

LAW ENFORCEMENT PROFESSIONAL STANDARDS SUBCOMMITTEE
Professional Development Center
West Virginia State Police Academy
Dunbar, WV

December 8, 2011

MEMBERS PRESENT: Judge Phyllis Carter
Retired Lieutenant Terry Miller
Ms Suzan Singleton

MEMBERS REPRESENTED: Colonel Jay Smithers by
Lieutenant Curt Tilley
Colonel David Murphy by
Lieutenant Tim Coleman
Sheriff Michael White by
Sheriff Tom McComas
Chief William Roper by
Chief Steve Stephens
First Lieutenant Douglas Gunnoe by
Lieutenant Malcomb
Retired Lieutenant Steve Walker by
Retired Corporal Dave Gentry
Ms Patti Hamilton by
Mr Jack McClung

MEMBERS ABSENT: Mayor Arthur Auxer

STAFF: Retired Captain Chuck Sadler
Ms Leslie Boggess

The December 8, 2011 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee, conducted at the Professional Development Center (PDC), West Virginia State Police Academy, Dunbar, West Virginia, was called to order by the Chair, Lieutenant Tilley, at 9:09 a.m. with ten (10) members either present or represented at the meeting.

Lieutenant Tilley then asked the members present, as relating to agenda item 1, if there were any items that needed to be added to the agenda that had not been previously set to the agenda. Hearing none he did note that there were two items that needed to be added to the agenda.

The first was a discussion of how the length of in-service training programs was calculated and approved, whether it continue as had been the prior practice of the Subcommittee to determine by hours, i.e. 8:00 a.m. to 5:00 p.m. with lunch and applicable breaks was an eight (8) hour training day or by counting the number of actual minutes that training was presented. The discussion of this item would be under agenda item 6D in reference to a training class that had been presented for approval.

The second was a discussion as to an officer whose certification was being reviewed for reactivation as to the steps to be taken to secure required information. He noted that this would be discusses as agenda item 9B.

Lieutenant Tilley asked if there was consensus approval to discuss these items at the point of the agenda indicated. Such consensus approval was given by the members present. He asked once again if there were any other items that the members wanted to be address besides those which he had raised. Hearing none he moved to discuss agenda item 2.

As to agenda item 2 Lieutenant Tilley noted to the members present that the minutes of the October 27, 2011 meeting of the LEPS Subcommittee had been mailed with the agenda packet for their review and consideration. He asked is anyone needed a copy of these minutes. No one indicated that they did so he asked if there were any corrections or questions concerning the minutes.

Hearing none from the subcommittee members Lieutenant Tilley asked if there was a motion to be made to accept the minutes of the October 27, 2011 meeting.

A motion was made by Sheriff McComas, seconded by Chief Stevens that the minutes of the October 27, 2011 LEPS Subcommittee meeting be approved. There being no discussion on the motion Lieutenant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Lieutenant Tilley then initiated discussion on agenda item 3 as to the LEPS Fund Financial Report by asking Retired Captain Sadler to report on it. Retired Captain

Sadler advised the members that as reflected on Page 1 of the agenda packet that as of October 20, 2011 that there was a balance of \$1,030,115 in the LEPS Fund.

Lieutenant Tilley asked if there were any questions concerning the LEPS Fund Financial Report. Hearing none he asked if there was consensus approval to accept the fund report as presented. Such consensus approval was indicated by the members present.

Lieutenant Tilley then initiated discussion on agenda item 4. He advised the members present that it addressed the below listed individuals who were seeking to be approved as law enforcement instructors in the areas of expertise listed.

Patrolman D DiJirolanio
Chester Police Department

Police Firearms Instructor – Handgun

Ms Jennifer A Howard
West Virginia State Police

Crime Scene Processing
Preparation and Submission of
Evidence for Analysis

Sergeant S Place
County Sheriff's Office

Standardized Field Sobriety Testing Morgan
(SFST)
Radar/Lidar

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

A motion was made by Sheriff McComas, seconded by Ms Singleton that the listed individuals be certified as law enforcement instructors in the areas of expertise listed. There being no discussion on the motion Lieutenant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Lieutenant Tilley then initiated discussion on agenda item 5. He advised the members present that it addressed the below listed previously approved instructors who were seeking to be approved as a law enforcement instructor in the additional areas of expertise listed.

