

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

July 26, 2012

MEMBERS PRESENT: Retired Lieutenant Steve Walker
Ms. Suzan Singleton
Ms. Patti Hamilton

MEMBERS REPRESENTED: Colonel Jay Smithers, by proxy Lt. Curt Tilley
Colonel Dave Murphy, by proxy Lt. Tim Coleman
Sheriff Michael White, by proxy Sheriff Tom
McComas
Chief Bill Roper, by proxy Retired Chief Steve
Stephens
Judge Phyllis Carter, by proxy Retired Sgt. J L
Johnson
Lt. Douglas Gunnoe, by proxy Lt. Dave Malcomb
Retired Lt. Terry Miller, by proxy Retired
Corporal Dave Gentry

MEMBERS ABSENT: Mayor Arthur Auxer

DJCS STAFF: Retired Captain Chuck Sadler
Ms Kim Mason
Ms Judy Strickland

ACADEMY STAFF: Captain David Lee

The meeting was called to order by Chair Lieutenant Tilley at 9:05 a.m.

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

1. Agenda Item 1 - The review and approval of the FY2012 Law Enforcement Professional Standards (LEPS) Subcommittee report is added to the Agenda as Item 21, 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 – Approval of the minutes from the June 28, 2012 LEPS Subcommittee meeting. Sheriff Tom McComas made a motion to approve the minutes of the June 28, 2012 LEPS Subcommittee meeting after unanimous approval was removed from Agenda Item 11B and corrected to reflect motion passing with Lt. Malcomb’s vote against. Ret. Sgt. J. L. Johnson seconded the motion. No questions asked. Motion approved unanimously.
3. Agenda Item 3 – Retired Captain Chuck Sadler provided a financial update of the LEPS Fund Account which included the Financial Report for June 27 and July 18, 2012, and a reimbursement request to CDDP. No questions were asked. Accepted by consensus approval of those present.
4. Agenda Item 4 – The consideration of applicants requesting certification as law enforcement training instructors. Sheriff McComas made a motion to approve the applications of individuals requesting to become certified law enforcement training instructors. Retired Sergeant Johnson seconded the motion. No questions asked. Motion approved unanimously.
5. Agenda Item 5 – The consideration of certified law enforcement training instructors requesting certification for additional areas of expertise. Sheriff McComas made a motion to accept the applications for additional areas of expertise for previously certified law enforcement training instructors. Retired Sergeant Johnson seconded the motion. No questions asked. Motion approved unanimously.
6. Agenda Item 6A through 6D – Consideration of applications for approval of in-service training programs for the 2013 training year (7/10/12 – 7/9/13):

6A – Sheriff McComas made a motion to approve the Annual In-Service classes submitted. Retired Sergeant Johnson seconded the motion. No questions asked. Motion approved unanimously.

6B – Sheriff McComas made a motion to approve the Supervisory In-Service classes submitted. Retired Johnson seconded the motion. No questions asked. Motion approved unanimously.

6C – There were no Personal In-Service Training applications to be considered.

6D – Presentation made by 1/Lieutenant Eric S. Hayzlett, Putnam County Sheriff's Office concerning a proposed Train the Trainer Handgun Instructor Class to be conducted August 13-17, 2012. The instructors for this class would be 1/Lieutenant Hayzlett along with Corporal Harry E. Teare, Eleanor Police Department. 1/Lieutenant Hayzlett and Corporal Teare plan to conduct these trainings through their business, Three Pigs, Inc.

Discussion followed with questions and concerns: Who is going to profit in conducting this training? Lieutenant Tilley explained that whoever is sponsoring the training and is going to receive the fees from the training is the agency that needs to submit the application for training. 1/Lieutenant Hayzlett told the Subcommittee that only certified law enforcement officers would be accepted to attend this training and stressed that it is not a civilian class. It is the standard course that is used at the Academy. There would be eight (8) students or less if only one instructor was available with no more than twelve (12) students if there are two (2) instructors. The Hurricane Police Department range and classrooms would be used.

1/Lieutenant Hayzlett told the Subcommittee that he had received his handgun qualification from Corporal Teare and had not attended any other handgun instructor class. Retired Lieutenant Steve Walker and Retired Chief Steve Stephens suggested to 1/Lieutenant Hayzlett that he should attend a specialized school for firearms such as the NRA or FBI firearms training class. He needs more training and experience. Lieutenant Tilley and Retired Captain Sadler suggested the August 13-17 in-service training go on as scheduled as long as Corporal Teare, or another qualified substitute instructor is conducting the class. Documentation of a qualified eligible instructor must be sent to Retired Captain Sadler.

