

Full Performance Evaluation

West Virginia State Police

**Inventory Procedures Have Improved
Accountability, But Still Needs Improvement**

**The West Virginia State Police Has Improved Its
Storage Facility for Ammunition**

**The State Police Academy PX Was Closed And
The State Police Remitted Sales
Tax Due the State**

**The West Virginia State Police Has Increased
Drivers' Training to Cadets**



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John Sylvia
Director

October 19, 2003

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

The Honorable J.D. Beane
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 Full Performance Evaluation of the *West Virginia State Police*, which will be presented to the Joint Committee on Government Operations on Sunday, October 19, 2003. The issues covered herein are "Inventory Procedures Have Improved Accountability, But Still Need Improvement;" "The West Virginia State Police Has Improved Its Storage Facility for Ammunition;" "The State Police Academy PX Was Closed And the State Police Remitted Sales Tax Due the State;" and "The West Virginia State Police Has Increased Drivers' Training to Cadets."

We transmitted a draft copy of the report to the State Police on October 3, 2003. The State Police opted not to have an exit conference. We received the agency response on October 6, 2003.

Let me know if you have any questions.

Sincerely,

Handwritten signature of John Sylvia in cursive script.
John Sylvia

JS/wsc

Joint Committee on Government and Finance

Contents

Executive Summary	5
Review Objective, Scope and Methodology	7
January 1999	
Issue 1: Breakdown of Procedures in Reassignment of Weapons	9
November 1999	
Issue 1: The West Virginia State Police Storage Facility for Ammunition Needs Improved Security and Fire Protection.....	11
May 2000	
Issue 1: The Bureau of Criminal Investigation (BCI) Misused Federal Funds Which Were Set Aside for Cash Purchases of Illegal Contraband by Deducting Contributions Used for Payments to a Voluntary Retirement Plan and for Other Personal Uses.....	19
May 2000	
Issue 2: The State Police Academy PX Is an Unauthorized Revenue Source, Has Been Used for Private Gain by Public Officials, and Has Failed to Collect and Remit Over \$23,000 in Sales Tax Due the State.....	21
December 2000	
Issue 1: The West Virginia State Police Academy Provides Inadequate Drivers' Training to Cadets and Local Law-Enforcement Cadets.....	23
Figure 1: Interior of the West Virginia State Police Ammunition Storage Facility.....	13
Figure 2: Exterior of the West Virginia State Police Ammunition Storage Facility.....	15
Figure 3: The Security System at the West Virginia State Police Ammunition Facility.....	17
List Of Appendices	
Appendix A: Transmittal Letter to Agency.....	25
Appendix B: Agency Response.....	27

Executive Summary

This Full Performance Review focused on updating 12 recommendations of previous audits of the State Police from January 1999 to December 2000. The Legislative Auditor determined that the West Virginia State Police is in compliance with seven prior recommendations and in partial compliance with one recommendation. Three previous recommendations are not applicable, as the issue of concern was dealt with in an alternative manner. One recommendation required legislative action.

Some areas of improvement found by the update of previous recommendations are: 1) an annual inventory of weapons is performed; and 2) improvements have been made in the safety and security in the ammunition storage facility.

The Legislative Auditor conducted fieldwork to determine the accuracy of State Police's new weapon inventory procedures. Although the State Police is in compliance with the previous report's recommendation, the Legislative Auditor is not satisfied that the new procedures adequately control weapon inventories. One weapon was not located for five days after the initial inspection at the detachment level and several weapons were found at the academy which were not listed on the State Police inventory.

Although the State Police has implemented an annual inventory procedure as recommended, the implementation of the new process shows evidence of weakness in tracing the location of some weapons. Therefore, the Legislative Auditor makes the following recommendation:

Recommendation 1

The State Police should include all weapons on its inventory and reiterate its weapons inventory procedures to all detachments so that weapons may be quickly traced throughout the system.

Review Objective, Scope and Methodology

This Full Performance Review of the West Virginia State Police is authorized and required by §4-10. The State Police was created in 1919 under §15-2-1 of the West Virginia Code. The agency's structure is quasi-military, using a rank system and training methods similar to the U.S. Military. Detachments of officers are located throughout the state. The mission of the State Police is:

...Statewide enforcement of criminal and traffic laws 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.

Objective

The objective of this review is to examine the State Police's compliance with prior recommendations issued by the Legislative Auditor.

Scope

This review focused on 12 recommendations from January 1999 to December 2000.

Methodology

The Legislative Auditor observed changes made by the State Police in response to previous recommendations. Field work was conducted to determine if new procedures were adequate. All aspects of this report comply with Generally Accepted Government Auditing Standards, as set forth by the Comptroller General of the United States.

Breakdown of Procedures in Reassignment of Weapons

Recommendation 1

It is recommended that the West Virginia State Police conduct physical inventory counts of all weapons at least annually to assure the procedures currently in place for assignments and reassignments are being followed. Further, it is recommended that the State Police Procurement Section advise all detachments immediately of the revised procedure.

