

**LAW ENFORCEMENT TRAINING SUBCOMMITTEE  
West Virginia State Police Academy  
Professional Development Center  
Institute, West Virginia  
March 29, 2007**

MEMBERS PRESENT: Sheriff Rodney Miller  
Retired Chief Ivin B. Lee  
Retired Lieutenant Terry L. Miller  
Ms. Susan Singleton  
Ms. Patricia Hamilton

MEMBERS REPRESENTED: Colonel D. Lemmon by  
Major Dave Williams  
Colonel David Murphy  
by Sergeant Curt Tilley  
Retired Lieutenant H. Steve Walker  
by Lieutenant Steve Neddo

MEMBERS ABSENT: Chief John Walker  
The position occupied by Dr. Ervin V. Griffin Sr.  
was vacant due to his resignation from the  
LET Subcommittee and the vacancy as  
yet not being filled.

STAFF: Retired Captain Chuck Sadler  
Mr. Jeff Estep

The March 29, 2007 meeting of the Law Enforcement Training (LET) Subcommittee, conducted at the Professional Development Center of the West Virginia State Police Academy, Institute, West Virginia, was called to order at 10:05 a.m. by Retired Lieutenant Terry Miller, Chair in that Colonel Dave Murphy was absent, with eight (8) members either present or represented. One member was absent and there is one vacancy on the committee.

The minutes of the February 22, 2007 meeting of LET Subcommittee were presented for consideration. Retired Lieutenant Miller asked if there were any questions or corrections to be noted concerning the minutes. Hearing none he asked if there was a motion to accept the minutes as presented.

A motion was made by Sheriff Miller, seconded by Retired Chief Lee, that the minutes of the February 22, 2007 LET Subcommittee meeting be accepted as presented. There being no discussion on the motion Retired Lieutenant Miller called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Retired Lieutenant Miller asked for the presentation of the financial report by Retired Captain Chuck Sadler. Retired Captain Sadler reviewed the balance listed in the fund from the information mailed to members prior to this meeting. He noted that there was a balance of \$156,202 as of March 22, 2007. With that balance he indicated that there were sufficient funds to address the request to be taken up on agenda item number 7, but that the fund still remained at levels that projected a funding shortfall by the close of 2007.

There being no further comments by Retired Captain Sadler on the financial report and there being no questions or comments by the members Retired Lieutenant Miller asked if there was a motion to accept the report as presented.

A motion was made by Sheriff Miller, seconded by Retired Chief Lee, that the financial report dated March 22, 2007 be accepted as presented. There being no discussion on the motion Retired Lieutenant Miller called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Retired Lieutenant Miller then initiated discussion on Agenda item three. The applications of the below named individuals seeking to be certified as law enforcement training instructors were presented for consideration:

Chief Kevin Angelilli  
Sistersville Police Department

PADI Scuba Instructor  
ASP Baton Instructor  
ASP Handcuff Instructor

Officer Bryan Michael Atterson  
Beckley Police Department

Police K-9 Patrol Techniques  
Police K-9 Narcotics Detection

Deputy Kevin J. Boyce  
Jefferson County Sheriff's Office

Standardized Field Sobriety Testing  
(SFST)  
DUI Instructor  
Radar/Lidar Instructor

Sergeant Christopher Dellenger  
Grantsville Police Department

Forensic Interview Techniques for  
Children  
Clandestine Laboratory Investigations

Sergeant Stephen G. Kastigar  
New Martinsville Police Department

Basic SWAT/SRT Tactics Instructor  
Domestic Terrorism and Extremist  
Groups

Sergeant Ronald Dale Mathis Jr.  
Kanawha County Sheriff's Office

Police K-9 Patrol Techniques  
Police K-9 Narcotics Detection and  
Interdiction Techniques  
Police K-9 – Managing K-9 Units  
Police K-9 Evaluation

Sergeant J. D. Meadows  
Kanawha County Sheriff's Office

Basic Clandestine Laboratory  
Investigation

Patrolman First Class Mark Trump  
Morgantown Police Department

Police Firearms Instructor – Handgun  
Police Firearms Instructor – Shotgun  
Police Firearms Instructor – Patrol Rifle  
Police Firearms Instructor – Precision  
Rifle (Sniper)  
Tactical Handgun and Shotgun  
SWAT Tactical Operations  
Responding to Hate Crimes  
Police All Terrain Vehicles (ATV)  
Operations

Retired Lieutenant Miller asked Retired Captain Sadler if these individuals had met the standards to become certified law enforcement instructors. Retired Captain Sadler indicated that they did and that they be recommended for approval as such.

