

**Remarks of Donald L. Boswell, Ph.D.  
Director of Law Enforcement  
Department of Motor Vehicles  
October 19, 2004**

**Good afternoon, Mr. Chairman and Committee Members:**

**My name is Don Boswell and I am the new Director of Law Enforcement for the Department of Motor Vehicles. Prior to this recent promotion, I was the Deputy Director of the Bureau of Law Enforcement for the Department of Alcoholic Beverage Control where I was assigned to the Office of Governor-Elect Gilmore and worked on the original proposal for VaLORS.**

**I am also a former Sheriff of Henrico County who served on the Virginia Sheriff's Association legislative committee that proposed LEORS. I was present when Governor Baliles signed the LEORS legislation.**

**I am here this afternoon to speak to the criteria and eligibility for membership in VaLORS and more specifically to advocate the inclusion of the DMV special agents of my department.**

**When the original VaLORS proposal was introduced as HB 715 in 1999, DMV special agents were included along with ABC special agents, game wardens, Capitol police officers, marine police officers, and campus police officers. Before the bill passed, DMV special agents were removed.**

**Governor Gilmore clearly intended that DMV special agents be included in VaLORS and specifically requested the final version of HB715 be amended to add them back.**

**While DMV special agents were removed, correctional officers, parole officers, and commercial vehicle enforcement officers were added.**

**This was particularly ironic since commercial vehicle enforcement officers share overlapping enforcement responsibilities with DMV special agents who frequently work side-by-side with them and the state troopers who are assigned to motor carrier safety.**

**Every year since then, legislation has been introduced or carried over to include DMV special agents in VaLORS. Budget constraints have certainly been a factor, yet the 75 DMV special agent positions represent less than 3 percent of the more than 2,700 state law enforcement officers covered by SPORS and VaLORS. This does not include the correctional and parole officers under VaLORS.**

**Currently, only 57 DMV special agent positions are filled, but these officers averaged 11 felony arrests and 10 misdemeanor arrests each during calendar year 2003. Averaging 21 criminal arrests per year compares favorably to other law enforcement agencies**

**DMV special agents have an average of 23 years of law enforcement experience. Forty-two of these DMV special agents came from Virginia law enforcement agencies where they were eligible for SPORS, VaLORS or LEORS.**

**DMV special agents are full-time, sworn police officers who exercise statewide criminal arrest authority, carry weapons, drive police vehicles, and maintain law enforcement officer certification under Department of Criminal Justice Services training standards.**

**This is an issue of equity and fairness to a fine group of law enforcement officers who are the frontline defense for one of the most critical issues of**

**homeland security today: identity and vehicle fraud for profit and for terrorism.**

**It is estimated that it will cost \$ 362,558 the first year if DMV's current 57 sworn officers are included in VaLORS. If included, DMV will determine budgetary reallocations to fund it.**

**You asked for suggestions for criteria for eligibility in VaLORS. The 2000 Compensation Reform provides clear criteria for inclusion in VaLORS for those state law enforcement officers who are not covered under SPORS.**

**In the past, there was much discussion about whether or not state troopers, game wardens, marine police officers, Capitol police officers, ABC special agents, campus police officers or DMV special agents were equivalent in their tasks, duties, and responsibilities.**

**This legislation endorsed a new personnel system that defines who law enforcement officers and managers are quite specifically. The Department of Human Resource Management professionally classified the old multitude of agency jobs into these new roles.**

**DMV special agents are all legally classified by the Commonwealth as Law Enforcement Officers II and III and Law Enforcement Managers I and II, exactly the same roles as all of the other state law enforcement officers covered under SPORS and VaLORS.**

**I would suggest that this career group of roles represents a current, professionally determined criteria for eligibility in VaLORS for those not under SPORS.**

**I hope that I have convinced you to consider including DMV special agents in VaLORS.**

**I recommend that you consider using the Compensation Reform law enforcement career group roles as a long-term method for VaLORS eligibility.**

**Thank you.**