

**LAW ENFORCEMENT TRAINING SUBCOMMITTEE  
West Virginia State Police Academy  
Professional Development Center  
Institute, West Virginia  
September 27, 2007**

MEMBERS PRESENT: Colonel David Murphy  
Retired Lieutenant Terry L. Miller  
Ms. Patricia Hamilton

MEMBERS REPRESENTED: Colonel D. Lemmon by  
Major Dave Williams  
Chief John Walker by  
Chief Tim Stover  
Retired Chief Ivin Lee by  
Retired Sergeant J. L. Johnson  
Retired Lieutenant H. Steve Walker  
By Mr. Dave Gentry

MEMBERS ABSENT: Sheriff Rodney Miller  
Ms. Susan Singleton  
The position occupied by Dr. Ervin V. Griffin Sr.  
is 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 September 27, 2007 meeting of the Law Enforcement Training (LET) Subcommittee, conducted at the Professional Development Center, located on the Academy grounds, Dunbar, West Virginia, was called to order by Colonel Dave Murphy at 10:07 a.m., with seven (7) members either present or represented. There is one vacancy on the committee.

The minutes of the August 30, 2007 meeting of LET Subcommittee were addressed for consideration. Colonel Murphy asked if there were any questions or corrections to be noted concerning the minutes. Hearing none he asked if there was consensus agreement to accept the minutes as present. The members present indicated such consensus agreement.

Colonel Murphy asked for the presentation of the financial report by Retired Captain Sadler. Retired Captain Sadler reviewed the balance listed in the fund from the information provided to the members immediately prior to this meeting, noting that there was a balance of \$23,931 in the LET Fund. A copy of the September 21, 2007 fund balance report from which that information was obtained is at the end of these minutes.

He noted that the fund was receiving funds at the amount that it had been previously averaging. He continued by noting that with the collection rate and the projected tuition that the fund balance would need to be closely monitored as to the ability of the fund to meet requested funding amounts in December 2007 for the 133<sup>rd</sup> Basic Class and awarding of the supplemental civilian support staff salaries for the period January 1, 2008 to June 30, 2008.

Retired Captain Sadler noted any presentation for an increase in the fee collected for the Law Enforcement Training (LET) Fund to the Legislature would have to come from an entity other than state government. In conjunction with that he asked for the continuing review and consideration from the represented organizations for such a legislative proposal to be presented by them. If they became aware of any information on other funding sources to assist the fund balance he asked that they get with him.

There being no further comments by Retired Captain Sadler on the financial report and there being no questions or comments by the members Colonel Murphy thanked him for the report and asked if there was consensus agreement to accept the financial report as presented. The members present indicated that they were in such agreement.

Colonel Murphy 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:

Officer Ron Curry  
Clendenin Police Department

Police Firearms Instructor – Handgun

Sergeant R. D. Perry  
West Virginia State Police

Police Firearms Instructor – Handgun

Deputy Randy R. White  
Raleigh County Sheriff's Office

Police Firearms Instructor – Handgun  
Police Firearms Instructor – Patrol Rifle  
Police Firearms Instructor – Shotgun  
Basic SWAT

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

Colonel Murphy then initiated discussion on agenda item number four A. The following annual level in-service training programs to be conducted during the 2008 Training Year were presented for consideration and approval:

**CHARLESTON POLICE DEPARTMENT**

Eight (8) hours                      14 Sep 07  
Clandestine Laboratory Entry Training Recertification  
Instructor: Sergeant Tony Payne  
Charleston, WV

Four (4) hours                      28 Sep 07  
X 26 Taser Re-Certification Course  
Instructor: Corporals Stan Wilson and Tracy Thompson  
Charleston, WV

Eight (8) hours                      27 Sep 07  
Performance Improvement Program  
Instructor: Adjunct Staff Van Meter and Associates  
Charleston, WV  
Note: Due to course content and objectives/goals this training being recommended for approval as annual and supervisory level in-service.

Eight (8) hours                      26 Sep 07  
Quota Free Police Productivity System  
Instructor: Adjunct Staff Van Meter and Associates  
Charleston, WV  
Note: Due to course content and objectives/goals this training being recommended for approval as annual and supervisory level in-service.

