

**LAW ENFORCEMENT TRAINING SUBCOMMITTEE
West Virginia State Police Academy
Professional Development Center
Dunbar, West Virginia
September 25, 2008**

MEMBERS PRESENT: Colonel David Murphy
Sheriff Rodney Miller
Retired Chief Ivin Lee
Retired Lieutenant Steve Walker

MEMBERS REPRESENTED: Colonel D. Lemmon by
Sergeant Curt Tilley
Chief Kevin Gessler by
Chief Tim Stover
Retired Lieutenant Terry Miller by
Retired Deputy Dave Gentry
Ms. Patty Hamilton by
Mr. Jack McClung

MEMBERS ABSENT: Ms. Suzan 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: Mr. Norb Federspiel
Mr. Jeff Estep
Retired Captain Chuck Sadler

The September 25, 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 10:08 a.m. with eight (8) members either present or represented at the meeting.

The minutes of the August 28, 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. Hearing none he asked if there was a motion to accept the minutes as presented.

Retired Chief Lee made a motion, seconded by Retired Deputy Gentry, that the minutes of the August 28, 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 \$216,757 in the LET Fund. He noted that the strength of the fund balance was due to the impact of the availability of the Perdue Pharma forfeiture funds that had been approved to assist with entry level training. There were no questions about the financial report as presented or the forfeiture funds. Sergeant Tilley noted that there was consensus agreement as to the acceptance of the LET Training Fund report as presented.

Sergeant Tilley 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:

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|---|---|
| Officer Samuel Daugherty
Public Service Commission –
Enforcement Division | ASP Tactical Baton Instructor
Integrated Defensive Systems –
OC Aerosol |
| Officer Matthew Epling
Public Service Commission –
Enforcement Division | Police Traffic Radar/Lidar Instructor |
| Officer Thomas Lewis
Public Service Commission –
Enforcement Division | ASP Tactical Baton Instructor
Tactical Handcuffing |
| Corporal James C Long
West Virginia State Police | Police Firearms Instructor – Handgun |
| Officer Scott Morton
Public Service Commission –
Enforcement Division | Police Traffic Radar/Lidar Instructor |

Corporal J H Thaxton
Kanawha County Sheriff's Office

Bomb Threat Analysis
and Countermeasures
Explosives Recognition
Clandestine Drug
Laboratory Investigations
Accident Avoidance Driving Instructor

Sergeant Tilley asked Retired Captain Sadler if these individuals met the standards to become certified law enforcement instructors. Retired Captain Sadler indicated that they did and recommended their approval as such.

A motion was made by Retired Chief Lee, seconded by Mr. McClung, that these individuals be certified as law enforcement instructors in the areas listed. 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 four. The applications of the below named individuals, previously certified as law enforcement instructors, seeking to be certified in the additional areas of expertise listed were presented for consideration:

Detective Corporal Bryan Carper
Kanawha County Sheriff's Office

Accident Avoidance Driving Instructor

Officer Michelle Cross
Clarksburg Police Department

DWI Instructor

Chief Jeff Driskill
Wardensville Police Department

Incident Command Systems/NIMS

Sergeant Steve Lusher
Hurricane Police Department

Simunition Scenario Instructor

Sergeant Tilley asked Retired Captain Sadler if these previously certified law enforcement instructors met the standards to become certified in the additional areas listed. Retired Captain Sadler indicated that they did and recommended their approval as such.

A motion was made by Colonel Murphy, seconded by Retired Chief Lee, that these individuals be certified as law enforcement instructors in the additional areas of expertise listed. 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 five A. The following annual level in-service training programs to be conducted during the 2009 Training Year were presented for consideration and approval:

