MEMBERS PRESENT:  Colonel David Murphy  
Sheriff Rodney Miller  
Retired Lieutenant Steve Walker  
Ms. Suzan Singleton  
Ms. Patty Hamilton

MEMBERS REPRESENTED: Colonel D. Lemmon by  
Sergeant Curt Tilley  
Chief Kevin Gessler by  
Chief Joe Crawford  
Retired Lieutenant Terry Miller by  
Retired Deputy Dave Gentry  
Retired Ivin Lee by Retired Sergeant  
James Johnson

MEMBERS ABSENT: 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
The July 31, 2008 meeting of the Law Enforcement Training (LET) Subcommittee, conducted at the Professional Development Center of the West Virginia State Police Academy, located in Institute, West Virginia, was called to order by the Chair, Sergeant Curt Tilley, at 10:03 a.m. with nine (9) members either present or represented at the meeting.

The minutes of the June 26, 2008 meeting of LET Subcommittee had been mailed to the members prior to the meeting. Sergeant Tilley asked if there were any changes/corrections to be made to the minutes.

Retired Lt. Steve Walker stated there the location of that meeting needed to reflect that it had been at the Professional Development Center, not Chief Logan Conference Center. He also had a question as to whether the minutes properly reflected the action of subcommittee members as to the tabling of the requests from the NCLETTC for approval of in-service classes where the dates were to be announced along with the instructors to be named.

Retired Captain Sadler noted that he would change the location of the meeting. As to the NCLETTC classes he noted that the minutes did reflect that the NCLETTC classes where information on the dates of the training and the instructors was to be provided had been tabled until such information was provided on each class as reflected on pages 9 and 12 of the minutes. On review of the actions noted in the minute sections noted the members present indicated that the minutes did reflect their desire and action concerning the NCLETTC classes in question.

Sergeant Tilley asked if there were any other corrections to the minutes to be noted. Hearing none he asked if there was a motion concerning the minutes of the June 26, 2008 LET Subcommittee meeting. Sheriff Miller made a motion, seconded by Retired Sergeant Johnson, that the minutes of the June 26, 2008 meeting of the LET Subcommittee be accepted with the correction to be made as to its location. There being no discussion on the motion Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Sergeant Tilley asked for the presentation of the financial report by Retired Captain Sadler. He advised the members that as reflected on the account balance sheet that there was a balance of $128,919 in the LET Fund. He continued that the Perdue Pharma funds to be made available for entry level training under year one of the governor’s plan had been transferred to DCJS within the past couple weeks. That money, $250,000, was not reflected on this balance sheet, but that with prior approval from the LET Subcommittee members that it would be used to cover the applicable costs of the salaries of the support staff at the Academy and of the 135th Basic Class. DCJS accountants were working to present a balance sheet listing those funds.

There were no questions about the financial report as presented or the forfeiture funds. Sergeant Tilley asked if there was a motion to be made by the members present to accept the financial report as presented. Ms. Suzan Singleton
made a motion, seconded by Retired Sergeant Johnson, that the LET Fund’s financial report be accepted as presented. There being no discussion on the motion Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Sergeant Tilley then initiated discussion on agenda item three. The application of the below named individual seeking to be certified as a law enforcement training instructor was presented for consideration:

Patrolman Kevin W. Oldham  Emergency Vehicle Operations Driving  Charleston Police Department  Instructor

Sergeant Tilley asked staff if this individual met the standards to become a certified law enforcement instructor. Retired Captain Sadler indicated that he did and recommended his approval as such.