**DIVISION OF PROTECTIVE SERVICES**

Eight (8) hours                      12 Sep 07

Heartsaver/AED and CPR Training

Instructor: Ms. Marsha Booth, RN

Charleston, WV

**GLENVILLE STATE COLLEGE**

Twenty-four (24) hours      3-5 Oct 07

Intermediate Tactical Operations for Patrol Officers

Instructor: Officer Harry Teare

Glennville, WV

Eight (8) hours                      19 Oct 07

Officer Survival for Patrol Officers

Instructor: Officer Harry Teare

Glennville, WV

**INFORMATION MANUFACTURING CORPORATION**

Six (6) hours                      27 Sep 07

Basic Computer Forensics for Law Enforcement

Instructor: Mr. Jerry Hoover

Rocket Center, WV 26726

**NCLETTTC**

Four (4) hours                      30 Sep 07 am and pm sessions

HazMat IQ – 4-Step Response System

Instructor: Adjunct Staff NCLETTTC

Moundsville, WV

**OHIO VALLEY MEDICAL CENTER**

Six (6) hours                      5 Oct 07

School Safety – A Team Approach

Instructor: Mr. Jason Esper, Mr. Nathan Bacher, Mr. Christopher Supron and  
Ms. Carolyn Gerst

Wheeling, WV

Note: Due to course content and objectives/goals this training being recommended for approval as annual and supervisory level in-service.

**PRINCETON POLICE DEPARTMENT**

Sixteen (16) hours                      Dates to be set

Basic Tactical Rappelling

Instructor: Firefighter Max Doty

Princeton, WV

Sixteen (16) hours                      Dates to be set

Advanced Tactical Rappelling

Instructor: Firefighter Max Doty

Princeton, WV

**SHENANDOAH WOMEN'S CENTER**

Two (2) hours                      Dates to be set

Intimate Homicide

Instructor: Retired Commander John Streeter  
Martinsburg, WV

One (1) hour                      Dates to be set

Why Don't They Leave

Instructor: Retired Commander John Streeter  
Martinsburg, WV

**UNITED STATES ATTORNEY'S OFFICE – SOUTHERN DISTRICT**

Eight (8) hours                      20 Sep 07

Detection of Fraudulent Documents

Instructor: Special Agent L. Yaksich  
Charleston, WV

**WEST VIRGINIA STATE FIRE MARSHALL'S OFFICE**

Sixteen (16) hours                      1-2 Oct 07

2007 West Virginia Fire Investigation Conference

Instructor: Adjunct Staff West Virginia State Fire Marshall's Office  
Beckley, WV

**WEST VIRGINIA PREVENTION RESOURCE CENTER**

Eighteen (18) hours                      1-3 Oct 07

West Virginia Summit on Violence Against Women

Instructor: Adjunct Staff U. S. Department of Justice and Prevention Resource  
Center  
Charleston, WV

Eight (8) hours                      20 Sep 07

3<sup>rd</sup> Annual Logan County Drug and Tobacco Summit

Instructor: Adjunct Staff West Virginia Prevention Resource Center  
Chief Logan State Park, WV

Six (6) hours                      29 Oct 07

Keeping Children Safe From Sex Offenders

Instructor: Ms. C J Jensen, M.S.  
Wheeling, WV

Six (6) hours                      13 Nov 07

Ethics Training

Instructor: Adjunct Staff West Virginia Prevention Resource Center  
Charleston, WV

Thirteen (13) hours            14-15 Nov 07  
2007 Share The Vision Conference  
Instructor: Adjunct Staff West Virginia Prevention Resource Center  
Charleston, WV

Colonel Murphy asked Retired Captain Sadler if these classes met the standards to be approved for annual in-service training. Retired Captain Sadler stated that all the classes listed did and recommended their approval. Colonel Murphy 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 Retired Lieutenant Miller, seconded by Retired Sergeant Johnson, that the listed classes be approved as annual in-service training. There being no questions or discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Colonel Murphy then initiated discussion on agenda item number four B. The following supervisory level in-service training programs to be conducted during the 2008 Training Year were presented for consideration and approval:

**CHARLESTON POLICE DEPARTMENT**

Eight (8) hours            27 Sep 07  
Performance Improvement Program  
Instructor: Adjunct Staff Van Meter and Associates  
Charleston, WV

Note: Due to course content and objectives/goals this training being recommended for approval as annual and supervisory level in-service.

