

**STATE OF WEST VIRGINIA**

**PRELIMINARY PERFORMANCE REVIEW OF THE  
WEST VIRGINIA STATE POLICE**

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**West Virginia State Police  
Academy Provides Inadequate  
Drivers' Training to Cadets and  
Local Law-Enforcement Cadets**

**OFFICE OF LEGISLATIVE AUDITOR  
Performance Evaluation and Research Division  
Building 1, Room W-314  
State Capitol Complex**

**CHARLESTON, WEST VIRGINIA 25305  
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PE 00-32-190

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December 2000

**WEST VIRGINIA LEGISLATURE**  
*Performance Evaluation and Research Division*

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**John Sylvia**  
Director

December 3, 2000

The Honorable Edwin J. Bowman  
State Senate  
129 West Circle Drive  
Weirton, West Virginia 26062

The Honorable Vicki V. Douglas  
House of Delegates  
Building 1, Room E-213  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0470

Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting a *Preliminary Performance Review of the West Virginia State Police*, which will be presented to the Joint Committee on Government Operations on Sunday, December 3, 2000. The issue covered herein is "*The West Virginia State Police Academy Provides Inadequate Drivers' Training to Cadets and Local Law-Enforcement Cadets.*"

We conducted an exit conference on November 21, 2000 with the West Virginia State Police. We received the agency response on November 28, 2000.

Let me know if you have any questions.

Sincerely,

Handwritten signature of John Sylvia in cursive script.  
John Sylvia

JS/wsc



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## Executive Summary

The West Virginia State Police was created in 1919 under §15-2-1 of the West Virginia Code. The mission of the State Police is:

*“... Statewide enforcement of criminal and traffic law with emphasis on providing basic enforcement and citizen protection from criminal depredation throughout the state and maintaining the safety of the state’s public streets, roads and highways.”*

The State Police Academy also trains the majority of the state’s local law- enforcement officers utilizing the standards established by the Law-enforcement Training Subcommittee of the Division of Criminal Justice Services and Highway Safety under the Department of Public Safety. This installment of the Preliminary Performance Review found the following;

**Issue Area:           The West Virginia State Police Academy Provides Inadequate Drivers’ Training to Cadets and Local Law-Enforcement Cadets.**

The West Virginia State Police Academy located at Institute is responsible for providing every graduate with the basic skills required of a professional law-enforcement officer. An important skill of an academy graduate is the operation of a vehicle under a variety of circumstances and speeds. This includes routine operation, responding to emergencies and high-speed pursuits of persons fleeing the police. During training, however, Cadets are provided little or no training on the equipment they utilize the most: the police vehicle. Both State Police and local law-enforcement cadets (Basic Course Cadets) are provided over 75 hours of training in using firearms, equipment they rarely have to use. However, under the current training program State Police Cadets are provided 24.5 hours of training during the Emergency Vehicle Operations Course (EVOC). **Only thirty minutes of the training is dedicated to actual behind-the-wheel operation of the vehicle.** Basic Course Cadets, which consist of local law-enforcement officers, i.e., County, Municipal, Campus Security and DNR Officers, also train at the academy. **These Cadets have not had the benefit of the limited EVOC training for the last two years.**

The elimination of this training for Basic Course Cadets and providing only a limited training program for State Police Cadets increases the risk of harm to West Virginia citizens and legal action against the state because law-enforcement officers are not trained adequately on the proper handling of a police vehicle. Other States have already seen the need for realistic drivers’ training and have built facilities to provide more intensive drivers’ training to law-enforcement officers.

### **Recommendation 1:**

*The West Virginia State Police should increase the amount of behind-the- wheel training time it provides cadets and should provide this training to basic class cadets.*

**Recommendation 2:**

*The West Virginia State Police should provide a study/plan of the cost to build a drivers' training facility. The plan should include what the agency needs to accomplish proper training and provide for future needs. In addition, the study should include a comparison of the costs to train cadets in an accessible private facility and a facility ran by a neighboring state. The study/plan should include how this could be accomplished, per diem costs, whether counties and local governments should share in the costs to provide this training and how to provide training to the state's law-enforcement community who have not received adequate training. The Committee on Government Operations should consider requiring the State Police to report this information back to the Committee in February, 2001.*

**Recommendation 3:**

*The Legislature should consider a state requirement for all law-enforcement officers to receive a minimum number of hours of behind-the -wheel training to ensure the law-enforcement community are trained properly.*

**Recommendation 4:**

*The West Virginia State Police should consider enhancing its drivers' training program with either driving simulators, an apparatus such as the skid car system or both.*



## **Review Objective, Scope and Methodology**

This report is the third in a series of reports regarding the West Virginia State Police. This review of the Division of Public Safety was conducted in accordance with the West Virginia Sunset Law, Chapter 4, Article 10, Section 11 of the West Virginia **Code** as amended.