A motion was made by Major Williams, seconded by Sheriff Miller, that these individuals be certified as law enforcement instructors. There being no discussion on the motion Retired Lieutenant Miller called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Retired Lieutenant Miller then initiated discussion on agenda item number four as to the requests by currently certified instructors that additional area/s of expertise be approved for them to instruct in. The following individuals were presented for consideration and approval:

Sergeant Doug Beasley  
Kanawha County Sheriff's Office

Meth Lab Investigations

Sergeant C. S. Dellinger  
Grantsville Police Department  
Kanawha County Emergency  
Ambulance Authority

First Aid for Law Enforcement  
CPR  
Medical Treatment During SWAT Actions  
Child Passenger Safety Technician

Lieutenant Thomas H. Mitchell  
Wheeling Police Department

Police Firearms Instructor – Handgun  
Police Firearms Instructor – Shotgun

Officer Keith Rowan  
Evidence  
Buckhannon Police Department

Identifying and Seizing Electronic

Officer Gregory J. Scappini  
Shepherdstown Police Department

Polygraph Operation and Usage  
Police Background Investigations  
Responding to Crime Scenes  
Combating Human Trafficking by Patrol  
Officers

Retired Lieutenant Miller asked Retired Captain Sadler if these individuals had met the standards have these additional areas of expertise added to their certification as instructors. Retired Captain Sadler indicated that they did and that the areas be recommended for approval.

A motion was made by Ms. Singleton, seconded by Major Williams, that these individuals have the listed additional areas added to their areas approved to instruct in. There being no discussion on the motion Retired Lieutenant Miller called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Retired Lieutenant Miller then initiated discussion on agenda item number five A. The following applications for approval of annual in-service training programs were presented for consideration:

**CHARLESTON POLICE DEPARTMENT**

Eight (8) hours                      19 Mar 07, 14 May 07 and 11 Jun 07

Gang Identification and Profiling

Instructor: Corporal Errol Randle  
Charleston, WV

Eight (8) hours                      29 Mar 07

Report Writing for Police Officers

Instructor: Corporals Chad Snodgrass and Gary Daniels  
Charleston, WV

**CHARLES TOWN POLICE DEPARTMENT**

Sixteen (16) hours                    22-23 May 07  
Field Supervisors Leadership and Tactical Decision Making Course  
Instructor: Retired Officer Ron McCarthy  
Harpers Ferry, WV

NOTE: Due to the management topics being presented and the nature of the overall training presented this training is being recommended for dual track approval as officers exempt and non-exempt officers will directly use the information provided as part of their respective assignments/rank.

Forty (40) hours                    19-23 Mar 07  
Advanced Hostage Rescue  
Instructor: Officer Steve Clagett  
Harpers Ferry, WV

**CHRIST HOPE CHURCH - INTERNATIONAL CONFERENCE OF POLICE CHAPLAINS**

Eight (8) hours                    8 May 07  
Critical Incident Stress Management and Death Notification  
Instructor: Police Chaplain/Pastor Erik Riddle  
Institute, WV

**JEFFERSON COUNTY SHERIFFS OFFICE**

Eight (8) hours                    Dates to be set  
Standardized Field Sobriety Testing (SFST) Update Training  
Instructor: Deputy Kevin Boyce  
Jefferson County, WV

**KANAWHA COUNTY SHERIFF'S OFFICE**

Sixteen (16) hours                    19-20 Mar 07 and 26-27 Mar 07  
Radar/Lidar Operator's Course  
Instructor: Sergeant Doug Beasley  
Charleston, WV

**LORMAN EDUCATIONAL SERVICES**

One (1) hour                    15 Jun 07  
The Child Protection and Safety Act of 2006 Teleconference  
Lorman Educational Services  
Teleconference

**MID ATLANTIC TRAINING RESOURCES**

Thirty-six (36) hours                    16-19 Apr 07  
ALS Less Lethal Munitions Instructor Course  
Instructor: Mr. Mike Aultman  
Philippi, WV

Forty-four (44) hours      7-11 May 07  
Handgun/Shotgun Instructor Course  
Instructor: Adjunct Staff National Rifle Association  
Philippi, WV

Forty-four (44) hours      14-18 May 07  
Patrol Rifle Instructor Course  
Instructor: Adjunct Staff National Rifle Association  
Philippi, WV

**MORGANTOWN POLICE DEPARTMENT**

Forty-four (44) hours      21-25 May 07  
NRA Select Fire Instructor Development School  
Instructor: Adjunct Staff National Rifle Association  
Morgantown, WV

Eight (8) hours              27, 28 and 29 Mar 07  
Liability Issues Associated With Emergency Vehicle Operation  
Instructor: Detective Bryon Hennessey  
Morgantown, WV

