an earlier age than other State employees. State police officers in all but one of the 48 contiguous states have the opportunity to retire upon reaching an earlier age, completing fewer years of service, or some combination of the two. Thirty-two states also permit earlier retirement for certain other law enforcement officers (Figure 2). Of these, two groups are included in earlier retirement plans more often than others: game wardens in nearly one-half of the states and alcoholic beverage enforcement officers in approximately one-third.

Retirement systems for law enforcement personnel vary significantly by state. There are differences in which groups of law enforcement officers, if any, are given earlier retirement. The age and years of service requirements that these officers must meet to receive full benefits upon retirement also vary. Another way in which the systems differ is by funding mechanism. While most states require all employees to contribute to their retirement, eight have systems which are funded entirely by the state. Another eight require contributions of only certain classes of employees.

Retirement administrators cited numerous reasons for providing law enforcement officers with earlier retirement than other state employees. However, two reasons predominated all others: the performance of hazardous duty and age effectiveness.

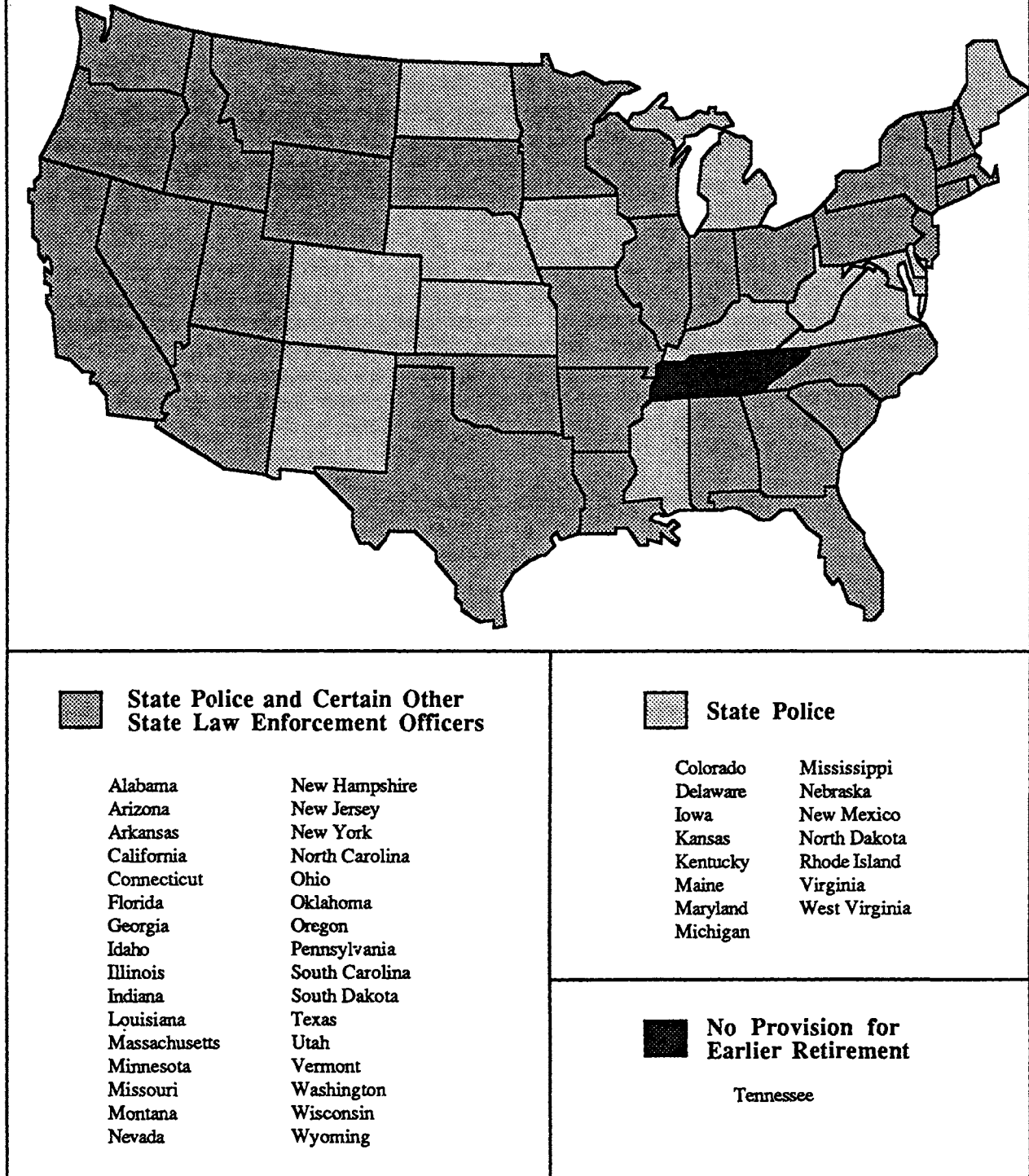
The data reported in this analysis are based on the most recent provisions of the retirement systems in each state. Therefore, the eligibility requirements for full service retirement affect new state employees, but not necessarily those who were already in service before changes were made to their system. For example, in Tennessee only state police and game wardens who were hired before 1976 may retire earlier than other state employees. All state employees hired after 1976 must meet the same requirements for full service retirement. Therefore, Tennessee is classified as the one state which does not have any provision for earlier retirement.

Eligible Law Enforcement Officers in Other States

While almost all states provide earlier retirement for their state police, eligibility of other law enforcement groups for the same or similar benefits varies by state. Game wardens and alcoholic beverage enforcement officers are included in earlier retirement plans in 46 and 33 percent, respectively, of the states surveyed (Table 13). Sheriffs and their deputies are covered in 31 percent of the states. Capitol police and park rangers are included in 21 percent each. Forest wardens, enforcement officers of state marine resources or port authorities, college and university campus police, and department of motor vehicle investigators are included in 15 percent or less. Groups eligible for earlier retirement by state may be found in Appendix C.

Figure 2

Earlier Retirement of Law Enforcement Officers In the 48 Contiguous States



Data reported on retirement plans for new employees as of December 1986.

Source: JLARC survey of state retirement administrators and JLARC review of state retirement statutes.

Table 13

NUMBER AND PERCENT OF THE 48 CONTIGUOUS STATES WITH
EARLIER RETIREMENT FOR LAW ENFORCEMENT GROUPS

LAW ENFORCEMENT GROUP	Number of States	Percent of Total
State Police	47	98
Game and Fish Wardens	22	46
Alcoholic Beverage Enforcement ^a	16	33
Sheriffs/Deputies ^b	15	31
Capitol Police ^c	10	21
Park Rangers	10	21
Forest Wardens	7	15
Marine Resources ^d	7	15
Department of Motor Vehicles ^e	6	13
College/University Campus Police	6	13
Port Authority ^f	3	6
No Group Covered	1	2

^aAlcoholic beverage enforcement performed by the state police in one state; no such enforcement group in an additional two states.

^bStates with mandatory county and local coverage.

^cFunction performed by state police in three states; no capitol police in an additional seven states.

^dNo marine officers in 27 states.

^eFunction performed by state police in four states; no department of motor vehicle enforcement officers in an additional two states.

^fFunction performed by state police in one state; port authority not considered state employees in two states; no port authority in an additional 30 states.

Data reported on retirement systems for new employees as of December 1986. Law enforcement groups limited to those groups listed in Chapters I and II.

Source: JLARC survey of state retirement administrators and JLARC review of state retirement statutes.

Virginia is one of five southeastern states that has full service retirement at an earlier age only for members of its state police (Figure 3). Five southeastern states allow earlier retirement for state police and certain other state law enforcement officers. Alcoholic beverage control officers are covered under earlier retirement plans in five states and game wardens are covered in four. Tennessee does not permit its law enforcement personnel to retire with full benefits earlier than other state employees. Additional details on the age and years of service required for retirement of law enforcement officers in the southeastern states can be found in Appendix D.

Retirement Age and Years of Service in Other States

The age and number of years of service that law enforcement officers must attain in order to qualify for full service retirement differ from state to state. Few states have only one age at which officers are eligible to retire. In fact, most allow two or more options, such as a specific age and number of years of service, or any age and a specific number of years of service.

The normal retirement age for general employees also varies by state. Most states have normal retirement at age 60 or over. Many also allow general employees to retire at any age, with the criterion of a specific number of years of service. This type of variation makes it difficult to accurately compare earlier retirement benefits among the states.

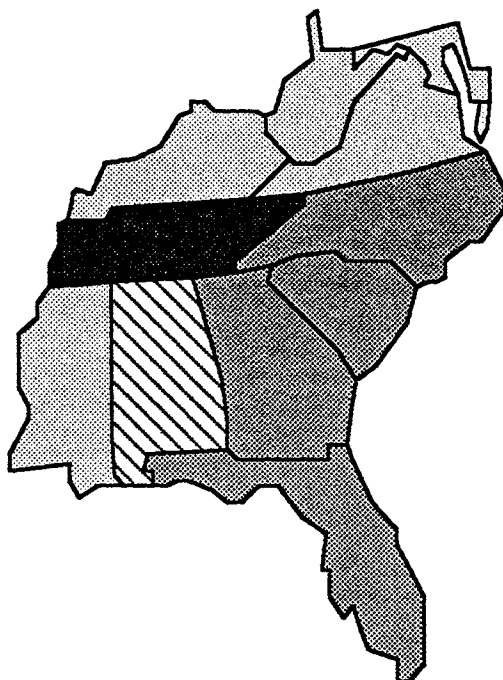
The comparison of benefits among states is further complicated by those states which have more than one earlier retirement plan for law enforcement officers. Most states have the same age and service requirements for all law enforcement personnel covered under earlier retirement plans. However, a few states have different requirements for the various personnel covered under these plans. For example, state police in Louisiana can retire at any age with 20 years of service, game wardens at any age with 25 years, and other state employees at any age with 30 years.


Discussion here of age and years of service requirements for full service retirement has been limited to those states which provide earlier retirement to game wardens and/or alcoholic beverage enforcement officers. Comparisons of requirements between these groups have not been made. Additional information on age and years of service for full retirement may be found in Appendix C.


Game Warden Retirement. Although 22 states include game wardens in an earlier retirement plan for law enforcement personnel, only four of these states do not require them to contribute to their own retirement. In three of the 22 states, they may retire as early as age 45, with a specified number of years of service (Table 14). In another 17 states, the age for full service retirement varies from 50 to 65, with required years of service ranging from any to 30. There is more than one age and years of service combination in nine states. Game wardens are able to retire at any age in eight states by meeting a service requirement ranging from 20 to 35 years. Two of the 22 states have retirement at any age with 25 years of service as the only option for full benefits.


Figure 3


Earlier Retirement of Law Enforcement Officers in the Southeastern States



 **State Police**
Kentucky
Maryland
Mississippi
Virginia
West Virginia

 **State Police and Alcoholic Beverage Enforcement Officers**
Alabama

 **State Police, Game Wardens, and Alcoholic Beverage Enforcement Officers**
Florida
Georgia
North Carolina
South Carolina

 **No Provision**
Tennessee

Data reported on retirement plans for new employees as of December 1986.
Source: JLARC survey of state retirement administrators and JLARC review of state retirement statutes.

