

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

July 28, 2011

MEMBERS PRESENT: Colonel David Murphy
Retired Lieutenant Steve Walker
Retired Lieutenant Terry Miller
Ms Suzan Singleton

MEMBERS REPRESENTED: Colonel Jay Smithers by
Captain David Lee
Sheriff Michael White by
Sheriff Tom McComas
Chief William Roper by
Chief Steve Stephens
Judge Phyllis Carter by
Retired Sergeant J L Johnson
First Lieutenant Douglas Gunnoe by
Lieutenant Malcomb
Ms Patti Hamilton by
Mr. Jack McClung

MEMBERS ABSENT: Mayor Arthur Auxer

STAFF: Retired Captain Chuck Sadler

The July 28, 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, Colonel Murphy, acting as such in the absence of First Sergeant Tilley, at 9:04 a.m. with ten (10) members either present or represented at the meeting.

Colonel Murphy 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. Retired Captain Sadler requested that a prior conviction review be added concerning an applicant with the Mason County Sheriff's Office under agenda item 8. He noted that the applicant and the Sheriff of Mason County were present to speak with them concerning it.

Colonel Murphy asked if there was consensus approval to make this change concerning the agenda. 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 Colonel Murphy noted to the members present that the minutes of the June 30, 2011 meeting of the LEPS Subcommittee had been mailed with the agenda packet for their review and consideration. He asked if there were any corrections or questions concerning the minutes. Hearing none from the subcommittee members he asked if there was a motion concerning their approval.

A motion was made by Retired Lieutenant Walker, seconded by Retired Chief Stephens that minutes of the June 30, 2011 LEPS Subcommittee meeting be approved. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Colonel Murphy then initiated discussion on agenda item 3 as to the LEPS Fund Financial Report by asking Retired Captain Sadler to report on it. Retired Captain Sadler advised the members that a copy of the Financial Report was not available for review at this meeting, noting that a report would be prepared and sent as part of the minutes for this meeting.

A LEPS Fund Financial Report dated 1 Aug 11 reflecting a balance of \$945,423 is provided under Appendix 1 of these minutes.

Colonel Murphy 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.

Officer Justin D Kleiver Shepherd University Police Department	Defensive Tactics
Detective Matthew J Lewis Fairmont Police Department	Taser Operator
Patrolman First Class William Runyan Morgantown Police Department	Police Cyclist
Officer Michael L Spangler West Virginia Natural Resource Police	Backcountry Tactics and Tracking

Colonel Murphy 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. Colonel Murphy 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 Retired Chief Stephens, seconded by Retired Sergeant Johnson that the listed individuals be certified as law enforcement instructors in the areas of expertise listed. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Colonel Murphy then initiated discussion on agenda item 5 by advising that there were no applications to be considered from individuals who were seeking to be certified in the additional area/s of expertise listed.

Colonel Murphy 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:

FAYETTE COUNTY SHERIFF'S OFFICE

Eight (8) hours 10 and 11 Aug 11

Basic TASER Training and Certification Course

Instructor: Detective Sergeant G Chapman

Corporal Jess Mullen

Deputy William Willis

LEPS approved instructors in subject area

Mount Hope, WV

FBI NATIONAL ACADEMY ASSOCIATES – WEST VIRGINIA CHAPTER

Eight (8) hours 22 Aug 11

Management and Oversight of Officer Safety

Instructor: William j Ihlenfeld II

Licensed Attorney

United States Attorneys Office – Northern District of West Virginia

Lieutenant Eric Johnson

LEPS approved instructor in subject area

Mr Charles E Miller

FBI CJIS Center – LEOKA Program Coordinator

Dr Gary L Patton

FBI WV/Pittsburg Chaplain

Deputy Chief M Zaro

Lakewood, Washington Police Department

Kingwood, WV

FBI UNIFORMED POLICE

Forty (40) hours 26-30 Sep 11

Defensive Tactics Training

Instructor: Sergeant James Newlon & adjunct instructors

LEPS approved instructors in subject area

Clarksburg, WV

INTERNATIONAL MARITIME SECURITY NETWORK

Sixteen (16) hours 28-29 Jul 11 and 8-9 Sep 11

Maritime Security for Military, Law Enforcement and First Responders (MSLEP)

