

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

June 28, 2012

MEMBERS PRESENT: Retired Lieutenant Steve Walker
Ms Suzan Singleton

MEMBERS REPRESENTED: Colonel Jay Smithers by
Lieutenant Curt Tilley
Colonel Dave Murphy by
Lieutenant Colonel Jenkins
Sheriff Michael White by
Sheriff Tom McComas
Judge Phyllis Carter by
Retired Sergeant J L Johnson
Chief Bill Roper by
Retired Chief Steve Stephens
First Lieutenant Douglas Gunnoe by
Lieutenant 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 Leslie Boggess
Ms Kim Mason
Ms Judy Strickland

The June 28, 2012 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee, conducted in the Professional Development Center, located on the grounds of the West Virginia State Police Academy, Dunbar, West Virginia, was called to order by the Chair, Lieutenant Tilley, at 9:21 a.m. with ten (10) members either present or represented at the meeting. The delay in the start of the meeting was due to traffic problems in Kanawha County on the interstate delaying individuals arriving at the meeting.

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

1. Agenda Item 1 – No additional items added to the agenda
2. Agenda Item 2 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson and approved unanimously with no discussion of the approval of the minutes of the April 26, 2012 and May 31, 2012 meetings.
3. Agenda Item 3 – Due to a staffing situation in the accounting section of DJCS the LEPS Fund Report was not available to be presented. The report for this preceding period and the period running to the July 26, 2012 meeting will be presented at the next meeting.
4. Agenda Item 4 - Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson 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 following a discussion in response to a question as to content and schedule of the Handgun Instructor course submitted by the West Virginia Regional Jail Authority, that all of the classes listed in the agenda mailing for annual in-service hours for the 2012 Training Year be approved with the exception of that Handgun Instructor class, which was tabled until addition information concerning it was secured and presented by DJCS staff.
7. Agenda Item 6B - Motion made, Retired Chief Stephens, seconded, Retired Sergeant Johnson and approved unanimously with no discussion of the classes listed in the agenda mailing for supervisory in-service hours for the 2012 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 2012 Training Year.

9. Agenda Item 6D - Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson and approved unanimously the classes listed in the agenda mailing for annual in-service hours for the 2013 Training Year.
10. Agenda Item 6E - Motion made, Ms Singleton, seconded, Retired Sergeant Johnson and approved unanimously with no discussion of the classes listed in the agenda mailing for supervisory in-service hours for the 2013 Training Year.
11. Agenda Item 6F - 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.
12. The Chair, with the consensus of the members present, began discussion concerning agenda item 15 at this point of the meeting as there were multiple individuals present concerning this agenda item.
13. Agenda Item 15 – Presentation made by members of the West Virginia State Fire Marshall's Office, Deputy State Fire Marshall Cook and Senior Assistant State Fire Marshall Lambert, concerning a proposed entry level training program for the training of new assistant state fire marshals. They understood that approval from the LEPS Subcommittee is not required for their program, but they did want to present and review the program to seek the opinions and recommendations of the subcommittee members concerning it. The schedule and makeup of the training was discussed along with follow up training that each individual completing this course of instruction would receive. They will be working with the staff of the West Virginia State Police Academy staff on its continued development and implementation. The members thanked them for the work that they had put into the development of their proposal and commended them on their recognition of the established of an established training curriculum and program for their employees
14. At the indication of the Chair that there were personnel related matters to be discussed a motion made, Sheriff McComas, seconded, Retired Sergeant Johnson and approved unanimously without discussion for the Subcommittee to go into executive session at 9:58 a.m. By a motion made, Retired Chief Stephens, seconded by Retired Lieutenant Walker and approved unanimously without discussion the Subcommittee came out of executive session at 12:07 p.m.
15. Agenda Item 7 – At the inquiry of the Chair if there was a motion to be made on this item, motion made, Retired Chief Stephens, seconded, Retired Sergeant Johnson and approved unanimously with no discussion that the matter involved on this item be tabled until the individual involved arranged to appear again before the Subcommittee as no one had been present at this meeting.
16. The Chair advised there was no action required concerning Agenda Items 8, 9 and 10 by the members as there had been no items required to be addressed under these regularly set agenda items.

17. Agenda Item 11A - 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 law enforcement certifications of the listed six (6) West Virginia officers be fully reactivated.
18. Agenda Item 11B - 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 with no discussion by eight members for the motion, with one vote against, by Lieutenant Malcomb, that this matter, agenda item 11C from the May 31, 2012 Subcommittee meeting be placed back on the agenda of the July 26, 2012 meeting for reconsideration.
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, Lieutenant Walker calling for the involved officer to attend the full entry level training program due to his length of absence from working as a law enforcement officer in West Virginia. Following a discussion of the prior actions and decisions of the members in relation to similarly situated officers Retired Lieutenant Walker withdrew his motion with the consensus approval of those present. Motion then made Sheriff McComas, seconded by Retired Lieutenant Walker 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 12B - At the inquiry of the Chair if there was a motion to be made on this item, motion made, Retired Chief Stephens, seconded, Sheriff McComas and approved unanimously with no discussion that the discussion on this agenda item be tabled until the July 26, 2012 meeting to determine if the involved parties had received proper notice of the review of this item.
21. Agenda item 13 - 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 officer's appeal of the Equivalent Certification Committee's denial of his request to participate in the three week equivalent certification program be approved based on the additional information presented in support of this officer's request at this meeting. The involved officer will attend the three week program.
22. Agenda Item 14 - No action was required as noted by the Chair as this item had been presented for informational purposes.
23. Agenda item 15 – This item had been addressed following agenda item 6 with the consensus approval of those present.
24. Agenda Item 16 - No action was required as noted by the Chair as this item had been presented for informational purposes.
25. Agenda Item 17 - 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 individual involved be waived from the requirement to attend the forty (40) hour basic instructor development course for approval as an instructor due to his previous training and his position as a college instructor, but that for approval as an instructor in specific areas of expertise that he would still have to submit applicable hours of training in the given area/s.
26. Agenda Item 18 – No discussion required as the items that were provided with the agenda mailing as to DCJS staff’s actions on behalf of the Subcommittee members since their May 31, 2012 meeting had been done so for informational purposes and there were no questions concerning these items.
 27. 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 the Chair asked if there was 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, seconded by Retired Lieutenant Walker, that the June 28, 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 June 28, 2012 meeting of the LEPS Subcommittee was brought to a close at 12:25 p.m.