

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

**September 29, 2011**

MEMBERS PRESENT: Colonel David Murphy  
Retired Lieutenant Steve Walker  
Ms Suzan Singleton  
Retired Lieutenant Terry Miller from  
start of meeting until 11:48 a.m.

MEMBERS REPRESENTED: Colonel Jay Smithers by  
Lieutenant Curt Tilley  
Sheriff Michael White by  
Sheriff Tom McComas  
Chief William Roper by  
Chief Tim Stover  
Judge Phyllis Carter by  
Retired Sergeant J L Johnson  
Retired Lieutenant Terry Miller by  
Retired Corporal Dave Gentry from  
11:48 a.m. to close of meeting  
Ms Patti Hamilton by  
Mr. Jack McClung

MEMBERS ABSENT: Mayor Arthur Auxer  
First Lieutenant Douglas Gunnoe

STAFF: Retired Captain Chuck Sadler

The September 29, 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 9:02 a.m. with nine (9) 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 the members had received a mailing from Retired Captain Sadler as to "Additional Items for Consideration" and that they would be dealt during the applicable sections of the agenda pertaining to them.

Lieutenant Tilley asked if there was consensus approval to discuss these items within the applicable sections of 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 Lieutenant Tilley noted to the members present that the minutes of the August 25, 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.

Retired Lieutenant Walker addressed the following items concerning those minutes:

1. Page 2, paragraph 1, to remove the language "acting in place of" relating to Lieutenant Tilley as he was present at the meeting.
2. Page 7, had a question about the 31<sup>st</sup> Annual Conference being put on by the West Virginia Association of Drug Abuse Counselors, as to the focus of the training.
3. Page 13, next to last paragraph, to take out the "the" prior to Captain D Lee as to flow of the wording.
4. Page 15, the discussion concerning the formation of a committee to review and make recommendations to the Subcommittee on approved qualification targets in that he was interested in having a FOP representative on it.

Concerning items 1 and 3 Retired Captain Sadler noted that necessary corrections would be made as to removing the words pointed out. On item 2 he noted that while he did not have the materials submitted with the class as it had been reviewed and approved at the prior meeting, but that the class had addressed issues

that could be relevant to officers working as school resource officers or in juvenile related units.

Lieutenant Tilley addressed item 4 by noting the committee in question had not met, that it had been discussed to have Sheriff McComas, Captain Lee, and Sergeant Martin on it, but that it would good to have input from an FOP representative on it. Following discussion on the make up of that committee it was the consensus agreement of those present to have the three previously named officers on it along with Retired Lieutenant Walker, a Range Officer from Charleston Police Department and a representative from the West Virginia Deputy Sheriff's Association and Chief's Association.

Lieutenant Tilley asked if there were any other corrections or questions concerning the minutes. Hearing none from the subcommittee members he asked if there was a consensus approval to accept the minutes of the August 25, 2011 meeting with the corrections noted. Such consensus approval was noted.

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 September 23, 2011 that there was a balance of \$955,241 in the LEPS Fund. He also noted that tuition invoices for the 147<sup>th</sup> Basic Class had been sent, with payments being submitted and that invoices were being prepared to be mailed for the 148<sup>th</sup> Basic Class.

Lieutenant Tilley asked if there were any questions concerning the LEPS Fund Financial Report. Hearing none he asked if there was a motion to approve it as presented.

A motion was made by Retired Lieutenant Walker, seconded by Retired Sergeant Johnson that the LEPS Fund Financial Report be accepted as presented. 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 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 Jason Braithwaite  
Potomac State University  
Police Department

Active Shooter Response

Deputy D E Brown

Police Firearms Instructor – Handgun

Logan County Sheriff's Office	Police Firearms Instructor – Shotgun Police Firearms Instructor – Patrol Rifle
Sergeant Christopher Burgess Cabell County Sheriff's Office	Defensive Tactics Spanish for Law Enforcement Report Writing
Corporal Derek Miller Putnam County Sheriff's Office	Police Firearms Instructor – Handgun
Sergeant James Petroski Bridgeport Police Department	Basic SWAT Operations Taser Operator Active Shooter Response Field Training Officer (FTO) Program
Officer Joshua Stewart Beckley Police Department	Radar/Lidar Operator Traffic Stops

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.