AMERICAN RED CROSS

Three (3) hours 24 Sep 08

Rape Awareness

Instructor: Ms P Howard

Sistersville, WV

Three (3) hours 19 Sep 08

Shelter Operations

Instructor: Ms P Howard

Sistersville, WV

Four (4) hours

Disaster Assessment

Instructor: Ms P Howard

Sistersville, WV

BECKLEY POLICE DEPARTMENT

Eight (8) hours 2 Sep 08

Systematic Building Searches

Instructor: Sergeant J Corey and Officer C Noll

Beckley, WV

Eight (8) hours 3 Sep 08

Mechanics of Arrest

Instructor: Officers C Noll and J Noll

Beckley, WV

Eight (8) hours 17 Feb 09

Pharmaceutical Diversion Training

Instructor: Adjunct Staff Perdue Pharmaceutical

Beckley, WV

BLUEFIELD POLICE DEPARTMENT

Seven (7) hours 4 Sep 08

Specialty Impact Munitions Certification Course

Instructor: Sergeant J Jones and Officer S Sommers

Bluefield, WV

Two (2) hours 29 and 30 Sep 08

Firearms – Bullet Trajectory and Safe Usage

Instructor: Lieutenant G Ruth, Sergeant J Jones and Corporal M Beck

Bluefield, WV

CHARELSTON POLICE DEPARTMENT

New Officer Orientation Training that will be opened to other agencies as applicable:

Ten (10) hours 6 Oct 08
Policy and Procedures Class
Instructor: Mr. John Teare, Esquire, Lieutenants L Williamson, K Mitchell, C Peal,
 Sergeants R Johnson, A James, Corporal B Jones and Ms. K Eagle
Charleston, WV

Eight (8) hours 7 Oct 08
Elements of Crime
Instructor: Mr. John Teare, Esquire
Charleston, WV

Four (4) hours 7 Oct 08
Field Based Reporting (FBR) System
Instructor: Lieutenant D Peal
Charleston, WV

Four (4) hours 8 Oct 08
Domestic Violence
Instructor: Ms. K Eagle
Charleston, WV

Four (4) hours 8 Oct 08
Verbal Judo
Instructor: Major J. Shannon
Charleston, WV

Four (4) hours 9 Oct 08
Clandestine Labs Awareness and Recognition
Instructor: Sergeant T Payne
Charleston, WV

Eight (8) hours 9 Oct 08
Glock Transition Training
Instructor: Lieutenants E Johnson and S Neddo, Sergeants W Winkler and H
 Hickman and Corporals M McConihay and T Ranson
Charleston, WV

FAIRMONT POLICE DEPARTMENT

Four (4) hrs 22 Sep 08
PTS Solutions Incident User Training for Records Entry
Instructor: Officer Glen Staley
Fairmont, WV

MARSHALL UNIVERSITY POLICE DEPARTMENT

Eight (8) hours 3 & 4 Nov 08
Patrol Rifle Class
Instructor: Lieutenant D Parker
Huntington, WV

MERCER COUNTY SHERIFF'S OFFICE

Sixteen (16) hours 16-17 Oct 08
Strategies and Tactics of Patrol Stops (STOPS)
Instructor: Captain A Beasley
Mercer County, WV

NORFOLK SOUTHERN POLICE DEPARTMENT

Sixteen (16) hours 28-29 Oct 08
Grade Crossing Collision Investigation (GCC)
Instructor: Supervisory Special Agent K Young
Huntington, WV

SHEPHERD UNIVERSITY POLICE DEPARTMENT

Eight (8) hours 7 Oct 08
Fundamentals of Patrol Rifle
Instructor: Officer R James
Shepherd University, WV

UNITED STATES ATTORNEYS OFFICE – NORTHERN DISTRICT

Eight (8) hours 22 Oct 08
Gang Identification and Prevention
Instructor: ATF Special Agent R Dean, Detective M Lovett and
FBI Special Agent to be named
Shepherdstown, WV

Eight (8) hours 23 Oct 08
Gang and Youth Violence Prevention and Intervention
Instructor: Mr. R Cook, Detective M Lovett and Dr W Sakamoto
Shepherdstown, WV

WARDENSVILLE POLICE DEPARTMENT/RESA VIII

Fourteen (14) hours 20 and 27 Sep 08
ICS 300 – Intermediate ICS for Expanding Incidents
Instructor: Chief J Driskill
Wardensville, WV

Fourteen (14) hours 18 and 25 Oct 08
ICS 400 – Advanced ICS for Command Staff
Instructor: Chief J Driskill
Wardensville, WV

WEST VIRGINIA CHAPTER FBI NATIONAL ACADEMY GRADUATES

Eight (8) hours 6 Oct 08
NA Graduates Annual Training Program

Topic areas:

1. Law Enforcement Coordinating Response to Global Drug Trafficking
2. Stress Management in Law Enforcement
3. Saddam Hussein Interview Review

Instructor: FBI Special Agents G Piro, D Maltz and J Reese
Camp Dawson, WV

WEST VIRGINIA CHILDREN'S JUSTICE TASK FORCE

Twelve (12) hours 8-9 Oct 08

16th Annual Children's Justice Task Force Conference

Instructor: Ms. S Sarnoff, Ms. S Webber-Brown, Ms. P Brown, Mr. R Love

Ms. J Boyle, Sergeant C Casto

Charleston, WV

WEST VIRGINIA CRISIS NEGOTIATORS ASSOCIATION

Sixteen (16) hours 5-7 Nov 08

Crisis Negotiators Conference

Instructor: FBI Special Agent M Yansick and other Special Agents to be named

Dunbar, WV

WEST VIRGINIA DEPARTMENT OF AGRICULTURE

Twenty (20) hours 18-20 Nov 08

MGT-332 Agriculture and Food Vulnerability Assessment Training Course

Instructor: Ms S Thompson and additional University of Tennessee Adjunct

Instructors

Charleston, WV

**WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES
– LAW ENFORCEMENT**

Eight (8) hours 9, 10, 15, 16, 17, 18 and 30 Sep 08

Glock Transition Training

Instructor: Conservation Officers V Nosse, C Shriner, J Ozalas, R Clark, K White

W Persinger, M Waugh, W Brogan, S Antolini, T Tolley, D Painter and

D Trader

Multiple Locations

Sixteen (16) hours 9-10 Sep 08

Law Enforcement Boating Patrol

Instructor: Lieutenant D Trader and Sergeants Shriner and Persinger

Wheeling, WV

**WEST VIRGINIA PREVENTION RESOURCE CENTER
On Behalf of WV Court Appointed Special Advocates**

Six (6) hours 2 Oct 08

Our Children Our Future – 9th Annual Conference

Instructor: Dr. K Randall, Ms. J Silver, Ms. T DeHesa and Ms. K Paxton

Bridgeport, WV

Seven (7) hours 25 Sep 08

4th Annual Logan County Drug and Tobacco Summit

Instructor: Drs W Pettit and L Pettit and Ms. B Bostic

Chief Logan State Park, WV

WEST VIRGINIA STATE FIRE MARSHALL'S OFFICE

Sixteen (16) hours 11-12 Oct 08
Explosives Recognition for Public Safety Officers
Instructor: Assistant State Fire Marshall P Gill
Huntington, WV

Sixteen (16) hours 27-28 Sep 08
Arson I
Instructor: Assistant State Fire Marshall J Baltic
Wood County Fire School
Parkersburg, WV

Sixteen (16) hours 27-28 Sep 08
Arson II
Instructor: Assistant State Fire Marshall B Hartley
Wood County Fire School
Parkersburg, WV

Sixteen (16) hours Dates to be set
Arson III
Instructor: Assistant State Fire Marshall R Cook
Wood County Fire School
Location to be set

Sixteen (16) hours 27-28 Oct 08
2008 West Virginia Fire Investigation Conference – Fire Scene Reconstruction
Instructor: Dr. D Icove and Dr. DeHaan
Beckley, WV

WEST VIRGINIA STATE POLICE

Forty (40) hours 29 Sep 08 – 3 Oct 08
Handgun Instructor Course
Instructor: Sergeants D Lee and G Martin and Officer H Teare
Dunbar, WV

Forty (40) hours 29 Sep 08 – 3 Oct 08
Shotgun/Patrol Rifle Instructor Course
Instructor: Sergeants D Lee and G Martin and Officer H Teare
Dunbar, WV

WEST VIRGINIA STATE UNIVERSITY DEPARTMENT OF PUBLIC SAFETY

Four (4) hours 9 Oct 08
Low Light Shooting Techniques
Instructor: Officer Harry Teare
Institute, WV

WEST VIRGINIA UNIVERSITY DEPARTMENT OF PUBLIC SAFETY

Six (6) hours 16 Sep 08
Lojack for Computers
Instructor: Ms. P Green
Morgantown, WV

WHEELING POLICE DEPARTMENT

Twenty-four (24) hours 3-5 Sep 08
Field Training Officer Program
Instructor: Patrolman First Class Howard
Wheeling, WV

WOOD COUNTY SHERIFF’S OFFICE

Eight (8) hours 19 Sep 08
Project Lifesaver Refresher Training
Instructor: Captain M King
Pleasants County, WV

Sergeant Tilley asked Retired Captain Sadler 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. Sergeant Tilley asked if there were any questions concerning them. Hearing none he asked if there was a motion concerning the classes.