### **Objective**

The objective of this report was to review the training program of the State Police. Drivers training was focused on at the request of the State Police due to their concerns for the program. Initial information regarding drivers training was requested and the remaining research focused on obtaining information related to the issue.

### **Scope**

The scope of the review focused on if the State Police drivers training was adequate and how the program compared to other states. Research lead to determining the legal ramifications of not providing training to not only State Police Cadets, but also to the many local law enforcement officer trained by the academy as well.

### **Methodology**

Initially the agency was contacted and information requested regarding the types of training that are conducted at the academy. Several other states were contacted regarding the drivers training programs in those states. Telephone interviews were utilized to gather needed information such as the cost of development, operation, and the benefits of such programs. Internet research was also conducted concerning drivers training programs. Information from other West Virginia state agencies and the federal government was also reviewed



**Issue Area:           The West Virginia State Police Academy Provides Inadequate Drivers' Training to Cadets and Local Law-Enforcement Cadets.**

The West Virginia State Police Academy located at Institute is responsible for providing every graduate with the basic skills required of a professional law-enforcement officer. An important skill of an academy graduate is the operation of a vehicle under a variety of circumstances and speeds. This includes routine operation, responding to emergencies and high-speed pursuits of persons fleeing the police. During training, however, Cadets are provided little or no training on the equipment they utilize the most: the police vehicle. Both State Police and local law-enforcement cadets (Basic Course Cadets) are provided over 75 hours of training in using firearms, equipment they rarely have to use. However, under the current training program State Police Cadets are provided 24.5 hours of training during the Emergency Vehicle Operations Course (EVOC). **Only thirty minutes of the training is dedicated to actual behind-the-wheel operation of the vehicle.** By not providing the skills necessary for Cadets to operate a vehicle properly at routine or high speeds, the public is at greater risk should they encounter a law-enforcement officer, and the State is at greater risk of being sued for negligence. Table 1 below provides a comparison of national statistics on the number of law-enforcement officers killed by firearms and the number of officers killed as a result of traffic accidents.

**Table 1  
Officers Killed Nationally by Firearms and Automobile Accidents \***

<i>Officers Killed</i>	<i>1989-1998</i>
<b>Total Killed by Firearm</b>	<b>626</b>
<b>Automobile Accidents</b>	<b>343</b>
<b>Motorcycle Accidents</b>	<b>4</b>
Source: U.S. Bureau of Justice	
*West Virginia Statistics for the same time period (State Police only) are Two shooting deaths and one Automobile Death	

Nationally the number of automobile accidents deaths is half the number of firearms deaths for the period. West Virginia officers however, do not receive half the number of drivers' training hours compared to firearms training hours.

**Drivers' Training no Longer Provided to Local Law-enforcement Officers**

As stated above, State Police Cadets are provided 24.5 hours of training during the Emergency Vehicle Operations Course (EVOC). **Only thirty minutes of the training is dedicated to actual behind-the-wheel operation of the vehicle.** The remaining time is classroom training. The training, according to the Director, is conducted on the parking lot of the Academy and consists

of low-speed technical skills driving, actual high speed pursuit and emergency response driving. This training has been conducted at larger areas, when available, to enable students to reach speeds more consistent with actual pursuit driving.

Moreover, there is no drivers' training facility available to the academy to provide consistent training in this vital area to all law-enforcement officers training at the academy. Basic Course Cadets, which consist of local law-enforcement officers, i.e., County, Municipal, Campus Security and DNR Officers, also train at the academy. **These Cadets have not had the benefit of the limited EVOC training for the last two years.** EVOC training for basic course cadets was eliminated by the Law-enforcement Training Subcommittee which sets the state's standards for training law-enforcement officers.<sup>1</sup> The elimination of this training for Basic Course Cadets and providing only a limited training program for State Police Cadets increase the risk of harm to West Virginia citizens and legal action against the state because law-enforcement officers are not trained adequately on the proper handling of a police vehicle. The potential for legal action against the State is the opinion of Legislative Services.