Table 14

AGE AND YEARS OF SERVICE REQUIREMENTS FOR
FULL-SERVICE RETIREMENT IN THE 22 STATES
WITH EARLIER RETIREMENT FOR GAME WARDENS

AGE	YEARS OF SERVICE								State Totals
	4	5	10	15	20	25	30	Any	
45			1	1	1				3
50					1	1			2
55	1	3	4		2	1		2	13
60		2	1						3
62				1					1
65	1		1						2
Any					3	3	3		9*
State Totals	2	5	7	2	7	5	3	2	33**

*Total greater than eight because two states have two options each.

**Total greater than 22 because nine states have two or more age and years of service combinations.

Data reported on retirement plans for new employees as of December 1986.

Source: JLARC survey of state retirement administrators and JLARC review of state retirement statutes.

Alcoholic Beverage Enforcement Retirement. Sixteen states include their alcoholic beverage enforcement officers in an earlier retirement plan. However, only one state has non-contributory earlier retirement for its alcoholic beverage enforcement officers. In two of the 16 states, these officers may retire as early as age 45 with a specified number of years of service (Table 15). The age requirement in the remaining 14 states varies from 50 to 65, with an accompanying service requirement ranging from any to 30. Nine states have more than one possible combination of age and years of service. Seven of these states allow alcoholic beverage enforcement officers to retire at any age by completing from 20 to 35 years of service.

Reasons for Separate Retirement Systems

State retirement administrators offered insights on the primary reason for providing their law enforcement personnel with earlier retirement

Table 15

AGE AND YEARS OF SERVICE REQUIREMENTS FOR
 FULL-SERVICE RETIREMENT IN THE 16 STATES
 WITH EARLIER RETIREMENT FOR
 ALCOHOLIC BEVERAGE ENFORCEMENT OFFICERS

AGE	YEARS OF SERVICE									State Totals
	4	5	10	15	20	25	30	35	Any	
45				1	1					2
50					1	1			1	3
52			1							1
55		3	2		1	1			4	11
60		1	1							2
65	1									1
Any					1	3	3	1		8*
State Totals	1	4	4	1	4	5	3	1	5	28**

*Total greater than seven because one state has more than one option.

**Total greater than 16 because nine states have two or more age and years of service combinations.

Data reported on retirement plans for new employees as of December 1986.

Source: JLARC survey of state retirement administrators and JLARC review of state retirement statutes.

benefits (Table 16). The reasons for developing and maintaining special retirement benefits for state police and other law enforcement groups generally fall into one of two categories. Sixteen of these administrators identified age effectiveness, and 11 noted hazardous duty. While another four administrators did not believe that hazardous duty was the primary reason for earlier retirement of law enforcement personnel in their states, they gave reasons related to hazardous duty. These included strenuous duties, law enforcement duties, and uniqueness of duty. An additional seven states include the purpose for creating a separate system or special benefits in statute. In four of them, the statutes refer to the hazardous or special risk nature of law enforcement duty. Age effectiveness, public safety, and recruitment of personnel were identified in statute by one state each.

Table 16

PRIMARY REASON FOR EARLIER RETIREMENT
OF LAW ENFORCEMENT PERSONNEL ACCORDING
TO STATE RETIREMENT ADMINISTRATORS OR STATUTE

<u>REASON GIVEN</u>	<u>STATES</u>
Age Effectiveness	Arkansas, Florida*, Georgia, Indiana, Kansas, Maine, Maryland, Massachusetts, Nevada, New Hampshire, North Carolina, Oklahoma, Oregon, South Carolina, South Dakota, Virginia, and Wisconsin
Hazardous Duty	Arizona*, California, Connecticut, Delaware, Idaho*, Illinois, Kentucky*, Louisiana, Minnesota, Mississippi*, Montana, New Jersey, New Mexico, Pennsylvania, and Wyoming
Effective Lobbying	Missouri and New York
Recruitment	North Dakota* and Rhode Island
No Social Security Coverage for State Police	Alabama and Iowa
Strenuous Duties	Texas and Vermont
Law Enforcement Duties	Ohio
Uniqueness of Duty	Nebraska
Job Burnout	Michigan
Public Safety	Utah*
Reason Unknown	Colorado, Washington, and West Virginia

*Cited in statute.

Source: JLARC survey of state retirement administrators and JLARC review of state retirement statutes.

Contributory and Non-Contributory Systems

The retirement systems in most states are funded at least in part by employee contributions. Thirty-two states require contributions of all state employees. Funding in another eight states varies by employee classification. Five of these states are contributory for law enforcement personnel who have earlier retirement but non-contributory for general employees. The other three are contributory for general employees but non-contributory for law enforcement personnel included in earlier retirement plans. The remaining eight states, including Virginia, have retirement systems which are funded entirely by the state (Figure 4).

Generally, the provisions for earlier retirement in the states with non-contributory systems are more restrictive than those in states which have contributory systems. They tend to include fewer law enforcement groups as well as have higher age and years of service requirements. Ten states do not require the law enforcement personnel who are eligible for earlier retirement to contribute to their retirement (Figure 5). Game wardens are included in four states with non-contributory earlier retirement, and alcoholic beverage enforcement officers are included in one. In four of these states, the only law enforcement group given such benefits is the state police.

Thirty-seven states require their law enforcement personnel with earlier retirement to contribute to their retirement. Game wardens and alcoholic beverage enforcement officers must contribute to their retirement in 18 and 15, respectively, of the states which permit them earlier retirement. Eleven of the 37 states with contributory earlier retirement for law enforcement personnel restrict eligibility to their state police.

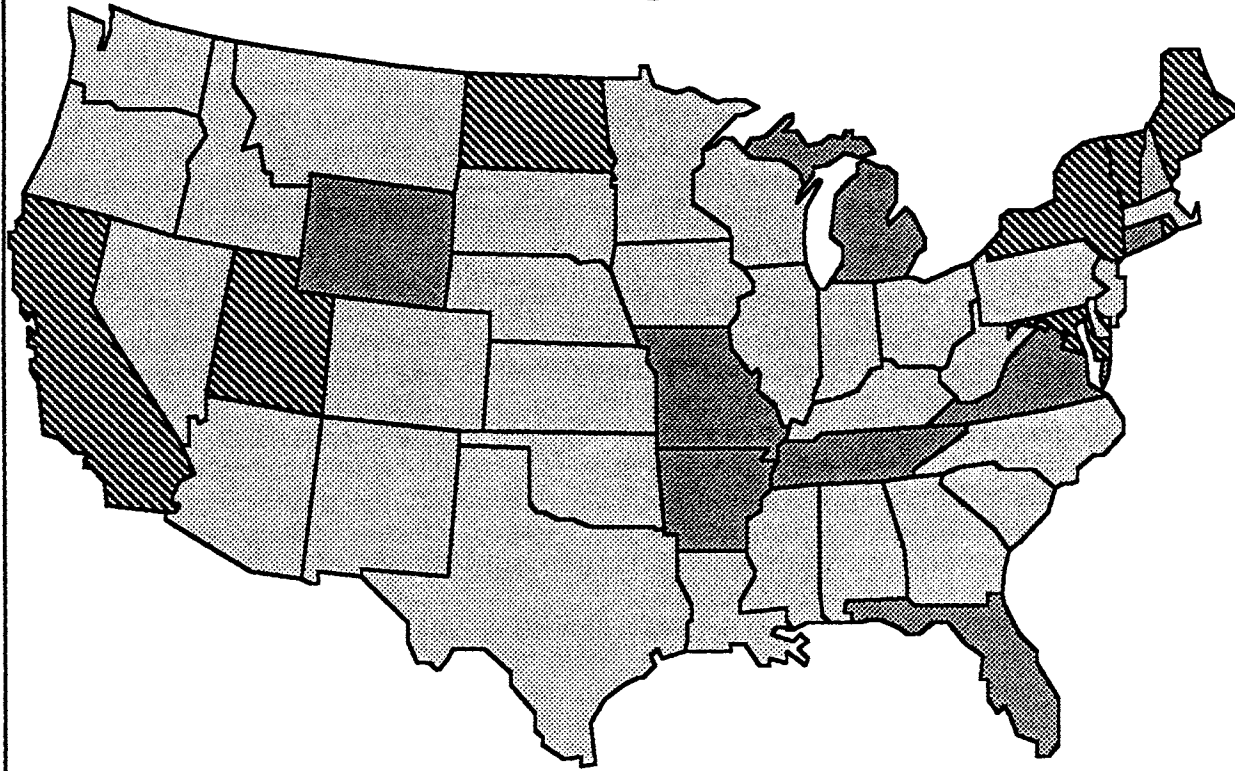
In terms of retirement system, the non-contributory states are the most relevant comparison group to Virginia. However, JLARC did not collect information on the types of duties and responsibilities of the law enforcement groups in any of the other states. Therefore, the duties of the state police, game wardens, and alcoholic beverage enforcement officers in the other states may not be comparable to those of their counterparts in Virginia.

SUMMARY

JLARC analysis of the trends for retirement of law enforcement personnel in the 48 contiguous states indicates that Virginia is not unusual in its retirement policies. All states but one permit their state police to retire at an earlier age or with fewer years of service than other state employees. Many states also permit other law enforcement groups to retire earlier. Two groups are included more often than others in the states surveyed: game wardens and alcoholic beverage enforcement officers in 22 and 16 states, respectively. However, earlier retirement is limited to state police in 15 states.

Figure 4

Funding Mechanism for Retirement Plans In the 48 Contiguous States



**States with Solely
Contributory Plans**

Alabama	Nebraska
Arizona	Nevada
Colorado	New Hampshire
Delaware	New Jersey
Georgia	New Mexico
Idaho	North Carolina
Illinois	Ohio
Indiana	Oklahoma
Iowa	Oregon
Kansas	Pennsylvania
Kentucky	South Carolina
Louisiana	South Dakota
Massachusetts	Texas
Minnesota	Washington
Mississippi	West Virginia
Montana	Wisconsin



**States with Solely
Non-contributory Plans**

Arkansas	Missouri
Connecticut	Tennessee
Florida	Virginia
Michigan	Wyoming



**States with Mixed
Funding Mechanisms**

California	North Dakota
Maine	Rhode Island
Maryland	Utah
New York	Vermont

Data reported on retirement plans for new employees as of December 1986.

Source: JLARC survey of state retirement administrators and JLARC review of state retirement statutes.

Figure 5

Earlier Retirement of State Police, Game Wardens, and Alcoholic Beverage Enforcement Officers in the 48 Contiguous States, by Funding Mechanism

State	State Police, Game Wardens and Alcoholic Beverage Enforcement Officers		State Police and Game Wardens		State Police and Alcoholic Beverage Enforcement Officers		State Police and Other Law Enforcement Groups*		State Police Only		No Law Enforcement Groups	
	C	N	C	N	C	N	C	N	C	N	C	N
Alabama					•							
Arizona			•									
Arkansas				•								
California	•											
Colorado									•			
Connecticut				•								
Delaware									•			
Florida		•										
Georgia	•											
Idaho	•											
Illinois			•									
Indiana	•											
Iowa									•			
Kansas									•			
Kentucky									•			
Louisiana			•									
Maine										•		
Maryland									•			
Massachusetts			•									
Michigan										•		
Minnesota			•									
Mississippi									•			
Missouri							•					
Montana			•									
Nebraska									•			
Nevada							•					
New Hampshire	•											
New Jersey					•							
New Mexico									•			
New York								•				
North Carolina	•											
North Dakota									•			
Ohio							•					
Oklahoma					•							
Oregon					•							
Pennsylvania					•							
Rhode Island										•		
South Carolina	•											
South Dakota			•									
Tennessee**												•
Texas	•											
Utah	•											
Vermont			•									
Virginia										•		
Washington							•					
West Virginia									•			
Wisconsin	•											
Wyoming				•								

* Includes other law enforcement groups but not game wardens or alcoholic beverage enforcement officers.
 ** No earlier retirement provision for any state employees.
 Data reported on retirement plans for new employees as of December 1986.
 Source: JLARC survey of state retirement administrators and JLARC review of state retirement statutes.