Deputy Christopher Burgess
Cabell County Sheriff's Office

Spanish for Law Enforcement

Sergeant Shawn Campbell Fayette County Sheriff's Office	Police Firearms Instructor – Precision Rifle Sniper Tactics
Sergeant Anthony Jividen Barboursville Police Department	Police Firearms Instructor – Patrol Rifle Police Firearms Instructor – Shotgun
Retired Chief Robert McComas Retired from WVSP and Sophia PD	Explosive Recognition for the First Responder
Corporal Derek Miller Putnam County Sheriff's Office	Police Firearms Instructor – Patrol Rifle Police Firearms Instructor – Shotgun

Lieutenant Tilley asked Retired Captain Sadler if these officers met the standards to become certified as a law enforcement instructor in the areas listed. Retired Captain Sadler indicated that they did and recommended their approval as such. Lieutenant Tilley asked if there were any questions or discussion concerning the recommendation for these officers to be approved as an instructor in the additional areas of expertise recommended. Hearing none he asked if there was a motion to be made concerning their approval.

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

Lieutenant Tilley then initiated discussion on agenda item number 6A by advising the members present that it addressed annual in-service level classes that were being recommended for approval for the 2012 Training Year. The following annual level in-service training programs to be conducted during the 2012 Training Year were presented for consideration and approval:

**BECKLEY POLICE DEPARTMENT
NEW OFFICER ORIENTATION TRAINING**

Forty (40) hours 1, 2, 5, 6-9 Dec 11

Police Pistol and Shotgun Familiarization

Instructor: Lieutenant J Corey

LEPS certified instructor in subject area
Beckley, WV

Eight (8) hours 12 Dec 11
Traffic STOPS
Instructor: National Park Service Ranger C Mitchem
 National Park Service Ranger S Shuck
 Certified instructors in subject area
Beckley, WV

Four (4) Hours 13 Dec 11
First Aid/Buddy Aid
Instructor: Beckley Fire Department Paramedics
 Certified instructors in subject area
Beckley, WV

Four (4) hours 13 Dec 11
OC Spray and Baton Certification
Instructor: National Park Service Personnel
 Certified instructors in subject areas
Beckley, WV

Eight (8) hours 14 Dec 11
Defensive Tactics
Instructor: Officer B Atterson
 LEPS certified instructor in subject area
Beckley, WV

Eight (8) hours 15 Dec 11
Systematic Room Clearing and Building Entry
Instructor: Lieutenant J Corey
 LEPS certified instructor in subject area
Beckley, WV

Eight (8) hours 16 Dec 11
Taser Operator Certification
Instructor: Lieutenant J Corey
 LEPS certified instructor in subject area
Beckley, WV

BRIDGEPORT POLICE DEPARTMENT
Forty (40) hours Dates to be set
The Field Training Officer (FTO)
Instructor: Lieutenant John Post
 LEPS certified instructor in subject area
Bridgeport, WV

CABELL COUNTY SHERIFF'S OFFICE

Four (4) hours Dates to be set

Crime Scene Preservation

Instructor: Detective William Templeton

LEPS certified instructor in subject area 8 Dec 11 meeting
Huntington, WV

**CHARLESTON POLICE DEPARTMENT
NEW OFFICER ORIENTATION TRAINING**

Ten (10) hours 6 Nov 11

Policies and Procedures

Instructor: Lieutenant A James

Lieutenant E Johnson

Lieutenant S Williams

Sergeant R Eggleton

Sergeant T Payne

LEPS certified instructors

Charleston, WV

Eight (8) hours 7 Nov 11

Elements of Crime

Instructor: Mr J Teare

Licensed West Virginia attorney

Charleston, WV

Four (4) hours 9 Nov 11

Verbal Judo

Instructor: Corporal E Loudermilk

LEPS certified instructor in subject area

Charleston, WV

Four (4) hours 9 Nov 11

Domestic Violence

Instructor: Corporal G Daniels

Ms K Eagle

LEPS certified instructors in subject area

Charleston, WV

Four (4) hours 10 Nov 11

Report Writing

Instructor: Corporal S Snodgrass

Corporal G Daniels

LEPS certified instructor in subject area

Charleston, WV

Eight (8) hours 10 Nov 11
Taser X26 Operator Certification
Instructor: Sergeant T Payne
 LEPS certified instructor in subject area
Charleston, WV