Sheriff McComas made a motion not to authorize this particular course as an Instructor Trainer course with 1/Lieutenant Hayzlett as the instructor. Retired Chief Steve Stephens seconded the motion. Discussion followed. Ms. Singleton asked how Lieutenant Hayzlett was going to gain the experience necessary to become a Train the Trainer Instructor. Sheriff McComas noted that by attending additional nationally recognized instructor courses, to include Train the Trainer courses when available, and continue to assist on training/coaching new officers on shooting techniques, that he could gain the experience necessary. It was noted, at

this time, that he had limited such experience, only recently having completed the handgun instructor course himself.

There being no further discussion on the motion as presented, Lieutenant Tilley called for a vote. Motion approved unanimously.

Retired Captain Sadler asked, based on discussion carried out, if the training was conducted with Corporal Harry Teare as the primary instructor if it could be approved for the dates of August 13-17, 2012. It was noted that Corporal Teare had been previously approved as a Train the Trainer for handgun instructors by the LEPS Subcommittee members. Consensus approval was given for Retired Captain Sadler to administratively approve the training if such a change was made.

A brief discussion followed concerning the need for the members to consider options discussed in prior LEPS Subcommittee meeting as to developing order for establishing various levels of instructors. Based on their education, experience, and proficiency as an instructor the individual would progress through the levels, for example to the level of a master instructor. Such master level instructors would be able to teach Train the Trainer classes. The members noted that there was a need, interest on their part, to look further into the development of such instructor levels as Subcommittee staff could research and develop it.

At the indication of the Chair that there were personnel related matters to be discussed, Sheriff McComas made a motion that the Subcommittee go into executive session. Retired Sergeant Johnson seconded the motion. No questions asked. Motion approved unanimously. The LEPS Subcommittee went into executive session at 10:07 a.m. It came out of executive session at 2:13 p.m. following a unanimously approved motion to do so made by Sheriff McComas, seconded by Ms. Singleton. Ms. Hamilton had to leave at that point due to a prior commitment and did not return to the meeting.

7. Agenda Item 7A – Order to stop working – appeal of order. Ms. Singleton made a motion to rescind the 90-day stop work order on the involved individual and allow him to be employed once again as an officer and to attend the entry level training program. Sheriff McComas seconded the motion. No questions asked. Motion approved unanimously.

Agenda item 7B – Order to stop working – appeal of order. Ms. Singleton made a motion to rescind the 90-day stop work order on the involved individual and allow him to be employed again as an officer. Retired Sergeant Johnson seconded the motion. No questions asked. Motion approved unanimously.

Training required to fully renew certification of involved Officer from 7B. Ms. Singleton made a motion for the involved officer to be allowed to attend the full three week recertification program to allow his certification as a West Virginia law enforcement officer to be brought current. Retired Lieutenant Walker seconded the motion. No questions asked. Motion approved unanimously.

8. Agenda Item 8 – Criminal Conviction Records as to Applicants for Entry Level Training Program to be presented – there were none to be discussed.
9. Agenda Item 9 – Request to attend the entry level training program as a private citizen – there were none to be discussed.
10. Agenda Item 10 – Update concerning a prior law enforcement certificate revocation. Documentation received reflecting an indictment for felony offense of “possession with intent to deliver a controlled substance” in May 2012.
11. Agenda Item 11A – Thirteen temporary certification reactivation to full certification status. Sheriff McComas made a motion to accept full reactivation of the law enforcement certification of the thirteen Officers listed with this agenda. Retired Chief Stephens seconded. No questions asked. Motion approved unanimously.

Agenda Item 11B-1 – Review of reactivation requests where officer left prior agency not in good standing. Ms. Singleton made a motion that this individual not be able to work as a law enforcement officer. Retired Chief Stephens seconded the motion. Discussion followed. Lieutenant Tilley said that Retired Captain Sadler needs to prepare a position statement. Motion amended to include reason of denial to reactivate this individual’s certification by Ms. Singleton. Retired Chief Stephens seconded. No discussion. Motion approved unanimously as amended.

Agenda Item 11B-2 – Review of activation request where officer left prior agency not in good standing. The involved individual was not present. Sheriff McComas made a motion to table the review of this individual’s certification until the August 30, 2012 LEPS Subcommittee meeting. Retired Sergeant Johnson seconded the motion with the requirement that someone from the West Virginia State University Campus Police Department be present to discuss the termination of the former officer. Sheriff McComas revised the motion as amended. No questions asked. Motion approved unanimously.

Agenda Item 11C – Reconsideration of action concerning reactivation review of an officer’s law enforcement certification. Lieutenant Dave

Malcomb made a motion that the action taken at the May 31, 2012 meeting stand. Ms. Singleton seconded the motion. No questions asked. Motion approved unanimously.