## **Benefits and Reasons for Providing Complete Training**

The State Police Academy basic course objective is to provide the basic knowledge and skills required of a professional law-enforcement officer. However, if it is not providing drivers' training in the case of the basic course Cadets or complete drivers' training to the State Police Cadets, it is falling short of its goals. The benefits of providing enhanced drivers' training to State Police Cadets and basic course cadets would include:

- Decision making skills on when to pursue and not to pursue;
- Better overall driving and handling skills;
- Reduce the risk to the public overall and during high speed pursuits;
- Reduce the risk to law-enforcement officers on a daily basis and during high speed pursuits;
- Reduced risk of law suits from accidents during chases; and
- Lower repair costs of law-enforcement vehicles due to damage during chases and regular patrols.

The need for better training is recognized by the State Police Senior Staff. The training remains limited due to a lack of funds to build a proper training facility. One senior officer responding to our inquiries stated:

*many young law-enforcement officers have never been exposed to large, rear wheel drive vehicles prior to being hired as policemen. Many of these individuals have grown up in households with small or mid-sized, front wheel drive vehicles, and have no basis in experience for handling such a vehicle under normal conditions, much*

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<sup>1</sup> A Subcommittee of the West Virginia Division of Criminal Justice Services and Highway Safety under the Department of Public Safety.

*less under stress in life and death situation. Turning these personnel loose on the highway without proper driver training can be likened to sending them into the field with a pistol and shotgun, with only a theoretical exposure to the use of a firearm.* (Emphasis added)

The State Police has tried various methods to improve the quality of training for officers. One such attempt was training provided to two classes of cadets in 1994. A private contractor provided professional training to two classes of Cadets free of charge. The individuals trained were tracked by the company to determine if the training had an impact on the number of accidents the officers had compared to other classes which did not receive the professional training. According to the results published on the Internet, the trained group had 59 accidents with only 29 of those chargeable to the officer. There were only 4 officers injured and 8 civilians. The company claims this training saved the Department \$164,402 in repair costs. The Superintendent of the State Police at that time was very enthusiastic and impressed with the results. Other attempts at improving training include using an abandoned air strip to allow cadets to reach speeds more consistent with real pursuits, but none of the attempts at improving the training have been proven completely successful.

Data provided by the West Virginia Board of Risk Management (BRIM) indicates that \$616,765 was paid in expenses and indemnity relating to State Police traffic accidents from 1995 to 1999. The data includes all accidents and does not distinguish between collisions with animals, fender benders, emergency response or high speed pursuits. Four of the pay outs are over \$50,000 with the highest being \$290,558. This illustrates an additional cost to the State resulting from the operation of law-enforcement vehicles. This is not to imply that greater drivers' training would have prevented these incidents; however, serious accidents do occur and enhancing drivers' training would be a move in a positive direction. Table 2 below list the calendar year 2000 accidents which have occurred to date.

**Table 2**  
**West Virginia State Police Accidents for 2000**

<i>Type of Accident</i>	<i>Total for Calendar Year 2000</i>
<b>Chargeable to Officer</b>	<b>35</b>
<b>Not Chargeable to Officer</b>	<b>50</b>
<b>Pursuit Accident</b>	<b>13</b>
<b>Total Accidents for 2000</b>	<b>98</b>

As with BRIM data all accidents are included.

## Other State Programs

In order to assess the quality of the State Police Academy's drivers' training program, it is necessary to look at the training provided in other states. Other States have already seen the need for realistic drivers' training and have built facilities to provide more intensive drivers' training to law-enforcement officers. One of the most recent has been the State of Maryland which built a drivers' training facility to train all new law-enforcement officers and to train 20% of the states law-enforcement officers on a yearly basis. Maryland sites a number of reasons for developing this course, such as average State Police cost for collisions of \$500,000 dollars per annum and high workmen's compensation payments relating to motor vehicle collisions. Other statistics cited include:

- High claim civil actions from law-enforcement motor vehicle actions in the State of Maryland.
- National trend toward higher claims and payoffs, with pending claims in Montgomery County of \$900,000, Arlington, Virginia of \$4,000,000 and Omaha, Nebraska of \$10,000,000.
- In 1990-1992 calendar years Maryland police involved in motor vehicle accidents were responsible for 17 fatalities, and a national average of 292 people killed each year since 1980 in emergency responses alone.
- In 1990-1992 calendar years, Maryland police involvement in motor vehicle accidents accounted for 1,597 personal injuries, an average of over 500 per year.
- In 1992, Maryland State Police alone reported 261 accidents resulting in \$182,963 worth of damage to fleet vehicles.

