

***FEE STRUCTURE AND UTILIZATION OF FEES FOR THE
VIRGINIA STATE POLICE DRIVER TRAINING COMPLEX***

**A Report to the Governor, House Appropriations Committee,
And Senate Finance Committee**



October 2016

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COMMONWEALTH OF VIRGINIA

DEPARTMENT OF STATE POLICE

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October 15, 2016

TO: The Honorable Terry McAuliffe, Governor of Virginia

The Honorable Thomas K. Norment, Jr.
Co-Chairman of the Senate Finance Committee

The Honorable Emmett W. Hanger, Jr.
Co-Chairman of the Senate Finance Committee

The Honorable S. Chris Jones
Chairman of the House Appropriations Committee

Pursuant to the Appropriation Act, Item 424 B. (Regular Session, 2016), I am respectfully submitting herewith a report on the Fee Structure and Utilization of Fees for the Virginia State Police Driver Training Complex.

Respectfully,

A handwritten signature in black ink that reads "W. S. Flaherty".

Superintendent

WSF/FDG

Enclosure

Fee Structure and Utilization of Fees for the Virginia State Police Driver Training Complex



October 15, 2016

Preface

Pursuant to the Appropriation Act, the Department of State Police is pleased to provide this report regarding the fee structure associated with use of the Blackstone Training Facility, also known as the Virginia State Police Driver Training Center, by other law enforcement agencies.

History

Police driving, by its very nature, is quite different than routine civilian driving. Police officers are frequently required to operate a motor vehicle under conditions of extreme stress, such as engaging in a pursuit, responding to an emergency, or overtaking a violator on a congested highway. Training police officers to drive under law enforcement conditions is a complex task that presents many challenges.

Thus, all law enforcement training must be conducted as accurately and realistically as possible to reflect the complexities that our sworn personnel will face in the daily performance of duty. This is especially true of vehicle operation, an area that historically represents the highest risk of injury and death to our employees and one of the greatest areas of liability for the Department.

The Virginia State Police dedicates 64 hours during the basic training school curriculum to teach newly hired troopers the skills to operate a police vehicle in law enforcement situations. Much of this training is mandated by the Department of Criminal Justice Services (DCJS), the agency that sets the minimum training standards for all Virginia law enforcement. However, the Virginia State Police driver training program substantially exceeds the minimum standard due to the extreme driving conditions our troopers face on a daily basis as a result of their unique highway safety responsibilities.

Our personnel are taught to drive under stressful conditions that include high speeds, diminished lighting, and severe weather conditions. During their driver training, they will traverse several different surfaces to include blacktop, grass, concrete, gravel, dirt and simulated snow/ice. New troopers study the laws of physics and how they apply to vehicle dynamics. They also receive hands-on training regarding tire friction and the conditions/situations that may affect traction. They practice steering and braking techniques, counteracting vehicle skids, safely maneuvering through an off road recovery, and how/when to communicate via radio while driving. Significant emphasis is placed on learning and appropriately applying the Department's patrol driving policies, such as how to safely check on disabled vehicles and what actions are permissible and/or prohibited in emergency response situations and during pursuit driving. Our driving instructors use practical application to instruct new troopers on the correct methodology for deployment of tire deflation devices and the use of vehicle containment procedures.

On-going training with the Department's existing sworn staff is also vitally important. Modern vehicles, equipped with new technologies, change the way the vehicles perform. It is incredibly important for our sworn employees to understand the impact of these advances in technology and how they will affect the way they drive in law enforcement situations. Anti-lock brakes, airbags and stability control (to name a few) have caused us to change training methods and this on-going training provides a platform for our in-service personnel to experience these technologies in action while learning new driving skills. For example, the Virginia State Police is currently in the process of training all troopers in the Pursuit Intervention Technique (PIT). This technique involves the use of a controlled, slow speed collision, conducted under very restricted circumstances, to stop a pursuit with minimal vehicle damage and prevent the potential injuries that may ensue if the pursuit were to continue.

Unfortunately, the very nature of our duties means some people with nefarious intent are always finding new ways to interfere with law enforcement officers and disable their vehicles. Law enforcement agencies share these experiences and new officer safety techniques are adopted to prevent potentially tragic situations. Behind the wheel training for our in-service personnel provides an opportunity to learn about emerging threats and practice advanced officer safety strategies.