Colonel Murphy made a motion, seconded by Retired Lieutenant Walker, 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 five B by presenting the following classes for approval as supervisory in-service:

BECKLEY POLICE DEPARTMENT

Twenty-four (24) hours 20-22 Oct 08
ICS 300
Instructor: Adjunct Instructor Beckley Fire Department
Beckley, WV

FAIRMONT POLICE DEPARTMENT

Six (6) hours 23 Sep 08
PTS Solutions Incident Setup Training for Records Management
Instructor: Officer Glen Staley
Fairmont, WV

GRANVILLE POLICE DEPARTMENT

Eight (8) hours 12 Nov 08
Recognizing and Addressing Crisis Management Issues Involving Police Officers
Instructor: Mr. Bob Musick
Morgantown, 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.

Mr McClung made a motion, seconded by Chief Stover, 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 5C by presenting the following classes for approval as personal in-service:

BECKLEY POLICE DEPARTMENT

Supervisory In-Service
Chief Tim Deems
Forty (40) hours 19-24 Oct 08
Great Lakes Leadership Conference Seminar
FBI
Niagara Falls, NY

CHARLESTON POLICE DEPARTMENT

Annual In-Service
Corporal Mike McConihay
Twenty-four (24) hours 23-25 Sep 08
Reduced Light Survival Training and Tactics
Ohio Peace Officer Training Academy
London, OH

Annual In-Service
Corporal John Garten
Eighty (80) hours 20-31 Oct 08
Traffic Crash Reconstruction
Ohio Peace Officer Training Academy
London, OH

Supervisory In-Service
Lieutenant Kim Mitchell
Lieutenant Valerie Strege
Eight (8) hours 8 Sep 08
Advancing an Existing Law Enforcement Volunteer Program
International Association of Chiefs of Police
Chantilly, VA

CHARLES TOWN POLICE DEPARTMENT

Annual In-Service
Two officers to be named
Sixteen (16) hours 3-5 Nov 08
Criminal Drug Interdiction
Public Agency Training Council
Virginia Beach, VA

FAIRMONT POLICE DEPARTMENT

Annual In-Service
Sergeant J Murphy
Sixteen (16) hours 10-11 Nov 08
Sexually Violent Crime – The Body as Evidence
George Mason University
Manassas, VA

KANAWHA COUNTY SHERIFF’S OFFICE

Annual In-Service
Corporal S Snuffer
Corporal S Ferrell
Corporal L Deitz
Eighteen (18) hours 12-15 Oct 08
17th Annual Homicide Conference – ROCIC
Regional Organized Crime Information Center (ROCIC)
Chattanooga, TN

Annual In-Service
Sergeant F Beasley
Corporal J Launi
Twenty-four (24) hours 30 Sep 08 to 2 Oct 08
Crash Reconstruction Seminar
Pennsylvania State Police
State College, PA

Annual In-Service
Sergeant R Mathis
Corporal F Flowers
Deputy C Morgan
“Desert Snow” Drug Interdiction Training
DEA
Louisville, KY

Annual In-Service
Sergeant F Beasley
Forty (40) hours 15-19 Sep 08
Crime Scene Survey
Marshall University
Huntington, WV

Annual In-Service
Lieutenant R Rose
Forty (40) hours 8-12 Sep 08
Cyber Security Training
West Virginia State Police Academy
Dunbar, WV

Annual In-Service
Corporal S Snuffer
Thirty-two (32) hours 23-26 Sep 08
Project Safe Childhood National 2008 Conference
Internet Crimes Against Children Taskforce
Columbus, OH

MORGANTOWN POLICE DEPARTMENT

Annual In-Service
Sergeant Robert L Gilmore
Patrolman First Class William A Runyan
Eighty (80) hours 22 Sep 08 to 3 Oct 08
FBI Basic SWAT School
FBI Training Center
Ft Dix, NJ