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

Note: Due to course content and objectives/goals this training being recommended for approval as annual and supervisory level in-service.

**KANAWHA COUNTY SHERIFF'S OFFICE**

Sixteen (16) hours            11-12 and 18-19 Sep 07  
ICS 300 – Intermediate ICS for Expanding Incidents  
Instructor: Lieutenants S Crosier and M Oakley  
Charleston, WV

Sixteen (16) hours            13-14 and 20-21 Sep 07  
ICS 400 – Advanced ICS for Command and General Staff  
Instructor: Lieutenants S Crosier and M Oakley  
Charleston, WV



**BECKLEY POLICE DEPARTMENT**

Officers to be named  
Annual In-Service  
Nineteen (19) hours            8-10 Oct 07  
16<sup>th</sup> Annual Homicide Conference  
ROCIC  
Richmond, VA

**CHARLESTON POLICE DEPARTMENT**

Corporal Monica Spriggs  
Annual In-Service  
Forty (40) hours                12-16 Nov 07  
G.R.E.A.T. Instructor Re-Certification Course  
National Institute for Intergovernmental Research  
Philadelphia, PA

Corporal Try Vanhorn  
Patrolman Conrad Carpenter  
Annual In-Service  
Sixteen (16) hours            22-23 Oct 07  
Specialized Building Entry  
Carey and Associates  
Dunbar, WV

Patrolman James Rinick  
Annual In-Service  
Eighty (80) hours            15-26 Oct 07  
DA.R.E. Instructor Certification Course  
Ohio Peace Officer's Academy  
London, OH

**KANAWHA COUNTY SHERIFF'S OFFICE**

Sergeant Doug Beasley  
Annual In-Service  
Twenty-One (21) hours      2-4 Oct 07  
Reconstruction Seminar  
Pennsylvania State Police  
State College, PA

**MARTINSBURG POLICE DEPARTMENT**

Officer Chad Mullenix  
Annual In-Service  
Eighty (80) hours            29 Oct 07 – 9 Nov 07  
Basic Crime Prevention Officer Certification Seminar  
The American Crime Prevention Institute  
Louisville, KY

**MONONGALIA COUNTY SHERIFF'S OFFICE**

Captain Roger Margo  
Captain Ricky Adkins  
Annual In-Service  
Sixteen (16) hours            8-9 Oct 07  
Amber and the Media  
Amber Alert Project  
Miami, FL

**MORGANTOWN POLICE DEPARTMENT**

Sergeant James Robinson  
Patrolman First Class Robert Sickles  
Patrolman First Class Gregory Knight  
Patrolman First Class Douglas Montague  
Patrolman First Class Robert Balderson  
Patrolman First Class Robert Miranov  
Patrolman First Class Nicholas Schmittle  
Patrolman First Class Joshua Nabors  
Annual In-Service  
Sixteen (16) hours            17-18 Sep 07  
Calibre Press Street Survival Seminar  
Calibre Press  
Pittsburgh, PA

**WEIRTON POLICE DEPARTMENT**

Detective Patrolman Ricky Grishkevich  
Detective Patrolman Gerald Spencer  
Annual In-Service  
Seven (7) hours            31 Oct 07  
Street Crimes Seminar  
Reid and Associates  
Parma, OH

**WEST VIRGINIA DIVISION OF NATURAL RESOURCES**

Officers to be named  
Supervisory In-Service  
Four (4) hours            14 Sep 07  
Supervising The Drug Free Workplace  
West Virginia Division of Personnel  
Dunbar, WV

Officers to be named  
Supervisory In-Service  
Four (4) hours            14 Sep 07  
Employee Performance and Appraisal  
West Virginia Division of Personnel  
Dunbar, WV

**WHEELING POLICE DEPARTMENT**

Officer C. Howard

Officer A. Hoffer

Annual In-Service

Forty (40) hours                      10-14 Sep 07

Chemical Agents Instructor Course

FBI

Pittsburgh, PA

Colonel Murphy asked Retired Captain Sadler if these classes met the standards to be approved for personal in-service training. Retired Captain Sadler stated that all the classes listed did and recommended their approval. Colonel Murphy asked if there were any questions concerning the personal in-service classes that had been presented and recommended for approval. Hearing none he asked if there was a motion concerning the recommended approval of the classes.