Level of Compliance: In Compliance

The State Police reports that weapons are inventoried annually down to the detachment level. The State Police informed the Legislative Auditor that:

The Procurement Section generates a listing of all weapons, assigned to the various detachments. Once that report is generated it is forwarded to the respective detachment and the Detachment Commander verifies that each weapon is under his control.

In order to determine the reliability of the new weapon inventory procedures, the Legislative Auditor's Office visited one Troop Headquarters, the State Police Academy, the State Police Archives and seven detachments. Six detachments were adequately staffed to allow for an inspection. The Legislative Auditor accounted for all weapons at five detachments and at the Academy. However, the Legislative Auditor is not satisfied that the new procedures adequately control the weapon inventories.

The State Police reports that it requires a State Police Property Receipt form if a weapon is transferred from one detachment to another. The Legislative Auditor was unable to find this document in the case of the only detachment found to have a missing weapon. The weapon was not signed out of the detachment, nor did any paperwork exist detailing a transfer of the weapon out of the detachment. The Legislative Auditor was contacted by the detachment five days after the initial inspection and informed that the weapon was at the State Police Academy. The Legislative Auditor was able to verify that the weapon was at the academy, although again found no documentation of the transfer.

The Legislative Auditor also found other weapons at the Academy which were not listed on the weapon inventory. The State Police reported that five of the weapons are *simmunition* weapons, or weapons which are modified to accept only simulated ammunition. These are utilized solely for training purposes. Ten other weapons discovered are actual weapons being used for training purposes at the academy. The State Police reported to the Legislative Auditor that:

In the early 1990s, old service revolvers were traded for new service pistols. Our uniformed members were trained and received new service pistols. Our records reflect that the weapons in question were traded, however for some unknown reason these weapons were not included in the gun trade.

The State Police maintain that personnel turnover in the Procurement Section makes it impossible to reconstruct how the oversight occurred ten years ago. Based on the inventory provided to the Legislative Auditor, no weapons appear to be missing at the academy. However, due to the inaccuracy of the inventory, the Legislative Auditor cannot determine if weapons not included on the inventory were improperly handled by the department.

Although the State Police is in compliance with the previous report's recommendation, the Legislative Auditor is not satisfied with the accuracy of the inventory which does not account for all weapons. Additionally, the Legislative Auditor is concerned that not all members of the State Police are complying with the new policies, as evidenced by the lack of documentation for the weapon from the Quincy detachment.

Recommendation 1

The State Police should include all weapons on its inventory and reiterate its weapons inventory procedures to all detachments so that weapons may be quickly traced throughout the system.

The West Virginia State Police Storage Facility for Ammunition Needs improved Security and Fire Protection.

Recommendation 1

The facility used to store ammunition should be improved by adding a security and fire protection system. The security system should have a feature identifying the person entering the room through the use of a code. This also provides a computerized record of the date and time entered. In addition, the back entrance should be eliminated. A stronger door and lock system should be added in front within sight of the main campus. The current windows should be eliminated or bars added to prevent entry.

Level of Compliance: Partial Compliance

The Legislative Auditor inspected the ammunition storage facility and found that the State Police made improvements in the safety and security of the facility. Although the State Police does not have a fire protection system or smart card/ biometric scanning technology, it did install a secure entry system. Three individuals have access to the facility. The State Police also improved its inventory controls of ammunition. Windows in the facility have been eliminated and doors and locks appear to be secure. Weapons are also locked in a large safe when not in use instead of being stored in close proximity to ammunition. The following three photographs indicate the improvements made by the State Police since 1999.

Figure 1



During the Legislative Auditor's field visit, the ammunition storage facility was well organized. The above photograph documents the improvements in the storage facility.

Figure 2



The photograph documents that the State Police eliminated the windows to prevent entry into the ammunition storage facility.

Figure 3



The above photograph documents the security system installed by the State Police, which allows entry into the ammunition storage facility for authorized personnel only.

Issue 1 May 2000

The Bureau of Criminal Investigation (BCI) Misused Federal Funds Which Were Set Aside for Cash Purchases of Illegal Contraband by Deducting Contributions Used for Payments to a Voluntary Retirement Plan and for Other Personal Uses.

Recommendation 1

The Legislature should consider a compliance follow-up review of BCI's accounts by placing the State Police BCI unit under the compliance section of the Sunset Law §4-10-5a.

Level of Compliance: Requires Legislation

Issue 2 May 2000

The State Police Academy PX Is an Unauthorized Revenue Source, Has Been Used for Private Gain by Public Officials, and Has Failed to Collect and Remit Over \$23,000 in Sales Tax Due the State.

Recommendation 1

The Legislature should consider amending the Code to authorize the PX operation and specify the use of revenue derived from its operation.