Instructor: Mr M Ault

U S Coast Guard approved instructor in subject area

Beech Bottom and Charleston, WV

MARION COUNTY SHERIFF'S OFFICE

Sixteen (16) hours 15-16 Jul 11

Radar-Lidar Speed Enforcement Training

Instructor: Chief Deputy R Wright

LEPS approved instructor in subject area

Marion County, WV

MINERAL COUNTY SHERIFF'S OFFICE

Eight (8) hours 13 and 15 Jul 11

Glock Transition Training

Instructor: Sergeant B Clark

LEPS approved instructor in subject area

Mineral County, WV

MORGANTOWN POLICE DEPARTMENT

Sixteen (16) hours 17-18 Aug 11

Radar-Lidar Speed Enforcement Training

Instructor: First Sergeant S Ford

LEPS approved instructor in subject area

Morgantown, WV

NICHOLAS COUNTY SHERIFF'S OFFICE

Six (6) hours 29 Jul 11

Taser Operator Certification and Re-Certification Training

Instructor: Chief Deputy B O'Dell

LEPS approved instructor in subject area

Summersville, WV

PUTNAM COUNTY SHERIFF'S OFFICE

Twenty-four (24) hours 5-6/12-13 Sep 11 and 3-4/10-11 Oct 11

Intermediate Tactical Operations for Patrol Officers

Instructor: Corporal H Teare

LEPS approved instructor in subject area

Winfield, WV

RALEIGH COUNTY COMMISSION ON AGING

Six (6) hours 23 Sep 11

Annual Elder Abuse Conference – Protecting Seniors & Their Caregivers

Instructor: Ms Polly Lafferty

Investigator – Legal Aid task Force of West Virginia

Ms Cathy McConnell

Staff Attorney – West Virginia Senior Legal Aid

Ms Tammy Smith

Board certified family nurse practitioner

Beckley, WV

RESA 8

Sixteen (16) hours 9-10 Jul 11

Clandestine Meth Labs

Instructor: Mr Seven Connolley

RESA and West Virginia Emergency Management Program Instructor

Upper Tract Training Center, WV

SAINT ALBANS POLICE DEPARTMENT

Four (4) hours 13 Sep 11 am and pm sessions

Management and Handling of Excited Delirium Individuals 2011

Instructor: Retired Captain J Staton

Texas POST approved instructor in subject area

St Albans, WV

SHEPHERDSTOWN POLICE DEPARTMENT

Sixteen (16) hours 1-2 Aug 11

NIMS 300

Instructor: Mr Mike Athey

RESA and West Virginia Emergency Management Program Instructor

Shepherdstown, WV

Sixteen (16) hours 3-4 Aug 11

NIMS 400

Instructor: Mr Mike Athey

RESA and West Virginia Emergency Management Program Instructor

Shepherdstown, WV

**UNITED STATES ATTORNEYS OFFICE –
SOUTHERN DISTRICT OF WEST VIRGINIA**

Eight (8) hours 30 Aug 11

Law Enforcement Track – Project Safe Neighborhoods Project

Instructor: Adjunct Staff – U S Department of Justice and Project Safe
Neighborhoods Program

Charleston, WV

Twenty-four (24) hours 30 Aug 11 – 1 Sep 11

Investigators and Prosecutors Track – Project Safe Neighborhoods Project

Instructor: Adjunct Staff – U S Department of Justice and Project Safe
Neighborhoods Program

Charleston, WV

Twenty-four (24) hours 30 Aug 11 – 1 Sep 11

Intervention and Prevention Track – Project Safe Neighborhoods Project

Instructor: Adjunct Staff – U S Department of Justice and Project Safe
Neighborhoods Program