Eight (8) hours 11 Nov 11
Glock Transition
Instructor: Lieutenant E Johnson
 LEPS certified instructor in subject area
Charleston, WV

Eight (8) hours 14 Nov 11
Radar Operator
Instructor: Corporal G Daniels
 Senior Patrolman B Lightner
 LEPS certified instructors in subject area
Charleston, WV

Four (4) hours 15 Nov 11
Drug Identification
Instructor: Lieutenant C Napier
 LEPS certified instructor in subject area
Charleston, WV

Eight (8) hours 16 Nov 11
Building Searches and Room Entries
Instructor: Sergeant M McConihay
 Sergeant C Johnson
 LEPS certified instructor in subject area
Charleston, WV

Four (4) hours 16 Nov 11
Gang Identification
Instructor: Corporal E Smith
 LEPS certified instructor in subject area
Charleston, WV

Eight (8) hours 17 Nov 11
Safe Traffic Stops
Instructor: Sergeant C Johnson
 Sergeant T Payne
 Corporal S Mldkiff
 LEPS certified instructors in subject area
Charleston, WV

Four (4) hours 18 Nov 11
Field Based Reporting (FBR)
Instructor: Lieutenant M Fulks
 LEPS certified instructor in subject area
Charleston, WV

Four (4) hours 17 Nov 11
Rapid Action Deployment (RAD)
Instructor: Lieutenant E Johnson
 LEPS certified instructor in subject area
Charleston, WV

Four (4) hours 18 Nov 11
Recruit Orientation to the Field Training Officer (FTO) Program
Instructor: Lieutenant M Fulks
 LEPS certified instructor in subject area
Charleston, WV

CHARLESTON POLICE DEPARTMENT

Seven (7) hours Date to be set
Monthly Sniper Unit Training
Instructor: Corporal S Snodgrass
 LEPS certified instructor in subject area
Charleston, WV

Ten (10) hours 15 Dec 11
Monthly K-9 Unit Training
Instructor: Corporal C Young
 LEPS certified instructor in subject area
Charleston, WV

CHARLES TOWN POLICE DEPARTMENT

Eighteen (18) hours 8-9, 15-16 and 28-29 Dec 11
Radar/Lidar Operator Training
Instructor: Captain G Stevens
 Lieutenant G Macher
 LEPS certified instructors in subject area
Martinsburg, WV

ELEANOR POLICE DEPARTMENT

Forty (40) hours 12-16 Dec 11

Tactical Handgun Instructor Course

Instructor: Corporal H Teare

LEPS certified instructor in subject area

Previously approved to teach instructor level firearms courses

Huntington, WV

FAYETTE COUNTY SHERIFF'S OFFICE

Six (6) hours 26 Oct 11

Monthly K-9 Unit Training

Instructor: Sergeant T Mooney

Fayetteville, WV

Twenty-four (24) hours Dates to be set

Sniper Training

Instructor: To be named

Fayetteville, WV

KANAWHA COUNTY SHERIFF'S OFFICE

Two (2) hours 6, 7, 8, 9, 10, 11, 16 Nov 11 and 7 Dec 11

Using the Weapon Mounted Flashlight

Instructor: Sergeant K Vititoe

LEPS certified instructor in subject area

Charleston, WV

Two (2) hours 6, 7, 8, 9, 10, 11, 16 Nov 11 and 7 Dec 11

TASER Refresher Course

Instructor: Corporal L Grace

Deputy B Humphreys

LEPS certified instructor in subject area

Charleston, WV

Four (4) hours 17 Nov 11 am and pm session

Stinger Spike Strip Train the Trainer Course

Instructor: Ms J Stockman

Federal Signal – Sales and Training Manager

Stinger Spike System

Charleston, WV

MCDOWELL COUNTY SHERIFF'S OFFICE

Eight (8) hours 26 Oct 11

Chemical Munitions

Instructor: Deputy J Muncy

LEPS certified instructor in subject area

Welch, WV

MORGANTOWN POLICE DEPARTMENT

Eight (8) hours 7 Nov 11

Taser Operator Certification

Instructor: First Sergeant S Carl

Patrolman First Class C Wolfe

LEPS certified instructors in subject area

Morgantown, WV

NATIONAL WHITE COLLAR CRIME CENTER (NW3C)

