

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

December 13, 2012

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

MEMBERS REPRESENTED: Colonel Jay Smithers by  
Lieutenant Curt Tilley  
Sheriff Michael White by  
Sheriff Tom McComas  
Chief Ray Fridley by  
Retired Chief Steve Stephens  
First Lieutenant Douglas Gunnoe by  
Lieutenant Dave Malcomb  
Ms Patti Hamilton by  
Mr Jack McClung

MEMBERS ABSENT: Judge Phyllis Carter  
Mayor Arthur Auxer  
Ms Suzan Singleton

STAFF: Retired Captain Chuck Sadler  
Ms Leslie Boggess  
Ms Kim Mason  
Ms. Judy Strickland

GUESTS: Retired Corporal Dave Gentry

The December 13, 2012 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order by the Chair, Lieutenant Tilley, at 9:06 a.m. with eight (8) members either present or represented at the start of the meeting. Sheriff McComas had to leave the meeting at 9:26 a.m. due to an emergency in Cabell County. Retired Lieutenant Walker arrived at 9:30 a.m. Retired Corproal Gentry represented him until his arrival.

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

1. Agenda Item 1 – Notice of additional items to be added to agenda provided to Subcommittee Chair. The review of how the Subcommittee wants to handle matters involving officers where there is a termination action and then an order, or agreement, by parties involved that the officer returns to duty is added to Agenda as Item 11C, having been noticed to the Chair three days prior to the scheduled meeting and with the consensus approval of those present.
2. Agenda Item 2 – Motion made, Sheriff McComas, seconded, Retried Chief Stephens and approved unanimously with no discussion of the approval of the minutes of the October 25, 2012 meeting.
3. Agenda Item 3 – Retired Captain Sadler advised that there was \$1,122,173.75 in the LEPS Fund as of December 4, 2012. Consensus approval of the report was noted by Lieutenant Tilley.
4. Agenda Item 4A - Motion made, Sheriff McComas, seconded, Retired Lieutenant Miller approved unanimously with no discussion the approval of individuals listed in the agenda mailing to be certified as law enforcement instructors.
5. Agenda Item 4B – Consensus approval noted that this instructor had been approved as part of the list of instructors approved under Agenda Item 4B. Member present noted that his prior instructor related training and service as an instructor as a member of the United States Marshall's Service fully prepared him to be certified as state level instructor.
6. Agenda Item 5 - Motion made, Sheriff McComas, seconded, Retired Chief Stephens, for approval of the additional areas of expertise for the individulas listed. The motion was approved unanimously for the approval of the additional area of instructor expertise for the individuals listed in the agenda mailing with no discussion.
7. Agenda Item 6A – Motion made, Sheriff McComas, seconded Retired Chief Stephens that the listed classes be approved for annual in-service credit. Retired Chief Stephens questioned what the Enriched Air Diver Specialty Course sponsored by the Charleston Police Department was in relation to officer training. Lieutenant Tilley explained the nature of the class to the Subcommittee as to it providing training to the law enforcement members of that dive team in support of their assigned duties.. Comment made as to the needs to clarify the dates for the grant related training being presented by the

- Morgantown Police Department as the same dates were listed for each class. Retired Captain Sadler noted that the second class on Grant Management was on January 16-17, 1013. There were no further questions or comments. Motion approved unanimously to approve the classes listed for annual in-service hours.
8. Agenda Item 6B - Motion made, Sheriff McComas, seconded, Retired Lieutenant Walker, and approved unanimously with no discussion the classes listed for supervisory in-service training hours.
  9. Agenda Item 6C – Motion made, Retired Chief Stephens, seconded, Retired Lieutenant Walker, to approve the classes listed as personal in-service. The motion was approved unanimously for the training listed as personal in-service training.
  10. Agenda Item 6D – Lieutenant Tilley advised the members that this item addressed the request that the courses listed in the 2013 Spring/Summer Course Catalog at the Professional Development Center (PDC) be approved for annual or supervisory level in-service as listed.. Motion made, Retired Chief Stephens, seconded, Sheriff McComas. The motion was approved unanimously with no discussion to approve the classes listed for the type of in-service listed..
  11. Lieutenant Tilley noted to the members that there were no items for consideration under regularly set Agenda Items 7, 9, 10, 12 and 13 therefore requiring no discussion or action.
  12. At the indication of the Chair that there were personnel related matters to be discussed under Agenda Items 8, 11A, 11B, 11C, 14A, 14B, 14C and 14D a motion was made, Colonel Murphy, seconded, Retired Chief Stephens and approved unanimously without discussion for the Subcommittee to go into executive session at 9:24 a.m. Sheriff McComas left the meeting at 9:28 a.m. Retired Lieutenant Walker came into the meeting at 9:30 a.m. By a motion made, Retired Chief Stephens, seconded by Lt. Malcomb and approved unanimously without discussion the Subcommittee came out of executive session at 11:50 a.m.
  13. Agenda Item 8 – Criminal Conviction Records as to Applicants for Entry Level Training Program. Motion made, Retired Chief Stephens, seconded Lieutenant Malcomb for the individual involved to be allowed to attend Academy's entry level training program. Retired Lieutenant Walker abstained from voting. Motion approved with no discussion.
  14. Agenda Item 9 – Request to attend the Entry level Training Program as a Private Citizen. There were none.
  15. Agenda Item 10 – Certification Reviews. There were none.
  16. Agenda Item 11A – Motion made, Retired Lt. Walker, seconded, Retired Chief Stephens to approve the full reactivation of the law enforcement certification of the officers listed. Approved unanimously with no discussion to allow full reactivation for the eleven officers.
  17. Agenda Item 11B – Motion made, Colonel Murphy, seconded Retired Chief Stephens to table the decision as to whether or not to reactivate the law

