

**LAW ENFORCEMENT PROFESSIONAL STANDARDS SUBCOMMITTEE
Room 204
Charleston Civic Center
Charleston, WV**

August 30, 2012

MEMBERS PRESENT: Colonel David Murphy
Chief Bill Roper
Retired Lieutenant Steve Walker
Ms Suzan Singleton

MEMBERS REPRESENTED: Colonel Jay Smithers by
Lieutenant Curt Tilley
Sheriff Michael White by
Sheriff Tom McComas
Judge Phyllis Carter by
Retired Sergeant J L Johnson
First Lieutenant Douglas Gunnoe by
Lieutenant Dave Malcomb
Retired Lieutenant Terry Miller by
Retired Corporal Dave Gentry
Ms Patti Hamilton by
Mr Jack McClung

MEMBERS ABSENT: Mayor Arthur Auxer

STAFF: Retired Captain Chuck Sadler
Ms Kim Mason

The August 30, 2012 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee, conducted in Room 204 of the Charleston Civic Center, Charleston, West Virginia, preceding a meeting of the full Governor's Committee on Crime, Delinquency and Correction (GCCDC) at 1:00 pm at the same facility was called to order by the Chair, Lieutenant Tilley, at 9:03 a.m. with ten (10) members either present or represented at the meeting.

Lieutenant Tilley gave an update of the status of the investigation of the shooting of West Virginia State Police Corporal M Bailey and the Trooper E Workman in Clay County. A moment of silence was observed by the members at the request of Lieutenant Tilley.

The following actions were taken during this meeting in reference to the agenda items scheduled:

1. Agenda Item 1 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson and approved unanimously with no discussion to make the following changes to the scheduled agenda:
 - A. To add Agenda Item 6E concerning the request for in-service approval for classes being presented at the West Virginia State Police Academy's Professional Development Center (PDC).
 - B. To add Agenda Item 11C concerning the review of a draft Position Statement addressing an action during the July 26, 2012 meeting.
 - C. To remove Agenda Item 11 B (1) as the officer in question was no longer seeking employment as an officer in this state.
 - D. To remove Agenda Item 12 B as the officer in question was no longer employer as an officer in this state.
2. Agenda Item 2 – Motion made, Retired Lieutenant Walker, seconded, Retired Sergeant Johnson and approved unanimously with no discussion of the approval of the minutes of the July 26, 2012 meetings.
3. Agenda Item 3 – Retired Captain Sadler advised that there was \$1,061,612 in the LEPS Fund as of August 20, 2012. There were no questions concerning the report. Consensus approval of the report was noted by the Lieutenant Tilley.
4. Agenda Item 4 - Motion made, Retired Lieutenant Walker, seconded, Sheriff McComas and approved unanimously with no discussion of the approval of individuals listed in the agenda mailing to be certified as law enforcement instructors.
5. Agenda Item 5 - Motion made, Sheriff McComas seconded, Retired Sergeant Johnson and approved unanimously with no discussion of the approval of the additional area of instructor expertise for the individuals listed in the agenda mailing.
6. Agenda Item 6A - Motion made, Sheriff McComas, seconded, Retired Lieutenant Walker and approved unanimously that all of the classes listed in

- the agenda mailing for annual in-service hours for the 2013 Training Year be approved.
7. Agenda Item 6B - Motion made, Retired Lieutenant Walker, seconded, Sheriff McComas and approved unanimously with no discussion of the classes listed in the agenda mailing for supervisory in-service hours for the 2013 Training Year.
 8. Agenda Item 6C - Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson and approved unanimously with no discussion of the classes and training programs listed in the agenda mailing for annual or supervisory in-service hours as applicable for the 2013 Training Year.
 9. Agenda Item 6D – Lieutenant Tilley noted that as this item addressed a personnel related issue that it would be discussed during executive session to be requested following the discussion on Agenda Item 6. Consensus agreement noted.
 10. Agenda Item 6E - Motion made, Retired Lieutenant Walker, seconded, Retired Sergeant Johnson and approved unanimously with no discussion of the classes listed in the agenda mailing for presentation at the PDC for annual or supervisory in-service hours as reflected for the 2013 Training Year.
 11. Lieutenant Tilley advised the members that there was nothing presented for discussion for Agenda Items 7, 8 and 10.
 12. At the indication of the Chair that there were personnel related matters to be discussed concerning Agenda Items 6D, 9, 11, 12 and 13 a motion made, Sheriff McComas, seconded, Retired Sergeant Johnson and approved unanimously without discussion for the Subcommittee to go into executive session at 9:15 a.m. The members took a break during this session from 10:30 a.m. to 10:39 a.m. during which no Subcommittee business was discussed. By a motion made, Sheriff McComas, seconded by Retired Sergeant Johnson and approved unanimously without discussion the Subcommittee came out of executive session at 11:38 a.m.
 13. Agenda Item 6D (1) and (2) – At the inquiry of Lieutenant Tilley if there was a motion to be made on this item, motion made, Sheriff McComas, seconded, Retired Sergeant Johnson and approved unanimously with no discussion that the matter involved on these items be tabled until it was determined if any of the officers attending the New Detective Training class would not complete their 2012 Training Year in-service requirements if this class was not approved.
 14. Agenda Item 9 - At the inquiry of Lieutenant Tilley if there was a motion to be made on this item, motion made, Sheriff McComas, seconded, Retired Lieutenant Walker and approved unanimously with no discussion that this item be tabled until the individual involved was at a point where he was prepared and able to attend the entry level training program as a private citizen if so approved by the members.
 15. Agenda Item 11A - At the inquiry of Lieutenant Tilley if there was a motion to be made on this item, motion made, Retired Lieutenant Walker, seconded,