Retired Lieutenant Walker had a question concerning item 1 on the additional items mailing packet as to the instructor level training class. Lieutenant Tilley advised that it would be discussed under agenda item 6A.

Lieutenant Tilley asked if there were any other questions concerning the listed instructor applicants. 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 instructor who was seeking to be approved as a law enforcement instructor in the additional areas of expertise listed.

Sergeant R Bennett  
Charleston Police Department

SWAT Tactics  
Police Firearms Instructor – Precision Rifle

Lieutenant Tilley asked Retired Captain Sadler if Sergeant Bennett met the standards to become certified as a law enforcement instructor in the areas listed. Retired Captain Sadler indicated that he did and recommended his approval as such. Lieutenant Tilley asked if there were any questions or discussion concerning the recommendation for Sergeant Bennett 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 his approval.

A motion was made by Ms Singleton, seconded by Sheriff McComas that Sergeant Bennett 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:

**AHIDTA in conjunction with  
Kentucky State Police**

Twenty-four (24) hours 20-22 Sep 11

When the Bullet Leaves the Barrel

Instructor – Retired DEA Special Agent S Peterson

Louisville, KY

**BARBOURSVILLE POLICE DEPARTMENT in conjunction with  
West Virginia K-9 Association**

Twenty (20) hours 21-23 Oct 11

2011 Annual K-9 Trailing Seminar

Instructor: LEPS certified instructors in K-9 areas to be named

Barbour County, WV

**BCI MODERN DAY WARRIORS INC**

Eight (8) hours                      4 Oct 11  
Law Enforcement Combatives Clinic  
Instructor: Officer Matt Arthur  
                    LEPS certified instructor in subject area  
Dunbar, WV

**BECKLEY POLICE DEPARTMENT**

Four (4) hours                      11, 12, 13, 14, 17, 18, 19, 21 and 24 Oct 11  
CPR Certification and Buddy Aid Self Rescue Training  
Instructor: Paramedics with the Beckley Police Department  
Beckley, WV

Two (2) hours                      11, 12, 13, 14, 17, 18, 19 , 21 and 24 Oct 11  
Taser Operator Re-certification  
Instructor: Lieutenant J Corey  
                    LEPS certified instructor in subject area  
Beckley, WV

Eight (8) hours                      2 and 3 Nov 11  
Radar Operator Training  
Instructor: Corporal J Stewart  
                    Retired Officer E Cook  
                    LEPS certified instructors in subject area  
Beckley, WV

**CABELL COUNTY SHERIFF'S OFFICE**

Eight (8) hours                      Dates to be set  
Gracie Combative System for Law Enforcement  
Instructor: Deputy C K Burgess  
                    Recommended for approval in subject area this meeting  
Huntington, WV

Four (4) hours                      Dates to be set  
Basic Drug Recognition and Awareness  
Instructor: Deputy First Class T McFann  
                    Deputy First Class S Vincent  
                    LEPS certified instructors in subject area  
Huntington, WV

Four (4) hours                      Dates to be set  
The Sensitivity of Sex Crimes Investigations and Interviews  
Instructor: Detective W Templeton  
    LEPS certified instructor in subject area  
    Adjunct staff – Huntington Rape Contact Center  
Huntington, WV

Four (4) hours                      Dates to be set  
Search and Seizure Legal Update for Use of K-9's  
Instructor: Corporal D Adams  
    LEPS certified instructor in subject area  
Huntington, WV

**CHARLESTON POLICE DEPARTMENT**

Fourteen (14) hours              7-8 Dec 11  
West Virginia Freedom of Information Act for Law Enforcement  
Instructor: Retired Officer R A Doran  
    Doran and Associates  
    Prior training classes approved in West Virginia  
Charleston, WV

Twenty-one (21) hours          6-8 Mar 12  
Management of Criminal Investigation Units  
Instructor: Retired Officer R A Doran  
    Doran and Associates  
    Prior training classes approved in West Virginia  
Charleston, WV

Forty (40) hours                  12-16 Sep 11  
Management and Operation of the Field Training Officer (FTO) Program  
Instructor: Sergeant M Fulks  
    Sergeant J Garten  
    LEPS certified instructor in subject area  
Charleston, WV

Thirty-two (32) hours          18-21 Oct 11  
Child Passenger Safety Technician Certification Course  
Instructor: Adjunct staff – West Virginia Governor's Highway Safety Program  
Charleston, WV