- enforcement certification of the involved officer individual until it has determined whether or not an appeal by the county has been filed and that while that matter was pending that the temporary reactivate of his certification would remain in place. Motion approved unanimously. Retired Lt. Walker requested that Retired Captain Sadler) contact the Sheriff of said county to follow up on whether an appeal to the Civil Service Commission's decision had been submitted. He advised that he would so determine.
18. Agenda Item 11C – The additional item added to agenda under Agenda Item 1 was a request by Retired Captain Sadler to have a discussion as to whether they wanted any review to occur concerning an officer's certification when the involved officer had been returned to full duty status by an agreement between his employer and himself following him being found not guilty of a charged criminal offense by a jury. Consensus agreement by the members present that in such circumstances that no certification status review was required.
  19. Agenda Item 12A - Determination of required training for recertification following separation of more than sixty (60) months as a West Virginia law enforcement officer. There were none to be discussed..
  20. Agenda Item 13 – Appeal of denial for an out-of-state officer to participate in the equivalent certification program. There were none to be discussed.
  21. Agenda Item 14 – Review of four (4) officers, one (1) attending meeting, who did not complete required make-up training for the 2012 Training Year – Lieutenant Tilley noted that there were no items to be discussed under this agenda item.
  22. Agenda Item 14A – Motion made, Colonel Murphy, seconded Retired Chief Stephens, to remove this item from the agenda in that emergency related first aid training had completed while on military activation would be approved for annual in-service credit. Motion approved unanimously with no discussion.
  23. Agenda Items 14B, 14C, and 14D – Motion made, Colonel Murphy, seconded by Retired Lt. Walker to give these three (3) officers 60 days to bring in-service training into compliance or their certification will be suspended until they appeared before the Subcommittee members to determine the actions the officer would have to take to bring his certification current. Motion passed with Retired Chief Stephens voting against.
  24. Agenda Item 15 – Request from the West Virginia State Police for grant funding from the LEPS Fund for the 153<sup>rd</sup> Basic Class in the amount of \$146,253. Ms Boggess advised that the funding for this Basic Class will be coming from the Purdue Pharma Funds available at the Division of Justice and Community Service (DJCS) to allow the LEPS Fund to continue to increase its fund level. Motion made, Colonel Murphy, seconded, Retired Chief Stephens to approve the funding amount requested for the operation of the 153<sup>rd</sup> Basic Class with funding to be provided by DJCS. Motion approved unanimously with no discussion.
  25. Agenda Item 16 – Update as to action taken concerning an formation request concerning creating an officer conduct data base that a law enforcement

- agency could go to check the history of a potential employee. Retired Captain Sadler responded to this request by explaining the steps taken by him and Ms. Mason when an officer resigns an agency and then seeks to be employed with a new agency. No action required by members.
26. Agenda Item 17 – Subpoenas for officer certification information. Discussion followed.
  27. Agenda Item 18 – Update on legislative rule changes for 149-2 pending before the 2013 Legislative Session. Retired Captain Sadler advised it had been discussed and approved during the legislative interim session for action during the full session. Public comments received regarding in-service training for supervisors as to its impact on staffing levels is an item that may receive discussion during the full session. He further noted that he was working with the attorney representing the committee handling the rule review to have the 120 days separation reduced to 90 days between firearms qualifications to reduce scheduling conflicts that were possible for larger agencies. No action required by members.
  28. Agenda Item 19 – Discussion and update of the Officer Training Information System (OTIS) transition to the Acadis System. Retired Captain Sadler informed the Subcommittee that the transition was ongoing and discussed the assignment of an eight-digit identification number to each officer under the Acadis System to remove the need to use SSNs on forms reporting officer training. No action was required by the members. .
  29. Agenda Item 20 – Retired Captain Sadler discussed the 2013 LEPS Subcommittee meeting schedule.
  30. There being no other agenda items set for discussion Lieutenant Tilley asked if there were any other items to be addressed. Colonel Murphy stated that he is going to meet with Senator Laird to discuss medical related standards that may need to be included in the code concerning individuals who want to become a law enforcement officer. He will keep the members apprised of any developments.
  31. There being no further items for discussions a motion was made by Colonel Murphy, seconded by Retired Lieutenant Walker that the meeting be brought to a close. The December 13, 2012 meeting of the LEPS Subcommittee adjourned at 12:20 p.m.