A motion was made by Retired Sergeant Johnson, seconded by Chief Crawford, that this officer be certified as a law enforcement instructor. There being no discussion on the motion Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Sergeant Tilley then initiated discussion on agenda item number four A. The following annual level in-service training programs to be conducted during the 2009 Training Year were presented for consideration and approval:

**APPALACHIA HIGH INTENSITY DDRUG TRAFFICKING AREA PROGRAM**
Eight (8) hours  10 Sep 08  Communication Analysis Training  Instructor: Senior Intelligence Analyst Joelle Fisher  London, KY

**CHARLESTON POLICE DEPARTMENT**
Four (4) hours  11, 12, 13, 14, 15, 24, 25, 26, 27, 28 Aug 08  Street Crimes Program  Instructor: Sergeant S Williams, Corporal J Garten and Patrolman K Oldham  Charleston, WV

Seven (7) hours  29 Jul 08  SWAT Sniper Team Training – Partner Assisted and Weak Hand Firing  Instructor: Corporal Chad Snodgrass  Charleston, WV

Seven (7) hours  12 Aug 08  SWAT Sniper Team Training – Alternate Position and Coordinated Firing  Instructor: Corporal Chad Snodgrass  Charleston, WV

3
Forty (40) hours  23-26 Sep 08  
Police Cyclist Course  
Instructor: Corporals Paul Perdue and Brian Bennett  
Charleston, WV

KANAWHA COUNTY SHERIFF’S OFFICE  
Eight (8) hours  10, 14, 16, 17 Jul 08 and  
10, 11, 12, 13, 14, 15 Aug 08  
Taser User Training Course  
Instructor: Lieutenant W Rose  
Charleston, WV

Twenty-four (24) hours  17-19 Sep 08 and 22-24 Sep 08  
Civil Disturbance Tactics and Special Events Seminar  
Instructor: Retired Sergeant Robert J Edwards  
Charleston, WV

NOTE: Course is being recommended for dual track approval as annual and supervisory in-service due to management concepts presented and officers who will be attending

NCLETTC  
Forty (40) hours  25-29 Aug 08  
Correctional Investigator I  
Instructor: Mr. Karl Mercer and Ms Wendy Clutter  
Moundsville, WV

WEST VIRGINIA DIVISION OF CRIMINAL JUSTICE SERVICES  
Forty (40) hours  11-15 Aug 08  
Conflict Resolution Training for PRO’s  
Instructor: Officer R Smith  
Teays Valley, WV

WEST VIRGINIA DHHR – BUREAU FOR CHILDREN AND FAMILIES  
Eight (8) hours  22 Aug 08 and 5 Sep 08  
CPS & Law Enforcement – Working Cooperatively to Address Child Abuse and Neglect  
Instructor: Mr. D Lowman, Ms. T Wray and Ms. J Yedlosky  
Fairmont, WV

WEST VIRGINIA DIVISION OF NATURAL RESOURCES  
Eight (8) hours  23 Jul 08  
Patrol Rifle  
Instructor: Lieutenant D Trader  
Mannington, WV
Sergeant Tilley asked if these classes met the criteria to be approved as annual in-service classes. Retired Captain Sadler indicated that they did and recommended they be approved in that they were either new classes or classes that had been previously approved during the 2008 Training Year by the subcommittee members and met the requirements. Sergeant Tilley asked if there were any questions concerning them.

Chief Crawford had a question as to an example of classes that had been previously approved. Retired Captain Sadler advised that the Project Lifesaver training being presented by the Wood County Sheriff’s Office was an example. The training had been previously approved in the 2008 Training Year, had been presented multiple times and was using the same instructors and program materials. It was now being taught during the 2009 Training Year so it need to approved once again.

Retired Lieutenant Walker had a question about conferences such as the Drug Endangered Children conference being sponsored by the West Virginia Prevention Resource Center as to the tracking that was done by the conference sponsor to ensure that officers were present during all of the sessions and training.
Retired Captain Sadler responded that this organization was excellent about reporting the actual number of hours of training that individual officers attended.

Sergeant Tilley asked if there were any other questions concerning the classes that had been approved by Retired Captain Sadler for approval for annual in-service credit. Hearing none he asked if there was a motion to be made concerning them.