**NCLETTTC**

Eight (8) hours              28 Mar 07  
Scent Theory for K-9 Handlers  
Instructor: Officer Dale Thompson  
Moundsville, WV

Forty (40) hours              11-15 Jun 07  
Duty Handgun Instructor  
Instructor: Retired Officer Mike Younger  
Moundsville, WV

Sixteen (16) hours          24-25 Apr 07  
Duty Handgun Instructor Re-Certification Training  
Instructor: Retired Officer Mike Younger  
Moundsville, WV

Eight (8) hours              6 Apr 07  
SWAT – Phase I – Close Quarter Handgun Techniques  
Instructor: Mr. Michael Younger  
Moundsville, WV

Eight (8) hours              17 May 07  
SWAT – Phase II – Low Light Shooting Techniques  
Instructor: Mr. Michael Younger  
Moundsville, WV

Eight (8) hours                      7 Jun 07  
SWAT – Phase III – High Risk Shooting Techniques  
Instructor: Mr. Michael Younger  
Moundsville, WV

Eight (8) hours                      6 Jul 07  
SWAT – Phase IV – Rifle Shotgun for Close Quarters Combat  
Instructor: Mr. Michael Younger  
Moundsville, WV

**NITRO POLICE DEPARTMENT**

Eight (8) hours                      6-7 Mar 07  
First Unit Response to Crime Scenes  
Instructor: Lieutenant D Scurlock  
Nitro, WV

**NORFOLK SOUTHERN POLICE DEPARTMENT**

Sixteen (16) hours                      9-10 May 07  
Grade Crossing Collision Course  
Instructor: Supervisory Special Agent Kenny Young  
Huntington, WV

**REGIONAL COMMUNITY POLICING ACADEMY**

Eight (8) hours                      26 Mar 07  
Homicide Prevention Training for Law Enforcement  
Instructor: Mr. Derek Marchman and Officer Troy Ball  
Summersville, WV

**WESTON POLICE DEPARTMENT**

Sixteen (16) hours                      24-25 Mar 07  
Mapping and Measuring  
Instructor: Retired Lieutenant Don Underwood  
Weston, WV

**WEST VIRGINIA DIVISION OF NATURAL RESOURCES**

Eight (8) hours                      21 and 22 Feb 07; 6, 7, 8, 27, 28 and 29 Mar 07;  
And 3, 4, and 5 Apr 07

First Aid – CPR Re-Certification  
Instructor: Officer Harold Spencer  
Farmington, Romney, Elkins and Parkersburg, WV

Four (4) hours                      7, 15, 22 and 28 Mar 07  
S&W Model 4566TSW Training  
Instructors: Certified Police Firearms Instructors from WV DNR  
Institute, French Creek, Raleigh County, Harrison County, Wood County and  
Maysville, WV

**WEST VIRGINIA PREVENTION RESOURCE CENTER**

Seven (7) hours                      3 May 07  
Keeping Children Safe From Sex Offenders  
Instructor: Mr. Corey Jewell Jensen  
Wheeling, WV

Retired Lieutenant Miller asked Retired Captain Sadler if these classes met the standards to be certified for annual level in-service training. Retired Captain Sadler stated that all the classes listed did and recommended their approval.

There was a question from Sergeant Tilley as to the recommendation of the training submitted by Mid Atlantic Training Resources as to its handgun/shotgun instructor development in light of agenda item 10 that was to be discussed at this meeting. There was consensus agreement by the members present that approval of this class should be tabled until the discussion on agenda item 10 was completed. Retired Lieutenant Miller asked if there were any other questions concerning the classes presented. Hearing none he asked if there was a motion concerning the recommended approval of the classes.

A motion was made by Sheriff Miller, seconded by Ms. Singleton, that the handgun/shotgun instructor development course submitted by Mid Atlantic Training Resources be tabled until the discussion was completed on agenda item 10 and that all of the other listed classes be approved as annual level in-service training. There being no discussion on the motion Retired Lieutenant Miller called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Retired Lieutenant Miller then initiated discussion on agenda item number five B. The following applications that had been submitted for approval as supervisory in-service for this month's meeting were considered:

**CHARLESTON POLICE DEPARTMENT**

Eight (8) Hours                      25 Apr 07  
Performance Improvement Program  
Instructor: Adjunct Staff Van Meter and Associates  
Charleston, WV

Eight (8) Hours                      26 Apr 07  
Quota Free Police Productivity System  
Instructor: Adjunct Staff Van Meter and Associates  
Charleston, WV

**CHARLES TOWN POLICE DEPARTMENT**

Sixteen (16) hours                    22-23 May 07  
Field Supervisors Leadership and Tactical Decision Making Course  
Instructor: Retired Officer Ron McCarthy  
Harpers Ferry, WV

NOTE: Due to the management topics being presented and the nature of the overall training presented this training is being recommended for dual track approval as officers exempt and non-exempt officers will directly use the information provided as part of their respective assignments/rank.