Annual In-Service
First Sergeant Stephen Ford
Patrolman First Class Phillip J Scott
Eight (8) hours 11 Sep 08
Clandestine Laboratory Investigation Activities Re-Certification Course
DEA Clan Lab
Quantico, VA

Annual In-Service
Patrolman First Class Christopher Dalton
Patrolman First Class Lawrence E Hasley
Twenty-four (24) hours 3-5 Sep 08
Death and Homicide Course
Ohio State Patrol Academy
Columbus, OH

PRINCETON POLICE DEPARTMENT

Eight (8) hours 15-16 Oct 08
South Carolina Crisis Negotiator's Conference
Florence Police Department
Myrtle Beach, SC

RANSON POLICE DEPARTMENT

Supervisory In-Service
Lieutenant Robbie Roberts
Forty (40) hours 19-24 Oct 08
Great Lakes Leadership Conference Seminar
FBI
Niagara Falls, NY

WEIRTON POLICE DEPARTMENT

Annual In-Service
Patrolman Tony Apesos
Patrolman J Scott Tate
Eighty (80) hours 20-31 Oct 08
Traffic Crash Reconstruction
Ohio Peace Officer Training Academy
London, OH

NOTE: For below training classes seeking prior approval. Registration is pending as to classes that officers will be able to actually enroll in. They will only be granted in-service hours for those classes completed within the time of the conference.

Supervisory In-Service
Lt Rick Stead
Sergeant Rob Alexander
Sixteen (16) hours 7-9 Oct 08
Tactical Command Operations
P.A.T.O.A. Tactical Officers Conference
Pittsburg Police Department SWAT
Pittsburg, PA

Annual In-Service
Detective Ricky Grishkevich
Sixteen (16) hours 7-9 Oct 08
Tactical Command Operations
P.A.T.O.A. Tactical Officers Conference
Pittsburg Police Department SWAT
Pittsburg, PA

Annual In-Service
Lt Rick Stead
Sergeant Rob Alexander
Detective Ricky Grishkevich
Sixteen (16) hours 7-9 Oct 08
Barricade Resolution
P.A.T.O.A. Tactical Officers Conference
Pittsburg Police Department SWAT
Pittsburg, PA

Annual In-Service
Lt Rick Stead
Sergeant Rob Alexander
Detective Ricky Grishkevich
Four (4) hours 7-9 Oct 08
Mind Sighting: Preparing for Tactical Encounters
P.A.T.O.A. Tactical Officers Conference
Pittsburg Police Department SWAT
Pittsburg, PA

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.

Mr McClung made a motion, seconded by Colonel Murphy, 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 6 as to the report concerning the 2008 Make-Up Training that was completed 16-17 Sep 08 at the Academy. He asked Retired Captain Sadler to speak on the training. He reported that training was presented over the dates listed allowing officers to complete up to sixteen (16) hours of annual in-service training. The training had been broken down into one eight hour class, one four hour class and two 2 hour classes.

Invoices had been sent to the agencies which had sent the officers by the tuition costs previously approved by the subcommittee members. Two Deputies from the Hardy County Sheriff's Office had not attended the required training and Retired Captain Sadler asked that they be directed to appear at the 30 Oct 08 LET Subcommittee to explain why and address why action should not be taken concerning their certification as law enforcement officers. It was the consensus of the members present that they be so invited along with the Sheriff and Chief Deputy.

Retired Captain Sadler informed the subcommittee members that due to the success of officers completing their required training by the close of the training year that the numbers required to attend make up training were under 40 officers total. He is interested in moving by the 2010 training year to do away with the make up training program.

There being nothing further to report on agenda item 6 and there being no questions on it Sergeant Tilley moved to address agenda item 7 by asking Mr. Jeff Estep, Deputy Director for the Division of Criminal Justice Services to address the development of the Request for Proposals (RFP) for advanced in-service training. Mr. Estep advised that the RFP was being worked on with a draft to be presented to the subcommittee members at their October 30, 2008 meeting. The RFP would be used to solicit grant applications for advanced in-service training to be presented to law enforcement officers in the state.