Seven (7) hours 11 Jan 12

GPSI – GPS Interrogation – Cyber Investigations 210

Instructor: Mr M Williams

Mr J Wykes

NW3C Adjunct Staff members – detailed resume information on file with

LEPS Office/DJCS

Fairmont, WV

Fourteen (14) hours 12-13 Jan 12

CPI – Cell Phone Interrogation – Cyber Investigation 205

Instructor: Mr M Williams

Mr J Wykes

NW3C Adjunct Staff members – detailed resume information on file with

LEPS Office/DJCS

Fairmont, WV

Thirty-two (32) hours 21-24 Feb 12

NTFS – NT File System – Cybercop 305

Instructor: Ms J Saltzman

Mr S Pancoast

NW3C Adjunct Staff members – detailed resume information on file with

LEPS Office/DJCS

Fairmont, WV

Twenty-seven (27) hours 26-29 Mar 12
NTOS – NT Operating System – Cybercop 310

Instructor: Mr J Johnson

Mr B Kelly

NW3C Adjunct Staff members – detailed resume information on file with
LEPS Office/DJCS

Fairmont, WV

Twenty-nine (29) hours 23-26 Apr 12
INET – Windows Internet Trace Evidence – Cybercop 320

Instructor: Mr M Williams

Mr J Wykes

NW3C Adjunct Staff members – detailed resume information on file with
LEPS Office/DJCS

Fairmont, WV

NICHOLAS COUNTY SHERIFF'S OFFICE

Six (6) hours 28 Nov 11

Taser Certification/Re-Certification Course

Instructor: Sergeant B Holdren

LEPS certified instructor in subject area

Glenville, WV

RALEIGH COUNTY SHERIFF'S OFFICE

Eight (8) hours 9 & 10 Nov 11

Serial Sexual Violence Offenders

Instructor: Retired FBI SSA R Hazelwood

Recognized national expert in subject area

Beckley, WV

Eight (8) hours 12, 13 and 14 Dec 11

Firearms and Range Safety

Instructor: Lieutenant K Hopkins

LEPS certified instructor in subject area

Beckley, WV

UNITED STATES ATTORNEY'S OFFICE – NORTHERN DISTRICT OF WEST VIRGINIA

Three (3) hours 14 Dec 11

Environmental Crimes Training for Uniformed Officers

Instructor: Adjunct Staff – United States Department of Justice

Morgantown, WV

WEST VIRGINIA CHILD ADVOCACY NETWORK

Twenty (20) hours 6-9 Dec 11

Multi-Disciplinary Team Development

Instructor: Adjunct Staff - Southern Regional Children's
Advocacy Center
Roanoke, WV

WEST VIRGINIA PREVENTION RESOURCE CENTER

Three (3) hours 15 Dec 11

Domestic Violence Prevention Training

Instructor: Adjunct staff – West Virginia Coalition Against
Domestic Violence
Madison, WV

Six (6) hours 14 Dec 11

Rx Drug Prevention Strategies for West Virginia

Instructor: Dr M O'Neil
Licensed physician – State of West Virginia
Adjunct staff – West Virginia
Prevention Resource Center
Glennville, WV

**WEST VIRGINIA STATE POLICE in conjunction with
WEST VIRGINIA UNIVERSITY HEALTH SCIENCE CENTER**

Four (4) hours 5 Dec 11

Forensic Photography Workshop

Instructor: Ms C Leahy
Registered Nurse, SANE-A, SANE-P
Martinsburg, WV

WEST VIRGINIA STATE PROSCUTING ATTORNEY'S INSTITUTE

Eight (8) hours Ten dates and locations – Jan – Mar 12

2012 Sex, Lies and DUI Tour

Instructor: Mr B Lanham
Licensed West Virginia Attorney
Sergeant J Powers
LEPS certified instructor in subject area
Adjunct staff – West Virginia Coalition Against
Domestic Violence
Sergeant M Lynch
LEPS certified instructor in subject area

WHEELING POLICE DEPARTMENT

Eight (8) hours 28, 29 and 30 Nov 11 and 5, 6 and 7 Dec 11

Ground Defense Tactics

Instructor: Sergeant K Kettler

LEPS certified instructor in subject area

Wheeling, WV

Lieutenant Tilley asked Retired Captain Sadler if these classes met the criteria to be approved as annual in-service classes for the 2012 Training Year. He advised that they did and with the exception of the training listed from the West Virginia Prosecutor's Institute, that was to be discussed under agenda item 6D that they be approved.