**CHRIST HOPE CHURCH - INTERNATIONAL CONFERENCE OF POLICE CHAPLAINS**

Eight (8) hours                    9 & 10 May 07  
Critical Incident Stress Management and Death Notification for Supervisors  
Instructor: Police Chaplain/Pastor Erik Riddle  
Institute, WV

**WEST VIRGINIA CHIEFS OF POLICE ASSOCIATION**

Eight (8) hours                    2 May 07  
Pro Active Management of Media Relations  
Instructor: Retired Lieutenant Colonel James L. Vance  
Clarksburg, WV

Retired Lieutenant Miller asked Retired Captain Sadler if these classes met the standards to be certified for supervisory level in-service training. Retired Captain Sadler stated they did and recommended their approval.

A motion was made by Ms. Singleton, seconded by Sheriff Miller, that the listed classes be approved as supervisory level in-service training. There being no discussion on the motion Retired Lieutenant Miller called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Retired Lieutenant Miller then initiated discussion on agenda item number five C. The following applications for approval of personal in-service training programs were presented for consideration:

**BERKELEY COUNTY SHERIFF'S OFFICE**

Sergeant Willie Akers  
Annual In-Service  
Forty (40) hours                    19-23 Mar 07  
Pedestrian/Bicycle Crash Investigation  
Institute of Police Technology and Management  
Jacksonville, FL

**CABELL COUNTY SHERIFF'S OFFICE**

Corporal Robert McQuaid  
Annual In-Service  
Nineteen (19) hours            15-17 May 07  
2007 Law Enforcement Conference  
United States Attorney's Office of Tennessee  
Gatlinburg, TN

**CHARLESTON POLICE DEPARTMENT**

Senior Patrolman S. Dempsey  
Patrolman D. Paxton  
Annual In-Service  
Forty (40) hours            27-30 Mar 07  
dTective – Introduction to Forensic Video Analysis  
Ocean Systems Inc.  
Burtonsville, MD

Lieutenant Chad Napier  
Lieutenant Eric Johnson  
Lieutenant Chris Thompson  
Sergeant Kim West  
Supervisory In-Service  
Six (6) hours            13 Apr 07  
Dealing With Difficult People Seminar  
Fred Pryor Seminars and Career Track Inc.  
Charleston, WV

**GRANVILLE POLICE DEPARTMENT**

Chief Ron Snyder  
Sergeant Leroy Forbes  
Supervisory In-Service  
Sixteen (16) hours            27-28 Mar 07  
Fundamentals of Risk Management  
Travelers Insurance Company  
Morgantown, WV

**GREENBRIER COUNTY SHERIFF'S OFFICE**

Sergeant Kirby Hanson  
Annual In-Service  
Sixteen (16) hours            16-17 Apr 07  
REACT Band-It Prisoner Transportation System  
Stinger Inc.  
Cleveland, OH

**HAMPSHIRE COUNTY SHERIFF'S OFFICE**

Deputies to be named  
Annual In-Service  
Six (6) hours                      25 Apr 07  
Child Victimization and Domestic Violence  
West Virginia Coalition Against Domestic Violence  
Romney, WV

**LEWIS COUNTY SHERIFF'S OFFICE**

Deputy Darren Stout  
Annual In-Service  
Nineteen (19) hours              15-17 May 07  
2007 Law Enforcement Conference  
United States Attorney's Office of Tennessee  
Gatlinburg, TN

**MONOGALIA COUNTY SHERIFF'S OFFICE**

Sergeant William Tennant  
Annual In-Service  
Twenty-four (24) hours        6-9 Mar 07  
Forensic Response to Missing and Abducted Children  
Fox Valley Technical College

Sergeant William Tennant  
Annual In-Service  
Forty (40) hours                15-20 Apr 07  
Protecting Children Online  
Fox Valley Technical College

**MORGANTOWN POLICE DEPARTMENT**

Sergeant Steven Ford  
Patrolman First Class Mark Trump  
Patrolman First Class Lawrence Hasley  
Annual In-Service  
Twenty-four (24) hours        9-11 Apr 07  
Spanish for Law Enforcement – Phase I  
Northeast Counterdrug Training Center  
Fort Indiantown Gap. PA

Chief Phil Scott  
Sergeant Matthew Solomon  
Supervisory In-Service  
Forty (40) hours                16-20 Apr 07  
Leadership and Mastering Performance Management Course  
Northeast Counterdrug Training Center  
Fort Indiantown Gap. PA