The LET Subcommittee would be asked to assist the DCJS staff in reviewing the proposals/applications for funding and make recommendations for awards to be made. Colonel Murphy suggested a committee be established within the subcommittee of members who would conduct that review. The consensus agreement of the subcommittee members present was that this would be the best way to review and recommend the programs submitted for funding. Mr. Estep

advised that he would have the draft RFP ready at the next meeting and that the committee could be appointed at that time.

There being no further discussion on agenda item 7 Sergeant Tilley then initiated discussion on agenda item 8 as to the request by Former Officer Shawn Rutherford, Bradshaw Police Department, that the reason for his resignation from the 132nd Basic Class be changed from personal to medical related. Sergeant Tilley overviewed the details concerning the request and being that Former Officer Rutherford was present at the meeting he was asked to discuss his request with the subcommittee members.

He reviewed with the subcommittee members his history with problems with his teeth and the lack of any program by the Bradshaw Police Department to assist him with getting treatment for that condition or to assist him with securing the necessary items and uniforms that he would need for the Basic Class. He reported to the Academy and completed the first day of training but due to the physical discomfort he was experiencing by the end of that first day he asked to meet with the staff officers and discuss it.

He did indicate that he had resigned for personal related reasons although it had been because of the pain and discomfort that he was experiencing, believing that the rigors of the program would only cause it to continue to hurt, if not in fact get worse. He had not realized or understood the impact at the time what a personal related resignation would be should he seek to try and be a police officer in West Virginia at a later time.

He was questioned by Sergeant Tilley as to his comment about not knowing the impact of his resignation. Sergeant Tilley reviewed with Mr. Rutherford the contents of the actual letter that he had signed in resigning. In that letter Mr. Rutherford had stated that it was not because of his teeth that he was choosing to resign, it was because he was not mentally prepared for the Academy. Mr. Rutherford acknowledged that was what he had stated.

Questions were asked of Mr. Rutherford as to the condition of his teeth at the time and efforts that he had made to get them fixed prior to coming to the Academy. There were also questions as to the current condition of his teeth. Mr. Rutherford described the condition of his teeth then and at the present time, indicating that they still were in the same condition as they were then, but that he was moving now under a job that he had to see about getting them fixed once dental insurance was in place.

Sergeant Tilley reviewed with Mr. Rutherford the offer of the staff at the time that he was in the Academy to arrange to take him to a dentist the 2nd day of the Academy, that this dentist had worked with Basic Officers before in helping with their dental conditions and if the officer was not insured to work with them on a payment plan. Mr. Rutherford acknowledged that offer had been made to him and looking at it now he should have accepted it, but that he had not at the time.

Concern was expressed to Mr. Rutherford as to the fact that if his teeth were so bad and causing him so much problem why he had made no effort in the extended period since he had left the Academy to get them fixed, if not in total then in some manner. Mr. Rutherford stated that he had not done so and recognized that he should have. The subcommittee members thanked Mr. Rutherford for coming in to talk with them and indicated that they would be discussing the matter and let him know by the close of the meeting as to the decision that they have on his request.

Sergeant Tilley then indicated to the subcommittee members that agenda items 9, 12 and the balance of the discussion concerning agenda item 8 involved personnel related matters and asked that the remaining agenda items 10, 11, 13 and 14 be addressed prior to going into executive session to address items 9, 12 and the balance of number 8. The subcommittee members expressed consensus agreement with Sergeant Tilley's recommended action on the remaining agenda items.

Concerning agenda items 10 and 11, addressing the certification review of Charleston Police Department Officers White and Carpenter Sergeant Tilley recommended to the subcommittee members that the review be tabled until the process of handling such reviews and appeals of subcommittee decisions be completed. Retired Captain Sadler indicated as well that the certified letters that had been sent to both officers had been returned as unclaimed, but that one of the officers was present with Mr. Forbes, attorney representing each, in that a copy of the letter had been sent to him.

Colonel Murphy made a motion, seconded by Sheriff Miller, that the certification reviews for Charleston Police Department Officers White and Carpenter be tabled until the procedure for such reviews and appeals of subcommittee decisions be addressed and that there could be verification that both individuals had been notified of the review when re-set. 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.