A motion was made by Chief Stover, seconded by Ms. Hamilton, that the listed classes be approved as personal in-service training. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Colonel Murphy then initiated discussion on Item five as to the request by Retired Lieutenant Don Underwood to have the additional area of expertise of Basic Instructor Development Trainer added to his certification as a law enforcement officer by asking Retired Captain Sadler to review the action that had been taken previously concerning his request. Retired Captain reviewed the fact that an application had been submitted for approval for annual in-service for the presentation of a Basic Instructor Development Course by Retired Lieutenant Underwood. While he was personally familiar with the Retired Lieutenant Underwood's experience and conduct of prior such classes while a staff member at the West Virginia State Police Academy in that there was no formal notation of training completed in the requested area he had denied the initial request but recommended that the matter be reviewed by the LET Subcommittee members to Retired Lieutenant Underwood.

Retired Lieutenant Underwood had requested that a review by the committee members be made and it had been set to today's agenda. Sergeant Tilley addressed the committee members at this point and advised that he was also familiar with Retired Lieutenant Underwood's presentation of this class and his skills in doing so. It was his recommendation to the committee members that the request be approved. Retired Captain Sadler noted that this was also his recommendation.

In that Retired Lieutenant Underwood was present Colonel Murphy asked him if he wanted to speak to the members. He noted that he did and thanked the members for allowing him to make this request to them. Retired Lieutenant Underwood continued his remarks by noting that he had been approached by agencies and individuals interested in having a Basic Instructor Development

Course presented by him and that he had submitted the application for approval. The course content was the same program that he had previously taught at the Academy.

Colonel Murphy asked the committee members if there were any questions that they had for Retired Lieutenant Underwood. Hearing none he asked if there was a motion to be made concerning his request.

Major Williams made a motion, seconded by Retired Sergeant Johnson that Retired Lieutenant Underwood be approved to have the additional area of expertise of Basic Instructor Development added to the instructor certification of Retired Lieutenant Underwood. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Retired Captain Sadler made a request to Colonel Murphy that in conjunction with the approval of this added area of expertise that the Basic Instructor Development Course submitted by Retired Lieutenant Underwood be approved by the committee members for forty (40) hours of annual in-service. He noted that with the setting of agenda item five that he had not listed the class under the listing of annual in-service classes to be considered under agenda item 4. A.

Colonel Murphy asked the committee members if there was a motion to approve the class as recommended by Retired Captain Sadler. Retired Lieutenant Miller made a motion, seconded by Retired Sergeant Johnson that the Basic Instructor Development Course be approved for forty (40) hours of annual in-service. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Colonel Murphy then initiated discussion on agenda item six as to the tabled presentation of a proposal by Ranger Louis C. Roy, Cheat Potomac Ranger District, Monongalia National Forest, as to the development and implementation of a two level reserve law enforcement program in West Virginia. Retired Captain Sadler advised Colonel Murphy that Ranger Roy had made a request to him that the proposal be removed from the committee's agenda for presentation and consideration.

Colonel Murphy asked the members present if there was consensus agreement to remove the presentation of a proposal by Ranger Louis C. Roy, Cheat Potomac Ranger District, Monongalia National Forest, as to the development and implementation of a two level reserve law enforcement program in West Virginia from the agenda. There was consensus agreement that the proposal be so removed.

Colonel Murphy then initiated discussion on agenda item 7 as to the LET Subcommittee's review of the appeal of the dismissals by three individuals from

the 128<sup>th</sup> Basic Class and as to request for certification as law enforcement officers in West Virginia by asking Mr. Estep to speak with the members. Mr. Estep presented a general review to the members of the actions that they had taken previously in relation to these appeals and the actions of Mr. Lacy in his capacity as Administrative Law Judge in relation to the appeals. Mr. Estep recommended that based on the recommendation of Mr. Steve Compton, in line with the actions that had transpired, that the Draft Position Statement provided under pages 27-30 of the mailed agenda to the committee members, be approved and sent to the involved individuals.