Charleston, WV

Eight (8) hours 7 and 9 Sep 11

Use of Force Myths & Realities and Examining Human Performance
Under Stress

Instructor: Adjunct staff – Federal Law Enforcement Training Center (FLEPSC)
Wheeling and Charleston, WV

WEIRTON POLICE DEPARTMENT

Twenty-four (24) hours 15-17 Jul 11

Police Cyclist Training

Instructor: Officer R Troy
Pennsylvania POST certified instructor in subject area

Weirton, WV

WEST VIRGINIA DIVISION OF JUSTICE AND COMMUNITY SERVICES (DJCS)

Twenty (20) hours 18-22 Jul 11

Prevention Resource Officer (PRO) Annual Training Program

Instructor: Mr Jason Metzger

 Criminal Justice Specialist – PRO Program Manager – DJCS

 Ms Bonnie Beavers – Ms Miranda Nabors

 Criminal Justice Specialist – PRO Program Staff – DJCS

 Captain R Smith

 LEPS approved instructor in subject area

 Mr Chris Hall

 Prevention Coordinator

 West Virginia Coalition Against Domestic Violence

 Sergeant Chad Napier

 Charleston Police Department – MDENT

 Sergeant Chris Casto

 LEPS approved instructor in subject area

Cheat Lake, WV

Thirty-five (35) hours 1-5 Aug 11

Conflict Resolution Training

Instructor: Captain R Smith

 LEPS approved instructor in subject area

Teays Valley, WV

WEST VIRGINIA NATURAL RESOURCES POLICE

Four (4) hours Nine dates July to Aug 11

Introduction to Building Clearing and Room Entry

Instructor: Lieutenant Tim Coleman

 Lieutenant Woodrow Brogan

 Sergeant C R Johnson

 Sergeant Bob Clark

 Officer Michael Lott

 Certified LEPS instructors in subject area

Multiple Locations, WV

WEST VIRGINIA PROJECT LIFESAVERS PROGRAM

Eight (8) hours 20 Jul 11
Project Lifesaver Electronic Search Specialist Recertification Course
Instructor: Ms Sue Patalano
LEPS approved instructor in subject area
Ohio County, WV

WEST VIRGINIA PROSECUTING ATTORNEYS INSTITUTE

Eleven (11) hours 10-11 Aug 11
2011 Drug Endangered Children's Conference
Instructor: Dr. Byron Calhoun
Licensed physician – State of Iowa
Substance abuse expert
Mr Jim Harris
Licensed Independent Social Worker – State of West Virginia
Licensed Clinical Social Worker – State of West Virginia
Owner – Opportunities Consulting Services
Mr Brandon Lewis
West Virginia Office of Chief Medical Examiner
Program Coordinator – Clandestine Drug Lab Remediation Program
Retired Commander Lori Moriarty
Certified police officer – State of Colorado
Recognized expert in children residing in dangerous drug environments
Charleston, WV

WOOD COUNTY SHERIFF'S OFFICE

Twelve (12) hours Dates to be set
Radar-Lidar Speed Enforcement Training
Instructor: Sergeant B Pickens
Parkersburg, WV

Colonel Murphy 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 recommended they be approved as such. Colonel Murphy asked if there were any questions or comments concerning the recommended classes. Hearing none he asked if there was a motion to be made concerning them.

Ms Singleton made a motion, seconded by Retired Sergeant Johnson, that the listed classes be approved for annual in-service hours as presented for the 2012 Training Year. There being no discussion on the motion Colonel Murphy called for

questions. All present voted in favor of, with no negative votes cast, for the motion as made.

