

**AMMNEDED COPY**

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

**September 24, 2009**

**MEMBERS PRESENT:**

Colonel David Murphy  
Retired Chief Ivin Lee  
Retired Lieutenant Steve Walker  
Retired Lieutenant Terry Miller

**MEMBERS REPRESENTED:**

Colonel T Pack by  
First Sergeant Curt Tilley  
Sheriff Mike Rutherford  
by Ms Melissa Smith  
Chief Kevin Gessler by  
Chief Steve Stephens

**MEMBERS ABSENT:**

Ms. Suzan Singleton  
Ms. Patty Hamilton  
The position represented by a member of the  
public is vacant due to the resignation of  
the previous representative and as yet  
has not been filled.

**STAFF:**

Retired Captain Chuck Sadler  
Ms. Leslie Boggess

The September 24, 2009 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, First Sergeant Tilley, at 10:04 a.m. with seven (7) members either present or represented at the meeting.

The minutes of the August 27, 2009 meeting of the LET Subcommittee had been mailed to the subcommittee members prior to this meeting. First Sergeant Tilley asked the members present if there were any questions or corrections concerning the minutes as sent.

Hearing no questions or corrections he asked if there was a motion to be made concerning the acceptance of these minutes. A motion was made by Chief Stephens, seconded by Retired Lieutenant Miller, that the minutes of the August 27, 2009 subcommittee meeting be accepted as presented to the subcommittee members. There being no discussion on the motion First Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

First Sergeant Tilley then initiated discussion on Agenda item 2 as to the LET Fund Financial Report by asking Retired Captain Sadler to report on it. Retired Captain Sadler advised the subcommittee members that a copy of an LET Fund Balance Report dated September 17, 2009 had been mailed as part of the meeting agenda packet. He advised the members that as reflected on this LET Fund account balance sheet that there was a balance of \$477,504 in the LET Fund. He did note that he had made the handwritten notation on the report as mailed as to the actual amount available in the LET Fund. He stated that he had done this as the \$157,082 previously awarded by the LET Subcommittee members for the operation of the 140<sup>th</sup> Basic Class had not been posted to the report at the time that it was generated.

Retired Captain Sadler reported as well that the invoices for tuitions for the 140<sup>th</sup> Basic Class that had begun on August 31, 2009 were being prepared to be mailed. Those tuitions, at the current size of the class, would generate just under \$60,000 in funds for the LET Fund. All of the tuitions for the 139<sup>th</sup> Basic Class which would be ending on October 16, 2009 had been paid.

First Sergeant Tilley asked if there were any questions concerning the LET Fund report or the items discussed during its presentation. Hearing none he asked if there was consensus approval by the members present to accept the report as presented. Such consensus approval was noted by the members present.

First Sergeant Tilley then initiated discussion on agenda item 3. The applications of the below named individuals seeking to be certified as law enforcement training instructors were presented for consideration:

Sergeant James E Light  
West Virginia State Police

West Virginia Intelligence Exchange  
System (WVIX)

Sergeant Robert B Lilly  
Kanawha County Sheriff's Office

Crash Avoidance Driving Instructor  
Police Firearms Instructor - Handgun

Senior Trooper Lance B Morrison  
West Virginia State Police

Police Firearms Instructor – Handgun  
Response to Active Shooter

First Sergeant Tilley asked Retired Captain Sadler if these individuals met the standards to become certified law enforcement instructors. He indicated that they did and recommended their approval as such. First Sergeant Tilley asked if there were any questions or discussion concerning the recommendations for these individuals to be approved as instructors. Hearing none he asked if there was a motion to be made concerning them.

A motion was made by Retired Lieutenant Miller, seconded by Retired Lieutenant Walker, that the listed individuals be certified as law enforcement instructors in the areas reflected. There being no discussion on the motion First Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

First Sergeant Tilley then initiated discussion on agenda item 4. The applications of the below named officers, previously certified as law enforcement instructors, seeking to be certified in the additional areas of expertise listed were presented for consideration:

Deputy Ronald B Baker  
Greenbrier County Sheriff's Office

M26 Advanced Taser & Taser X26  
Project Lifesaver Electronic  
Search Specialist

Lieutenant Ted Malone  
Charleston Police Department

Gracie Combative Systems

Patrolman Sean Wiggins  
Charleston Police Department

Gracie Combative Systems

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

First Sergeant Tilley asked if there were any questions or discussion concerning the recommendations for these individuals to be approved as instructors in the additional areas of expertise recommended. Hearing none he asked if there was a motion to be made concerning them.