**RANSON POLICE DEPARTMENT**

Eight (8) hours                      10 Mar 07  
Emergency Driving – Crash Avoidance Techniques  
Bill Scott Raceway Inc.  
Summit Point, WV

**SOPHIA POLICE DEPARTMENT**

Eight (8) hours                      15 Apr 07  
Mass Casualty Incident Training  
West Virginia Office of Emergency Medical Services

**WEST VIRGINIA DIVISION OF NATURAL RESOURCES**

Officer Michael Lott  
Officer Gabriel Wood  
Officer Aaron Clevenger  
Officer Michael Coberly  
Eight (80) hours                      12 – 23 Mar 07  
Marine Patrol Officers Course  
United States Coast Guard  
Charleston, SC

Retired Lieutenant Miller asked Retired Captain Sadler if these classes met the standards to be certified as annual or supervisory level in-service training as applicable. Retired Captain Sadler indicated they did and recommended their approval for the type of in-service listed.

Retired Lieutenant Miller asked if there were any questions concerning the classes that had been submitted. As there were none expressed a motion was made by Ms. Singleton, seconded by Sheriff Miller, that these classes be approved as annual or supervisory level in-service training as applicable. There being no discussion on the motion Retired Lieutenant Miller called for questions. All present voted in favor of, with no negative votes cast, the motion as made.

Retired Lieutenant Miller then initiated discussion on Item six as to actions taken concerning the appeals of the dismissals from the 128<sup>th</sup> Basic Academy Class. Sergeant Tilley indicated that he had received a memorandum from the Assistant Attorney General assigned to the West Virginia State Police, Ms. Virginia Lanham, advising that she had been in contact with Mr. Gerald Lacy, the Administrative Law Judge (ALJ) for the LET Subcommittee. Sergeant Tilley advised that she had stated in her correspondence that Mr. Lacy had indicated that he was not sure that the matter was to be heard by an ALJ at this point in its review. A copy of the memorandum was provided to the members present and is provided under Attachment One of these minutes.

Mr. Estep stated that he had not been made aware of any question that had been raised by Mr. Lacy as to hearing the review of the dismissals and that there was clear authority for him to do so. He further continued that this was the point at the review was required because of the manner in which the dismissals had come

before the committee. Mr. Estep indicated that he would check with Mr. Steve Compton as to the point that had been brought up to Ms. Lanham by Mr. Lacy. He would advise the subcommittee members as to the follow up actions taken and determination made at their April 27, 2007 meeting.

There being no further discussion or questions concerning agenda item six Retired Lieutenant Miller then initiated discussion on agenda item seven as to request from the West State Police Academy for funding from the LET Fund in the amount of \$123,098 to operate the 131<sup>st</sup> Basic Class from May 7, 2007 through August 24, 2007 by asking Major Williams to speak. Major Williams reviewed the general application for the funding request. Sergeant Tilley provided the members present with a copy of a document dated March 27, 2007 reference Academy Basic Grant Requests. A copy of that document is provided under Attachment Two of these minutes.

Sergeant Tilley reviewed the contents of this document with the members present as to the costs of operating a Basic Class with emphasis on the efforts by the Academy staff to reduce the cost of operating the Academy. There was consensus agreement by the members present as to their appreciation and recognition of those efforts and the results obtained. The DCJS staff present echoed those sentiments.

With the funding level present in the LET Funds Sergeant Tilley asked the members present for approval of the funding request made for the operation of the 131<sup>st</sup> Basic Class. Retired Captain Sadler recommended the approval of that request.

There being no further discussion or any questions concerning the recommended funding for the 131<sup>st</sup> Basic Retired Lieutenant Miller asked if there a motion concerning agenda item 7. A motion was made by Sheriff Miller, seconded by Ms. Singleton, that \$123,098 be awarded from the LET Fund to operate the 131<sup>st</sup> Basic Class from May 7, 2007 to August 24, 2007. There being no discussion on the motion Retired Lieutenant Miller called for questions. All present voted in favor of, with no negative votes cast, the motion as made.

Retired Lieutenant Miller then initiated discussion on agenda item eight as to the previously tabled request that sections of the Woodbadge Training Program of the Boy Scouts of America be approved for in-service credit by officers participating in this training by asking Retired Captain Sadler to speak on the items sent out in the meeting notice. Retired Captain Sadler reviewed the request that had been submitted by Mr. Harry Shaffer, Attorney-at-Law, to have the training approved on behalf of Deputy Paxton Lively, Kanawha County Sheriff's Office. He had asked Mr. Shaffer and Deputy Lively to be present at this meeting to address their request.

In that neither was present at the meeting Retired Captain Sadler indicated that he understood the previously stated position of the members as to their concerns on approving this training for in-service credit. He advised the members

that the matter would not be brought back before them unless he had a guarantee from an individual directly interested or impacted by the request that they would be present to speak with the members.