Most states require employees to contribute to their own retirement. Since State employees in Virginia do not contribute to their retirement, a more meaningful comparison would be to examine states with non-contributory earlier retirement for law enforcement personnel. Ten states do not require contributions from their law enforcement officers who are eligible for earlier retirement. State police are eligible in all ten states. Four states, including Virginia, restrict non-contributory earlier retirement to their state police. Game wardens are included in four states with non-contributory earlier retirement. One of these states also includes alcoholic beverage enforcement officers. Two states have non-contributory earlier retirement for their state police and certain other law enforcement groups, but not game wardens or alcoholic beverage enforcement officers.

IV. CONCLUSION AND RECOMMENDATION

The conclusion drawn from the analysis of law enforcement officers' duties and hazards is that the Department of State Police has a unique responsibility to the citizens of the State. This responsibility results in the State Police facing a greater number and degree of hazards and risks than the other law enforcement groups. This comparison is not meant to imply that other law enforcement officers within the State are not faced with hazards or physical hardships. However, according to study data, these hazards are not comparable to those faced by the State Police.

Further, assessment of trends for retirement of law enforcement personnel in other states shows that there is no predominant practice followed in other states. Therefore, it is not recommended that any of the other groups of State law enforcement officers be included in SPORS at this time.

Recommendation: The State Police Officers Retirement System should remain solely for those positions within the State Police that are currently covered. No other State law enforcement groups should be added at this time.

Earlier retirement of law enforcement officers has been an issue in Virginia for many years, and it will probably continue to be an issue in the future. Most of the law enforcement groups included in this study do not have ready access to statistics and documentation on many of the variables needed for this type of analysis. Therefore, JLARC accepted estimates. However, if these agencies maintained statistics and documentation for these variables, estimates would not have to be used for comparisons. To more accurately study this issue in the future, agencies which employ sworn law enforcement officers should maintain data and appropriate documentation on the hazard and risk variables outlined in this report.

APPENDIXES

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APPENDIX A
AGENCY RESPONSES

As part of an extensive data validation process, each State law enforcement group involved in JLARC's assessment effort was given the opportunity to comment on an exposure draft of this report.

Appropriate technical corrections resulting from the written comments have been made in this version of the report. Page references in the agency responses relate to an earlier exposure draft and may not correspond to page numbers in this version of the report. JLARC notes have been boxed and inserted into responses where necessary.

Included in this appendix are the following responses:

Department of State Police
Commission of Game and Inland Fisheries
Department of Alcoholic Beverage Control
Department of Forestry
Department of Motor Vehicles
Division of Capitol Police
Division of Parks and Recreation
State Corporation Commission
University of Virginia
Fairfax County Sheriff's Department
Department of Corrections
Department of General Services
Virginia Supplemental Retirement System

The following groups received copies of the exposure draft and did not submit written responses.

Marine Resources Commission
Virginia Commonwealth University
Dinwiddie County Sheriff's Department
Emporia City Sheriff's Department
Fluvanna County Sheriff's Department
Department of Mental Health and Mental Retardation
State Museums



APR 1 1987

COMMONWEALTH of VIRGINIA

COLONEL R.L. SUTHARD
SUPERINTENDENT

DEPARTMENT OF STATE POLICE

LT COL. W.F. CORVELLO
DEPUTY SUPERINTENDENT

P. O. Box 27472, Richmond, VA 23261-7472

April 10, 1987

Mr. Philip Leone
Director
Joint Legislative Audit and Review Commission
General Assembly Building, Suite 1100
Capitol Square
Richmond, VA 23219

Dear Mr. Leone:

I have reviewed the exposure draft covering the JLARC study assessing eligibility for the State Police Officers' Retirement System.

The report appears to adequately address the issues and accurately depicts information as it relates to the Department of State Police.

I appreciate your sharing this information with me; and, if further information is needed, please give us a call.

Sincerely,

Bob
Superintendent

RLS:RHW:lr

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APR 23 1987



COMMONWEALTH of VIRGINIA

COMMISSION OF GAME AND INLAND FISHERIES
BOX 11104, RICHMOND, 23230-1104

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4010 WEST BROAD STREET
BOX 11104
RICHMOND, 23230
(804) 257-1000

April 22, 1987

Mr. Philip A. Leone, Director
Joint Legislative Audit and
Review Commission
General Assembly Building, Suite 1100
Richmond, VA 23219

Dear Mr. Leone:

Thank you for the opportunity to review the exposure draft of An Assessment of Eligibility for State Police Officers Retirement System Benefits.

I would like to congratulate your staff for the amount of research performed as they attempted to arrive at an equitable solution. The report, while exceptionally well researched and assembled, seems to miss the point that this agency has the same responsibility as the state police to ensure that its law enforcement personnel are physically competent to perform their assigned missions. The thrust of the report, however, emphasizes the inherent differences between our law enforcement staff and the state police while giving little credence to the similarities.

The report recognizes the debilitating effects of age upon the physical ability of an officer, yet completely ignores the fact that the game warden's daily duties are far more strenuous than those of any other law enforcement officer. No mention is made of long foot patrols in swamps, forests, and mountains. No mention is made for a continuing need to be outdoors in all types of weather. Nor is there any mention of the need for wardens to spend a great deal of time on the water in boats.

Considerable space was allotted to discussions of chases. No mention is made that many chases in which game wardens engage are on more treacherous secondary roads or in boats or on foot. In fact, our officers routinely engage in foot chases which are not necessarily hazardous but can become so if the officer involved is in his fifties. The operation of watercraft in inclement weather and often in sub-freezing conditions is easily as hazardous as a high speed chase.

A point was made that state police invoke full police powers more than game wardens. This is as it should be. Game wardens are paid to enforce fish and game laws but enforce other laws as required. Game wardens have had full police powers for a short time, since 1982, but they are frequently called upon by other law enforcement agencies to exercise these powers on their behalf. We are proud of the fact that they are called upon and consider it to be mute testimony to their professionalism.

Mr. Philip A. Leone
April 22, 1987
Page 2

The report states that game wardens have experienced three fatalities since 1916. We may have mistakenly given this impression because that is all current records document. But we have indications that there were substantially more in the early days from 1916 through the thirties. We simply have no records to back this up.

The report makes note that state police are involved in chemical spills. Our people are also heavily engaged in such events.

With regard to prerequisites for the job, the report seems to gloss over the medical examination given applicants. It points out in detail what the state police require, but omits such detail regarding wardens. We use the same doctor that administers the physical examinations for the state police. Further, there is no reference to the physical agility test we require.

Actually, the above points are not as pertinent as the underlying philosophy in requesting the 55 year retirement policy. The study seems to penalize us because we are not the state police and do not do the same job. This fact is apparent. Game wardens are not the state police. They have a different mission. The game wardens' mission requires more, not less physical ability than any other police officer in the state. While hazards from felons are not as predominant among game wardens, they face hazards unknown to other law enforcement personnel. These include working in boats; navigating swamps; staying out all night, often for days, in inclement weather waiting for trappers, illegal hunters, or waterfowl trappers. The daily wear and tear of the job and the continuing physical demands are such that they take a greater toll and, after age 55, it is unlikely that many wardens can meet the physical demands of the job.

Certainly the thirty years, 55 retirement policy is one option; but many fine officers come to us later in life and the 30-year option is not available to them.

The state will be better served if the demands of this agency upon its wardens were evaluated against the needs of the agency and the citizens of this state and not simply compared to the duties of state police officers.

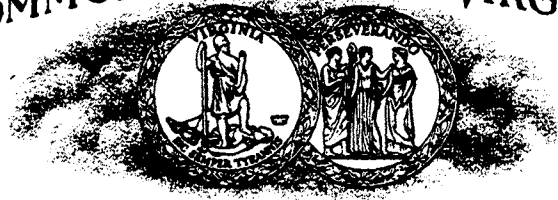
Sincerely,



R.H. Cross, Jr.
Executive Director

JPR/RHCjr/sp
cc: Col. Gerald Simmons

COMMONWEALTH OF VIRGINIA



2901 HERMITAGE ROAD P. O. BOX 27481
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ALCOHOLIC BEVERAGE CONTROL BOARD

DEPUTIES

WILLIAM J. ANDERSON
ROBERT L. GARIAN
ROBERT L. WATSON

April 22, 1987

Mr. Philip A. Leone, Director
Joint Legislative Audit and
Review Commission
Suite 1100
General Assembly Building
Richmond, Virginia 23219

Dear Mr. Leone:

Thank you very much for your most comprehensive report and findings, An Assessment of Eligibility for State Police Officers Retirement System Benefits, for my review. Needless to say, I am very disappointed in the recommendation results of your report.

Stress and hazardous duty are something hard to define. However, regarding the lack of eight-hour shifts from complete hazardous duty, I find the report is somewhat remiss in recognizing that our people have to face hazardous duty and unpleasant situations on a continuous basis. I realize that the State Police is a fine organization, and no one would deny their professionalism in the performance of their duties. However, consideration should be given to the fact that our agents, in the area of alcohol law enforcement, should be considered more in comparison to the BCI operation of the State Police because of the fact that not only do we control the distribution of alcohol in legally licensed establishments but we are also responsible for eliminating the illegal manufacture, transportation and sale of alcoholic beverages, meaning that those places that sell and dispense alcohol without a license should be considered dangerous and extremely hazardous.

I commend you and your staff on a fine report and note the above exception. I look forward to meeting with you in the very near future. I have tried to reach you by phone several times, but have been unsuccessful.

Very truly yours,

A handwritten signature in cursive script, appearing to read "J. Younger Coggin".

J. Younger Coggin

JYC:abg



APR 16 1987

JAMES W. GARNER
State Forester

COMMONWEALTH of VIRGINIA
DEPARTMENT OF FORESTRY

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April 16, 1987

Mr. Philip A. Leone
Director
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Suite 1100, General Assembly Building
Richmond, Virginia 23219

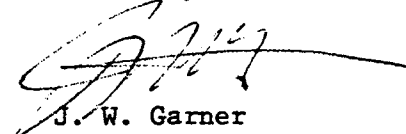
Dear Mr. Leone:

Thank you for your April 9 letter and the draft copy of the study entitled "An Assessment Of Eligibility For Police Officers' Retirement System Benefit." I have carefully read the report and within the mandates of the General Assembly it appears you and your staff have done a fine job.

I would offer only one minor comment. On page 22, third paragraph, it refers to "forest rangers" in the Department of Forestry. According to Title 10 of the Code employees of the Department of Forestry who are sworn officers are given the title of "forest wardens." Page 22 was the only place I recall seeing that misnomer but it may be elsewhere. "Forest warden" is used correctly on pages 49 and 50. Otherwise, I have no comment on the study except to thank you and the staff for including the Department of Forestry as part of the review. All too often our employees are not recognized for even their limited law enforcement responsibilities.