A motion was made by Chief Stephens, seconded by Retired Chief Lee that these individuals be certified as law enforcement instructor in the additional areas of expertise listed. There being no discussion on the motion First Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

First Sergeant Tilley then initiated discussion on agenda item number 5A. The following annual level in-service training programs to be conducted during the 2010 Training Year were presented for consideration and approval:

**BECKLEY POLICE DEPARTMENT**

Four (4) hours                      30 Sep 09, 1 and 2 Oct 09  
NCIC Weapons System Training  
Instructor: Lieutenant D Christian  
Beckley, WV

**BUCKHANNON POLICE DEPARTMENT**

Eight (8) hours                      Dates to be set  
Domestic Violence Investigations  
Instructor: Lieutenant K Rowan  
Buckhannon, WV

NOTE: This class is to being recommended for annual and supervisory in-service training approval in that the class addresses concepts that will directly better enable supervisory officers to address issues and subordinate officers in handling this subject area.

**CHARLESTON POLICE DEPARTMENT**

Eight (8) hours                      3 and 4 Oct 09  
Field Training Officer (FTO) Program Refresher Training  
Instructor: Lieutenant D Peal and Sergeant M Fulk  
Charleston, WV

Following classes are part of a two week Officer Orientation Training to be given to graduates of the 139<sup>th</sup> Basic Class during the period 19 Oct 09 to 30 Oct 09. The classes, where not topic specific to Charleston Police Department practices and/or policies, are open to officers from other agencies.

Ten (10) hours                      19 Oct 09  
Policy and Procedures Training  
Instructor: Mr. J Teare, Lieutenants L Williamson, C Peal, K Mitchell,  
Sergeants T Payne, A James, Cpl B Jones, Senior Patrolman P Roach  
And Ms. K Eagle  
Charleston, WV

Eight (8) hours                      20 Oct 09  
Elements of Crime  
Instructor: Mr J Teare  
Charleston, WV

Four (4) hours                      21 Oct 09  
Domestic Violence  
Instructor: Corporal B Jones and Ms K Eagle  
Charleston, WV

Four (4) hours 21 Oct 09

Verbal Judo

Instructor: Corporal E Loudermilk  
Charleston, WV

Eight (8) hours 22 Oct 09

X26 Taser User Certification

Instructor: Corporals R Sampson and D Welch and Patrolman R Edwards  
Charleston, WV

Four (4) hours 22 Oct 09

Report Writing

Instructor: Detective C Snodgrass  
Charleston, WV

Eight (8) hours 23 Oct 09

Glock Transition

Instructor: Lieutenant W Johnson and Sergeants W Winkler and T Ranson  
Charleston, WV

Sixteen (16) hours 25-26 Oct 09

Radar User Certification

Instructor: Corporal G Daniels and Patrolman B Lightner  
Charleston, WV

Four (4) hours 27 Oct 09

Clandestine Labs Awareness and Recognition

Instructor: Corporal V Armstrong  
Charleston, WV

Eight (8) hours 28 Oct 09

Building Searches & Room Entries

Instructor: Corporals M McConihay and E Smith and Senior Patrolman P Roach  
Charleston, WV

Four (4) hours 28 Oct 09

Gang Identification

Instructor: Corporal E Smith  
Charleston, WV

Four (4) hours 29 Oct 09

Rapid Action Deployment

Instructor: Lieutenant W Johnson and Corporal M McConihay  
Charleston, WV

Eight (8) hours 29 Oct 09

Safe Traffic Stops

Instructor: Corporal M McConihay and Senior Patrolman P Roach  
Charleston, WV



**WEST VIRGINIA PREVENTION RESOURCE CENTER**

Seven (7) hours                      25 Sep 09  
5<sup>th</sup> Annual Logan County Drug and Tobacco Prevention Summit 2009  
Instructor: Dr W Coombs and Mr. M O'Neil  
Logan, WV

One (1) hour                              30 Oct 09 Morning  
Rx Drug Abuse Awareness  
Instructor: Mr. E Lanham  
Franklin, WV

One (1) hour                              30 Oct 09 Afternoon  
Adolescent Developmental Assets Training  
Instructor: Ms B McFadden and Mr C Merritt  
Franklin, WV