Lieutenant Tilley asked if there were any questions or comments concerning the recommended classes. Retired Chief Stephens had a question about what the training submitted by the Kanawha County Sheriff's Office on the Use of Weapon Mounted Flashlights addressed as to the length of it. Retired Captain Sadler pulled the application and review the schedule of the training with the members.

Lieutenant Tilley asked if there were any other questions concerning the classes listed. Hearing none he asked if there was a motion to be made concerning them.

Sheriff McComas made a motion, seconded by Ms Singleton, that the listed classes, with the exception of the training listed for the West Virginia Prosecutor's Institute, be approved for annual in-service hours as presented for the 2012 Training Year. There being no discussion on the motion Lieutenant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Lieutenant Tilley then initiated discussion on agenda item 6B by presenting the following class for approval as supervisory in-service during the 2012 Training Year:

PARKERSBURG POLICE DEPARTMENT

Forty (40) hours 12-16 Dec 11

Police Supervision – The Art of Empowering and Developing People

Instructor: Lieutenant D McEwuen

LEPS certified instructor in subject area

Parkersburg, WV

Lieutenant Tilley asked Retired Captain Sadler if this class met the criteria to be approved as a supervisory in-service class for the 2012 Training Year. He advised that it did and recommended its approval as such. Lieutenant Tilley asked if there were any questions concerning this class. Hearing none he asked if there was a motion concerning the approval of these classes.

Ms Singleton made a motion, seconded by Retired Chief Stephens, that the listed class be approved for supervisory in-service credit as presented for the 2012

Training Year. There being no discussion on the motion Lieutenant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Lieutenant Tilley then initiated discussion on agenda item 6C by presenting the following class for approval as personal in-service for the 2012 Training Year:

CHARLESTON POLICE DEPARTMENT

Annual In-Service
Lieutenant K West
Sixteen (16) hours 12-13 Dec 11
Crystal XI Reporting Software
Vision RMS Inc.
Charleston, WV

Annual In-Service
Corporal M Kinder
Forty (40) hours 28 Nov 11 – 2 Dec 11
Crime Scene and Evidence Photography
Ohio Peace Officers Training Academy (OPOTA)
London, OH

HAMPHIRE COUNTY SHERIFF'S OFFICE

Annual In-Service
Deputies to be named
Seven (7) hours 14 Nov 11
West Virginia Incident Based Reporting with In-Synch Systems
In-Synch Systems
Triadelphia, WV

KANAWHA COUNTY SHERIFF'S OFFICE

Annual In-Service
Sergeant K Vititoe
Corporal K Washburn
Corporal C George
Twenty-four (24) hours 29 Nov 11 – 1 Dec 11
Combating Terrorism – Emerging Threats
Combating Terrorism Technical Support Office
Ft Lauderdale, FL

MONONGALIA COUNTY SHERIFF'S OFFICE

Annual In-Service

Deputies to be named

Seven (7) hours 14 Nov 11

West Virginia Incident Based Reporting with In-Synch Systems

In-Synch Systems

Triadelphia, WV

MORGANTOWN POLICE DEPARTMENT

Annual In-Service

Officer R D Miranov

Forty (40) hours 28 Nov 11 – 2 Dec 11

Physical Fitness Specialist

Ohio Peace Officers Training Academy (OPOTA)

London, OH

Annual In-Service

Officer D P Crouse

Officer G M Melan

Eighty (80) hours 12-23 Mar 12

Traffic Crash Reconstruction

Institute of Police Technology and Management (IPTM)

Albany, NY

Annual In-Service

Officer C W Dalton

Officer C Reyes

Four (4) hours 24-27 Oct 11

On-line training program, 32+ hours, 4 hours maximum allowed for on-line per training year for an officer