Understanding the types of required driver training that must occur to adequately instruct our sworn employees is necessary to comprehend the need for a proper location and facility to conduct realistic police driver training. The Virginia State Police has struggled throughout its existence to find a suitable place to provide realistic vehicle operations training for our sworn personnel. For many years, we were forced to conduct driver training at improvised facilities such as highways under construction or airport runways. At other times, we paid for the use of private facilities. These solutions have always been very problematic for many reasons, to include: cost, lack of realism, limited availability, and interruptions of training scenarios while the makeshift course is dismantled to make room for an incoming airplane.

The Department's plight with finding a suitable place to conduct firearms training is very similar. Our headquarters facility, located on Midlothian Turnpike in North Chesterfield, was originally equipped with a pistol range and a small covered range. Urban sprawl has placed high density housing along the perimeter of the headquarters facility, severely restricting the use of these ranges. Over the years, the Department has used a variety of alternative locations to include Henrico County's police range and a shared Department of Corrections range. Again, these makeshift solutions were challenging in terms of scheduling, availability, and the lack of modernization necessary for realistic training.

The Department provides 128 hours of firearms training to our newly hired troopers, and sworn employees must undergo DCJS mandated annual requalification training. Much like driving techniques, shooting techniques are

evolving in response to emerging threats in our society. The Department also equips our sworn personnel with a variety of lethal weapons. Proficiency with these firearms is paramount to our duties and the liability is great. Recent law enforcement incidents across the country are a reminder of the importance of investing in a comprehensive, realistic firearms training program for law enforcement officers. Dedicated facilities for such training are a necessity as the public's expectation of law enforcement is tremendously high.

In 1989, land was identified at the Fort Pickett facility for the purpose of building a law enforcement driver training track. Despite having adequate acreage for our needs, funding for such an endeavor was the challenge. Fortunately, in 2007, the Department of State Police received \$44 million from Purdue Pharma in a federal settlement regarding the mislabeling of a very addictive drug, paving the way to fund this much needed facility. The Department set aside \$36 million of these settlement funds to build a state-of-the-art driving facility, dormitory, and firearms ranges on a 685 acre site located on the Fort Pickett property in Nottoway County.

Construction began in March of 2010 and the administrative building, driving facility and garage were completed in September of 2012. The administrative building contains 3 classrooms, administrative offices, dormitories sufficient to lodge 117 students and a full service cafeteria.



Figure 1: Aerial View of DTC

The driving range consists of:

- A 1.8 mile high speed driving course complete with exit/entrance ramps, sharp curves and passing zones
- A 7.8 acre precision driving course
- A 24 acre urban village designed to imitate driving in a city environment
- Skid pan area complete with a system that reclaims the water for constant use

In 2014, the firing ranges were completed. There are a total of four fully baffled ranges, each capable of holding 18 shooters. The ranges are equipped with emergency lighting to simulate the blue emergency lights on police vehicles and modern targeting systems.



Figure 2: DTC Firearms Range

Additional funds have been set aside to create a shoot house, a structure designed to allow firearms training with live ammunition in an internal environment such as a house, school, or office building. Preliminary plans have been made to create an explosive demolition range to provide our explosive technicians a safe place to hone their skills and/or safely dispose of ordnance.

During the 2013 Session of the Virginia General Assembly, the Department was allocated a total of 11 positions for the purpose of staffing the Driver Training Complex (DTC). These positions included a lieutenant, a sergeant, a trooper, and eight civilian positions (three secretaries, three cafeteria workers, one housekeeper, and one mechanic). Once the firearms ranges were completed, the Department moved its Tactical Operations Unit (TOU) consisting of a first sergeant, and two sergeants from the State Police Academy in North Chesterfield to the DTC at Fort Pickett. However, the training demands have significantly outgrown existing staff levels.