In addition to the above reasons, claims of negligent driver training were held actionable by Maryland courts in a 1986 decision. "As such, liability may extend to the State of Maryland through its law-enforcement training regulatory function."

The training provided by Maryland and other state programs which were reviewed is just the reverse from what is provided by West Virginia's State Police Academy. The majority of other states' time is spent actually driving the vehicle and building driver/pursuit skills, and a minimum is spent in the classroom. As an example, Oregon allows local law-enforcement cadets six hours of actual behind-the-wheel training. Some of these states such as Minnesota and Oklahoma have had driving facilities for over 20 years. Minnesota's program is run through the university system, and the State's Police Officers Standards and Training Board requires all new law-enforcement officers to attend a driving program. **Minnesota's program is also self sufficient, operates year round regardless of the weather and trains private companies as well.** Other states reviewed which have such facilities include Kentucky and Michigan. Additionally, the federal government trains all of its officers in advanced driving techniques.

## **Cost of improving the training**

In order to significantly improve the training provided by the State Police Academy, funding would have to be provided. The most significant improvement would be the development of an actual drivers' training course to allow students to reach higher speeds and develop better maneuver skills. The costs of such a facility could range from moderate to very expensive dependent on the need to purchase property, construct buildings or construct just an asphalt course. The State Police has completed limited research regarding the cost and development of such a course.

One alternative to improving training quickly would be for the agency to contract with a private contractor or an out of state training facility to provide the training. The cost of training all state police officers would probably approach \$500,000 as a one-time cost, but this still would not solve the problem of training local law-enforcement officers across the state nor would it provide periodic refresher training.

Another alternative would be the utilization of training simulators which feel and react as a police cruiser would act. Simulators cost less and are programmed with several real life driving situations but would not completely take the place of a drivers' course. Simulators would enhance the already existing training and provide advanced training on whether to pursue or not to pursue.

Finally, the agency could purchase a newer piece of training equipment call Skid Car. This is a hydraulic rack which attaches to vehicles and simulates the loss of control experienced during normal or emergency driving. The simulator and the Skid Car alternatives seem to be added merely as enhancements to an already existing drivers' training program and course but still could help. **In the interim, training at the academy should be provided to all cadets, and the amount of time students actually spend behind the wheel should be increased significantly.**

## **Conclusion**

The drivers' training at the academy needs to be improved in order to protect the public from negligent driving and to protect the state from law suits. Many hours are dedicated to instruction on the safe handling of weapons, but vehicles can injure and maim like a weapon. Furthermore, vehicles are in use more often than firearms.

Other states have already determined the need for improved training and have taken the steps necessary to improve training and build adequate facilities. Improved drivers' training would eventually pay off through reduced damage claims by citizens, reduced injuries to law-enforcement officers and reduced vehicle repair costs. An initial investment in a drivers' training facility could be phased to include all emergency vehicle operators, school bus drivers', etc. The cost of the facility could also be shared by those who use the facility by instituting a user fee.

In order to offset costs for developing and operating a drivers' training facility for the states law-enforcement officers, other safe/defensive drivers' courses could be developed and provided for state and county employees who spend a majority of their time in a vehicle. Simply possessing a drivers' license does not ensure that individuals can handle a vehicle in difficult situations or that



they will drive in a safe manner. With the exception of special licensing requirements, such as chauffeurs licenses, there are no training requirements for state employees. Employees are simply given the keys to a vehicle. Providing or requiring such drivers' training could ultimately reduce insurance costs for other state agencies and make state employees a model for other motorists.