Arson Investigator Training

The International Association of Arson Investigators Inc. (IAAI)

On line training

WEST LIBERTY POLICE DEPARTMENT

Annual In-Service

Lieutenant T Hostutler

Two Officers to be named

Seven (7) hours 14 Nov 11

West Virginia Incident Based Reporting with In-Synch Systems

In-Synch Systems

Triadelphia, WV

Supervisory In-Service
Lieutenant T Hostutler
Two Officers to be named
Seven (7) hours 15 Nov 11
Management of West Virginia Incident Based Reporting with In-Synch Systems
In-Synch Systems
Triadelphia, WV

WHEELING POLICE DEPARTMENT

Annual In-Service
Detective Harris
Twenty (20) hours 13-15 Dec 11
Child Fatality Investigations
The National Children's Advocacy Center
Huntsville, AL

WOOD COUNTY SHERIFF'S OFFICE

Annual In-Service
Sergeant Larry Kearns
Forty (40) hours Date to be determined prior to 9 Jul 12
Subject Control Instructor Course
Ohio Peace Officer Training Academy (OPOTA)
London, OH

Annual In-Service
Sergeant Larry Kearns
Eighty (80) hours 23 Jan 12 – 17 Feb 12
Basic Instructor Development Course
Ohio Peace Officer Training Academy (OPOTA)
London, OH

Lieutenant 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 for the 2012 Training Year. He stated that they did and recommended their approval as such. Lieutenant Tilley asked if there were any questions concerning the recommended classes.

Ms Singleton had a question concerning the practice of listing officers to be named as to the individuals to sent to the training. Retired Captain Sadler responded that when agencies were interested in sending members to training, but first wanted to get it approved for applicable in-service that it was common for them to submit the training program and on approval to identify which officer/s to send to it.

Lieutenant Tilley asked if there were any additional questions concerning the recommended classes. Hearing none he asked if there was a motion for their approval.

Sheriff McComas made a motion, seconded by Retired Chief Stephens, that the listed courses be approved as in-service training as listed. There being no discussion on the motion Lieutenant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Lieutenant Tilley then noted to the members present that with their approval at agenda item 1 that they would now be taking up a discussion of the method that they wanted to be used by Retired Captain Sadler in determining the number of hours that a class/training program was to be recommended for approval by them. It had been the LEPS Coordinator's practice to base the recommendation on the number of hours, with allowance for breaks, that a class was presented. Training was approved in hourly increments, if a class was 4 ½ hours long the recommendation was for 4 hours.

If a class had a lunch break within it the instruction time that time was not counted as part of the overall length of the class. A request had been submitted by the West Virginia Prosecutor's Institute that the length of the class be determined by the actual number of minutes of training presented.

The 2012 Sex, Lies and DUI Tour training program that they had submitted ran from 8:00 a.m. to 4:00 p.m. with a lunch break and minimal breaks. The length of the training was 405 minutes long. Their representative had been advised that as submitted the class would be recommended for 7 hrs annual in-service. He requested the review that the class be approved by minutes, not hours and that it be approved for 8 hours in-service.

The members discussed the practice previously used by hours, length of the overall class and the practice by other certifying bodies with CEU's as to minutes. When counting minutes it was noted that it was common for other certifying bodies to approve training for varying lengths, i.e. 3.25 or 4.5 hours. During the discussion it was noted that the legislative rules refer to in-service approval by hours and that they had set prior precedent by the manner that they had approved training classes.

Lieutenant Tilley asked if there was a motion to be made concerning the amount of in-service to be approved for the training submitted by the West Virginia Prosecuting Attorney's Institute.

Retired Lieutenant Miller made a motion, seconded by Sheriff McComas, that as the training had been presented that it be approved for seven (7) hours annual in-service, but that if the length of the training was extended to 5:00 p.m. or if there was a working lunch put into the training program that it be approved for eight (8) hours annual in-service. There being no discussion on the motion Lieutenant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Lieutenant Tilley then advised the members present that as to the regularly set agenda items 7 through 10 and agenda items 11 through 15 that they addressed personnel related issues where there were items reflected. As such he asked for a motion for the subcommittee to go into executive session.