Thank you again for the opportunity to participate and also review the report. As you requested, it will remain confidential until the final publication is complete.

Sincerely,


J. W. Garner
State Forester



APR 22 1987

COMMONWEALTH of VIRGINIA
Department of Motor Vehicles
2300 West Broad Street

DONALD E. WILLIAMS
COMMISSIONER

MAIL ADDRESS
P. O. BOX 27412
RICHMOND, VIRGINIA 23269

April 21, 1987

Mr. Philip A. Leone, Director
Joint Legislative Audit and
Review Commission
General Assembly Building, Suite 1100
Capitol Square
Richmond, Virginia 23219

Dear Phil:

We have reviewed the draft of An Assessment of Eligibility for State Police Officers Retirement System Benefits. We have no additional comments to make.

Thank you for the opportunity to provide input.

Sincerely,

A handwritten signature in cursive script, appearing to read "Don".

Donald E. Williams
Commissioner

DEW/ss



COMMONWEALTH of VIRGINIA

DIVISION OF CAPITOL POLICE

April 24, 1987

STATE CAPITOL
Richmond, Virginia 23219

A. P. TUCKER, JR.
Chief of Police

Mr. Phillip A. Leone, Director
Joint Legislative Audit and Review Commission
Suite 1100, General Assembly Building
Capitol Square
Richmond, Va. 23219

Dear Mr. Leone:

Col. A. P. Tucker received your draft, "An Assessment of Eligibility for State Police Officer Retirement System Benefits." He has asked that I respond to this report.

It was, of course, a disappointment to learn that we would not be recommended to participate under the SPORS retirement system. I had hoped that this assessment would have revealed that the danger of injury or death exists for this agency as it does for any law enforcement body.

I would like for you to review the evaluation criteria, as I could not understand the relationship of unlimited statewide jurisdiction as opposed to a given jurisdiction. I would also like for you to review one of the hazardous duty factors, "rate of duty related disability". Our agency has not been covered under 65.1-47.1 of the state code of Virginia, which relates to death or disability from respiratory disease, hypertension or heart disease. However, we have five officers that have experienced heart attacks and three have had open heart surgery. Because of the lack of coverage under 65.1-47.1, they have chosen to not seek disability retirement.

In summation, I would like to say that the threat of death or injury exists for this Division as well as it does for other law enforcement agencies. I respectfully ask that further consideration be given this agency for inclusion into the SPORS Retirement System.

With kind regards,

Sincerely,

A handwritten signature in cursive script that reads "H. F. Lang".

Captain H. F. Lang



R. C. LEYNES, JR.
Director

APR 10 1987
DIVISIONS
HISTORIC LANDMARKS
LITTER CONTROL
PARKS AND RECREATION
SOIL AND WATER CONSERVATION

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES
Division of Parks and Recreation
1201 Washington Building, Capitol Square
Richmond, Virginia 23219 (804) 786-2132
Ronald D. Sutton, Commissioner

April 14, 1987

A-XX-PMS-87

Mr. Philip A. Leone, Director
Joint Legislative Audit and Review Commission
Suite 1100, General Assembly Building, Capitol Square
Richmond, Virginia 23219

Dear Mr. Leone:

I have reviewed the draft report, An Assessment of Eligibility for State Police Officers Retirement System Benefits, and concur with its recommendations and findings as it pertains to the conservators of the peace employees in the Division of Parks and Recreation.

I do not feel that Park employees face the same law enforcement hazards that other officers encounter.

Sincerely yours,

A handwritten signature in cursive script that reads "Ronald D. Sutton".

Ronald D. Sutton

RDS:bgj

cc: B. C. Leynes, Jr.
Dennis R. Baker
G. Warren Wahl, II

WILLIAM S. FULCHER
DIRECTOR
(804) 786-2488

A. B. STEVENS, JR.
DEPUTY DIRECTOR
ADMINISTRATION
(804) 786-2499

J. W. LESTER
DEPUTY DIRECTOR
AUDITS
(804) 786-3697

COMMONWEALTH OF VIRGINIA



STATE CORPORATION COMMISSION MOTOR CARRIER DIVISION

P. O. BOX 1158 RICHMOND, VIRGINIA 23209

J. L. ELMORE
DEPUTY DIRECTOR
ENFORCEMENT
(804) 786-3630

D. L. MCPHERSON
DEPUTY DIRECTOR
OPERATIONS
(804) 786-3418

S. E. NUNNALLY
DEPUTY DIRECTOR
RATES & TARIFFS
(804) 786-3683

April 15, 1987

APR 18 1987

Mr. Philip A. Leone, Director
Joint Legislative Audit and Review Commission
Suite 1100
General Assembly Building
Richmond, Virginia 23219

Dear Mr. Leone:

Thank you for the opportunity to review and provide any comments relative to the exposure draft of the JLARC report, An Assessment of Eligibility for State Police Officers Retirement System Benefits.

I have reviewed the draft and found it to be most factual and comprehensive in its coverage of the State Corporation Commission's Motor Carrier Enforcement activity. After review of the other law enforcement agency activities covered in your report, I concur in the JLARC recommendation that the State Police Officers Retirement System should remain solely for those positions within the State Police that are currently covered.

I certainly appreciate the opportunity to have participated in the study and in the review process of the draft itself.

Sincerely,

A handwritten signature in cursive script that reads "William S. Fulcher".

William S. Fulcher, Director
Motor Carrier Division
STATE CORPORATION COMMISSION

WSF/k
cc: Commissioner Elizabeth B. Lacy, Chairman

UNIVERSITY OF VIRGINIA

THE ROTUNDA
CHARLOTTESVILLE, VA.
22903

OFFICE OF THE
VICE PRESIDENT FOR ADMINISTRATION

April 29, 1987

TELEPHONE:
(804) 924-3135

Mr. Philip A. Leone, Director
Joint Legislative Audit and Review Commission
Suite 1100
General Assembly Building
Capitol Square
Richmond, Virginia 23219

Dear Mr. Leone:

Thank you for sending us the report An Assessment for State Police Officers Retirement System Benefits. I reviewed the report with great interest. Since I am responsible for the University of Virginia Department of Police, Mr. O'Neil has asked that I comment on the above report.

I believe University campus police departments were dropped out of consideration for inclusion in the State Police Retirement System quite early in this study because they lack a statewide jurisdiction. My feeling, of course, is that geographic jurisdiction may not be the best criterion for judging the need for a retirement system. For instance, I suggest that your Commission compare the SPORS-like benefits provided to the 48 local police departments in Virginia through VSRS to those provided under VSRS to the limited jurisdiction state agencies.

Again, thank you for sharing your report with us. If we may provide any additional information or commentary, we would be pleased to do so.

Sincerely,



Raymond M. Haas
Vice President for
Administration

RMH:vt

cc: President Robert M. O'Neil
Mr. Richard Kovatch

APR 24 1987

Commonwealth of Virginia
COUNTY OF FAIRFAX
4110 Chain Bridge Road
Fairfax, Virginia 22030

M. WAYNE HUGGINS, SHERIFF
Telephone: 691-3227

April 16, 1987

Mr. Philip A. Leone, Director
Joint Legislative Audit and Review Commission
General Assembly Building, Suite 1100
Capital Square
Richmond, Virginia 23219

Dear Mr. Leone:

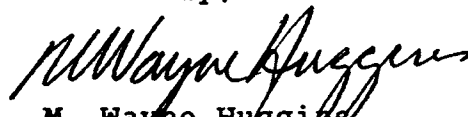
I have reviewed the draft report, An Assessment of Eligibility for State Police Officers Retirement System Benefits, and I have no substantive comments to offer regarding its conclusion and recommendation.

There are some inaccuracies, however, in data pertaining to this department in three of the comparative tables. Corrections are as follows:

- a. Table B-9, page B-15, "Recruitment Standards":
 - (1) Under the center column, Condition, change the first item to read, "high school graduate or GED".
 - (2) Under the second column, Process, the Fairfax County Police Department procedures appear to have been listed, not ours. This item should be changed to read, "background investigation/physical examination".
- b. Table B-10, page B-17, "Training Standards": In-service Training should be changed from "every year" to "every two years". Although I have directed a considerable amount of additional training for my deputies, actual in-service training, as prescribed by the Department of Criminal Justice Services, is accomplished every two years.
- c. Table B-11, page B-19, "Fitness Standards": Visual Acuity should be changed from "entry" to "entry and periodically".

Thank you for the opportunity to comment on this report.

Sincerely,


M. Wayne Huggins
Sheriff



COMMONWEALTH of VIRGINIA

Department of Corrections

EDWARD W. MURRAY
DIRECTOR

P.O. BOX 26963
RICHMOND, VIRGINIA 23261
(804) 257-1900

April 22, 1987

Mr. Phillip A. Leone, Director
Joint Legislative Audit and
Review Commission (JLARC)
Suite 1100, General Assembly Building
Capitol Square
Richmond, Virginia 23219

Dear Mr. Leone:

Your letter of April 9, 1987, with JLARC Exposure Draft, An Assessment of Eligibility for State Police Officers Retirement System Benefits, addressed to the Inspector General, was forwarded to this unit for comment.

The below listed comments are for your perusal/consideration and are keyed to appropriate pages/paragraphs of the Draft.

<u>PAGE</u>	<u>PARAGRAPH</u>	<u>COMMENTS</u>
3/4	last	Extracts from the 1944 Report are equally applicable to all sworn law enforcement officers if the assumption that age and hazards issues justify separate retirement system(s) is valid.

JLARC Note: The 1944 report entitled Report of the Commission to Consider a Death, Disability and Retirement System for the Virginia State Police Force addresses only the special retirement needs of the State Police.

10	Table 2	Table should be corrected to reflect the VSRS 55/30 option.
10/11		While it is recognized that "other" law enforcement agencies can not "meet" the evaluation criteria of the State Police due to the size of their force and

general exposure, it appears that the SPORS supplement should be considered for other state law enforcement agencies.

19

Figure 1
(line 18)

a. Title of sworn corrections personnel is Investigator.

b. Corrections investigators possess "general police powers" as defined by the Code of Virginia. Reference is made to section 53.1 - 16.

JLARC Note: "General police powers" *per se* are not defined in the *Code of Virginia*. Code section 53.1 - 16 states "members of the internal investigations unit of the Department [of Corrections] have the same powers as a sheriff or a law-enforcement officer in the investigation of allegations of criminal behavior affecting the operations of the Department." Therefore, the JLARC analysis correctly reports that the DOC investigators are limited to those offenses related to DOC facilities, inmates, and staff. In addition, while these investigations may occur through-out the State, this does not result in unlimited statewide authority as defined in the JLARC report.

c. Said police powers are applicable statewide providing the offense(s) in question are related to an employee or an agent of/vendor to the Department of Corrections, to an inmate or ward of the Commonwealth, and/or to any person working in conjunction with any of the above individuals to violate any law of the Commonwealth. For example a "free" person committing credit card fraud with an inmate and/or aiding with an escape plot is subject to investigation and arrest by DOC investigators. Reference is made to paragraph 53.1 - 16, Laws of Virginia.