Chief Crawford made a motion, seconded by Ms. Hamilton, that the classes presented and recommended be approved for annual in-service credit. There being no discussion on the motion Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Sergeant Tilley then initiated discussion on agenda item 4B by presenting the following classes for approval as supervisory in-service:

**KANAWHA COUNTY SHERIFF’S OFFICE**
Twenty-four (24) hours 17-19 Sep 08 and 22-24 Sep 08
Civil Disturbance Tactics and Special Events Seminar
Instructor: Retired Sergeant Robert J Edwards
Charleston, WV

NOTE: Course is being recommended for dual track approval as annual and supervisory in-service due to management concepts presented and officers who will be attending

**WEST VIRGINIA SHERIFF’S ASSOCIATION**
Eight (8) hours 16-17 Sep 08
2008 West Virginia Sheriff’s Association Training Conference
Instructor: Mr. J Teare, Mr L Gibbs, Mr. D Carter and Mr. R Bragdon
Wheeling, WV

Sergeant Tilley asked if these classes met the criteria to be approved as supervisory in-service classes. Retired Captain Sadler indicated that they did and recommended their approval as such. Sergeant Tilley asked if there were any questions concerning the classes. Hearing none he asked if there was a motion for their approval.

Chief Crawford made a motion, seconded by Retired Sergeant Johnson, that the classes presented and recommended be approved for supervisory in-service credit. There being no discussion on the motion Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Sergeant Tilley then initiated discussion on agenda item 4C by presenting the following classes for approval as personal in-service:
**CABELL COUNTY SHERIFF'S OFFICE**
Annual In-Service
Sergeant Robert McQuaid
Seventeen (17) hours  11-13 Aug 08
2008 National Association of Fugitive Investigators Conference
National Association of Fugitive Investigators
Pittsburgh, PA

**CHARLESTON POLICE DEPARTMENT**
Annual In-Service
Corporal Travis Hawley
Corporal Charles Young
Corporal Ted George
Corporal Richard Basford
Senior Patrolman J J Dotson
Forty (40) hours  29 Sep – 3 Oct 08
Police Working Dog Workshop
North American Police Working Dog Association
Lawrenceburg, IN

**MORGANTOWN POLICE DEPARTMENT**
Supervisory In-Service
Sergeant Robert Gilmore
Twenty-four (24) hours  5-7 Aug 08
First Line Supervision
Public Agency Training Council
Lynchburg, VA

Annual In-Service
Patrolman First Class Michael Charlton
Patrolman First Class Lawrence Hasley
Twenty-four (24) hours  19-21 Aug 08
Interview and Interrogation Course
Allegheny College of Maryland
Cumberland, MD

Annual In-Service
Patrolman First Class Robert Miranov
Forty (40) hours  18-22 Aug 08
Precision (Scoped) Rifle Instructor Course
National Rifle Association
Evansville, IN
Sergeant Tilley asked if these classes met the criteria to be approved as personal in-service classes as annual or supervisory as reflected. Retired Captain Sadler indicated that they did and recommended their approval as such. Sergeant Tilley asked if there were any questions concerning the classes. Hearing none he asked if there was a motion for their approval.

Retired Lieutenant Walker made a motion, seconded by Retired Sergeant Johnson, that the classes presented and recommended be approved for personal in-service credit. There being no discussion on the motion Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Sergeant Tilley then initiated discussion on agenda item 5 as to the application of the West Virginia State Police for $122,529 from the LET Fund for the operation of the 136th Basic Class to be held September 2, 2008 to December 19, 2008. He reviewed that this funding would allow for the operation of the training program. This would be the fourth entry level training program conducted during calendar year 2008. He indicated that four classes were also being scheduled.
during calendar year 2009. These classes had, and would continue to have a direct impact on the numbers of officers waiting to participate in the entry level training program.

Chief Crawford made a motion, seconded by Retired Lieutenant Walker, that the application from the West Virginia State Police for $122,529 for the operation of the 136th Basic Class over the dates of September 2, 2008 to December 19, 2008 be approved for full amount. Sergeant Tilley asked if there were any questions concerning the motion.

