

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

October 27, 2011

MEMBERS PRESENT: First Lieutenant Douglas Gunnoe
 Retired Lieutenant Steve Walker
 Retired Lieutenant Terry Miller
 Ms Suzan Singleton
 Ms Patti Hamilton

MEMBERS REPRESENTED: Colonel Jay Smithers by
 Lieutenant Curt Tilley
 Colonel David Murphy by
 Officer M DeBord
 Sheriff Michael White by
 Sheriff Tom McComas
 Chief William Roper by
 Chief Steve Stephens
 Judge Phyllis Carter by
 Retired Sergeant J L Johnson

MEMBERS ABSENT: Mayor Arthur Auxer

STAFF: Retired Captain Chuck Sadler
 Ms Leslie Boggess
 Mr Jeff Estep

The October 27, 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 9:06 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 Retired Captain Sadler had indicated that an item needed to be added concerning the approval of the officers who had completed the equivalent certification training program at the PDC during September 2011.

Lieutenant Tilley asked if there was consensus approval to discuss this item as agenda item 17. 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 September 29, 2011 meeting of the LEPS Subcommittee had been mailed separately from 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 September 29, 2011 meeting.

A motion was made by Sheriff McComas, seconded by Retired Sergeant Johnson that the minutes of the September 29, 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 \$1,067,658 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.

Deputy Henry Baniak
Hardy County Sheriffs Office

Police Firearms Instructor – Handgun
Police Firearms Instructor – Shotgun

Officer Seth Cook
Parkersburg Police Department

Police Firearms Instructor – Handgun

Officer Travis Dillon
Hurricane Police Department

Police Firearms Instructor – Handgun
Taser
Expandable Baton
Handcuffing Techniques

Chief Deputy Douglas Ferguson
Cabell County Sheriff’s Office

Police Firearms Instructor – Handgun
Police Firearms Instructor - Shotgun

Officer John Groves
Granville Police Department

Police Firearms Instructor – Handgun

Chief Ben Placer
Sistersville Police Department

Police Firearms Instructor – Handgun

Chief Deputy James Smith
Mingo County Sheriff’s Office

Police Firearms Instructor – Handgun

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 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 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.

Officer Jeremy Bradley
Vienna Police Department

Police Firearms Instructor – Patrol Rifle

Sergeant Christopher Johnson
Charleston Police Department

Basic SWAT Tactics

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 Sheriff McComas, seconded by Ms Hamilton 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:

CHARLESTON POLICE DEPARTMENT

Forty (40) hours 14-18 Nov 11
Police Motorcycle Rider Certification Course

Instructor: Senior Patrolman R H Coleman
Patrolman T Hill

LEPS certified instructors in subject area
Charleston, WV

Ten (10) hours 25 Oct 11
Monthly K-9 Unit Training – Tracking, Apprehension and Scents

Instructor: Corporal C Young
LEPS certified instructor in subject area

Charleston, WV

Four (4) hours 24, 25, 26, 27 and 28 Oct 11

Defensive Tactics and Handcuffing Techniques

Instructor: Lieutenant T Malone

Corporal S Layton

Senior Patrolman S Wiggins

LEPS certified instructors in subject area

Charleston, WV

Eight (8) hours 28 Sep 11

Monthly Sniper Team – Extended Distance Training

Instructor: Lieutenant H Hickman

Corporal C Snodgrass

LEPS certified instructors in subject area

Buckhannon, WV

Eight (8) hours 27 Sep 11

Monthly Sniper Team – Range Estimation Training

To be conducted for Kanawha County Sheriff's Office Sniper Team

Instructor: Lieutenant H Hickman

Corporal C Snodgrass

LEPS certified instructors in subject area

Charleston, WV

Four (4) hours 22 Oct 11

Rapid Action Deployment (RAD) Training

To be conducted for Jackson County area law enforcement agencies

Instructor: Lieutenant E Johnson

LEPS certified instructor in subject area

Ripley, WV

CLARKSBURG POLICE DEPARTMENT

Twenty four (24) hours 12-14 Oct 11

Patrol Rifle Training

Instructor: Lieutenant R Hilliard

LEPS certified instructor in subject area

Clarksburg, WV

FAYETTE COUNTY SHERIFF'S OFFICE

Six (6) hours 29 Sep 11

Monthly K-9 Unit Training – Tracking and Area Searches

Instructor: Sergeant T Mooney

LEPS certified instructor in subject area

Fayetteville, WV

FREDERICK COUNTY, VIRGINIA, SHERIFF'S OFFICE

Four (4) hours 13 Oct 11

LoJack for Laptops

Instructor: Adjunct staff – Regional Organized Crime Information Center (ROCIC)