20, 21, 22

third

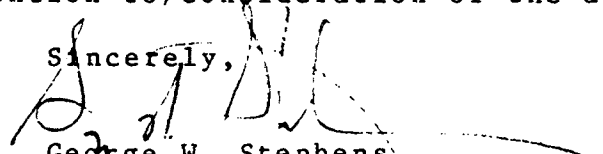
DOC investigators have arrest powers for any (all) offenses/ violations occurring on DOC property; or related to DOC activities, regardless of the location involved.

All references

Change all references of DOC inspectors to investigators.

Thank you for your attention to/consideration of the above comments.

Sincerely,



George W. Stephens
Corrections Investigation
Supervisor

GWS/crb



COMMONWEALTH of VIRGINIA
DEPARTMENT OF GENERAL SERVICES

April 24, 1987

WENDELL L. SELDON
DIRECTOR

209 9th STREET OFFICE BUILDING
RICHMOND, VIRGINIA 23219
(804) 786-3311

Mr. Philip A. Leone, Director
Joint Legislative Audit and Review Commission
Suite 1100, General Assembly Building
Richmond, Virginia

Dear Phil:

Dr. Tiedemann referred to me the exposure draft of your report, An Assessment of Eligibility for State Police Officers Retirement System Benefits, for response.

We agree that the Institutional Police in the Department of General Services are not sworn law enforcement officers with general police powers, and do not take issue with the basis for your recommendation that they not be eligible for State Police Officers Retirement System Benefits.

Sincerely,

A handwritten signature in cursive script, appearing to read "Wendell L. Seldon".

Wendell L. Seldon

/jgl

cc: Dr. A. W. Tiedemann, Jr.
Dr. Paul B. Ferrara
Mrs. Patty W. West



APR 20 1987

COMMONWEALTH of VIRGINIA

GLEN D. POND
DIRECTOR

Virginia Supplemental Retirement System

BOARD OF TRUSTEES
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1200 East Main Street
RICHMOND, VIRGINIA

MAILING ADDRESS:
POST OFFICE BOX 3-X
RICHMOND, VIRGINIA 23207
TELEPHONE (804) 786-3831

April 20, 1987

Mr. Philip A. Leone, Director
Joint Legislative Audit and
Review Commission
Suite 1100
General Assembly Building
Richmond, VA 23219

Dear Phil:

Thank you very much for allowing me to comment on your Exposure Draft relative to eligibility for the State Police Officers Retirement System (SPORS) benefits. I found your report to be very comprehensive and your conclusions to be supported with significant detail. There are several minor comments of a technical nature that I would like to call to your attention.

The first page of Chapter 1 of the report indicates that SPORS provides full benefits at an earlier age for State Police Officers than VSRS provides for other State employees. Later in the report you mention the recent legislation allowing all State employees to receive full benefits at age 55 with 30 years of service. Perhaps the law change should be mentioned early in the report to eliminate confusion. Also, Figures D-1 and D-2 refer to full retirement benefits at age 60 with 30 years of service and the Rule of 90. Neither of these provisions are applicable to either game wardens or ABC enforcement officers in Virginia as a result of the new law. Perhaps an additional review by your staff for consistency on this topic would be in order.

On page 9 of the report, which first mentions the new early retirement benefits, the statement is made that those benefits were provided at no additional cost to the State because there is a "surplus" in the VSRS fund. The use of the word "surplus" in this context might lead readers of the report to assume VSRS is overfunded. This is not the case. We would suggest that that statement to be revised to say that the benefits were provided at no additional direct cost to the State due to the favorable funding position of the VSRS.

Mr. Philip A. Leone
April 20, 1987
Page 2

There is reference to the Rule of 90 on page 11 of the report. Again, as mentioned earlier, the Rule of 90 is no longer applicable since the age 55 and 30 year legislation is in effect.

On page 30 of the report, a reference is made to the 1978 Hypertension Act. A note should be made that this particular Act was made a part of the Worker's Compensation laws and also applies to members of local police departments by specific reference. It does not appear that the General Assembly, by specifying those entities covered under the Act, felt that any other State law enforcement officials should be covered.

Finally, Table 16 indicates that the primary reason for the early retirement benefits for State Police is age effectiveness. It appears that the language allowing local governments to provide SPORS-like benefits to those officers who are in positions "comparably hazardous" to State Police Officers (Section 51-111.37) infers that hazardous duty is also a justification for early retirement benefits.

I hope that the above comments are useful to you in developing your final report. If you have questions concerning the comments, please give either Bo Harris or me a call so that we can discuss them with you. Thank you again for the opportunity to comment on the Exposure Draft.

¹
Sincerely,



Glen D. Pond
Director

GDP:rlp

APPENDIX B
DATA TABLES FOR ALL STATE LAW ENFORCEMENT GROUPS

Table B-1

STAFF SIZES, BY LAW ENFORCEMENT GROUP

LAW ENFORCEMENT GROUP	STAFF SIZE
Department of State Police	1,371
Commission of Game & Inland Fisheries	159
Department of Alcoholic Beverage Control	136
Department of Forestry	257
Department of Motor Vehicles	45
Division of Capitol Police	75
Division of Parks & Recreation	52
Marine Resources Commission	70
State Corporation Commission	31
University of Virginia	50
Virginia Commonwealth University	46
Virginia Port Authority	95
SHERIFF'S DEPARTMENTS	
Dinwiddie County	27
Emporia City	2
Fairfax County	274
Fluvanna County	8

Staff size for Department of State Police is the number of SPORS participants for CY 1985. Staff sizes for all other groups are the numbers of individuals in law enforcement positions as of November 1986.

Source: Data supplied by law enforcement groups.

Table B-2

DUTY-RELATED DISABILITY RETIREMENTS
BY LAW ENFORCEMENT GROUP, 1982-1986

LAW ENFORCEMENT GROUP	DISABILITY RETIREMENTS		
	Year	Position	Reason
Department of State Police	1986	Sergeant	back injury, struck by truck
		Agent	knee injury, fire scene
		Agent	leg injury, vehicle accident
		Trooper	heart attack
	1985	Trooper	broken leg, struck by car
		Trooper	heart attack
	1984	Sergeant	back injury, fall
		Trooper	wrist injury, accident scene
		Trooper	back injury, patrol car hit
	1983	Sergeant	back injury, lifting boat
Trooper		back injury, making arrest	
Trooper		back injury, stacking tires	
Trooper		shot in leg/lungs, making arrest	
1982	Trooper	back injury, fall	
	Sergeant	blocked artery, hypertension	
Commission of Game & Inland Fisheries	1985	Warden	shot, spotlight patrol
Department of Alcoholic Beverage Control	--	--	--
Department of Forestry	1985	Warden	Leg injury, fire suppression
	1983	Warden	Fall, burning duty
Department of Motor Vehicles	--	--	--
Division of Capitol Police	--	--	--

Table B-2
(Continued)

DUTY-RELATED DISABILITY RETIREMENTS
BY LAW ENFORCEMENT GROUP, 1982-1986

LAW ENFORCEMENT GROUP	Year	DISABILITY RETIREMENTS	
		Position	Reason
Division of Parks & Recreation	--	--	--
Marine Resources Commission	1982	Officer	Back injury
State Corporation Commission	--	--	--
University of Virginia	--	--	--
Virginia Commonwealth University	--	--	--
Virginia Port Authority	--	--	--
SHERIFF'S DEPARTMENTS			
Dinwiddie County	--	--	--
Emporia City	--	--	--
Fairfax County	--	--	--
Fluvanna County	--	--	--

--None during this period.

Data for calendar years 1982-1986, inclusive.

Source: JLARC analysis of VSRS data.

Table B-3

AVERAGE RATE OF DUTY-RELATED DISABILITY RETIREMENT
BY LAW ENFORCEMENT GROUP, 1982-1986

LAW ENFORCEMENT GROUP	AVERAGE RATE
Department of State Police	.00219
Commission of Game & Inland Fisheries	.00126
Department of Alcoholic Beverage Control	0
Department of Forestry	.00156
Department of Motor Vehicles	0
Division of Capitol Police	0
Division of Parks & Recreation	0
Marine Resources Commission	.00286
State Corporation Commission	0
University of Virginia	0
Virginia Commonwealth University	0
Virginia Port Authority	0
SHERIFF'S DEPARTMENTS	
Dinwiddie County	0
Emporia City	0
Fairfax County	0
Fluvanna County	0

Data for calendar years 1982-1986, inclusive.

Source: JLARC analysis of VSRS data.

Table B-4

**ASSAULT RATE PER OFFICER
BY LAW ENFORCEMENT GROUP AND TYPE OF ASSAULT**

LAW ENFORCEMENT GROUP	TYPE OF ASSAULT			Total
	Unarmed	Armed	Motor Vehicle	
Department of State Police	.10 (136)*	.02 (28)*	.03 (37)*	.15 (201)*
Commission of Game & Inland Fisheries	.22 (35)*	.12 (19)*	.12 (19)*	.46 (73)*
Department of Alcoholic Beverage Control	.25 (34)	.13 (18)	.04 (6)	.43 (58)
Department of Forestry	.05 (12)*	.004 (1)*	0 (0)*	.05 (13)*
Department of Motor Vehicles	0 (0)	0 (0)	0 (0)	0 (0)
Division of Capitol Police	.09 (7)*	0 (0)*	0 (0)*	.09 (7)*
Division of Parks & Recreation	0 (0)*	0 (0)*	0 (0)*	0 (0)*
Marine Resources Commission	0 (0)	0 (0)	0 (0)	0 (0)
State Corporation Commission	0 (0)	0 (0)	0 (0)	0 (0)
University of Virginia	.18 (9)	.02 (1)	0 (0)	.20 (10)
Virginia Commonwealth University	.13 (6)	0 (0)	0 (0)	.13 (6)
Virginia Port Authority	0 (0)	0 (0)	0 (0)	0 (0)

Table B-4
(Continued)

ASSAULT RATE PER OFFICER
BY LAW ENFORCEMENT GROUP AND TYPE OF ASSAULT

LAW ENFORCEMENT GROUP	TYPE OF ASSAULT			Total
	Unarmed	Armed	Motor Vehicle	
SHERIFF'S DEPARTMENTS				
Dinwiddie County	.04 (1)	0 (0)	0 (0)	.04 (1)
Emporia City	0 (0)	0 (0)	0 (0)	0 (0)
Fairfax County	.27 (73)	0 (0)	0 (0)	.27 (73)
Fluvanna County	0 (0)*	0 (0)*	0 (0)*	0 (0)*

*Estimate submitted by group.

Numbers in parentheses are group totals.

Data for each law enforcement group is for the time period CY 1985 or FY 1986.

Source: JLARC analysis of data supplied by law enforcement groups.

Table B-5

MEDICAL ATTENTION ASSAULTS, BY LAW ENFORCEMENT GROUP

LAW ENFORCEMENT GROUP	MEDICAL ATTENTION ASSAULTS	
	Number	Rate Per Officer
Department of State Police	21	.02
Commission of Game & Inland Fisheries	2	.01
Department of Alcoholic Beverage Control	4	.03
Department of Forestry	0	0
Department of Motor Vehicles	0	0
Division of Capitol Police	0	0
Division of Parks & Recreation	0	0
Marine Resources Commission	0	0
State Corporation Commission	0	0
University of Virginia	3	.06
Virginia Commonwealth University	1	.02
Virginia Port Authority	0	0
SHERIFF'S DEPARTMENTS		
Dinwiddie County	0	0
Emporia City	0	0
Fairfax County ^a	73	.27
Fluvanna County	0	0

^aData kept only on assaults requiring medical attention.