**Recommendation 1:**

*The West Virginia State Police should increase the amount of behind-the-wheel training time it provides cadets and should provide this training to basic class cadets.*

**Recommendation 2:**

*The West Virginia State Police should provide a study/plan of the cost to build a drivers' training facility. The plan should include what the agency needs to accomplish proper training and provide for future needs. In addition, the study should include a comparison of the costs to train cadets in an accessible private facility and a facility ran by a neighboring state. The study/plan should include how this could be accomplished, per diem costs, whether counties and local governments should share in the costs to provide this training and how to provide training to the state's law-enforcement community who have not received adequate training. The Committee on Government Operations should consider requiring the State Police to report this information back to the Committee in February, 2001.*

**Recommendation 3:**

*The Legislature should consider a state requirement for all law-enforcement officers to receive a minimum number of hours of behind-the-wheel training to ensure the law-enforcement community are trained properly.*

**Recommendation 4:**

*The West Virginia State Police should consider enhancing its drivers' training program with either driving simulators, an apparatus such as the skid car system or both.*

**APPENDIX A**

**Transmittal Letter to Agency**



**WEST VIRGINIA LEGISLATURE**  
*Performance Evaluation and Research Division*

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Charleston, West Virginia 25305-0610  
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John Sylvia  
Director

November 16, 2000

Colonel Gary L. Edgell,  
Superintendent  
West Virginia State Police  
4124 Kanawha Turnpike  
South Charleston, West Virginia 25309

Dear Colonel Edgell:

This is to transmit a draft copy of the next issue regarding the Preliminary Performance Review of the West Virginia State Police dealing with Inadequate Drivers Training Provided to Cadets and Local Law-Enforcement Cadets. We would like to tentatively schedule an exit conference for Nov 21, 2000 to discuss any concerns you may have about the report. If you want to have your written response included in the bound copy of the report, we would need to have your response by Monday, November 27, 2000.

If you have questions related to factual errors or need clarification on any part of the report, please let me know. Thank you for your cooperation.

Sincerely;

A handwritten signature in black ink, appearing to read "Michael Midkiff".

Michael Midkiff  
Research Analyst

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*Joint Committee on Government and Finance*

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**APPENDIX B**  
**Agency Response**







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

Cecil H. Underwood  
Governor

November 21, 2000

Colonel Gary L. Edgell  
Superintendent

Aaron Allred, Director  
Office of the Legislative Auditor  
Performance Evaluation and Research Division  
Building 1, Room W-314  
State Capitol Complex  
Charleston, West Virginia 25305

NOV 28 2000  
Legislative Manager

Re: Audit Report - Driver Training

Sir:

As noted within your report, the West Virginia State Police specifically requested that your staff scrutinize the issue of high speed driver training. It has been our belief for quite some time that the very limited training we are able to provide in this area is not adequate. I am encouraged that your staff sees this issue in basically the same light as does the Department, and am more than glad to concur as to the content of this document.

As you noted, there are a number of reasons why this issue needs to be addressed with the most important being potential injuries and deaths attributable to traffic accidents involving police officers. Secondarily, comes the issue of liability to the State. The only means of eliminating the State's liability exposure from *negligent failure to train* is the construction of a proper training facility, and the implementation of appropriate training for all law enforcement personnel.

At some point the State will pay for such a facility. The only question is whether it will be purchased only once, as opposed to being purchased two or three times over. (Once via a timely capital expenditure, versus once via a capital expenditure made too late, and the remaining times via civil liability, pension claims, medical bills and property damage.)

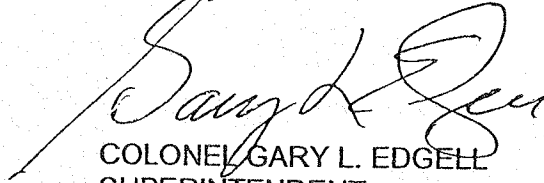
Also mentioned within your report is the issue of driver training for non-police personnel who operate State owned vehicles. I cannot overemphasize the fact that this issue is just as critical to local entities of government as it is to the State. It is also as critical for other non-police emergency responders (i.e. EMS, Firefighters, etc.) as it is for police officers. It is also potentially relevant and useful for public employees who drive government owned vehicles in non-emergency situations.

Equal Opportunity Employer

Office of the Legislative Auditor  
November 21, 2000  
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My staff and I have already given this issue a great deal of thought and have developed some very specific ideas as to how the development and implementation of a facility of this type should be pursued. We would welcome the opportunity to share these ideas with members of the Legislature, Legislative Staff personnel, or others as may be appropriate.

Sincerely,



COLONEL GARY L. EDGELL  
SUPERINTENDENT  
WEST VIRGINIA STATE POLICE