And Absolute Software Corporation

Winchester, VA

LEWISBURG POLICE DEPARTMENT

Eight (8) hours 15, 16 and 17 Nov 11

Taser X26/M26 User Certification

Instructor: Corporal J Vance

LEPS certified instructor in subject area

Lewisburg, WV

MERCER COUNTY SHERIFF'S OFFICE

Nine (9) hours 6, 7, 13 and 14 Oct 11

Unorthodox Shooting Positions

Instructor: Major D Bailey

Detective R Combs

LEPS certified instructors in subject area

Princeton, WV

MONTGOMERY POLICE DEPARTMENT

Four (4) hours Dates to be set

Taser User Re-Certification

Instructor: Patrolman C Carpenter

LEPS certified instructor in subject area

Montgomery, WV

Eight (8) hours 28 Oct 11

Bomb/Improvised Explosives Awareness Course

Instructor: Patrolman C Carpenter

LEPS certified instructor in subject area

Montgomery, WV

NATIONAL WHITE COLLAR CRIME CENTER (NW3C)

Thirty six (36) hours 24-28 Oct 11

Basic Online Technical Skills (BOTS) Cyber-Investigations 201

Instructor: Adjunct staff NW3C

Fairmont, WV

Twenty (20) hours 2-4 Nov 11

Identity Theft Investigations (IDTI)

Instructor: Adjunct staff NW3C

Fairmont, WV

ST ALBANS POLICE DEPARTMENT

Six (6) hours 11, 15, 18 Oct 11 and 9 Nov 11

Firearms Training Update

Instructor: Captain J P Agee

 Sergeant M Burdette

 LEPS certified instructors in subject area

St Albans, WV

WEST VIRGINIA FUSION CENTER

Twenty four (24) hours 25-27 Oct 11

Managing and Operating Surveillance Detection Activity Programs

Instructor: Adjunct staff – U S Department of Homeland Security

Charleston, WV

WEST VIRGINIA NATURAL RESOURCE POLICE

Four (4) hours 5, 6, 12, 13, 26 Oct 11 and 8 Nov 11

Shotgun Training

Instructor: Lieutenant T Coleman

 Lieutenant D Trader

 LEPS certified instructors in subject area

St Albans, WV

Eight (8) hours 30 Sep 11

Law Enforcement Boating Operations

Instructor: Lieutenant T Coleman

 Lieutenant S Hickman

 Sergeant B Clark

 Sergeant C Johnson

 Sergeant E Goodson

 Sergeant D James

 LEPS certified instructors in subject area

Multiple locations, WV

WEST VIRGINIA PROSECUTING ATTORNEYS INSTITUTE

Fourteen (14) hours 16-17 Nov 11

2011 Children's Justice Task Force Seminar

Instructor: Ms F Allen

Disability rights advocate and recognized expert

Certified mediator

West Virginia Supreme Court Improvement Board

Dr R Alexander

Licensed physician – State of Florida

Professor of Pediatrics – University of Florida

Dr Ang-Rabanes'

Licensed physician – State of West Virginia

Psychiatry residency program participant

Ms R Bailey, PhD

Licensed psychologist – Arizona

Special master and recognized expert in parent alienation

Mr C Bell

West Virginia Child Protective Services Supervisor

West Virginia Children's Task Force member

First Sergeant C Casto

LEPS certified instructor in subject area

Mr C Chiles

Prosecutor of Cabell County, WV

Mr T Cruz

District Attorney of Plymouth County, MA

Charleston, WV

WEST VIRGINIA STATE POLICE

Twenty four (24) hours 6-8 Dec 11

Low Light Handgun Instructor Training

Instructor: Sergeant G Martin

Corporal H Teare

LEPS certified instructors in subject area

Dunbar, 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 with the exception of the classes listed for the Montgomery Police Department. These classes were to have been pulled from the listing due to a question concerning the instructor to be discussed at the December 8, 2011 Subcommittee meeting. Retired Captain Sadler did recommended that the other classes be approved as listed.

Lieutenant Tilley asked if there were any questions or comments concerning the recommended classes. Sheriff McComas had a question the ability of agencies to submit monthly training courses, such as the ones in this listing for sniper and K-9 unit

related training. Retired Captain Sadler responded that when agencies submitted a schedule for the training and it was being presented by subcommittee approved/certified instructors that it was recommended for applicable in-service and that the members had approved such training in the past. Retired Captain Sadler advised that he would work with Sheriff McComas' training officer concerning any monthly style training they were conducting.