Data for each law enforcement group is for the time period CY 1985 or FY 1986.

Source: JLARC analysis of data supplied by law enforcement groups.

Table B-6

AVERAGE NUMBERS OF CITATIONS AND CUSTODIAL ARRESTS
PER OFFICER, BY LAW ENFORCEMENT GROUP

LAW ENFORCEMENT GROUP	Average Number of Citations Per Officer	Average Number of Custodial Arrests Per Officer
Department of State Police	348 (477,069)	20 (26,869)
Commission of Game & Inland Fisheries	76 (12,089)	7 (1,059)
Department of Alcoholic Beverage Control	9 (1,204)*	2 (286)*
Department of Forestry	3 (650)	.1 (12)
Department of Motor Vehicles	8 (375)	1 (64)
Division of Capitol Police	.5 (40)	1 (60)
Division of Parks & Recreation	.6 (33)	0 (0)
Marine Resources Commission	15 (1,067)	0 (0)
State Corporation Commission	143 (4,421)	8 (250)*
University of Virginia	7 (344)	3 (164)
Virginia Commonwealth University	6 (293)	9 (432)
Virginia Port Authority	.1 (4)	.1 (9)

Table B-6
(Continued)

AVERAGE NUMBERS OF CITATIONS AND CUSTODIAL ARRESTS
PER OFFICER, BY LAW ENFORCEMENT GROUP

LAW ENFORCEMENT GROUP	Average Number of Citations Per Officer	Average Number of Custodial Arrests Per Officer
SHERIFF'S DEPARTMENTS		
Dinwiddie County	13 (340)	14 (385)
Emporia City	0 (0)	0 (0)
Fairfax County	0 (0)	1 (265)
Fluvanna County	25 (200)*	13 (100)*

*Estimate submitted by group.

Numbers in parentheses are group totals.

Data for each law enforcement group is for the time period CY 1985 or FY 1986.

Source: JLARC analysis of data supplied by law enforcement groups.

Table B-7

HIGH SPEED CHASES, BY LAW ENFORCEMENT GROUP

LAW ENFORCEMENT GROUP	Total Number	HIGH SPEED CHASES		
		Average Number Per Officer	Rate of Injury Per Officer	Rate of Property Damage Per Officer
Department of State Police	2,266*	1.7	.007 (9)	.023 (32)
Commission of Game & Inland Fisheries	679*	4.3	0 (0)	.025 (4)
Department of Alcoholic Beverage Control	163	1.2	0 (0)	.081 (11)
Department of Forestry	0	0	0 (0)	0 (0)
Department of Motor Vehicles	0	0	0 (0)	0 (0)
Division of Capitol Police	0	0	0 (0)	0 (0)
Division of Parks & Recreation	0	0	0 (0)	0 (0)
Marine Resources Commission	0	0	0 (0)	0 (0)
State Corporation Commission	0	0	0 (0)	0 (0)
University of Virginia	43	.9	0 (0)	0 (0)
Virginia Commonwealth University	4	.1	0 (0)	0 (0)
Virginia Port Authority	0	0	0 (0)	0 (0)

Table B-7
(Continued)

HIGH SPEED CHASES, BY LAW ENFORCEMENT GROUP

LAW ENFORCEMENT GROUP	Total Number	HIGH SPEED CHASES		
		Average Number Per Officer	Rate of Injury Per Officer	Rate of Property Damage Per Officer
SHERIFF'S DEPARTMENTS				
Dinwiddie County	60*	2.2	0 (0)	0 (0)
Emporia City	0	0	0 (0)	0 (0)
Fairfax County	0	0	0 (0)	0 (0)
Fluvanna County	15*	1.9	0 (0)	0 (0)

*Estimate submitted by group.

Numbers in parentheses are group totals.

Data for each law enforcement group is for the time period CY 1985 or FY 1986.

Source: JLARC analysis of data supplied by law enforcement groups.

Table B-8

PERCENT OF STAFF MAKING ARRESTS FOR FELONIES (F), MISDEMEANORS (M),
AND TRAFFIC VIOLATIONS (TV), BY LAW ENFORCEMENT GROUP

LAW ENFORCEMENT GROUP	ARRESTS								
	% Staff with 15 or More			% Staff with More than 5			% Staff with at Least 1		
	F	M	TV	F	M	TV	F	M	TV
Department of State Police	8 (107)	23 (318)	63 (867)	22 (304)	40 (551)	67 (923)	57 (779)	60 (822)	69 (949)
Commission of Game & Inland Fisheries	0 (0)*	86 (137)*	1 (1)*	1 (1)*	87 (139)*	6 (10)*	22 (35)*	90 (143)*	38 (60)*
Department of Alcoholic Beverage Control	1 (1)	36 (49)	0 (0)	3 (4)	60 (82)	0 (0)	13 (17)	79 (108)	13 (17)
Department of Forestry	0 (0)	3 (7)	0 (0)	0 (0)	12 (31)	0 (0)	5 (12)	42 (109)	0 (0)
Department of Motor Vehicles	0 (0)	16 (7)	4 (2)	2 (1)	27 (12)	11 (5)	7 (3)	47 (21)	20 (9)
Division of Capitol Police	0 (0)*	8 (6)*	0 (0)*	1 (1)*	12 (9)*	3 (2)*	20 (15)*	49 (37)*	21 (16)*
Division of Parks & Recreation	0 (0)	0 (0)	0 (0)	0 (0)	63 (33)	0 (0)	0 (0)	63 (33)	0 (0)
Marine Resources Commission	—	—	—	—	—	—	—	—	—
State Corporation Commission	0 (0)	77 (24)	77 (24)	0 (0)	77 (24)	77 (24)	0 (0)	77 (24)	77 (24)
University of Virginia	0 (0)	2 (1)	12 (6)	0 (0)	14 (7)	34 (17)	18 (9)	50 (25)	60 (30)
Virginia Commonwealth University	—	—	—	—	—	—	—	—	—
Virginia Port Authority	0 (0)	0 (0)	1 (1)	0 (0)	0 (0)	3 (3)	0 (0)	5 (5)	22 (21)
SHERIFF'S DEPARTMENTS									
Dinwiddie County	22 (6)	44 (12)	0 (0)	37 (10)	56 (15)	4 (1)	52 (14)	63 (17)	22 (6)
Emporia City	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Fairfax County	0 (0)*	0 (0)*	0 (0)*	0 (0)*	0 (0)*	0 (0)*	0 (0)*	6 (16)*	0 (0)*
Fluvanna County	—	—	—	—	—	—	—	—	—

*Estimate submitted by group.

—Group unable to supply data.

Numbers in parentheses are group totals.

Data for each law enforcement group is for the time period CY 1985 or FY 1986.

Source: JLARC analysis of data supplied by law enforcement groups.

Table B-9

RECRUITMENT STANDARDS AND PROCESSES
BY LAW ENFORCEMENT GROUP

LAW ENFORCEMENT GROUP	Standards	Processes
Department of State Police	high school graduate or GED minimum age 21 valid driver's license good driving record willing to relocate vision standard weight & height standard good physical condition	written aptitude test Reid report Gordon profile background investigation psychological exam physical exam physical agility test
Commission of Game & Inland Fisheries	high school graduate or GED minimum age 21 valid driver's license good driving record willing to relocate vision standard no handicaps	written aptitude test medical history background investigation psychological exam physical exam physical agility test
Department of Alcoholic Beverage Control	Associate of Arts degree law enforcement experience administrative ability	background investigation physical exam
Department of Forestry	high school graduate firefighting experience equipment use experience law enforcement experience	
Department of Motor Vehicles	investigative experience accounting & business skills valid driver's license filled from within	

Table B-9
(Continued)

RECRUITMENT STANDARDS AND PROCESSES
BY LAW ENFORCEMENT GROUP

LAW ENFORCEMENT GROUP	Standards	Processes
Division of Capitol Police	high school graduate minimum age 21 valid driver's license good driving record good work history writing skills sound condition	interview background investigation physical exam
Division of Parks & Recreation	high school graduate	
Marine Resources Commission	high school graduate navigation skills proximity to duty station	physical exam
State Corporation Commission	graduate of accredited police academy law enforcement experience	
University of Virginia	high school graduate weight and height standard vision standard	background investigation
Virginia Commonwealth University	high school graduate plus 2 years college or public work minimum age 21 U.S. citizen weight and height standard vision standard law enforcement experience	oral board background investigation psychological exam

Table B-9
(Continued)

RECRUITMENT STANDARDS AND PROCESSES
BY LAW ENFORCEMENT GROUP

LAW ENFORCEMENT GROUP	Standards	Processes
Virginia Port Authority	high school graduate minimum age 21 valid driver's license no job-related criminal convictions capable of qualifying to bear firearms law enforcement experience	oral board background investigation physical exam
SHERIFF'S DEPARTMENTS		
Dinwiddie County	high school graduate law enforcement experience	appointed by sheriff
Emporia City	high school graduate law enforcement experience	appointed by sheriff physical exam
Fairfax County	high school graduate or G.E.D. U.S. citizen valid driver's license non-smoker weight and height standard vision standard	background investigation physical exam
Fluvanna County	valid driver's license clean record good health	appointed by sheriff physical exam

Standards reported in effect as of November 1986.

Note: Condition and process columns are not correlated.

Source: JLARC analysis of data supplied by law enforcement groups.

Table B-10

TRAINING STANDARDS, BY LAW ENFORCEMENT GROUP

LAW ENFORCEMENT GROUP	TRAINING STANDARDS			
	Field Training	Academy Training	In-Service Training	Firearms Qualification
Department of State Police	3 months	19 weeks	every year	twice a year
Commission of Game & Inland Fisheries	2 weeks	11 weeks	every two years	once a year
Department of Alcoholic Beverage Control	up to 6 weeks	13 weeks	every two years	once a year
Department of Forestry	---	1 week	every two years	unarmed
Department of Motor Vehicles	60 hours*	8 weeks*	every two years	once a year
Division of Capitol Police	60 hours*	10 weeks	every two years	thrice a year
Division of Parks & Recreation	---	1 week	every two years	once a year
Marine Resources Commission	60 hours*	8 weeks*	every two years	once a year
State Corporation Commission	1 week	2 weeks	every two years	once a year
University of Virginia	8 weeks	8 weeks*	every two years	twice a year
Virginia Commonwealth University	3 months	10 weeks	every two years	twice a year
Virginia Port Authority	1 month	9 weeks	every two years	once a year

Table B-10
(Continued)

TRAINING STANDARDS, BY LAW ENFORCEMENT GROUP

LAW ENFORCEMENT GROUP	TRAINING STANDARDS			
	Field Training	Academy Training	In-Service Training	Firearms Qualification
SHERIFF'S DEPARTMENTS				
Dinwiddie County	--	13 weeks (road) 4 weeks (jail)	every two years	once a year
Emporia City	--	13 weeks	every two years	once a year
Fairfax County	--	16 weeks	every two years	twice a year
Fluvanna County	--	10 weeks	every two years	once a year

*Reported as meeting DCJS standards.