Twelve (12) hours                      14-15 Oct 09  
2009 West Virginia Crimes Against Children Conference  
Instructor: Dr K Baldwin, Dr J Yarbrough, Mr A Scott, Mr W Carson,  
                    Ms. K Schommer and Ms K Hindman  
Charleston, WV

**WEST VIRGINIA REGIONAL COMMUNITY POLICING INSTITUTE (RCPI)**

Eight (8) hours                              24 Sep 09 Flatwoods  
    30 Sep 09 Charleston  
    27 Oct 09 Clarksburg  
    28 Oct 09 Morgantown  
    10 Nov 09 Huntington  
    To be set Martinsburg  
A Coordinated Community Response to Sexual Assault  
Instructor: Ms B Fields, Retired Lieutenant L Nelson, Ms M Wilcox-Eddy  
                    And Ms T Tarr  
Locations listed

Sixteen (16) hours                      15-17 Sep 09  
STOP Team/Firearms Summit for Law Enforcement  
Instructor: Retired Captain S Cogar, Retired Lieutenant L Nelson,  
                    Corporal B Jones, Ms. L Tackett, Ms T Tarr, and Mr. T Bunch  
Charleston, WV

**WEST VIRGINIA STATE POLICE**

Eighty (80) hours                      29 Sep 09 to 9 Oct 09  
Advanced Crash Investigation – Level 2  
Instructor: First Sergeant C Tilley  
Dunbar, WV



enable supervisory officers to address issues and subordinate officers in handling this subject area.

**WEST VIRGINIA CHIEFS OF POLICE ASSOCIATION**

Three (3) hours                      12 Sep 09  
Stalling for Time – Calm & Clear Communication in Crisis  
Instructor: Retired Supervisory Special Agent G Noesner  
Canaan Valley, WV

**WEST VIRGINIA DIVISION OF NATURAL RESOURCES**

Sixteen (16) hours                      8-9 Oct 09  
Laser Shot System Program Development and Implementation  
Instructor: Mr G Cunningham  
Dunbar, WV

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

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

First Sergeant Tilley then initiated discussion on agenda item 5C by presenting the following classes for approval as personal in-service for the 2010 Training Year:

**CABELL COUNTY SHERIFF'S OFFICE**

Annual In-Service  
Deputy J Robertson  
Twenty-eight (28) hours                      24 Aug 09 to 15 Dec 09  
CJ 602 – Graduate Level Course on Law and Social Control  
Marshall university Graduate School  
Huntington, WV

Annual In-Service  
Deputy J Robertson  
Twenty-eight (28) hours                      24 Aug 09 to 15 Dec 09  
CJ 655- Criminal Justice Research Methods  
Marshall university Graduate School  
Huntington, WV

**CHARLESTON POLICE DEPARTMENT**

Annual In-Service

Captain M White

Forty (40) hours                      14-18 Sep 09

Police Internal Affairs School

IPTM

Jacksonville, FL

Supervisory In-Service

Lieutenant K Mitchell

Sixteen (16) hours                      15-16 Sep 09

Police Records Management Class

Oakland Community College

Auburn Hills, MI

Annual In-Service

Patrolman J Webb

Forty (40) hours                      21-25 Sep 09

Vehicle Dynamics Level III

Ohio Peace Officer Training Academy  
(OPOTA)

London, OH

**MINERAL COUNTY SHERIFF'S OFFICE**

Deputy First Class J Taylor

Deputy First Class R Smith

Deputy K McKone

Deputy M Leatherman

Deputy W Weakley

Twenty-one (21) hours                      6-8 Oct 09

Interview and Interrogation

Allegheny College of Maryland

Cumberland, MD

First Sergeant Tilley asked Retired Captain Sadler if these classes met the criteria to be approved as personal in-service classes as annual or supervisory as reflected. He indicated that they did and recommended their approval as such.

First Sergeant Tilley asked if there were any questions concerning the recommended classes. Hearing none from the other committee members he asked if it had been the practice in the past for the LET Subcommittee to approve college level classes for in-service hours. Retired Captain Sadler advised that such classes, when criminal justice/law enforcement related to the duties of West Virginia law enforcement officers had been so approved. First Sergeant Tilley advised that he had no problem in recommending such classes for approval but that he had wanted to check on the prior practice of the subcommittee.

First Sergeant Tilley asked if there were any other questions or comments concerning the recommend personal in-service classes. Hearing none he asked if there was a motion for their approval.