Colonel Murphy indicated that he had a question about the condition of the padded suits that were worn during the practical components of the Defensive Tactics training. He stated that the current suits used by the Academy staff were worn and torn and had had to be repaired multiple times as a result of the heavy use that they receive and the nature of the class. He recommended that the motion be amended to allow for two additional suits, at an estimated cost of $2,200 each to be purchased from funds to be approved for the 136th and that the application for the 137th Basic Class, to start early January 2009 include funding to cover the cost of two more suits.

Retired Lieutenant Walker had a question as to whether the full amount requested for the emergency vehicle operation course training was generally spent. Sergeant Tilley responded that it was generally not, as the funding request allowed for the potential repair costs that could be incurred by the use of the vehicles in that training. Retired Lieutenant Walker discussed the use of funds not fully used from the EVOC training to allow for the purchase of a replacement suit.

There followed a general discussion by the members present as to the efforts being made to reduce the number of officers awaiting entry into the Academy. There was also discussion about the subsidy rate of $25 used in making applications to the LET Fund as to determining the cost of running the Academy on a daily basis. Sergeant Tilley noted that the current figure of $25 had been used for years and provided a breakdown of what the money was used for per student officer:

- $10.50 for lodging related costs
- $4.00 for breakfast
- $4.50 for lunch
- $4.00 for dinner
- $1.00 for morning breaks
- $1.00 for afternoon breaks.

He noted that for officers who are attending other training during the day, but were not staying at the Academy, thereby not having breakfast or dinner, that a charge of $6.50 per officer per day was billed to the officer’s agency. This billing was done on a regular basis. There are some agencies that have been delayed in making these payments which was something that he was working on. It was acknowledged that additional review should be made by Academy staff to see if the current per diem adequately covered the cost of operating the program.
There was consensus support by the members present that replacement suits be purchased for use during the Defensive Tactics training. Colonel Murphy indicated that he would withdraw his request to amend the motion on the floor for the approval of the 136th Basic Class funding and present a motion within the Other Business section of the meeting. There was consensus approval by the members present of that action.

Sergeant Tilley asked if there were any other questions concerning the motion. Hearing none Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Sergeant Tilley then addressed agenda item 6, updating the Committee on the present status of the Legislative Rule – title 149, by asking Retired Captain Sadler to bring the members up to date on the status of that item. Retired Captain Sadler noted that the public comment period on the proposed changes had ended on the 21st of July. While a couple individuals had called in about how to address the proposed changes no one had submitted written comments concerning the rules as required under the process to comment. As such the appropriate paperwork had been filed with the Secretary of State’s Office and Office of Legislative Rule Making Review Committee. The proposed rules would now be heard by the committee. Retired Captain Sadler, members of the LET Subcommittee, DCJS Staff and other individuals would be involved as the Rule making Review Committee takes the proposed changes up as part of the 2009 Legislative Session process.

Sergeant Tilley then initiated discussion on agenda item 7 by asking Retired Captain Sadler to bring the members up to date on the status of the appeal by Former Officer W Morris as to their decision involving his certification at their March 27, 2008 meeting. Retired Captain Sadler advised Mr. Compton and himself were in the process of determining when Deputy Perdue, Fayette County Sheriff’s Office, the arresting officer in the matter involving Former Officer Morris, could be present at a re-scheduled administrative law judge (ALJ) hearing. Sergeant Tilley continued that based on the course of the initial ALJ hearing that Mr. Compton had recommended that the hearing be continued until Deputy Perdue could be present to discuss the circumstances leading to his arrest of Morris. That would allow the ALJ to have an appreciation of the information upon which the subcommittee members had based their decision.