--No standards reported.

Standards reported in effect as of November 1986.

Source: JLARC analysis of data supplied by law enforcement groups.

Table B-11

FITNESS STANDARDS, BY LAW ENFORCEMENT GROUP

LAW ENFORCEMENT GROUP	FITNESS STANDARDS			
	Physical Exam	Visual Acuity	Weight in Proportion to Height	Agility Tests
Department of State Police	entry and periodically	entry and periodically	entry and periodically	entry
Commission of Game & Inland Fisheries	entry	entry	--	entry
Department of Alcoholic Beverage Control	entry	--	--	--
Department of Forestry	--	--	--	--
Department of Motor Vehicles	--	--	--	--
Division of Capitol Police	entry	--	periodically	--
Division of Parks & Recreation	--	--	--	--
Marine Resources Commission	entry	--	--	--
State Corporation Commission	--	--	--	--
University of Virginia	entry	entry	entry	periodically
Virginia Commonwealth University	--	entry	entry	entry
Virginia Port Authority	entry	--	--	--

Table B-11
(Continued)

FITNESS STANDARDS, BY LAW ENFORCEMENT GROUP

LAW ENFORCEMENT GROUP	FITNESS STANDARDS			
	Physical Exam	Visual Acuity	Weight in Proportion to Height	Agility Tests
SHERIFF'S DEPARTMENTS				
Dinwiddie County	--	--	--	--
Emporia City	periodically	--	--	entry
Fairfax County	entry and periodically	entry and periodically	entry and periodically	--
Fluvanna County	entry	--	--	--

--No standards reported for these areas.

Standards reported in effect as of November 1986.

Source: JLARC analysis of data supplied by law enforcement groups.

APPENDIX C
RETIREMENT INFORMATION FOR ALL 48 CONTIGUOUS STATES

Table C-1

LAW ENFORCEMENT GROUPS ELIGIBLE FOR FULL SERVICE RETIREMENT EARLIER THAN OTHER STATE EMPLOYEES
IN THE 48 CONTIGUOUS STATES

STATE	LAW ENFORCEMENT GROUP										
	State Police	Game Wardens	Alcohol Control	Sheriff & Capitol Deputies	Police	Park Rangers	Forest Wardens	Marine Police	Motor Vehicles	Campus Police	Port Police
Alabama	yes	no	yes	no	no	no	no	no	SP	no	N/A
Arizona	yes	yes	no	yes	no	no	no	N/A	no	yes	N/A
Arkansas	yes	yes	no	yes	no	no	no	N/A	no	no	N/A
California	yes	yes	yes	opt	yes	yes	yes	yes	yes	yes	yes
Colorado	yes	no	no	no	no	no	no	N/A	no	no	N/A
Connecticut	yes	yes	no	no	no	no	no	N/A	no	no	N/A
Delaware	yes	no	no	opt	no	no	no	no	no	no	N/A
Florida	yes	yes	yes	yes	yes	no	no	yes	yes	yes	N/A
Georgia	yes	yes	yes	no	no	yes	no	N/A	N/A	no	N/A
Idaho	yes	yes	yes	yes	N/A	no	no	N/A	no	no	N/A
Illinois	yes	yes	no	no	no	no	no	N/A	no	no	N/A
Indiana	yes	yes	yes	no	no	no	no	no	no	no	no
Iowa	yes	no	SP	no	no	no	no	N/A	no	no	N/A
Kansas	yes	no	no	opt	no	no	no	N/A	no	no	N/A
Kentucky	yes	no	no	no	no	no	no	no	no	no	N/A
Louisiana	yes	yes	no	no	no	no	no	GW	no	N/A	N/A
Maine	yes	no	no	opt	no	no	no	no	no	N/A	N/A
Maryland	yes	no	no	no	no	no	no	no	no	no	no
Massachusetts	yes	yes ^a	no	yes	yes	yes ^a	no	N/A	yes	no	SP
Michigan	yes	no	no	N/A	SP	no	no	N/A	no	N/A	N/A
Minnesota	yes	yes	no	no	N/A	no	no	N/A	N/A	no	N/A
Mississippi	yes	no	no	no	no	no	no	no	no	no	no
Missouri	yes	no	no	no	no	no	no	yes	no	no	N/A
Montana	yes	yes	N/A	yes	N/A	GW	GW	N/A	no	no	N/A
Nebraska	yes	no	no	no	SP	no	no	N/A	no	N/A	N/A
Nevada	yes	no	no	yes	no	no	yes ^b	N/A	no	no	N/A
New Hampshire	yes	yes	yes	opt	N/A	yes	yes	yes	yes	N/A	N/A
New Jersey	yes	no	yes	yes	yes	yes	yes ^b	yes	yes	no	N/A
New Mexico	yes	no	no	no	N/A	no	no	N/A	no	no	N/A
New York	yes	no ^c	N/A	no	yes	yes	no ^c	N/A	no	no	N/A
North Carolina	yes	yes	yes	opt	yes	no	no	N/A	yes	yes	yes
North Dakota	yes	no	no	no	N/A	no	no	N/A	no	no	N/A
Ohio	yes	no	no	yes	no	no	no	N/A	no	no	N/A
Oklahoma	yes	no	yes	no	SP	yes	no	yes	SP	no	N/A
Oregon	yes	no	yes	yes	yes	no	no ^c	N/A	no	no	yes
Pennsylvania	yes	no	yes	no	no	no	no	no	no	no	no
Rhode Island	yes	no	no	no	no	no	no	no	no	no	no
South Carolina	yes	yes	yes	yes	yes	yes	yes	N/A	no	yes	N/A
South Dakota	yes	yes	no	yes	no	yes	no	N/A	no	no	N/A
Tennessee	no	no	no	no	no	no	no	no	no	no	no
Texas	yes	yes	yes	no	yes	no	no	N/A	SP	no	no
Utah	yes	yes	yes	yes	no	yes	yes	yes	no	no	N/A
Vermont	yes	yes	no	no	N/A	no	no	N/A	no	N/A	N/A
Virginia	yes	no	no	opt	no	no	no	no	no	no	no
Washington	yes	no	no	yes	SP	no	no	no	SP	no	no
West Virginia	yes	no	no	no	no	no	no	no	no	no	no
Wisconsin	yes	yes	yes	yes	yes	no	yes	N/A	no	yes	N/A
Wyoming	yes	yes	no	no	no	no	no	N/A	no	no	no
TOTAL ELIGIBLE	47	22	16	15	10	10	7	7	6	6	3
PERCENT OF TOTAL	98	46	33	31	21	21	15	15	13	13	6

N/A indicates no such enforcement group or group not considered state employees.

SP indicates function performed by state police.

GW indicates function performed by game wardens.

Opt indicates optional by locality.

^aIndicates only those with full police powers included, others classified as general employees.

^bIndicates only those with fire suppression duties.

^cIndicates those with regular duties not included.

Data reported on retirement plans for new employees as of December 1986. Law enforcement groups limited to those groups listed in Chapters I and II.

Source: JLARC survey of state retirement administrators and JLARC review of state retirement statutes.

Table C-2

AGE AND YEARS OF SERVICE REQUIREMENTS FOR FULL SERVICE RETIREMENT
OF STATE POLICE, GAME WARDENS, AND ALCOHOLIC BEVERAGE ENFORCEMENT OFFICERS
IN THE 48 CONTIGUOUS STATES

STATE	STATE POLICE	GAME WARDENS	ALCOHOLIC BEVERAGE ENFORCEMENT OFFICERS
Alabama	52/10 or any/30	60/10 or any/30*	52/10 or any/30
Arizona	62/15 or any/20	62/15 or any/20	65/any, 62/10 or 60/25*
Arkansas	65/10, 55/35 or any/30 ^a	65/10, 55/35 or any/30 ^a	65/10, 55/35 or any/30*
California	50/5	55/5	55/5
Colorado	55/20 or any/30	65/5, 60/20, 55/30 or any/35*	65/5, 60/20, 55/30 or any/35*
Connecticut	any/25	any/25	65/10*
Delaware	62/10 or any/25	65/5, 60/15 or any/30*	65/5, 60/15 or any/30*
Florida	55/10, 52/25, any/30 or any/25 ^b	55/10, 52/25, any/30 or any/25 ^b	55/10, 52/25, any/30 or any/25 ^b
Georgia	55/any	55/any	55/any
Idaho	60/5	60/5	60/5
Illinois	55/20 or 50/25	55/20 or 50/25	60/8 or any/35*
Indiana	45/20	45/15	45/15
Iowa	55/22	60/25*	part of state police
Kansas	55/20	65/any*	65/any*
Kentucky	55/5 or any/20	65/4 or any/30*	65/4 or any/30*
Louisiana	any/20	any/25	60/10, 55/25 or any/30*
Maine	55/25	60/1*	60/1*
Maryland	50/any or any/25	62/5 or any/30*	62/5 or any/30*
Massachusetts	50/any or any/20	45/10 or any/20	55/10 or any/20*
Michigan	any/25	60/10 or 55/30*	60/10 or 55/30*
Minnesota	55/10	55/10	65/1 or 62/30*
Mississippi	55/5 or any/30	65/any or any/30*	65/any or any/30*
Missouri	60/any or 55/4	65/4 or 60/15*	65/4 or 60/15*
Montana	50/20	50/20	no such enforcement group
Nebraska	55/20 or any/30	65/any*	65/any*
Nevada	55/10 or 50/20	60/10 or 55/30*	60/10 or 55/30*
New Hampshire	45/20	45/20	45/20
New Jersey	55/any or any/25	60/any or 55/25*	55/any or any/25
New Mexico	65/5, 60/20 or any/25 ^c	65/5, 60/20 or any/25*	65/5, 60/20 or any/25*
New York	any/20	62/10*	no such enforcement group
North Carolina	55/5 or any/30	55/5 or any/30	55/5 or any/30
North Dakota	55/15	65/any or 60/30*	65/any or 60/30*
Ohio	52/20	any/30*	any/30*
Oklahoma	50/20	62/15 or 65/10 ^d	50/20
Oregon	55/any or 50/25	58/any or 55/30*	55/any or 50/25
Pennsylvania	50/any or any/35	60/any or any/35*	50/any or any/35
Rhode Island	any/20	any/35*	any/35*
South Dakota	60/5	60/5	65/5*
Tennessee	60/10 or any/30*	60/10 or any/30*	60/10 or any/30*
Texas	55/20 or 55/10 ^e	55/20 or 55/10 ^e	55/20 or 55/10 ^e
Utah	65/4, 60/10 or any/20	65/4, 60/10 or any/20	65/4, 60/10 or any/20
Vermont	55/20	55/10	62/10*
Virginia	60/any or 55/30	65/any, 60/30 or 55/35*	65/any, 60/30 or 55/35*
Washington	55/any or any/25	60/5, 55/25 or any/30*	60/5, 55/25 or any/30*
West Virginia	50/20 or any/25	60/5 or 55/25*	60/5 or 55/25*
Wisconsin	55/any	55/any	55/any
Wyoming	55/4	55/4	60/4*

*Same age and years of service requirements as for general employees.

^a1.5 years credit earned for each 1 year of actual service (after 10 year vesting).