Ms Hamilton had a question about what the LoJack covered. Lieutenant Tilley advised that it addressed a system to assist law enforcement officers track stolen items.

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 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 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:

WEST VIRGINIA FUSION CENTER

Twenty four (24) hours 25-27 Oct 11

Managing and Operating Surveillance Detection Activity Programs

Instructor: Adjunct staff – U S Department of Homeland Security
Charleston, 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.

Retired Lieutenant Walker made a motion, seconded by Retired Sergeant Johnson, 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:

CABELL COUNTY SHERIFF'S OFFICE

Supervisory In-Service
Deputies to be named
Forty (40) hours 5-9 Dec 11
First Line Supervision for New Supervisors
OPOTA
Gallia County, OH

**CHARLESTON POLICE DEPARTMENT
for the MDENT Task Force**

Annual In-service
South Charleston Police Department
 Officer D Johnson
 Officer J Halstead
 Officer K Allen
Nitro Police Department
 Officer D Richardson
St Albans Police Department
 Officer B Tagayun
Charleston Police Department
 Officer O Morris
 Officer R Higginbotham
 Officer J Hackney
Twenty-four (24) hours 24-26 Oct 11
Criminal Interdiction Training
Desert Snow Program
Indianapolis, IN

Annual In-service
Detective M Kinder
Detective L Taylor
Forty (40) hours 14-18 Nov 11
Death Investigation
Ohio Peace Officer Training Academy (OPOTA)
London, OH

Annual In-service
Officer J Tate
Officer J Taylor
Thirty four (34) hours 3-7 Oct 11
Practical Perspectives on Counterterrorism Operations Course
Maritime Learning Center
www.ctcitraining.org
Linthicum, MD

PARKERSBURG POLICE DEPARTMENT

Annual In-service

Sergeant M Board

Patrolman B Depue

For dates of 22-23 Oct 11

Detective S Cook

For dates of 5-6 Nov 11

Sixteen (16) hours 22-23 Oct 11 and 5-6 Nov 11

Emergency Vehicle Driving Training

OPOTA

Marietta, OH

PUTNAM COUNTY SHERIFF'S OFFICE

Annual In-service

Deputy J Hedrick

Nineteen (19) hours 16-19 Oct 11

ROCIC Annual Homicide Conference

ROCIC

Chattanooga, TN

WEST VIRGINIA NATURAL RESOURCES POLICE

Annual In-Service

Officer R Runyon

Officer G Mullins

Forty (40) hours 3-7 Oct 11

ATV Instructor Training

ATV Safety Institute

Huntington, WV

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. Hearing none he asked if there was a motion for their approval.

Sheriff McComas made a motion, seconded by Officer DeBord, 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 advised the members present that as to the regularly set agenda items 7 through 10 and agenda item 11 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.

Sheriff McComas 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 11. 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 9:16 a.m. It came out of executive session at 10:00 a.m. following a discussion on these agenda items and on a motion made by Retired Sergeant Johnson, seconded by Ms Singleton, to come out of executive session which was approved unanimously by the members present.

Lieutenant Tilley noted that agenda item 7 did not require any action by the members as it had presented for informational purposes for the members.

Lieutenant Tilley noted that no action was required concerning agenda item 8 as there had been no individuals with criminal records seeking to participate in the entry level training program during this period.

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 Retired Lieutenant Walker, that the surrender of the West Virginia law enforcement officer certification of Former Elkins Police Department Officer W Lewis be accepted as he had agreed to in his plea to a charge of Harassment in Randolph County Magistrate Court. 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 items 9B-9E, 10 and 11 as they had been provided for informational purposes to update them on prior matters they had been made aware of or Retired Captain Sadler had acted on their behalf concerning.

Lieutenant Tilley then initiated discussion on agenda item 12 by advising that it addressed the cost proposal submission concerning the replacement of the Officer Training Information System (OTIS) and the maintenance and support yearly costs that would be involved. He asked Mr Jeff Estep, Chief Deputy Director – DJCS and Retired Captain Sadler to discuss this agenda item.

Mr Estep reviewed the actions that had taken place to date concerning the development of the Request for Proposal (RFP) developed by the State Office of Technology and the DJCS staff. That RFP had been published and one vendor had submitted a cost proposal for the replacement of the program.