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

FBI NATIONAL ACADEMY ASSOCIATES – WEST VIRGINIA CHAPTER

Eight (8) hours 22 Aug 11

Management and Oversight of Officer Safety

Instructor: William j Ihlenfeld II

Licensed Attorney

United States Attorneys Office – Northern District of West Virginia

Lieutenant Eric Johnson

LEPS approved instructor in subject area

Mr Charles E Miller

FBI CJIS Center – LEOKA Program Coordinator

Dr Gary L Patton

FBI WV/Pittsburg Chaplain

Deputy Chief M Zaro

Lakewood, Washington Police Department

Kingwood, WV

INTERNATIONAL MARITIME SECURITY NETWORK

Sixteen (16) hours 28-29 Jul 11 and 8-9 Sep 11

Maritime Security for Military, Law Enforcement and First Responders (MSLEP)

Instructor: Mr M Ault

U S Coast Guard approved instructor in subject area

Beech Bottom and Charleston, WV

SAINT ALBANS POLICE DEPARTMENT

Four (4) hours 13 Sep 11 am and pm sessions

Management and Handling of Excited Delirium Individuals 2011

Instructor: Retired Captain J Staton

Texas POST approved instructor in subject area

St Albans, WV

SHEPHERDSTOWN POLICE DEPARTMENT

Sixteen (16) hours 1-2 Aug 11

NIMS 300

Instructor: Mr Mike Athey

RESA and West Virginia Emergency Management Program Instructor
Shepherdstown, WV

Sixteen (16) hours 3-4 Aug 11

NIMS 400

Instructor: Mr Mike Athey

RESA and West Virginia Emergency Management Program Instructor
Shepherdstown, WV

**UNITED STATES ATTORNEYS OFFICE –
SOUTHERN DISTRICT OF WEST VIRGINIA**

Eight (8) hours 7 and 9 Sep 11

Use of Force Myths & Realities and Examining Human Performance
Under Stress

Instructor: Adjunct staff – Federal Law Enforcement Training Center (FLEPSC)
Wheeling and Charleston, WV

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

Sheriff McComas made a motion, seconded by Retired Sergeant Johnson, that the classes presented and recommended be approved for supervisory in-service credit as presented for the 2012 Training Year. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

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

MONONGALIA COUNTY SHERIFF'S OFFICE

Annual In-Service
Sergeant W Tennant
Thirty two (32) hours 8-12 Aug 11
Cold Case Conference
Rutherford County Sheriff's Office
Murfreesboro, TN

PARKERSBURG POLICE DPEARTMENT

Annual In-Service
Officers to be named
Thirty five (35) hours 25-29 Jul 11
IPMBA Police Cyclist
Ohio University Police Department
Athens, OH

SAINT ALBANS POLICE DEPARTMENT

Supervisory In-Service
Sergeant M Gilbert
Twenty four (24) hours 20-22 Jul 11
Managing The Patrol FTO Program
IPTM
Jacksonville, FL

Colonel Murphy 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. Colonel Murphy asked if there were any 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 Sergeant Johnson, that the listed courses be approved as in-service training as listed. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Colonel Murphy then advised the members present that as to the regularly set agenda items 7 through 10 which address personnel related issues that there was no discussion needed on agenda item 7 as no Orders to Stop Working had been issued, but that there were items to be discussed under agenda items 8, 9 and 10. As such he asked for a motion for the subcommittee to go into executive session.

Retired Lieutenant Walker made a motion, seconded by Retired Sergeant Johnson, that the LEPS Subcommittee go into executive session to address the personnel related matters concerning agenda items 8, 9 and 10. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

The LEPS Subcommittee went into executive session at 9:08 a.m. It came out of executive session at 10:21 a.m. following a discussion on these agenda items and on a motion made by Sheriff McComas, seconded by Ms Singleton, to come out of executive session which was approved unanimously by the members present.

Colonel Murphy noted once again that there was no motion/action required pertaining to agenda item 7 as there had been no stop work orders issued since the last subcommittee meeting.

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

Sheriff McComas made a motion, seconded by Ms Singleton, that the discussion concerning the prior conviction of the applicant to the Mason County Sheriff's Office be tabled to allow Retired Captain Sadler to check as to whether the conviction in question would cause the individual to be unable to possess a firearm. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Colonel Murphy asked if there was a motion to concerning agenda item 9A and 9B as to the Position Statements that had been reviewed during the executive session.