- Sheriff McComas and approved unanimously with no discussion that the temporary reactivation of the thirty officers issued as a result of an employment related action be changed to a full activation status as relating to their certification as West Virginia law enforcement officers
16. Agenda Item 11 B (2) - At the inquiry of the Chair if there was a motion to be made on this item, motion made, Sheriff McComas, seconded, Retired Sergeant Johnson and approved unanimously with no discussion that certification status of the officer involved be shown as fully reactivated.
 17. Agenda Item 11 B (3) - At the inquiry of the Chair if there was a motion to be made on this item, motion made, Sheriff McComas, seconded, Retired Sergeant Johnson and approved unanimously with no discussion that certification status of the officer involved be shown as fully reactivated.
 18. Agenda Item 11 C - At the inquiry of the Chair if there was a motion to be made on this item, motion made, Retired Lieutenant Walker, seconded, Lieutenant Malcomb and approved unanimously with no discussion that the Position Statement did represent the actions of the members as to the officer involved from their July 26, 2012 meeting.
 19. Agenda Item 12A - At the inquiry of the Chair if there was a motion to be made on this item, motion made, Retired Lieutenant Walker, seconded, Ms Singleton and approved unanimously with no discussion that the officer involved be approved to attend the three week recertification program to bring his certification current as a West Virginia law enforcement officer in line with the prior decisions of the Subcommittee involving similarly situated officers.
 20. Agenda Item 12C - At the inquiry of the Chair if there was a motion to be made on this item, motion made, Sheriff McComas, seconded, Retired Sergeant Johnson and approved unanimously with no discussion that the officer involved be approved to attend the three week recertification program to bring his certification current as a West Virginia law enforcement officer in line with the prior decisions of the Subcommittee involving similarly situated officers and that as he was being so approved to attend this program that there was no requirement for a medical accommodation to be discussed as the legislative rules on that section were applicable to only individuals attending the entry level training program.
 21. Agenda Item 12 D – Lieutenant Tilley noted that this item had been presented for informational purposes and that no action was required on it by the members.
 22. Agenda Item 13 A – Lieutenant Tilley noted that this item had been presented for informational purposes and that no action was required on it by the members.
 23. Agenda Item 13 B - At the inquiry of the Chair if there was a motion to be made on this item, motion made, Retired Lieutenant Walker, seconded, Retired Sergeant Johnson and approved unanimously with no discussion that the review of this officer's appeal of the Equivalent Certification Committee's denial of his request to participate in the three week equivalent certification program be tabled until he was able to provide information to the LEPS

- Subcommittee staff reflecting that he as a certified officer in good standing in that he was previously certified in.
24. Agenda Item 14 – The written comments received during the public comment period for the recommended changes to the legislative rules were discussed. At the inquiry of the Chair if there was a motion to be made on this item, motion made, Sheriff McComas, seconded, Ms Singleton and approved unanimously with no discussion that no change would be made in the proposed changes in Legislative Rules §149-2 as submitted to the Secretary of State's Office. Retired Captain Sadler advised the members that he would be filing the applicable paperwork required in the review process by the close of business on August 31, 2012.
 25. Agenda item 15 – At the inquiry of the Chair if there was a motion to be made on this item, motion made, Sheriff McComas, seconded, Ms Singleton and approved unanimously with no discussion that officers who graduated from the 150th Basic Class be certified as West Virginia law enforcement officers.
 26. Agenda Item 16 - At the inquiry of the Chair if there was a motion to be made on this item, motion made, Ms Singleton, seconded, Sheriff McComas and approved unanimously with no discussion that the \$125,124 in funding requested by the West Virginia State Police from the LEPS Fund for the operation of the 151st Basic Class be approved.
 27. Agenda Item 17 - No action was required as noted by Lieutenant Tilley as this item had been presented for informational purposes.
 28. Agenda Item 18 – Retired Captain Sadler reviewed the actions that had been taken to date as to identifying officers who had not completed their in-service requirements for the 2012 Training Year that ran between July 10, 2011 through July 9, 2012. The LEPS Unit staff will continue working to identify those officers who did not complete training without a justifiable reason for presentation to the Subcommittee members.
 29. Agenda item 19 - No action was required as noted by the Chair as this item had been presented for informational purposes.

There being no other agenda items set for discussion Lieutenant Tilley asked if there were any other items to be addressed. Hearing none he reminded the members of the full GCCDC meeting set for 1:00 pm in the same location and of the need for them to be present and then asked for a motion to bring the Subcommittee meeting to a close.

Sheriff McComas made a motion, seconded by Retired Sergeant Johnson, that the August 30, 2012 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 August 30, 2012 meeting of the LEPS Subcommittee was brought to a close at 12:03 p.m.