That vendor was Envisage Technologies from Indiana. Envisage is well recognized in the field of officer certification and training tracking and has replaced statewide systems in a number of states. The cost of the replacement of OTIS, approximately \$300,000 is to be covered by a grant awarded to DJCS from the Perdue Pharma funds.

The maintenance and support costs of the replacement program for year one will be covered by the bid. Year 2 through 5 costs are \$50,000 annually. Year 2 will be covered by DJCS office funds. Mr Estep discussed with the members the need to have years 3 through 5 covered by the LEPS Fund and recommended that monthly withdrawals be approved to be made from the fund now in an amount that would allow sufficient funds to be present when those costs would be incurred.

The members discussed the recommendation and ways to address the costs that would be involved. In response to the questions raised Mr Estep advised that while the funds could be obligated/set aside in the LEPS Fund that they could not be, unless a change made to state code, placed in an interest bearing account. For years 6 and forward he could not advise what the projected annual costs would be but did advise that they would take strong steps to negotiate with Envisage to keep the costs at the same level. He did recognize as well that while the fund, due to infusion of funds from the Perdue Pharma forfeitures, was now in a strong position that it could return to levels that it had in the immediate past without strong oversight from the Subcommittee as to its usage.

The members discussed the current levels of the fund and the importance of allowing the OTIS program to be effective in tracking the information that was necessary to oversee the officer training and certification process. Following the discussion Lieutenant Tilley asked the members what their desire was as to how to address the maintenance costs for years 3, 4 and 5 for the replacement of OTIS.

Ms Singleton made a motion, seconded by Retired Lieutenant Walker, that \$150,000 be obligated at this time from the LEPS Fund and set into a specific line item within the LEPS Fund to cover the year 3, 4 and 5 maintenance and support costs of OTIS. 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 13 by informing the members that it addressed the mailing of information of information to each officer in the state concerning the changes in legislative rules and certification process. He noted that Retired Captain Sadler had provided the applicable materials for the mailing to him and that the Academy staff would be preparing the mailing to be sent out.

There being no questions concerning agenda item 14 Lieutenant Tilley then initiated discussion on agenda item 14 by asking Retired Captain Sadler to address it. Retired Captain Sadler advised that the memorandum and booklet addressing changes

to Domestic Violence Protocol in the agenda packet had been sent to each officer in the state by the West Virginia Coalition Against Domestic Violence.

There being no questions concerning agenda item 14 Lieutenant Tilley initiated discussion on agenda item 15 by reviewing with the members the legislative audit being carried out concerning the DJCS, to include the LEPS Program operated by Retired Captain Sadler in support of the Subcommittee. The audit is a standard one required by the previous legislation establishing the DJCS as a formal entity.

He noted that Retired Captain Sadler has been keeping him informed as to the nature of the questions being raised by the auditor concerning the LEPS Program and his response. The current inability of the program to adequately track firearms qualifications of officers within the state due to staffing issues and the set up of the current OTIS data base had been discussed with the auditor. The replacement OTIS program and changes in LEPS Program staffing will allow this to be addressed during the FY 2013 Training Year and beyond.

The other item that needs to be addressed by the LEPS Subcommittee and Program is the development of the required training program on Organized Criminal Enterprises (gangs) and Anti-Racial Profile training. Such training is already being presented as part of the entry level training process, but needs to be developed and presented to officers who have not previously received it. Work is ongoing concerning that development.

There being no questions concerning agenda item 15 Lieutenant Tilley noted that agenda item 16 addressed the actions Retired Captain Sadler taken on the Subcommittee's behalf since their September 29, 2011 meeting. There being no questions concerning those actions Lieutenant Tilley noted that with the consensus approval of the members at the beginning of this meeting that there was an agenda item 17 to address.

He noted that additional agenda item addressed the approval of the certification as West Virginia law enforcement officers for the officers who had participated in the equivalent certification training program held September 12-30, 2011 at the PDC. He noted that each of the participating officers had successfully completed the program and asked if there was a motion concerning their certification approval.

Sheriff McComas made a motion, seconded by Retired Sergeant Johnson, that the officers who had participated in and successfully completed the equivalent certification training program held September 12-30, 2011 be certified as West Virginia law enforcement officers. 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.

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.

Ms Singleton made a motion, seconded by Retired Lieutenant Walker, that the October 27, 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 October 27, 2011 meeting of the LEPS Subcommittee was brought to a close at 11:00 a.m.