For example, in CY 2015, the Fort Pickett facility hosted the following training:

VSP Training	Non VSP Training
CCI In-service	Dept. of Forensic Science - Breath Alcohol Recertification
Motorcycle Basic	Blackstone Police Department Spike Training
Civilian Driving	U.S. Marshals Task Force Training
PIT Training	Blackstone Police Department Training - Firearms Training
Remedial Driver Training	DGIF-Range Safety Officer Class

Operational Medical Support In-Service	U.S. Marshals Task Force Training
Supervisor In-Service	Virginia Sheriff's - Chemical Agents Operator Class
RSO-SCBA Re-certification	DHRM Loss Control Training
Tactical Field Force Training	DGIF In-Service
EPU Training	ABC In-Service
Sniper School	DGIF Firearms In-Service
123rd Basic Session	Combined Firearms Training - Firearms Training
Tact Team Basic	
Tact Team Sniper Training	
Tact Team Regional Training	
Tact Team Div 1 & 5 Training	
Meth Lab Refresher Training	
Fall Firearms Recertification	
Firearms CCI Training	
Firearms Training	
Firearms Instructor Recertification	
Radar Instructor Recertification	
K9 wooded patrol training	
Motorcycle In-Service	
Command Post Training	
Post Shooting Training	
Special Agent In-Service	
Canine Training	
PIT Instructor School	
Driver Instructor School	
ATV Training	
Vertical Rescue	
Range Safety Officer Class	

During the 2016 Session of the Virginia General Assembly, the Department was allocated \$1,198,779 for FY 2017 to create and fill an additional nine positions to include: one first sergeant, two sergeants, five troopers, and one mechanic. Included in the biennial budget for FY 2018 was \$1,890,779 and five additional positions.

Although the Department is very grateful to receive the funding to fill a total of 14 positions over the biennium, our original request was to receive a total of 18 positions to adequately staff the facility and provide training in these critical areas of high liability.

Training for Other Law Enforcement Agencies and Fees

Item 423, paragraph B of Chapter 780 of the 2016 Virginia Acts of Assembly authorized the Department to charge other law enforcement agencies a fee for the use of the Virginia State Police Blackstone Training Facility related to training activities. Furthermore, the Acts require the Department to create a fee structure which must be reviewed and approved by the Secretary of Public Safety and Homeland Security. Fees collected pursuant to another law enforcement agency's use of the facility shall be deposited into the Virginia State Police Blackstone Training Facility Fund. The Department is to provide a report on the proposed fee structure and utilization of the fees for the facility to the Secretary of Public Safety and Homeland Security, the Director of the Department of Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations Committees by October 15, 2016.

Pursuant to Item 423, paragraph C of Chapter 780 of the 2016 Virginia Acts of Assembly, the Virginia State Police Blackstone Training Facility Fund shall be used to maintain and repair facilities at the Blackstone Training Facility and acquire, maintain, repair or replace equipment at the facility.

Law enforcement agencies must operate within the confines of a defined budget. Thus budgetary constraints are a reality and are further exasperated in difficult economic times. Therefore, the fee structure developed by the Department considered these factors in our overall assessment of fees. Secondly, the Department realized if our fees were exorbitant, the facility would not be utilized by other law enforcement agencies. Therefore, the fees were structured around the concept that the Department of State Police is a service oriented organization and not a profit driven organization.

Furthermore, an evaluation of our training calendar revealed that there are approximately 30 non-consecutive calendar days available for training other law enforcement agencies. The lack of consecutive training days may cause the facility to be less attractive for other law enforcement agencies that may need to schedule blocks of training. So in addition to the minimal fees and limited availability of the facility, the Department does not foresee the fee structure as a viable means to completely support the costly maintenance and repair of the facility and/or the acquisition, maintenance and replacement of equipment located at the facility.

The Department assessed all aspects of its training at the Blackstone Facility and developed the following fee structure:

Fee Structure

Daily Fees	Description	Daily Costs	Notes
Facility Fee	Meals	\$21.00	Per Person Per Day
	Lodging	\$42.00	
	Classroom Rental – Small	\$19.00	
	Classroom Rental – Large	\$38.00	
Firing Range Fee	All Inclusive	\$661.00	Excludes Ammunition
	Modified	\$446.00	Excludes Ammunition; Agency Provides Own Consumables
Driving Range Fee	Track Usage	\$834.00	
	VSP Vehicle Usage	\$24.00	Per Vehicle Per Day
Instructor Fee		\$333.00	
MILO		\$404.00	
Administrative Fee	10% Added to Final Cost		Covers Administrative Portions of Processing Request to Use Facility

*Meals & Lodging are per person per day; all other fees are non-contingent on the number of persons.