12. Agenda Item 12 – Determination of required training for recertification following separation of more than sixty (60) months as a West Virginia law enforcement officer, tabled from the June 28, 2012 meeting. The involved officer was not present. Sheriff McComas made a motion that if this individual does not appear at the August 30, 2012 meeting, that a stop work order be issued until he is reviewed to determine the amount of training needed to bring his certification current. Retired Sergeant Johnson seconded the motion. No questions asked. Motion approved unanimously.
13. Agenda Item 13 – Response to request for a copy of hearing transcript from a prior LEPS Subcommittee meeting. Lieutenant Tilley stated that Retired Captain Sadler had advised the individual that the Subcommittee does not conduct hearings and that no minutes are taken while the Subcommittee is in executive session. No action required by the members.
14. Agenda Item 14 – To make the Subcommittee aware of the FOIA request from a Pocahontas County resident in mid July 2012 in reference to the certification status of the Deputies with the Pocahontas County Sheriff's Office. On being provided the requested information the individual made a complaint concerning the status of the certification of a Deputy with that agency. The issue involved had previously been addressed by the members at a Subcommittee meeting. A determination had been made at that time that no action could be taken concerning the certification in question. The individual had been so advised. No action required by the members.
15. Agenda Item 15 – Approval of the graduates of the 62nd Cadet Class as West Virginia law enforcement officers. Lieutenant Malcomb made a motion to approve the 62nd Cadet Class graduates as West Virginia law enforcement officers. Sheriff McComas seconded the motion. No questions asked. Motion approved unanimously.
16. Agenda Item 16 – discussion concerning the Academy's Fellowship Officer Program. Lieutenant Tilley advised the members that Captain Lee, Director of Training, West Virginia State Police Academy, had been examining ways to encourage West Virginia law enforcement agencies to provide officers to serve as Fellowship Officers during the Basic Class sessions. The presence of a senior officer, in addition to the assigned Academy staff members as class staff members, had been very positive.

While agencies providing such officers were given waivers from the tuition of entry level officers, it was not easy to secure officers for the positions.

Discussion followed as to ways to make departments more aware of the Fellowship Officer program and its benefits, both to the Academy and the agency. The involved officers receive supervisory level training and experience and training in instructional techniques. Discussion also occurred as to additional financial incentives, beyond the tuition waivers, that might be offered. Consensus position of the members present to continue to consider, along with the Academy staff, other solutions to enhance participation in the Fellowship Program that would not cause any long term impact on the LEPS Fund.

17. Agenda Item 17A – Discussion of Proposed LEPS Subcommittee By-Laws changes.

Agenda Item 17B – Discussion of Proposed Proxy Forms.

Each of these items, 17A and 17B had been requested to be addressed by Mr. Norb Federspiel, Director, DJCS. Lieutenant Tilley noted that there was a need to update the By-Laws as a result of statutory changes concerning the Subcommittee. The changes proposed would address those changes and reflect the standard practices of the Subcommittee.

He further noted the changes to the section addressing attendance at scheduled meetings, along with the implementation of the proposed proxy form, would permit the Subcommittee to be fully in line with standard requirements and practices addressing establishment of a quorum.

Ms. Singleton made a motion to approve the changes of the By-Laws and the use of proxy form as presented. Retired Lieutenant Walker seconded the motion. No questions asked. Motion approved unanimously.

18. Agenda Item 18 – IADLEST Physical Ability Entrance/Exit Standards Survey Results. Lieutenant Tilley noted that these results reflected that West Virginia's physical ability standards were in line with those in place in other state training programs. No action required on this item as it had been presented for informational purposes.
19. Agenda Item 19 – Provision of information addressing actions by Retired Captain Sadler, LEPS Coordinator, since June 28, 2012 LEPS Subcommittee meeting on behalf of the subcommittee members. None provided to be discussed at this meeting.

20. Agenda Item 20 – Reminder of the GCCDC meeting, August 30, 2012 at the Charleston Civic Center in the afternoon. LEPS Subcommittee meeting will be at the same location in the morning starting at 9 a.m. The importance of having a quorum at the afternoon meeting was stressed.
21. Agenda Item 21 – Review and approval of FY 2012 LEPS Subcommittee Report added by the consensus approval of the members during Agenda Item 1. Retired Captain Sadler reviewed the report, advising that it addressed the activities of the LEPS Subcommittee during the 2012 Training Year which ran from July 10, 2011 to June 30, 2012.

The report will be submitted at the GCCDC meeting on August 30, 2012 and will, as required by statute, be submitted after that presentation to Governor Tomblin, the President of the Senate, and the Speaker of the House of Delegates. Retired Captain Sadler asked for the approval of the report and to take the actions indicated.

Sheriff McComas made a motion to accept this report. Retired Sergeant Johnson seconded the motion. No questions asked. Motion approved unanimously.

There being no other agenda items set for discussion the Chair asked if there were any other items to be addressed. Hearing none he asked for a motion to bring the meeting to a close. Sheriff McComas made a motion that the July 26, 2012 meeting of the LEPS Subcommittee be closed. Retired Sergeant Johnson seconded the motion. No questions asked. Motion approved unanimously.

The July 26, 2012 meeting of the LEPS Subcommittee was brought to a close at 3:02 p.m.