^bTo retire at any age, must have either 25 years of continuous service or 30 years of credited service.

^c1.2 years credit earned for each 1 year of actual service.

^dHave their own system in which age and years of service requirements are greater than those for general employees.

^eMay retire at age 55 with 10 years of service for full benefits, however, an additional 10 years makes them eligible for supplemental benefits.

Data reported on retirement plans for new employees as of December 1986.

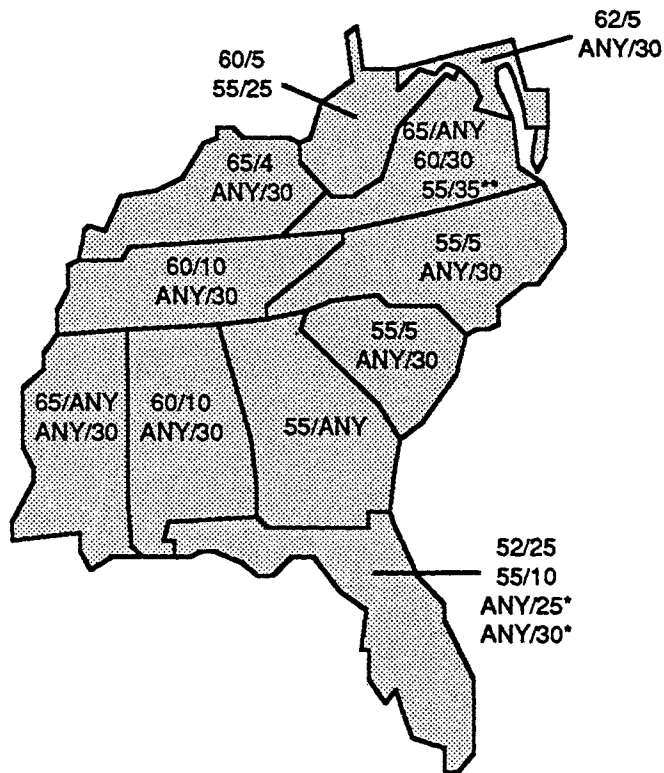
Source: JLARC survey of state retirement administrators and JLARC review of state retirement statutes.

APPENDIX D

**RETIREMENT SYSTEMS FOR GAME WARDENS,
ALCOHOLIC BEVERAGE ENFORCEMENT OFFICERS
AND STATE POLICE IN THE SOUTHEASTERN STATES**

Figure D-1

Requirements for Full Service Retirement of Game Wardens in the Southeastern States (Age/Years of Service)



* To retire at any age in Florida, a game warden must have either 25 years of continuous service or 30 years of credited service.

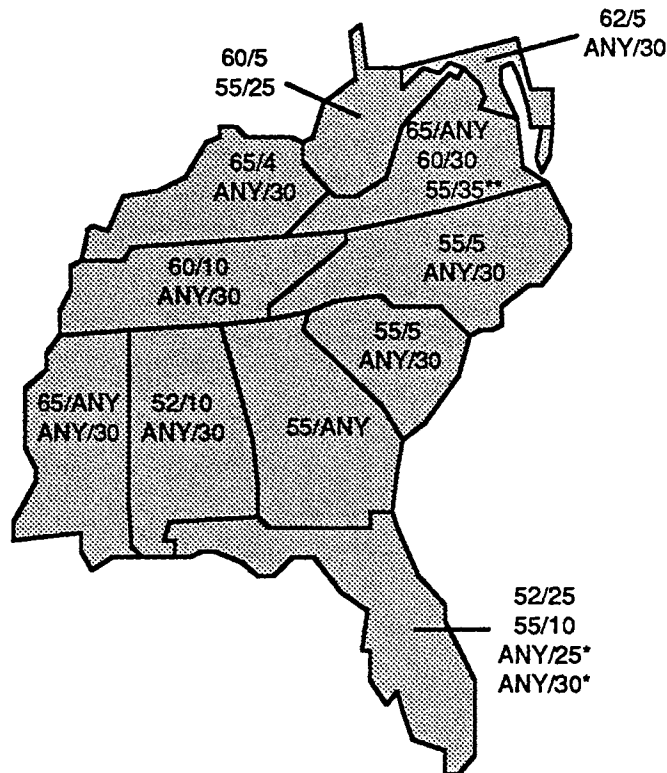
** In Virginia a game warden may retire under the Rule of 90, if (s)he has earned at least 30 years of service credit, is at least age 55, and the sum of years of service and age equals at least 90.

Data reported on retirement plans for new employees as of December 1986.

Source: JLARC survey of state retirement administrators and JLARC review of state retirement statutes.

Figure D-2

Requirements for Full Service Retirement of Alcoholic Beverage Enforcement Officers in the Southeastern States (Age/Years of Service)



* To retire at any age in Florida, an enforcement officer must have either 25 years of continuous service or 30 years of credited service.

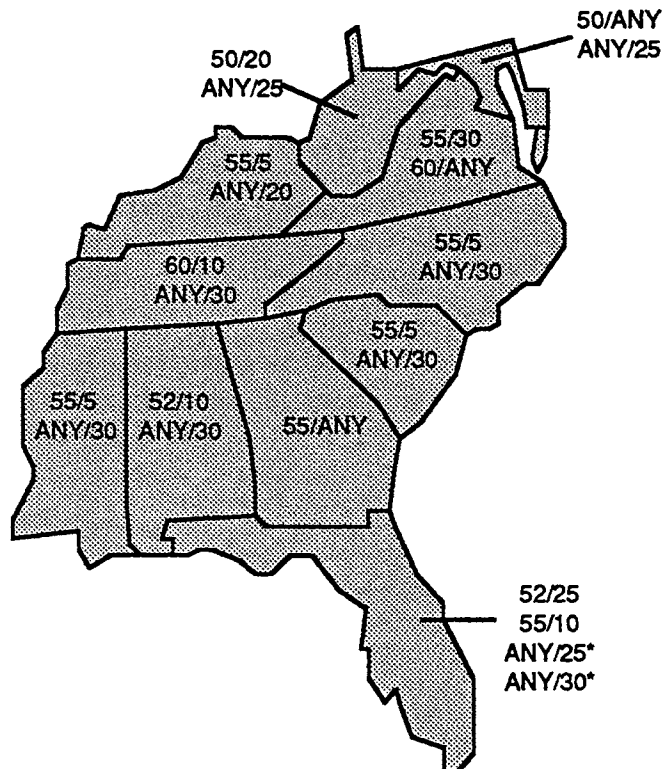
** In Virginia an enforcement officer may retire under the Rule of 90, if (s)he has earned at least 30 years of service credit, is at least age 55, and the sum of years of service and age equals at least 90.

Data reported on retirement plans for new employees as of December 1986.

Source: JLARC survey of state retirement administrators and JLARC review of state retirement statutes.

Figure D-3

Requirements for Full Service Retirement of State Police Officers in the Southeastern States (Age/Years of Service)



* To retire at any age in Florida, a state police officer must have either 25 years of continuous service or 30 years of credited service.

Data reported on retirement plans for new employees as of December 1986.

Source: JLARC survey of state retirement administrators and JLARC review of state retirement statutes.

APPENDIX E

GLOSSARY AND CONCEPT DIRECTORY

CRIMINAL JUSTICE TERMS

Law Enforcement Officer -- Any full-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of this Commonwealth, and shall include any member of the Regulatory Division of the Department of Alcoholic Beverage Control vested with police authority, any police agent appointed under the provisions of Section 56-373 or any game warden who is a full-time sworn member of the enforcement division of the Commission of Game and Inland Fisheries *Section 9-169 Virginia Code*.

Virginia Code Section 56-373. The president or any other executive officer of any railroad company incorporated by this State may, with the approval of the circuit court of any county or the corporation court of any city through which the road passes or has its chief office, appoint one or more police agents who shall have authority in all cases in which the rights of such railroad company are involved to exercise within the State all powers which can be lawfully exercised by any police officer for the preservation of the peace, the arrest of offenders and disorderly persons, and for the enforcement of laws against crimes; and such president or other executive officer may remove any such agent at his pleasure; but, any court giving such consent may at any time revoke it.

Police Officer -- Police patrolmen or deputy sheriffs (sworn, full-time, uniformed) who are responsible for basic, primarily police functions. This includes automobile and foot patrol officers who respond to calls for assistance and who are also responsible for enforcement of observed violations of the law.
Office of Criminal Justice Education and Training -- U.S. Department of Justice.

Full/General Police Powers -- Having full arrest authority; authorized use of deadly force, when necessary; and full service of papers and warrants.
Dr. Thomas F. Courtless, Professor of Law and Sociology, The George Washington University.

Limited Police Powers -- Arrest authority and police powers are limited either to a small geographic area (usually a building or enclosed grounds) or the police powers are limited in terms of types of offenses for which arrests can be made. For example, DMV Investigators have limited police powers as they can only arrest for motor vehicle infractions. Security police in Virginia's museums have limited police powers as they can only arrest for violations occurring on the grounds of the assigned museum.

Citation -- A citation is not technically an arrest. A citation is issued when an individual violates a law and is required to pay a fine, appear in court, or both. Taking the person into custody is not part of the standard procedure.

Custodial Arrest -- Technically, the only true arrest. This results in the person being taken into custody, at a minimum for booking and release on recognizance or being held until a preliminary hearing for bond setting.

Use of Force -- Any physical contact or mechanical restraint used to subdue or apprehend an arrestee. The most severe form of force is "deadly force" which is commonly used to refer to firearms.

Hazardous Duty -- Any work where the possibility is great for grave personal injury or chance of death.

High Speed Chase -- Any pursuit in a vehicle at speeds greater than 20 to 25 miles over the posted limit.

Line-of-Duty -- This concept refers to events happening while the individual law enforcement officer is working. In the line-of-duty does not necessarily have to be during normal working hours or during an assigned shift but when the officer is performing an enforcement function as defined by his or her position.

Direct Law Enforcement -- This is the direct enforcement of the penal, traffic, and highway laws on the State and does not include the administrative enforcement of these laws. Enforcement of administrative laws would more properly be called regulation.

General Arrest Powers -- The arresting authority associated with full/general police powers.

Specific Arrest Powers -- The arresting authority associated with specific/limited police powers. The limitations are placed on the officers by the Code and can be further limited (but never expanded) by the Commissioner in charge of the agency.

RETIREMENT TERMS

Funding Mechanism -- The financial relationship of the employee to his or her retirement system. The retirement system is financed either in whole or part by employee contributions (contributory) or by the employer only (non-contributory). The funding mechanism may also be mixed -- contributory for certain classes of employees and non-contributory for others.

Contributory Retirement -- Employee makes payments to his or her retirement system.

Non-Contributory Retirement -- Employee is not required to make payments to his or her retirement system. The plan is funded entirely by the employer.

Normal Retirement -- Age and years of service required of general employees within a system to attain full benefits upon retirement.

Earlier Retirement -- Employee eligible to retire at an earlier age and/or with fewer years of service than other employees, with full benefits.

Early Retirement -- Employee may retire at an earlier age and/or with fewer years of service than required for normal retirement. However, benefits are actuarially reduced or other penalties apply.

Full Benefits/Full Service Retirement -- Benefits received by employee are not actuarially reduced.

Maximum Benefits -- Highest percentage of salary employee is eligible to receive at retirement.

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