Seven (7) hours                      30 Aug 11  
Sniper Team Monthly Training – Target Acquisition  
Instructor: Lieutenant H P Hickman  
                    Corporal C Snodgrass  
                    LEPS certified instructors in subject area  
Charleston, WV

**CHARLESTON POLICE DEPARTMENT in conjunction with  
Benchmark Professional Seminars Inc.**

Twelve (12) hours                      24-25 Oct 11  
Assessing Deception or Honesty Through Body Language  
Instructor: Lt J Thomason  
                    Florida POST certified instructor in subject area  
Charleston, WV

Twelve (12) hours                      8-9 Nov 11  
Fire and Arson Investigation – Basic Perspectives and Investigative Models  
Instructor: Adjunct staff – Benchmark Professional Services  
Charleston, WV

Twelve (12) hours                      12-13 Dec 11  
Body Fluids and Trace Evidence – Topics in Crime Scene Investigation  
Instructor: Captain J Shumate  
                    LEPS certified instructor in subject area  
Charleston, WV

**CHARLES TOWN POLICE DEPARTMENT in conjunction with  
Fulcrum Tactical**

Forty (40) hours                      17-21 Oct 11  
Executive Protection  
Instructor: Sergeant AK Kereakes  
                    Illinois POST certified instructor in subject area  
Charles Town, WV

**EASTERN PANHANDLE HIGHWAY SAFETY PROGRAM**

Thirty-two (32) hours                      8-11 Nov 11  
Standardized Field Sobriety Testing (SFST) Train the Trainer Program  
Instructor: Retired Lieutenant Bill Tower  
                    Maryland POST certified instructor in subject area  
                    First Sergeant C Tierney  
                    Sergeant J Powers  
                    LEPS certified instructors in subject area  
Martinsburg, WV

**HUNTINGTON POLICE DEPARTMENT**

Eight (8) hours                      7 and 8 Sep 11

Tactical Lifesaver Training Course

Instructor: Corporal J Ashworth

LET certified instructor in subject area  
Huntington, WV

**KANAWHA COUNTY SHERIFF'S OFFICE**

Forty (40) hours                      19-23 Sep 11

First Line Supervision

Instructor: Adjunct staff - IPTM

POST certified instructors in subject area  
Charleston, WV

**KEYSER POLICE DEPARTMENT**

Twenty-four (24) hours              17-19 Oct 11

Franklin Covey's 7 Habits for Law Enforcement

Instructor: Adjunct Instructor – Bureau of Justice Assistance  
Keyser, WV

**MARSHALL COUNTY FAMILY RESOURCE NETWORK in conjunction with  
Highway Interdiction Training Specialists (H.I.T.S.)**

Sixteen (16) hours                      24-25 Oct 11

Criminal Patrol – Drug Interdiction

Instructor: Officer R Stiltner

Texas POST certified instructor in subject area  
Moundsville, WV

Sixteen (16) hours                      26-27 Oct 11

Advanced Roadside Interview Techniques for Patrol Officers

Instructor: Officer S McElroy

Illinois POST certified instructor in subject area  
Moundsville, WV

**MERCER COUNTY SHERIFF'S OFFICE**

Eight (8) hours                      4, 11, 18 and 25 Oct 11

Radar Operator Training

Instructor: Deputy A Ballard

LEPS certified instructor in subject area  
Princeton, WV

**NICHOHLAS COUNTY SHERIFF'S OFFICE**

Eight (8) hours                      30 Sep 11  
Image Scan – Computer Forensics Software – Training  
Instructor: Ms Melinda Cash  
                    FBI – CART  
Summersville, WV

**OHIO COUNTY PARTNERS IN PREVENTION CONFERENCE**

Six (6) hours                      1 Dec 11  
Child Abuse Prevention and Investigation  
Instructor: Ms Cathy Keramidas, Ph.D.  
Wheeling, WV

**OHIO COUNTY SHERIFF'S OFFICE**

Four (4) hours                      19 Sep 11  
Defensive Driver Training  
Instructor: Adjunct staff – West Virginia BRIM  
Wheeling, WV

**RESA VI**

Sixteen (16) hours                      8-9 Oct 11  
HazMat Refresher Training  
Instructor: Adjunct staff – West Virginia Fire Services  
Follansbee, WV