Retired Lieutenant Walker made a motion, seconded by Retired Chief Lee, that the classes presented and recommended be approved for personal in-service credit for the 2010 Training Year. There being no discussion on the motion First Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

First Sergeant Tilley then initiated discussion on agenda item 6 by advising the subcommittee members present that it addressed a request from the West Virginia State Police for a supplemental award in the amount of \$5,637 for the award previously made to the Academy for the operation of the 137<sup>th</sup> Basic Class by grant number 09-LET-02. He indicated that the need for the additional funding had occurred as a result of the practice of the Academy staff when preparing grant applications for the basic classes by basing the funding award on participation by forty-five student officers.

From their prior experience this student level had allowed for officer attrition from the basic training program in relation to the cost to run the program. The student officer levels for the 137<sup>th</sup> Basic Class exceeded past classes experience and as such the additional \$5,637 had been spent in the operation of the program.

First Sergeant Tilley asked the subcommittee members present if they had any questions concerning the request for a supplemental funding award. Hearing none he asked if there was a motion to be made concerning the request for additional funding.

Retired Lieutenant Miller made a motion, seconded by Retired Lieutenant Walker, that \$5,637 in supplemental funding from the LET Fund be awarded to grant number 09-LET-02 to meet the costs of operating the 137<sup>th</sup> Basic Class. There being no discussion on the motion First Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

First Sergeant Tilley then initiated discussion Agenda item 7 by reviewing with the members present that it addressed the adjustment of funds available within grant number 09-LET-03 pertaining to the operation of the 138<sup>th</sup> Basic Class. This matter had been previously emailed to the subcommittee members for approval and there had been such approval by responses provided to First Sergeant Tilley, there being no negative responses received.

First Sergeant Tilley noted that the adjustment addressed the use of \$15,000 available within the 138<sup>th</sup> Basic Class award for costs pertaining to the building of a physical fitness trail on the Academy grounds. He asked Major DeBord, Director of Training, West Virginia State Police Academy, to speak with the members about the fitness trail..

Major DeBord reviewed with the members that a fitness trail had been constructed that started across from the Academy and ended across from the Professional Development Center. There were two courses encompassed within the confines of the Academy property that could be run on the trail, one approximately one mile long and the other one and a half mile long. The fitness trail contained exercise stations and that additional stations were planned. The fitness trail had already been incorporated into the fitness program for the current basic and cadet training classes. As to the fitness programs for those programs Major DeBord did note and commend the efforts of Sergeant Petry, Academy staff, as to the work that he had put into revamping the physical fitness program. The results had been a reduction in the number of injuries occurring from physical related activities within the training programs.

The members present expressed their consensus approval of the actions taken by the Academy staff, to include Sergeant Petry, as to the construction of the physical fitness trail and the physical fitness program.

First Sergeant Tilley then initiated discussion on Agenda item 8 by asking Retired Captain Sadler to speak with the members present concerning the 2009 Make-Up Training classes. Retired Captain Sadler noted to the members that all sworn officers within the state had concluded their training cycles on July 9, 2009. A listing had been developed from the Officer Training Information System (OTIS) as to the officers reflected as not having completed their required level of in-service hours.

That initial listing of approximately 450 officers had been pared down by a manual review of each officer's training records within OTIS and their current status, ie military leave, pending Academy training, workers compensation, etc. That review had reduced the number of officers believed to need training to 163. Letters had been sent to each of those officers and their agency head making them aware of the fact that they had been identified as needing make up training. Just over 30 officers, or agency representatives, had contacted Retired Captain Sadler and had shown that they had completed training that had not been reported or that a change in status, retired, injured, etc. made them exempt from needing the training.

Those officers who continued to remain on the list will be scheduled to attend mandatory make up training at the Professional Development Center during the week of November 16-20, 2009. As had been done in previous make up training programs Retired Captain Sadler asked the members for their approval to require a payment of \$80.00 for up to each eight hours of in-service training required by an officer to participate in the program. The maximum amount an officer would have to pay would be \$240 for officers who needed between 17 and 24 hours of in-service training. This payment will help to defray the cost of staff time involved in the setup and operation of the make up training program.

First Sergeant Tilley asked the members present if they had any questions concerning the make up training program. Hearing none he asked if there was a

motion concerning the requested amount to be paid for attendance at the make up training classes?