With the subcommittee's prior consensus approval Sergeant Tilley then moved to initiate discussion on agenda item 13 as item 12 was to be addressed in executive session. He advised that there was no update to give at this time concerning the finding by the Administrative Law Judge, Mr. Grafton, concerning the appeal by Former Officer J Ciccarelli as to the subcommittee's decision from its March 27, 2008 meeting concerning his participation in the equivalent certification process. DCJS staff present advised that Mr. Grafton had been contacted as to the need to have the finding on this appeal submitted.

There being no questions/discussion concerning agenda item 13 by the subcommittee members Sergeant Tilley initiated discussion concerning agenda item 14 concerning the previously tabled review of the certification of Former Officer J Nowling. He advised that the appeal by Former Officer Nowling of his felony related criminal convictions in Kanawha County Circuit Court to the West Virginia Supreme Court had been recently denied.

Retired Chief Lee indicated that she would be unable to participate in any subcommittee discussion concerning this agenda item in that there was a matter involving Former Officer Nowling and the Charleston Police Department in relation to the action that had been taken against him before the West Virginia Human Rights Commission and being that she was the Director of that Commission. She left the discussion at this point.

Retired Captain Sadler asked that with the denial of his appeal that the previous action to table his certification review be re-set to the agenda of the LET Subcommittee at its October 30, 2008 meeting. There was consensus agreements by the members present that the review be set to the agenda of the October 30, 2008 meeting. Retired Chief Lee returned to the discussion at this point.

Sergeant Tilley advised the members present that agenda items 9 and 12 which remained to be fully discussed and the balance of discussion concerning action to be taken concerning agenda item 8 would involve personnel related discussions. By consensus agreement of the members present the LET Subcommittee went into executive session and remained there until the discussion of agenda items 8, 9 and 12 was completed. Sergeant Tilley asked if there was any subcommittee action to be taken concerning agenda items 8, 9 and 12.

Colonel Murphy stated that concerning agenda item 8 and the request by Former Officer Rutherford to have the reason for his resignation from the entry level training program changed from personal to medical that the request should have been referred to the Director of Training at the West Virginia State Police Academy. If Former Officer Rutherford was not satisfied with the decision rendered at that level he could appeal that to the Superintendent of the West Virginia State Police and then to the LET Subcommittee. Colonel Murphy asked that Former Officer Rutherford be directed to do so as to the proper course to follow as to his request.

There being no discussion on that recommended course of action Sergeant Tilley asked if there was consensus agreement by the members present. Such consensus agreement was noted by the members present. Former Officer Rutherford was present at the time of this discussion and was given instructions by Sergeant Tilley as to how he should make his request.

Colonel Murphy stated that as to agenda item 9 that the LET Subcommittee, through its direction to Retired Captain Sadler at its August 28, 2008 meeting, had sent correspondence addressing its position on the PRO position at Keyser High School. No information had been submitted to the subcommittee members that changed the decision that it had made and as such no further action could be taken on the matter. There being no discussion on the statement made by Colonel Murphy Sergeant Tilley asked if there was consensus agreement by the members present as to the fact the subcommittee's decision as made on this matter was in place still and that no further action was to be taken. Such consensus agreement was noted by the members present.

Sergeant Tilley asked if there was a motion to be made concerning agenda item 12. Colonel Murphy made a motion, seconded by Retired Chief Lee, that as to the finding of the Administrative Law Judge on the appeal of Former Officer Morris concerning the subcommittee's decision at its March 27, 2008 meeting that the finding be accepted with no appeal of it being made. There being no discussion on the motion Sergeant Tilley called for questions.

Colonel Murphy, Retired Chief Lee, Retired Lieutenant Walker, Sergeant Tilley and Mr. McClung voted in favor of the motion as made. Chief Stover, Sheriff Miller and Retired Deputy Gentry voted in opposition to the motion as made. There being a quorum present and the majority of that quorum being present voting in the affirmative for the motion the motion was passed. Retired Captain Sadler was directed by Sergeant Tilley to make Former Officer Morris and any other applicable party aware of that decision.

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. Colonel Murphy made a motion, seconded by Sheriff Miller, that the September 25, 2008 meeting of the LET Subcommittee be brought to a close. Hearing no discussion on the motion Sergeant Tilley called for questions. All present voted in favor of the motion as made with no negative votes cast.

The September 25, 2008 meeting of the LET Subcommittee was brought to a close.