**RICHWOOD POLICE DEPARTMENT in conjunction with  
Center Mass, Inc.**

Fifty (50) hours                      12-16 Dec 11  
Basic Police Sniper School  
Instructor: Adjunct staff – Center Mass  
Richwood, WV

**SISSONVILLE VOLUNTEER FIRE DEPARTMENT**

Four (4) hours                      29 Aug 11  
Mass Casualty Incidents  
Instructor: Adjunct staff – West Virginia Fire Services  
Sissonville, WV

**TYLER COUNTY SHERIFF'S OFFICE in conjunction with  
RUAG Ammotec USA**

Eight (8) hours                      Date to be set  
Frangible Ammunition Training Seminar  
Instructor: Adjunct staff – RUAG Ammotec USA  
Middlebourne, WV

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

Fourteen (14) hours                      7-8 Sep 11  
Diversion Training  
Instructor: Ms M Johnson-Rochee  
                  DEA Diversion Program Manager  
                  Special Agent M Armstrong  
DEA  
                  Dr E Scharmann  
                  Professor \_ WVU School of Pharmacy  
                  Special Agent P Seehafer  
DEA  
                  Mr D Potters  
                  Executive Director  
                  West Virginia Board of Pharmacy  
                  Mr R Knittle  
                  Executive Director  
                  West Virginia Board of Medicine

**WELCH POLICE DEPARTMENT**

Eight (8) hours                      19 Sep 11  
Managing and Operating a Rural Drug Interdiction Program  
Instructor: Sheriff M Lewis  
                  Maryland POST certified instructor in subject area  
Welch, WV

**WEST VIRGINIA CHIEFS OF POLICE ASSOCIATION**

Three (3) hours                      24 Sep 11  
Risk Management for Police Supervisors  
Instructor: Retired Sergeant G Graham  
                  California POST certified instructor in subject area  
                  Licensed attorney – State of California  
Charles Town, WV

**WEST VIRGINIA NATURAL RESOURCE POLICE for the  
Kanawha County Sheriff's Office**

Eight (8) hours                      29 Sep 11

Boating Safety Course

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 D Trader

LEPS certified instructors in subject area  
St Albans, WV

**WEST VIRGINIA OPERATION LIFESAVERS PROGRAM**

Eighteen (18) hours                  Dates to be set

Project Lifesaver Electronic Search Specialist Course

Instructor: Sergeant D Byers  
Ms Sue Patalano

LEPS certified instructors in subject area  
Elizabeth, WV

Eighteen (18) hours                  26-27 Sep 11

Project Lifesaver Electronic Search Specialist Course

Instructor: Sergeant D Byers  
Ms Sue Patalano

LEPS certified instructors in subject area  
Clay County, WV

Eight (8) hours                      28 Sep 11

Project Lifesaver Electronic Search Specialist Instructor Course

Instructor: Sergeant D Byers  
Ms Sue Patalano

LEPS certified instructors in subject area

**WEST VIRGINIA PROSECUTING ATTORNEYS INSTITUTE**

Eight (8) hours                      26, 27, and 28 Oct 11

Demystifying Digital Technology and Social Networking

Instructor: Adjunct Staff – Marshall University Technology Center  
Keyser, Bridgeport and Huntington, WV

**WEST VIRGINIA SHERIFF'S ASSOCIATION**

Twelve (12) hours            11-12 Sep 11

2011 Fall Training Conference

Instructor: Ms Ora Ash

Director of Local Government Services – WV Secretary of State's Office

Mr Glen B Gainer

Auditor – State of West Virginia

Mr Robert Martin

Licensed attorney in West Virginia

Ms Patti Hamilton

Executive Director, West Virginia Association of Counties

Adjunct staff

Program coordinators for West Virginia Sheriff's Association's

National White Collar Crime Center (NW3C)

**WEST VIRGINIA STATE FIRE MARSHALL'S OFFICE**

Sixteen (16) hours            3-4 Oct 11

2011 Fall Arson Investigators Conference

Instructor: Mr Terry Feuger, Ph.D.