Recommendation 2

In the event the Legislature chooses not to authorize the PX fund by law, the State Police should either close the PX or allow the PX to only sell items of necessity to cadets at cost.

Level of Compliance: In Compliance

The Legislature amended Chapter 15 of the Code in April 2001 with H.B. 2847. This legislation authorized the State Police Superintendent to establish and operate a post exchange. However, in May 2000 the PX was closed.

Recommendation 3

If the Legislature authorizes the PX fund as a state activity, the State Police should begin collecting sales tax on all non-exempt items sold.

Recommendation 4

If the Legislature authorizes the PX fund as a state activity, the State Police should develop policies and procedures for the operation of the PX. Such policies and procedures should detail the frequency of internal audits and cash accounts of the PX.

Level of Compliance: Non Applicable

The Legislature authorized the PX activity with House Bill 2847 during the 2001 Legislative Session. However, since the PX was discontinued in May 2000, the State Police does not need to establish policies and procedures. Therefore, recommendations 3 and 4 are nonapplicable.

Recommendation 5

With the remaining balance in the PX fund, the State Police should remit to the Tax and Revenue Department the appropriate amount of sales tax owed to the State.

Level of Compliance: In Compliance

Since the closure of the PX in May 2000, the State Police remitted \$22,125.50 to the State Tax Department in a negotiated settlement for its tax liability.

The West Virginia State Police Academy Provides Inadequate Driversí Training to Cadets and Local Law-Enforcement Cadets.

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.

Level of Compliance: In Compliance

The State Police increased the training to 34 hours from 24.5 hours. However, prior to the implementation of this recommendation only 30 minutes of training was dedicated to behind the wheel training. Currently, cadets are provided 45 minutes of behind the wheel training. It is the opinion of the Legislature Auditor that the State Police should continue to increase behind the wheel training for its cadets in the interest of public safety.

Recommendation 2

The West Virginia State Police should provide a study/plan of the cost to build a driversí 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 run by a neighboring state. The study/plan should include how this can 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 Stateís 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.

Level of Compliance: In Compliance

The State Police pursued opportunities for funding and land for a state-of-the-art driversí training facility without success. An estimate to

construct a drivers' training facility is at least ten million dollars. The State Police believes any drivers' training facility should include not only police but fire and ambulance, as well as all drivers of non-emergency, state owned vehicles. The use of out-of-state facilities or private in-state facilities does not appear to be viable alternative due to logistical concerns.

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.

Level of Compliance: Not Applicable

The State Police revised its policies to increase the amount of driver training provided to cadets. Therefore, the intent of the recommendation has been addressed, although the method with which it was accomplished differs from the Legislative Auditor's recommendation.

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.

Level of Compliance: In Compliance

The State Police agrees driving simulators could enhance its drivers training program. However, funding for their purchase has not been obtained and if the funding were provided, the appropriate space to house these simulators may not be available. Currently, the State Police has secured a location to conduct high speed training.

Appendix A: Transmittal Letter to Agency

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John Sylvia
Director

October 3, 2003

Colonel H.E. Hill, Jr., Superintendent
West Virginia State Police
725 Jefferson Road
South Charleston, WV 25309-1698

Dear Colonel Hill:

This is to transmit a draft copy of the Performance Update of various recommendations made in previous performance audits. This report is scheduled to be presented during the October interim meeting of the Joint Committee on Government Operations. The meeting will be held sometime during the interim meetings which are scheduled from October 19 - 21, 2003. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to respond to the report and answer any questions the committee may have.

If you would like to schedule an exit conference to discuss any concerns you may have with the report, please notify Shannon Riley, Research Analyst. We need your written response by noon on October 9, 2003, in order for it to be included in the final report. If your agency intends to distribute additional materials to committee members at the meeting, please contact the House Committee on Government Organization at 340-3192 by Thursday, October 16, 2003 to make arrangements.

We request that your personnel treat the draft report as confidential and that it not be disclosed to anyone not affiliates with your agency. Thank you for your cooperation.

Sincerely,

Handwritten signature of John Sylvia in cursive script.
John Sylvia

Enclosure

Joint Committee on Government and Finance

Appendix B: Agency Response



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

October 6, 2003

Bob Wise
Governor

Mr. John Sylvia
Performance Evaluation and Research Division
West Virginia Legislature
Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, WV 25305-0610

Colonel H. E. Hill, Jr.
Superintendent

Dear Sir:

I am in receipt of your letter, dated October 3, 2003, which transmitted a copy of your most recent audit update to our agency. I have reviewed the preliminary report and I have found the information to be factually correct. I see no need for a formal exit conference.

Once an agenda has been set for the next interim meeting, please inform me of the date and time this matter will be addressed, so I might appear before the committee to answer any questions.

Sincerely,


Howard E. Hill Jr.
Superintendent

HEH/sct

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