Sergeant Tilley then initiated discussion on agenda item 8 by asking Retired Captain Sadler to bring the members up to date on the status of the appeal by Former Officer J. Ciccarelli as to their decision involving his participation in the equivalent certification program at their February 28, 2008 meeting. Retired Captain Sadler advised Mr. Grafton, the ALJ in this appeal, had heard all the evidence that he needed and had received applicable paperwork, motions and proposed findings of fact from Mr. Compton and Mr Teare, and should be issuing his ruling on the matter shortly.
Sergeant Tilley then initiated discussion on agenda item 9 by reminding the members present, and requesting that they advise other applicable subcommittee members if they were representing them, that the next scheduled meeting of the LET Subcommittee would precede a meeting of the full Governor’s Committee on Crime, Delinquency and Correction on August 28, 2008 at the Charleston Civic Center.

Sergeant Tilley then initiated discussion on agenda item 10 as to Other Business by discussing with the members that as noted to them in prior meetings that in addition to the $250,000 allocated under the Governor’s plan for the forfeiture money to be used towards entry level training programs that there was $150,000 allocated annually for three years to be used for in-service classes. He indicated that Retired Captain Sadler and himself would be working together and with the other members to develop a plan/process for the identification of needed training and agencies to sponsor or put that training on.

He also advised that under funding allocated to the West Virginia State Police that there was funding for use in phases for repairs, remodeling and additions at the Academy. Phase 1 was being initiated as to plans and proposals and would allow for five million to be used towards renovations in the student officer housing sections, repairing and bricking the outside façade of the Academy’s three buildings, a new ammunition storage facility and a remodeled range building which would include a classroom on the range.

Phase 2 would allow for the development and construction of an emergency vehicle (EVOC) driving course and the building of a multipurpose gymnasium on the current parking lot to be used for defensive tactics training, physical fitness, graduations and other uses. It would become Building D, making the original Academy complex more of a square shaped complex.

Retired Lieutenant Walker asked if the renovations to the student housing areas would disrupt/delay the operation of any entry level classes or other training classes. Sergeant Tilley advised that the contractor proposals called for minimal disruptions as to housing students in that the contractor would be completing the work floor by floor. He did advise that if necessary that sixty eight individuals could be housed at the units that are part of the Professional Development Center.

Sergeant Tilley asked if there was any other business to be discussed. Colonel Murphy stated that he discuss the replacement suits for the Defensive Training that had been discussed during agenda item 5. He asked if the funding could be part of a supplemental award to the 135th Basic Class that had Defensive Tactics remaining to be presented. Retired Captain Sadler advised that on approval by the subcommittee members that such a supplemental award could be made.

Colonel Murphy made a motion, seconded by Retired Sergeant Johnson, that $10,000 be awarded towards the fund previously approved for the operation of the 135th Basic Class for the purchase of four defensive tactics F.I.S.T. training
suits. Hearing no questions on the motion Sergeant Tilley called for questions. All present voted in favor of the motion as made with no negative votes cast.

Retired Deputy Gentry stated that he had been asked by Retired Lieutenant Miller to ask the subcommittee members and staff if there were familiar with a ruling that had been issued in Wood County on a firefighter related case that had potential ramifications on law enforcement officers in that it addressed civil service matters. No one present was directly familiar with the full matter so Retired Captain Sadler advised that he would get with Captain M King, Wood County Sheriff’s Office, to secure information on the ruling and present it to the members at their August 28, 2008 meeting.

Retired Deputy Gentry stated that he also had been asked to see if staff or anyone else was familiar with a Prevention Resource Officer in Mineral County who was wearing a uniform and working at the school but was not a certified officer. Retired Captain Sadler advised that he was not but would check on it with Ms. Leslie Boggess, DCJS staff member involved with the PRO Program and let him know.

Sergeant Tilley asked if there was any other business to be discussed. Hearing none he asked for a motion to bring this meeting of the LET Subcommittee to a close. Retired Lieutenant Walker made a motion, seconded by Retired Sergeant Johnson, that the July 31, 2008 meeting of the LET Subcommittee be brought to a close. Hearing no questions on the motion Sergeant Tilley called for questions. All present voted in favor of the motion as made with no negative votes cast.

The July 31, 2008 meeting of the LET Subcommittee was brought to a close at 11:12 a.m.