In that there was consensus agreement by the members present that the matter was not to be acted upon until such individuals were present before them the request concerning approval for in-service training hours to be granted for participation in the Boy Scouts of America's Woodbadge Program was permanently tabled.

Retired Lieutenant Miller then initiated discussion on agenda nine as to the presentation by Ms. Wyetta Fredericks, Executive Director of the West Virginia Regional Jail Authority, as to the actions of that agency's Jail Cost Containment Committee and its relationship to the law enforcement community by asking Ms. Hamilton to speak. Ms. Hamilton indicated that Ms. Fredericks was unable to attend due to another commitment, but that she was prepared to make a presentation to the members on behalf of Ms. Fredericks in that she was a member of the Jail Cost Containment Committee, indicating further that so were Ms. Singleton and Retired Captain Sadler.

Ms. Hamilton had passed out to the committee members a presentation prepared by Ms. Fredericks which addressed the issue of jail costs and the discussions which had been underway to minimize and reduce those costs and their impact upon law enforcement and other related users of the regional jail system. A copy of the presentation is provided under Attachment Three of these minutes.

Ms. Hamilton then reviewed with the members present the following actions/discussions undertaken by the Jail Cost Containment Committee and legislation which had been passed by the recent session of the West Virginia Legislature as to the cost of housing individuals within the Regional Jail System:

1. The recognition for a multidisciplinary approach to addressing and reducing the cost to house individuals.
2. The passage of legislation addressing the use of the Medicare rate as to medical costs, the increase in the processing fee, the action taken concerning the Community Corrections Fund, payments by inmates as a result of money earned during work release and efforts to transfer related costs.
3. The need for recognition for training to help law enforcement officer in making decisions as to taking enforcement related actions that can result in the individual not having to initially being placed in jail, i.e. summons, indictments, etc.
4. The review of the types of offenses for which individuals are being incarcerated to see if other methods, i.e. treatment, referral programs, work release, can be used to reduce the number of individual actually being placed in jail, both to reduce costs and to

minimize the chance that the individual will commit the same action again.

As to the discussion on the increase by legislation in the Community Corrections Fund from \$2.50 to \$5.00 and that the amount be court ordered Ms. Singleton brought up to the members present the use of the additional \$2.50 by the LET Fund. There was consensus agreement by the members present that this was a viable option to increase available funds to the LET Funds and that it needed to be further reviewed. It was determined by the members present that Ms. Singleton, Major Williams or Sergeant Tilley, Sheriff Miller, Retired Lieutenant Walker and staff needed to review and discuss options to enact the necessary statutory or legislative rules change to have the additional \$2.50 that was going to be generated directed to the LET Fund. Their recommendations were to be reported back to the members by their May 31, 2007 meeting.

The members expressed their consensus appreciation to Ms. Hamilton for her report to them and for the efforts of Ms. Hamilton, Ms. Singleton and Retired Captain Sadler for representing the interests of the LET Subcommittee on the Jail Cost Containment Committee. Ms. Hamilton extended an invitation to all of the members to attend future meetings of the Jail Cost Containment Committee.

Retired Lieutenant Miller then moved to initiate discussion on agenda ten as to the Legislative Rules within 149-2 concerning standards for certification as a police firearms instructor and to oversee range qualifications by asking Major Williams to speak. Major Williams indicated that Sergeant David Lee, Lead Range Officer for the Academy was present and asked him to speak on the matter.

Sergeant Lee reviewed the components of the police firearms – handgun instructor development course with the members and the importance of a potential instructor completing the forty hour course on handguns and the basic instructor development course. He was familiar with the “combined” courses being put on by the NRA and reviewed that program as well.

There was discussion by the members present, in particular Sheriff Miller, Lieutenant Neddo and Sergeant Tilley on behalf of Colonel Murphy, Mr. Erik Lawrence of Mid Atlantic Training Resources and Mr. Charlie Thomas, National Center for Law Enforcement Technology and Transfer Center, as to the various courses relating to firearms and the importance of instructors having received training in the presentation, teaching techniques, of shooting skills to officers.

There was consensus agreement by the members present that for an individual to oversee/hold range qualifications for officers complying with the semi-annual range qualifications set forth in Legislative Rules that they had to a certified firearms instructor. That required completion of the forty hour basic instructor development course and a forty hour handgun specific, not a combined class such as handgun/shotgun, training course. Upon completing those requirements an individual could be approved as a police firearms instructor in the area of handguns. Upon the completion of further training in a given area, i.e. patrol rifle,

select fire, they could be considered for approval in those areas. While the committee would review cases where the additional training was less than forty hours it was the desire of the members that an additional forty hours be completed as well in these add on areas.