Major Williams had a question as to the need for the language contained in the last sentence on Page 28 of the Draft Proposal. Mr. Estep reviewed why that sentence and corresponding language had made part of the draft. There was discussion at this point by the committee members as to the language to be made part of the draft.

Following that discussion there was a motion by Retired Sergeant Johnson, seconded by Chief Stover that as to the Draft Position Statement that the language beginning in paragraph four on page twenty-eight of the agenda mailing, starting "Deliberations occurred..." through the end of the second paragraph on page twenty-nine of the agenda mailing, ending with words "...is arbitrary and capricious" be removed and that the wording of the draft reflect the fact the matter was initially decided on December 14, 2006 and re-affirmed at this meeting, those deletions and additions then becoming the Position Statement of the LET Subcommittee members as to the appeals of the individuals dismissed from the 128<sup>th</sup> Basic Class.

There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, for the motion as made. Colonel Murphy requested Mr. Estep and Retired Captain Sadler to have the Position Statement revised as approved in the motion. On presentation of it to him by them would provide the amended Position Statement to the committee members for approval prior to the next scheduled meeting and it would then be sent to the appealing individuals.

Colonel Murphy then initiated discussion on agenda item 8 as to the review and revision of Legislative Rules Series 149-2, sections 149-2-1 to 149-2-5. Retired Captain Sadler reviewed with the members present the need for the overall rules to be reviewed and revised to allow the committee members to continue to ensure that entry level training and certification of law enforcement officers within the state and the ongoing professional development and training of officers upon certification be covered in the manner required by legislative rules and statute.

There was consensus agreement by the members present as to the importance of the review and revision as required, but there was also consensus agreement that the applicable sections of Legislative Rules be emailed to them and they would review and make recommendations in that manner. The members would then review the applicable sections at following meetings, leading up to a

two day retreat where all changes previously discussed and approved would be placed in final format for distribution for public comment. Retired Captain Sadler stated that he would do as they had requested.

Colonel Murphy asked the members present if there was any other business to be discussed. Retired Captain Sadler indicated that he needed clarification from the committee members as to the directions he had understood from the members at their April 26, 2007 meeting concerning qualifications for certification as a police firearms instructor and who could handle firearms qualifications.

From that meeting it had been his understanding that it was the direction of the committee members that at least one certified police firearms instructor had to be present to conduct range qualifications. Additionally, to become a certified firearms instructor that an individual had to complete a basic instructor development course and first a forty hours handgun firearm instructor course. For any other requested areas of expertise, i.e. patrol rifle, shotgun, they would need to show forty hours of training in those areas.

The requirement to have at least one certified firearms instructor present at range qualifications had been difficult to comply with by some of the law enforcement agencies through out the state and individuals had been indicating that they felt the forty hour requirement for the additional areas beyond handgun was higher than necessary in light of the NRA regularly teaching combination classes in the area of patrol rifle and shotgun.

There was discussion by the members present as to the concerns expressed and clarification sought by Retired Captain Sadler. It was the consensus direction of the members present that:

1. For firearms qualifications on the range the individual/s running and overseeing it only had to have completed a forty hour NRA equivalent style police handgun instructor course.
2. That for individuals seeking to become certified police firearms instructors within West Virginia that they had to first be certified as police firearms instructors with the area of expertise of handguns. To do so they had to complete a forty hour basic instructor development course and a forty hour police handgun instructor development course.
3. That on being approved as a police firearms instructor – handguns that they could seek additional firearms related areas of approval such as patrol rifle, shotgun, select fire, sniper rifle, etc. by completing subsequent forty hours classes (or classes totaling those hours) in applicable areas. Combination style classes by recognized firearms training organizations, i.e. NRA's shotgun/patrol rifle class, would be permissible for approval in each of those areas of expertise.

Retired Captain Sadler thanked the members for their direction on his request and indicated that he would be sending a memorandum to all law enforcement agencies with the points discussed and set by the committee members.

Colonel Murphy asked the members present if there was any other business to discuss. Hearing none Colonel Murphy asked the members present if there was a motion to close the meeting. Ms Hamilton made a motion, seconded by Retired Sergeant Johnson that this September 27<sup>th</sup> meeting of the LET Subcommittee be brought to a close. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

By that motion the September 27, 2007 meeting of the LET Subcommittee was brought to a close by Colonel Murphy at 11:23 a.m.