Mr John Sammons

Marshall University Digital Technology Center

Ms Peggy Brown

Assistant Prosecutor – Cabell County Prosecutor's Office

Mr Randy Watson

Senior Fire Investigator – State of Georgia

Regional Manager SEA

Beckley, WV

**WEST VIRGINIA STATE POLICE**

Forty (40) hours            19-23 Sep 11

Basic Instructor Development Course

Instructor: Lieutenant C Tilley

LEPS certified instructor in subject area

Dunbar, WV

**WEST VIRGINIA SUPREME COURT OF APPEALS**

Twenty-four (24) hours 11-13 Oct 11

Court Security Management Seminar

Instructor: Adjunct staff- Advanced Law Enforcement Readiness Training Inc.

www.alert10-04.com , to include:

Retired Chief Deputy U S Marshall R Boudreaux

Retired Chief Deputy U S Marshall E Mitman

Retired Chief Deputy U S Marshall M Lutes

Retired Chief Deputy U S Marshall D Griffith

Wheeling, WV

**WETZEL COUNTY SHERIFF'S OFFICE**

Eight (8) hours 6 Sep 11

Tactical Firearms Skills for Task Force Officers

Instructor: Chief Deputy R Haught

Deputy R Spragg

Deputy E Daugherty

Deputy D Bordenkircher

Officer S Kastigar

LEPS certified firearms instructors

Wetzel County, WV

Lieutenant Tilley also advised the members present that the Patrol Rifle/Shotgun Instructor Course submitted by Corporal H Teare, Eleanor Police Department, that was to be presented for the Wayne County Sheriff's Office was being submitted for consideration for approval under this agenda item as well. The information addressing it was provided under item one of the "Additional Items for Consideration" packet.

Lieutenant Tilley noted that as this course was an instructor level, train the trainer, class that it had been the practice of the Subcommittee previously to review it as to the ability of the instructor/s involved to present the training. Corporal Teare had an extensive background in instructing around the state and at the Academy and had been previously involved in instructor level classes.

He also noted to the members present that on page 4 for the listing of these classes that the class being presented by BCI Modern Day Warriors that the word "calmatives" should be "combatives." Retired Captain Sadler advised that the word would be changed.

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 recommended they be approved as such. Lieutenant Tilley 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.

Sheriff McComas made a motion, seconded by Chief Stover, 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 classes for approval as supervisory in-service during the 2012 Training Year:

**CHARLESTON POLICE DEPARTMENT**

Fourteen (14) hours          7-8 Dec 11

West Virginia Freedom of Information Act for Law Enforcement

Instructor: Retired Officer R A Doran

Doran and Associates

Prior training classes approved in West Virginia  
Charleston, WV

Twenty-one (21) hours      6-8 Mar 12

Management of Criminal Investigation Units

Instructor: Retired Officer R A Doran

Doran and Associates

Prior training classes approved in West Virginia  
Charleston, WV

Forty (40) hours              12-16 Sep 11

Management and Operation of the Field Training Officer (FTO) Program

Instructor: Sergeant M Fulks

Sergeant J Garten

LEPS certified instructor in subject area  
Charleston, WV

**FBI – PITTSBURGH OFFICE**

Thirty-two (32) hours      16-21 Oct 11

2011 FBI Great Lakes Leadership Seminar

Instructor: Adjunct staff FBI Academy – Quantico, VA  
Niagara Falls, NY

**KANAWHA COUNTY SHERIFF'S OFFICE**

Forty (40) hours                      19-23 Sep 11

First Line Supervision

Instructor: Adjunct staff - IPTM

POST certified instructors in subject area  
Charleston, WV

**KEYSER POLICE DEPARTMENT**

Twenty-four (24) hours      17-19 Oct 11

Franklin Covey's 7 Habits for Law Enforcement

Instructor: Adjunct Instructor – Bureau of Justice Assistance  
Keyser, WV

**SISSONVILLE VOLUNTEER FIRE DEPARTMENT**

Four (4) hours                      29 Aug 11

Mass Casualty Incidents

Instructor: Adjunct staff – West Virginia Fire Services  
Sissonville, WV

**WELCH POLICE DEPARTMENT**

Eight (8) hours                      19 Sep 11

Managing and Operating a Rural Drug Interdiction Program

Instructor: Sheriff M Lewis

Maryland POST certified instructor in subject area  
Welch, WV

**WEST VIRGINIA CHIEFS OF POLICE ASSOCIATION**

Three (3) hours                      24 Sep 11

Risk Management for Police Supervisors

Instructor: Retired Sergeant G Graham

California POST certified instructor in subject area  
Licensed attorney – State of California  
Charles Town, WV