Retired Corporal Gentry made a motion, seconded by Ms Singleton, that the LEPS Subcommittee go into executive session to address the personnel related matters concerning agenda items 7 through 15. There being no discussion on the motion Lieutenant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

The LEPS Subcommittee went into executive session at 9:37 a.m. It came out of executive session at 2:58 p.m. following a discussion on these agenda items and on a motion made by Retired Corporal Gentry, seconded by Sheriff McComas, to come out of executive session which was approved unanimously by the members present.

During the period that it was in executive session there was a break from 12:12 p.m. until 1:07 p.m. for lunch. Retired Lieutenant Miller had to leave the meeting at 11:34 a.m. and Ms Singleton had to leave at 12:12 p.m. Neither returned to the meeting. A quorum of the Subcommittee members continued to be present following their departure until the meeting was closed at 3:11 p.m.

Lieutenant Tilley asked if there was a motion to be made concerning agenda items 7A and 7B that had been addressed in executive session.

Sheriff McComas made a motion, seconded by Lieutenant Malcomb, that as there had been information presented reflecting that it was the failure of the administration of the police department involved to submit the required entry level training program application in the required timeframe that the ninety day orders put in place concerning the two former officers be rescinded and that they be made anew in the system. There being no discussion on the motion Lieutenant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Lieutenant Tilley noted that agenda items 7C, 7D and 7E did not require any action by the members as they had presented for informational purposes for the members.

Lieutenant Tilley asked if there was a motion to be made concerning agenda item 8 that had been addressed in executive session.

Judge Carter made a motion, seconded by Sheriff McComas, that the review of the conviction by the involved officer seeking to participate in the entry level training program be tabled until the April 26, 2012 meeting to allow for a conclusion to be brought about concerning the administrative license action involved as a result of the

original arrest. If that administrative action were fully resolved prior to the April 26, 2012 meeting as to the individual have a valid West Virginia operator's license then he could begin the 150th Basic Class set to start April 23, 2012. If not resolved by then then the tabled matter would be discussed at the April 26, 2012 meeting as to current status of the matter. There being no discussion on the motion Lieutenant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Lieutenant Tilley asked if there was a motion to be made concerning agenda item 9A that had been addressed in executive session.

Sheriff McComas made a motion, seconded by Judge Carter, that the Draft Position Statement presented did represent the action of the Subcommittee at its October 27, 2011 meeting concerning the surrender of the West Virginia law enforcement officer certification of Former Officer Willard Lewis and that as such that it be approved as the Position Statement of the Subcommittee concerning that surrender. There being no discussion on the motion Lieutenant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Lieutenant Tilley asked if there was a motion to be made concerning agenda item 9B that had been added to the agenda by their approval in agenda item 1 and that had been addressed in executive session.

Judge Carter made a motion, seconded by Mr McClung, that Retired Captain Sadler move forward on their behalf to subpoena the applicable personnel records of the officer whose temporary reactivation of his certification was being reviewed. There being no discussion on the motion Lieutenant Tilley called for questions and called for a roll call vote of the members present on the motion.

The following votes were indicated by the members present, or represented, concerning the motion on agenda item 9B:

- | | |
|----------------------------|--------------------|
| 1. Judge Carter | For the motion |
| 2. Lieutenant Malcomb | For the motion |
| 3. Retired Chief Stephens | For the motion |
| 4. Lieutenant Coleman | Against the motion |
| 5. Retired Corporal Gentry | For the motion |
| 6. Mr McClung | For the motion |
| 7. Sheriff McComas | Against the motion |

The Chair was not required to vote concerning the motion there being a majority of the members in favor of the motion as presented.

Lieutenant Tilley asked if there was a motion to be made concerning agenda item 10 that had been addressed in executive session.

Retired Corporal Gentry made a motion, seconded by Judge Carter, that the decision of the Subcommittee from its April 2010 meeting remain in effect as to the individual not being approved to participate in the entry level training program. There being no discussion on the motion Lieutenant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Lieutenant Tilley noted that there was no action required by the members concerning agenda item 11 as it had been provided for informational purposes to update them on an action completed by the involved agency and officer on a prior meeting agenda item.

Lieutenant Tilley asked if there was a motion to be made concerning agenda item 12 that had been addressed in executive session.