Sheriff McComas made a motion, seconded by Ms Singleton, that the Position Statements concerning Former Deputy and Officer E Lynch and Former Officer M Lynch be approved as they did reflect the review of the officer's law enforcement certifications and the action taken to revoke the certification of these two individuals during the June 30, 2011 meeting. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Colonel Murphy noted that there was no motion/action required pertaining to agenda item 9C as it addressed a Position Statement that had been approved at the 30 Jun 11 concerning the revocation of the law enforcement certification of Former Deputy Wilfong and had been presented to the members to reflect that it had been sent.

Colonel Murphy noted that there was no motion/action required pertaining to agenda item 10A as it had been provided for informational purposes to members concerning an appeal of a prior decision made by them in denying an individual to attend the Academy as a private citizen.

Colonel Murphy asked if there was a motion to concerning agenda item 10B as to the request for an individual to attend the entry level training program as a private citizen that had been reviewed during the executive session.

Ms Singleton made a motion, seconded by Mr McClung, that the request by Former Officer Matthew Remke to attend the entry level training program as a private citizen be denied due to the totality of the circumstances surrounding his dismissal from the 145th Basic Class and his appearance before them at this meeting. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Colonel Murphy noted that as to agenda item 11 that that it addressed an update on the actions taken since their June 30, 2011 meeting concerning legislative rules CSR 149-2 and 6. He asked Retired Captain Sadler to address those actions.

As to CSR 149-6 Retired Captain Sadler advised that the new rule concerning Consent to Search Motor Vehicles had been filed for public comment with the Secretary of State's Office. The public comment period had closed July 6, 2011. No public comments had been received. The appropriate paperwork would be filed with the West Virginia Secretary of State's Office July 29, 2011 in acord with their filing requirements.

As to CSR 149-2 Retired Captain Sadler advised that the changes to rule concerning the law enforcement training and certification program had been filed for public comment with the Secretary of State's Office. The public comment period had ended July 6, 2011. One public comment had been received as to the requirement for an officer to notify the subcommittee upon being arrested for any charge with the exception of minor traffic offenses from the West Virginia Troopers Association.

For the appropriate filing action to be taken on this rule and its proposed changes Retired Captain Sadler advised the members that they would need to modify the rule as commented on in the letter, modify it otherwise or leave the change as set during their rules retreat. Colonel Murphy asked if there was any discussion concerning the comment. Haring none he asked if there was a motion to be made concerning the comment received and the proposed changes to CSR 149-2.

Sheriff McComas made a motion, seconded by Retired Chief Stephens, that the proposed changes to CSR 149-2, specifically the reporting requirement by officers charged with a criminal offense, remain as had been set during the rules retreat and that the appropriate filing be made with the Secretary of State Office. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Retired Captain Sadler also noted that as to CSR 149-2 that it had been approved by West Virginia Secretary of State Tennant as an emergency rule effective July 6, 2011. That approval would be in effect while the changes were being discussed during the 2012 Session of the West Virginia Legislature.

Colonel Murphy then initiated discussion on agenda item 12 by advising that it addressed recent appointments to the subcommittee. There being no need for further discussion on it he moved to address agenda item 13.

Colonel Murphy noted that it addressed the organized criminal enterprise and anti-racial profile training was continuing to be developed. That training would be further discussed at the August 25, 2011 meeting.

Colonel Murphy then moved to address agenda item 14 by noting to the members that it was a reminder to members that their August 25, 2011 meeting would be at the Charleston Civic Center, beginning at 9:00 a.m. and would precede a meeting of the full Governor's Committee on Crime, Delinquency and Correction set for 1:00 p.m.

Colonel Murphy then moved to address agenda item 15 addressed actions taken on their behalf since the June 30, 2011 meeting. There being no questions concerning those he asked if there was any other business to be discussed. There being none, he, asked if there was a motion to bring the meeting to a close.

Retired Lieutenant Walker made a motion, seconded by Retired Chief Stephens, that the July 28, 2011 meeting of the LEPS Subcommittee be brought to a close. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

The July 28, 2011 meeting of the LEPS Subcommittee to a close at 10:38 a.m.

APPENDIX 1

LEPS Fund Balance Report

1 Aug 11