## **WEST VIRGINIA SHERIFF'S ASSOCIATION**

Twelve (12) hours            11-12 Sep 11

### **2011 Fall Training Conference**

Instructor: Ms Ora Ash

Director of Local Government Services – WV Secretary of State's Office

Mr Glen B Gainer

Auditor – State of West Virginia

Mr Robert Martin

Licensed attorney in West Virginia

Ms Patti Hamilton

Executive Director, West Virginia Association of Counties

Adjunct staff

Program coordinators for West Virginia Sheriff's Association's

National White Collar Crime Center (NW3C)

## **WEST VIRGINIA SUPREME COURT OF APPEALS**

Twenty-four (24) hours    11-13 Oct 11

### **Court Security Management Seminar**

Instructor: Adjunct staff- Advanced Law Enforcement Readiness Training Inc.

[www.alert10-04.com](http://www.alert10-04.com) , to include:

Retired Chief Deputy U S Marshall R Boudreaux

Retired Chief Deputy U S Marshall E Mitman

Retired Chief Deputy U S Marshall M Lutes

Retired Chief Deputy U S Marshall D Griffith

Wheeling, WV

Lieutenant Tilley 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. Lieutenant Tilley asked if there were any questions concerning these classes.

Sheriff McComas noted that as a result of the recommended training that he had attended that was listed with the West Virginia Sheriff's Association that there had been a presentation at it addressing what items had to be considered as income for tax purposes that were provided to officers. There was general discussion by the members present that the similar information was being presented to their associations as well and that it was something that administrators should consider.

Lieutenant Tilley then asked if there were any other comments or questions concerning the classes. Hearing none he asked if there was a motion concerning the approval of these classes.

Ms Singleton made a motion, seconded by Retired Lieutenant Walker, 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 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 C Napier  
Sergeant W Winkler  
Corporal J Powell  
Twenty-four (24) hours      20-22 Sep 11  
When the Bullet Leaves the Barrel  
AHIDTA  
Lexington, KY

Supervisory In-service  
Sergeant J Garten  
Forty (40) hours                      19-23 Sep 11  
Managing and Operating the Field Training Officer (FTO) Program  
IPTM  
Jacksonville, FL  
Supervisory In-service  
Group One  
Sergeant J S Harrison  
Sergeant T L Hazelett  
Sergeant R B Bennett  
Sergeant K O Peoples  
Group Two  
Sergeant M A McConihay  
Sergeant R D Sampson  
Sergeant C Jarrell  
Sergeant J Harris  
Group Three  
Sergeant M Pridemore  
Sergeant C L Johnson  
Sergeant T E Davis  
Sergeant A L Colagrosso  
Forty (40) hours                      Group One – 17-21 Oct 11

Group Two – 31 Oct 11 – 4 Nov 11  
Group Three – 5-9 Dec 11

First Line Supervisor Training

OPOTA

London and Gallipolis, OH

**FAIRMONT POLICE DEPARTMENT**

Annual In-service

Officer Ray Fluharty

Eight (8) hours                      13 Sep 11

Clandestine Laboratory Re-Certification Training

DEA

Quantico, VA

**KANAWHA COUNTY SHERIFF'S OFFICE**

Annual In-Service

Captain Scurlock

Detective Corporal S Snuffer

Twenty-four (24) hours      13-15 Sep 11

Advanced Internet Training for Investigators

Microsoft Inc and FBI

St Louis, MO

**MORGANTOWN POLICE DEPARTMENT**

Annual In-Service

Officer Michael Charlton

Twenty-four (24) hours      3-5 Oct 11

Basic Course for Reid Techniques for Interview and Interrogation

OPOTA

London, OH

Annual In-Service

Officer Michael Charlton

Eight (8) hours                      6 Oct 11

Advanced Course for Reid Techniques for Interview and Interrogation

OPOTA

London, OH

Supervisory In-Service  
First Sergeant Stephen Ford  
Sergeant Robert Gilmore  
Eight (8) hours            27 Sep 11  
Fundamentals of Risk Management for Law Enforcement  
Traveler's Insurance  
Mars, PA

Annual In-service  
Officer Jason Ammons  
Eight (8) hours            13 Sep 11  
Clandestine Laboratory Re-Certification Training  
DEA  
Quantico, VA