Retired Lieutenant Miller asked the members if based on the discussion held if there was a motion concerning the tabled request for approval as annual in-service for the handgun/shotgun class by Mid Atlantic Training Resources. A motion was made by Ms. Singleton, seconded by Retired Chief Lee, that the handgun/shotgun class presented by Mid Atlantic Training Resources be approved as annual in-service training, but that prospective students to the training be advised that the class did not meet one of the requirement for an individual to become a certified firearms instructor. There being no discussion on the motion Retired Lieutenant Miller called for questions. All present voted in favor of, with no negative votes cast, the motion as made.

Mr. Lynch indicated that he understood the motion as passed and would so notify individuals the class could only be used for in-service credit hours. He advised that he would be reviewing the need for the class as such and would advise Retired Captain Sadler if a decision was made to cancel the training. Retired Captain Sadler advised the members that he would prepare and send out a notice to all West Virginia law enforcement agencies as to the requirement that a certified police firearms instructor hold range qualifications.

Retired Lieutenant Miller then initiated discussion on agenda item eleven as to the Legislative Rules addressing the standards of the physical ability testing process by asking Sergeant Tilley to speak. Sergeant Tilley advised the members that Trooper First Class Petry, the Lead Physical Fitness Instructor for the Academy, had been reviewing the standards as to the makeup of the test and the discussion that had taken place during recent LET Subcommittee meetings concerning the implementation of testing standards as part of the curriculum of the Academy Basic Class and that because of the importance of the matter that further review was needed. He asked that the matter be table until the April 26, 2007 meeting of the LET Subcommittee.

There was consensus agreement by the members present to table agenda item 11 until the April 26, 2007 meeting. Retired Captain Sadler did provide the members present with a survey that had been completed and recently sent to him by the District of Columbia POST Program. The survey addressed National Law Enforcement Officer Hiring and Training Graduation Physical Fitness Standards. A copy of that survey is provided under Attachment Four of these minutes. The information was provided for the members to review prior to the next meeting as to the PAT related standards used by other LET/POST programs. In providing the information Retired Captain Sadler did note that the accuracy of the full information had not been verified as it was recognized that the survey reported West Virginia as having a 300 meter run as part of its PAT and it was not part of the exam.

Retired Lieutenant Miller then initiated discussion on agenda item twelve as to the consideration of the request by Mr. John D. Miller, formerly of the Barrackville Police Department, that the ninety day order put in place on him be rescinded by asking Retired Captain Sadler to speak. Retired Captain Sadler reviewed with the members the actions that had led up to the placing of the order.

In that Mr. Miller, the Chief of Police from Barrackville Police Department and a councilwoman from the Town of Barrackville were present the committee members asked to hear from them as to hiring of Mr. Miller and why an application was not submitted in a timely manner. Mr. Miller discussed with the members the fact that he had not been made aware of the requirement by the police department or town officials. When he did subsequently ask about the need to submit paperwork he was told to hold off on doing anything, that it would be taken care of.

Chief Triplett and Councilwoman Haught verified Mr. Miller's statements on what had happened. Mr. Miller also presented a letter from Mayor Donna Hall, Town of Barrackville and one from himself restating what had been told to the members. Those letters are provided under Attachment Five of these minutes.

There was consensus agreement by the members present that the LET Subcommittee needed to examine changes in the legislative rules and statutes to put more responsibility, punitive if necessary, on agencies when they failed to act to make proper notice to staff of the employment of officers. This agreement was in recognition that Mr. Miller's case is not a singular one, it is one that has been head previously by the members and they do not think that it is right the individual, Mr. Miller in this case, is the one who is punished by the said failure. The matter is to be further reviewed by the members as to the responsibility of the employing agency.

As to the request before them concerning Mr. Miller's request Retired Lieutenant Miller asked if there was a motion to be made. A motion was made by Sheriff Miller, seconded by Retired Chief Lee, that Mr. John D. Miller, formerly of the Barrackville Police Department, be made anew in the eyes of the LET Subcommittee as to the requirement to make timely application for entry into the entry level training program. There being no discussion on the motion Retired Lieutenant Miller called for questions. All present voted in favor of, with no negative votes cast, the motion as made.

Retired Lieutenant Miller then initiated discussion on agenda item thirteen as to appeal of Chief Danny Price, Richwood Police Department, as to the action of the LET Subcommittee to deny him entry into the entry level training program by asking Retired Captain Sadler to speak. Retired Captain Sadler advised that Chief Price had not appeared at his scheduled hearing before Mr. Lacy, ALJ, and that an order had been prepared to close the matter as a result by Mr. Compton. Mr. Compton had recently been informed however by Mr. Lacy that another hearing had been set at the request of Chief Price. Because the reason for the request offered to Mr. Lacy by Chief Price was not factual or honest Mr. Compton was moving to have the hearing cancelled and the prepared order put in place. Retired

Captain Sadler advised the members that he would keep them apprised of the decision in the matter.