**Unless otherwise noted, above prices reflect daily rates.

Utilization of Fees Collected

Should training outside agencies actually generate funds from a fee, it would result in the Department's ability to create a non-general fund, non-reverting revenue account to support a breakeven cost model. Such fees would be used to support major repairs/maintenance. The fund would be maintained by the Virginia State Police and if revenues permit, it would be used as follows:

- Repaving \$2,000,000
- Guard Rail Repairs \$75,000
- Camera/Traffic Control Upkeep and Repairs \$75,000
- HVAC Maintenance \$200,000

- Potable Water System Maintenance \$150,000
- Kitchen Equipment Maintenance \$50,000
- Sewer Septic System Maintenance \$100,000

Conclusion

As reflected herein, the two areas of greatest liability for the Department continue to be high speed driving and the use of a firearm. Prior to the construction of the DTC, the Virginia State Police was forced to conduct driver training on abandoned parking lots and decommissioned airstrips. Firearms training was conducted on shared or borrowed spaces with limited capacity and availability. While the agency made the best of these inadequate facilities, personnel failed to benefit from the latest training being demanded of today's law enforcement.

Through the use of settlement funds, the Virginia State Police was able to construct the DTC, which encompasses a high speed driving track, an urban village, a precision driving course, a skid control course, four firearm ranges, classrooms, simulator rooms, full-service cafeteria, and lodging for 117 personnel. However, the Virginia State Police has been unable to fully utilize all that the DTC has to offer because it lacks the personnel to properly staff the facility.

In an effort to provide some relief for this gap in staffing, the Governor's proposed budget included additional human resources to specifically support Virginia State Police training demands. Subsequently, the Senate removed the proposed exemption from the normal requirements of the Administrative Process Act concerning fees to be charged for the use of the facility by local and other law enforcement agencies. Furthermore, the amendment reduced year two staffing allotment and created a fee structure to supplement agency expenditures. While the Virginia State Police is extremely appreciative of the positions allocated in the current budget, there is great concern surrounding the concept of a fee structure to support expenditures associated with training other agencies. Provided agencies could even afford the fees, the fees would only recoup actual operating expenses and would be inadequate to support long-term repair and maintenance of the equipment and facility.

Virginia State Police intentions provided for a non-general fund, non-reverting revenue account that would ensure a breakeven cost, while training outside agencies. The fund would be maintained by the Virginia State Police and if revenues permit, it would be used for major repairs/maintenance (i.e. replacement of driving track surface, restriping the track, replacing wooden roofing in the ranges, repairs/replacement of HVAC systems, etc.). Based on the limited availability of the facility, it is highly probably that the fees will not support these expenditures for the long-term, thereby causing a need for alternative funding. It is worth noting that the goal of the facility has always been to address

the significant training void for the Virginia State Police; not to engage in a for-profit training operation for Virginia's entire law enforcement community.

Furthermore, engaging in an ongoing training operation for localities across the Commonwealth will leave the Virginia State Police without sufficient training time to support its workforce. These circumstances are compounded by the fact that the facility would need to be operated on the backs of the smallest of agencies, as the larger agencies typically have adequate training facilities and/or agreements to support their needs. It is anticipated that the smaller agencies will not be able to afford such fees; thereby causing a budgetary shortfall that prevents the Virginia State Police from funding the allocated positions. As mentioned, the allotted human resources were intended to support Virginia State Police training demands; therefore, should the agency fully engage in a large for profit training regimen, the current allotment of human resources will be insufficient.

While the Virginia State Police supports the concept of a fee to recoup some of the actual costs, such a fee will fail to provide the necessary funding to support long-term costs associated with the repair and maintenance of the facility and its equipment. Again, the Virginia State Police is extremely appreciative of the positions allocated in the current budget, but a fee structure is not an effective means to support this training facility.