Annual In-service  
Officer David Helms  
Twenty-four (24) hours    20-22 Sep 11  
Task Force Officer Orientation 2011  
DEA  
Quantico, VA

**POCAHONTAS COUNTY SHERIFF'S OFFICE**

Annual In-service  
Corporal Christopher Cole  
Corporal Damon Brock  
Twenty-four (24) hours    13-15 Oct 11  
Basic Course for Reid Techniques for Interview and Interrogation  
Reid Inc  
Location to be determined

**SAINT ALBANS POLICE DEPARTMENT**

Annual In-service  
Patrolman Dan Wyatt  
Patrolman Jake Dent  
Forty (40) hours            19-23 Sep 11  
Managing and Operating the Field Training Officer (FTO) Program  
IPTM  
Jacksonville, FL

Annual In-service  
Patrolman Brandon Tagayun  
Twenty-four (24) hours 24-26 Oct 11  
Desert Snow Phase 4 – Advanced Commercial Vehicle  
Criminal and Terrorist Interdiction  
Northeast Counter Drug Terrorism Center  
Lawrence, IN

**WEIRTON POLICE DEPARTMENT**

Supervisory In-Service  
Chief Bruce Marshall  
Lieutenant Thomas Dodson  
Lieutenant Warren Elliott  
Lieutenant Gregory Moodie  
Lieutenant Richard Stead  
Lieutenant Robert Williams  
Eight (8) hours 27 Sep 11  
Fundamentals of Risk Management for Law Enforcement  
Traveler's Insurance  
Mars, PA

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.

Ms Singleton made a motion, seconded by Sheriff McComas, 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 asked for consensus agreement by the members present to address agenda item 12 prior to agenda items 7 through 11 that were personnel related items and would need to be addressed in executive session in that Lieutenant Eric Johnson, Charleston Police Department was present to speak with the members concerning it. Such consensus agreement was indicated.

Lieutenant Tilley initiated discussion on agenda item 12 by stating that it addressed the new firearms qualification requirements present in Legislative Rule §149-2-10.2 and the Comstock Course ran for qualification purposes for the members of the Charleston Police Department. As he had previously indicated he noted that Lieutenant

Eric Johnson, Lead Range Officer for the Charleston Police Department, was present to speak about rules and their course of fire.

Lieutenant Johnson spoke with the members present as to the set up of the Comstock Course as to the number of rounds fired and the manner in which it is scored. An officer may fire a maximum of eighteen (18) rounds in a timed course shooting at a specific number of targets. The course is scored based on the number of hits and the time the course is run. A 1.0 score is the minimum score to be achieved to pass the Comstock Course.

A handout was provided to the members as an overview of the course and the presentation that he made to them. A copy of that handout is provided under Appendix One of these minutes.

It is a dynamic course as opposed to a static course of fire. An officer can achieve the minimum 1.0 with firing thirteen (13) rounds in a sufficient period of time. Lieutenant Johnson was not aware of a way to report the completion of the course with a minimum 75% score now required by the changes to the legislative rule and wanted to make sure that the Subcommittee would accept the number of rounds fired.

There was general discussion between Lieutenant Johnson and the members as to options to cause the Comstock Course to be considered to meet the legislative rule requirements. The members did not feel that they should waive the rule requirement to accept their course as now fired. Following the discussion on the matter Lieutenant Tilley asked if there was a motion to be made concerning the request by Charleston Police Department and its course.

Sheriff McComas made a motion, seconded by Ms Singleton, that the minimum passing score of 1.0 for the Charleston Police Department's Comstock Course would become the standard for a 75% score, considered to have qualified and that the officers would be required to shoot a total of thirty two (32) rounds in conjunction with their qualification with the course to be modified as required by Charleston Police Department. 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.

Retired Sergeant Johnson 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 10:07 a.m. It came out of executive session at 12:04 p.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. Retired Lieutenant Miller left the meeting during this executive session with Retired Corporal Gentry being named to represent the West Virginia Deputy Sheriff's Association in discussions and motions.

Lieutenant Tilley noted that agenda item 7 did not require any action by the members as it had presented for an update of action taken as a result of their decision at the August 25, 2011 Subcommittee meeting.