Retired Lieutenant Miller then initiated discussion on agenda item fourteen as to the public-at-large vacancy on the LET Subcommittee by having Mr. Jeff Estep, Deputy Director of the Division of Criminal Justice Services speak. Mr. Estep advised that actions were being undertaken to remind the staff of the Governor's office as to the existing vacancy and the importance of moving to fill the vacancy as soon as possible. Mr. Estep advised the members that he would keep them apprised of the actions taken in moving to have the vacancy filled.

Retired Lieutenant Miller then initiated discussion on agenda item fifteen as to the review of the application of Officer Wesley J. Cross, Bethlehem Police Department, to participate in the entry level training program by advising the members that the discussion would address personnel related matters and asking the members if there was a motion for the LET Subcommittee to go into executive session. A motion was made Retired Chief Lee, seconded by Sheriff Miller, that the LET Subcommittee go into executive session to address agenda item fifteen. There being no discussion on the motion Retired Lieutenant Miller called for questions. All present voted in favor of, with no negative votes cast, the motion as made.

The LET Subcommittee went into executive session at 11:40 a.m. The LET Subcommittee came out of executive session at 11:52 a.m.

Retired Lieutenant Miller asked the members if there was a motion to be made concerning agenda item fifteen. A motion was made by Ms. Singleton, seconded by Sergeant Tilley, that Officer Wesley J. Cross, Bethlehem Police Department, be allowed to participate in the entry level training program. There being no discussion on the motion Retired Lieutenant Miller called for questions. All present voted in favor of, with no negative votes cast, the motion as made.

Retired Lieutenant Miller asked the members present if there was any other business to be discussed. Major Williams indicated that he did and asked to be able to present it to the members. Retired Lieutenant Miller indicated that he could do so.

Major Williams requested that the members approve an increase in the tuition level to its previous level of \$1,500 for each officer participating in the entry level training program. At \$1,000 per officer and the level that the LET Fund was generating there was simply not enough funds to cover the projected costs of operating the entry level training program during the 2008 calendar year. He reminded the committee members of discussions carried out in previous meetings and referred the members to a document that Retired Captain Sadler had prepared for presentation in a meeting with Cabinet Secretary Spears, Department of Military Affairs and Public Safety. That document projected the inability of the LET Fund to meet projected funding requests by December of 2007. A copy of that document is provided under Attachment Six of these minutes.

There was discussion by the members as to the recognition that the tuition needed to be increased in conjunction with the continued examination of other revenue sources for the LET Fund.

Retired Lieutenant Miller asked the members if there was a motion to be made concerning the requested increase in the tuition made by Major Williams. A motion was made by Sergeant Tilley, seconded by Ms. Singleton, that effective with the officers entering the 132<sup>nd</sup> Basic Class, to begin September 4, 2007, that the tuition for each such officer would be \$1,500. There being no discussion on the motion Retired Lieutenant Miller called for questions. All present voted in favor of, with no negative votes cast, the motion as made.

Retired Lieutenant Miller asked the members if there was any other business to be discussed. Hearing none other to be discussed he asked the members present if there was a motion to close the meeting. A motion was made by Major Williams, seconded by Sergeant Tilley, that the March 29, 2007 meeting of the LET Subcommittee be brought to a close. There being no discussion on the motion Retired Lieutenant Miller called for questions. All present voted in favor of, with no negative votes cast, the motion as made.

The March 29, 2007 meeting of the LET Subcommittee was brought to a close by Retired Lieutenant Miller 12:00 noon.

**ATTACHMENT ONE**

**TELEPHONE MEMORANDUM**

**Ms. Virginia G. Lanham**  
**Assistant Attorney General**

**March 22, 2007**

# **ATTACHMENT TWO**

## **Academy Basic Class Grant Requests**

**March 27, 2007**

# **ATTACHMENT THREE**

## **Jail Cost Containment Committee**

### **Presentation on Actions Addressed**

# **ATTACHMENT FOUR**

## **National Law Enforcement Officer Hiring and Training Graduation Physical Fitness Standards**

### **District of Columbia POST Program**

# **ATTACHMENT FIVE**

**Ninety Day Order**

**Mr John D. Miller**

**formerly of the**

**Barrackville Police Department**

# **ATTACHMENT SIX**

**Report on the**

**Law Enforcement Training  
(LET) Fund**

**Prepared by  
Retired Captain C Sadler**