Colonel Murphy made a motion, seconded by Chief Stephens, that a fee of \$80 be required for up to each hours of training that an officer needed to complete to meet his training requirements under the make-up training program. There being no discussion on the motion First Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

First Sergeant Tilley then initiated discussion on agenda item 9 by advising the members present that it pertained to a request by Officer Roger Estep of the Clendenin Police Department that he be considered to have been a previously certified officer, which would then require him to only have to participate in the re-certification program following an absence of more then 24 months working as a law enforcement officer in West Virginia as opposed to having to attend the complete entry level training program.

First Sergeant Tilley noted that Officer Estep had been a member of the Charleston Police Department and had attended the 37<sup>th</sup> Basic Class that graduated in January 1981. His employment with the Charleston Police Department had ended however before the certification of officers was begun in 1982 under state statues and the certification process put in place at that time.

Retired Captain Sadler and First Sergeant Tilley advised the members that the issue of an officer, regardless of law enforcement related training completed in West Virginia, who had not been working, granted certification, when the process was initiated in 1982 had been previously addressed by the subcommittee members and had also been the subject of a requested Attorney General's review. That review had resulted in an opinion that such individuals could not be considered for participation under the recertification guidelines set forth in CSR149-2 in that they had never been certified. Such officers, other then those serving in head of agency exempted positions, would be required to attend the current full entry level training program to be granted certification as a West Virginia law enforcement officer.

First Sergeant Tilley asked if there were any questions or comments concerning the request made by Officer R Estep. Neither Officer Estep, or any representative of the Clendenin Police Department, was present at this meeting. Hearing none he asked if there was a motion to be made concerning it.

Colonel Murphy made a motion, seconded by Retired Chief Lee, that in that Officer Roger Estep of the Clendenin Police Department had not been previously certified as a law enforcement officer in West Virginia, specifically in 1982 when that process was initiated, that regardless of the entry level training he had completed prior to 1982, that he would now have to complete the full entry level training program to be granted certification as a law enforcement officer in West Virginia. There being no discussion on the motion First Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

First Sergeant Tilley then began discussion on agenda item 10 by advising the members present that this item, along with agenda item 11, addressed personnel related matters and asked the members present if there was a motion for the LET Subcommittee to go into executive session to discuss these agenda items.

Retired Chief Lee made a motion, seconded by Chief Stephens, that the LET Subcommittee to go into executive session to discuss the personnel related items pertaining to agenda items 10 and 11. There being no discussion on the motion First Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

The LET Subcommittee went into executive session at 10:31 a.m. It came out of executive session at 10:43 a.m.

First Sergeant Tilley asked if there was a motion or action to be taken concerning agenda item 10.

Colonel Murphy made a motion, seconded by Chief Stephens, that the certification of the officer who had plead guilty to an informational filing in United States District Court for the Southern District of West Virginia be revoked as a result of the actions of the officer being plead to. There being no discussion on the motion First Sergeant Tilley called for questions. Retired Chief Lee stated that she would be abstaining from voting due to the involvement of her office in the matter pertaining to the actions of the former officer in question. All the other members present voted in favor of, with no negative votes cast, for the motion as made.

First Sergeant Tilley asked if there was a motion or action to be taken concerning agenda item 11.

Colonel Murphy made a motion, seconded by Retired Chief Lee, that as to agenda item 11 that the certification of the officer in question be suspended while his conviction in Wood County Magistrate Court is under appeal and that at the time that the appeal process is resolved that a certification review will be completed at that time to determine the status of this officer's certification as a West Virginia law enforcement officer. There being no discussion on the motion First Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

First Sergeant Tilley then initiated discussion on Agenda item 12 by advising the members present that this item addresses the standard report of correspondence/action taken by Retired Captain Sadler on behalf of the members and in his position as LET Coordinator since the August 27, 2009 LET Subcommittee meeting. He asked if there were any questions concerning the information distributed with the agenda mailing or as to general actions taken by Retired Captain Sadler.

Hearing none First Sergeant Tilley then moved to Agenda item 13 and asked if there was any other business that the members wished to discuss. Hearing none he asked for a motion to bring this meeting of the LET Subcommittee to a close.

Retired Chief Lee made a motion, seconded by Retired Lieutenant Walker, that the September 24, 2009 meeting of the LET Subcommittee be brought to a close. Hearing no discussion on the motion First Sergeant Tilley called for questions. All present voted in favor of the motion as made with no negative votes cast.

The September 24, 2009 meeting of the LET Subcommittee was brought to a close 10:45 a.m.