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

Retired Sergeant Johnson made a motion, seconded by Sheriff McComas, that the members prior approval at their August 25, 2011 meeting to allow an applicant to the Mason County Sheriff's Office to participate in the entry level training program be rescinded as result of additional arrest and conviction information which the members had been made aware of and the responses given to the Subcommittee members at their August 25, 2011 meeting when the applicant had been asked if there additional criminal matters that he had been involved in. 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 concerning agenda item 8B that had been reviewed during the executive session.

Colonel Murphy made a motion, seconded by Retired Sergeant Johnson, that the Officer in question be allowed to continue in the entry level training program based on the members review of the circumstances and details concerning his previous arrest and convictions. 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 9A-9C 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 asked if there were motions concerning agenda item 10 that had been reviewed during the executive session.

Sheriff McComas made a motion, seconded by Ms Singleton, that the action that they had approved at their June 30, 2011 meeting denying an individual's request to participate in the entry level training program as a private citizen be rescinded. 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.

Sheriff McComas then made a motion, seconded by Retired Sergeant Johnson, that the individual who had appeared before them at their June 30, 2011 be approved to participate in the entry level training program as a private citizen at the standard tuition cost required for such attendance. 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 asked if there was a motion concerning agenda item 11 that had been reviewed during the executive session.

Ms Singleton made a motion, seconded by Retired Sergeant Johnson, that the requested waiver from agency head that an Officer he would be sending to the entry level training program that the Officer in question would not have to participate in all of the required components of the Defensive Tactics/Use of Force training be denied. 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 asked if there was a motion concerning item 2 on the "Additional Items for Consideration" packet that had been provided to them prior to the meeting and which had been reviewed during the executive session.

Retired Sergeant Johnson made a motion, seconded by Retired Corporal Gentry, that the Draft Position Statement concerning the revocation of the law enforcement officer certification of Former Officer Denver "Buddy" Thomas did represent the actions the members had taken concerning his certification and that it be approved as their Position Statement on 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 then asked if there was a motion concerning item 3 on the "Additional Items for Consideration" packet that had been provided to them prior to the meeting and which had been reviewed during the executive session.

Sheriff McComas made a motion, seconded by Ms Singleton, that based on the determination that the information sent to Former Officer R Smitley by certified mail had been received at the listed address concerning his prior arrest and plea to a misdemeanor offense of stalking and that he had not appeared at the August 25, 2011 meeting or had requested to appear at this meeting, that his certification as a West Virginia law enforcement officer would not be re-activated should he seek employment as an officer in West Virginia again. 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 asked if there was a motion concerning item 4 on the "Additional Items for Consideration" packet that had been provided to them prior to the meeting and which had been reviewed during the executive session.

Sheriff McComas made a motion, seconded by Retired Lieutenant Walker, that the request for a waiver of the required tuition for an individual approved to participate in the entry level training program as a private citizen be denied. 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 item 12 had already been addressed prior to the executive session by the member's approval. As to agenda item 13 he noted that Retired Captain Sadler's efforts to have an individual versed in domestic violence actions/related conviction and an individual's employment as an Officer had resulted in no one being able to directly appear before them, but that the members did still have access to reviews to be conducted by a recognized expert in the field.

Lieutenant Tilley then initiated discussion on agenda item 14 by asking Retired Captain Sadler to report on the 2011 Make Up Training. Retired Captain Sadler noted that it had been completed at the Academy over the dates September 13-15, 2011. Eighty nine Officers had attended and completed their required training. For those Officers for which payment was still required invoices were being sent to their agencies.

There were approximately thirty Officers who had been flagged as needing make up training who had not appeared. Retired Captain Sadler noted that he would be contacting their agencies to determine if they were still employed. Any who were would be scheduled to come before the Subcommittee members for a review as to why they

had not attended and for a determination as to what action would be taken. He noted that it had been his experience in the past that the large majority, if not all, of these individuals would be determined to no longer be working and that the agency had not responded to the notices to attend on the former officer's behalf.

Lieutenant Tilley asked if there were any questions concerning the make up training. Hearing none he moved to address agenda item 15 by advising the members that it addressed actions taken on their behalf since the August 25, 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.

Ms Singleton made a motion, seconded by Retired Lieutenant Walker, that the September 29, 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 September 29, 2011 meeting of the LEPS Subcommittee to a close at 12:15 p.m.

# **APPENDIX 1**

## **Comstock Course Overview**

### **Charleston Police Department**