Retired Chief Stephens made a motion, seconded by Sheriff McComas, that the involved officer be approved to participate in the equivalent certification program. There being no discussion on the motion Lieutenant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Lieutenant Tilley asked if there was a motion to be made concerning agenda item 13 that had been addressed in executive session.

Retired Corporal Gentry made a motion, seconded by Judge Carter, that the law enforcement officer certification of the involved officer be suspended immediately until the protective order in place had expired and proof of such expiration was presented to Retired Captain Sadler. There being no discussion on the motion Lieutenant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Lieutenant Tilley advised the members present that no action was required at this time concerning agenda item 14A as the involved officer was able to continue working under the Head of Agency exemption from certification requirement. He did note that Retired Captain Sadler would be checking with the officer to determine why he had not appeared as he had requested.

Lieutenant Tilled noted that no action was required concerning agenda items 14B and 14C as they had been presented for informational purposes.

Lieutenant Tilley asked if there was a motion to be made concerning agenda items 14D, 14E, 14F and 14G that had been addressed in executive session.

Sheriff McComas made a motion, seconded by Judge Carter, that the law enforcement certification of the officers involved be suspended immediately for their failure to complete the required in-service for the 2011 Training Year period and that

these suspensions remain in effect until the officers involved appeared before the Subcommittee and carried out the requirements to be set at that meeting. There being no discussion on the motion Lieutenant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Lieutenant Tilley noted that no action was required concerning agenda item 15 as it had been presented for informational purposes.

Lieutenant Tilley then initiated discussion on agenda item 16 by advising that it addressed the approval of the request for \$130,687 from the LEPS Fund for the operation of the 149th Basic Class from January 3, 2012 through April 20, 2012. he asked if there were any questions concerning the application had been mailed with the agenda. Hearing none he asked if there was a motion to be made concerning this item.

Retired Chief Stephens made a motion, seconded by Sheriff McComas, that \$130,687 in funding from the LEPS Fund be awarded to the West Virginia State Police for the operation of the 149th Basic Class. There being no discussion on the motion Lieutenant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Lieutenant Tilley then initiated discussion on agenda item 17 by informing the members that it addressed the approval of the officers who had graduated from the 147th Basic Class as certified West Virginia law enforcement officers. He did note that two of the officers listed, M Clay, Nitro Police Department and I Farris, Clarksburg Police Department, had one class to complete and that they were scheduled to do so before the end of the month.

There being no discussion on the recommended approval of the listed officers Lieutenant Tilley asked if there was a motion to be made.

Sheriff McComas made a motion, seconded by Lieutenant Malcomb, that officers who had completed all of the training for the 147th Basic Class be approved as certified West Virginia law enforcement officers effective the date of their graduation from the 147th Basic Class and that Officers Clay and Farris be approved effective the date that they completed the required training class. There being no discussion on the motion Lieutenant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Lieutenant Tilley then initiated discussion on agenda item 18 by advising the members that it involved the qualification requirements of retired West Virginia law enforcement officers in relation to the federal firearms carry legislation, HR218. He noted that the legislation contained language that for retired officers to be considered to have met the requirements of the program that they had to meet the qualification requirements of active officers in the state.

As West Virginia's qualification standards required two qualifications each training year, one being under low light conditions, this would be the number of qualifications that retired officers would need to complete with the respective agencies certifying them to be in compliance with HR218. This was the consensus agreement of the members present and it was noted that information on this requirement would be presented to West Virginia law enforcement agencies.

Lieutenant Tilley then discussed agenda item 19 by noting that it was a listing of the LEPS Subcommittee meetings for calendar year 2012. He did note that the meeting in June 2012 was on the 28th of June, that the listing of the 29th was incorrect.

Lieutenant Tilley noted that agenda item 20 involved the provision of information as to actions taken on their behalf by Retired Captain Sadler since their October 27, 2011 meeting. He asked if there were any questions concerning these items.

Hearing none and there being no other items to discuss during this meeting Lieutenant Tilley asked if there was a motion to bring the meeting to a close.

Judge Carter made a motion, seconded by Retired Corporal Gentry, that the December 8, 2011 meeting of the LEPS Subcommittee be brought to a close. There being no discussion on the motion Lieutenant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

The December 8, 2011 meeting of the LEPS Subcommittee was brought to a close at 3:11 p.m.