

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

May 31, 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
First Lieutenant Douglas Gunnoe by
Lieutenant Malcomb beginning
at 9:22 a.m.
Retired Lieutenant Terry Miller by
Retired Corporal Dave Gentry

MEMBERS ABSENT: Mayor Arthur Auxer
Retired Chief Steve Stephens on Behalf of
Chief Bill Roper
Ms Patti Hamilton

STAFF: Retired Captain Chuck Sadler
Ms Leslie Boggess
Ms Judy Strickland

The May 31, 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 9:12 a.m. with seven (7) members either present or represented at the meeting. At 9:22 a.m. Lt Malcomb arrived to make eight (8) members present.

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 – Consensus approval to table this agenda item until the June 28, 2012 meeting as the minutes of the April 26, 2012 meeting were not available for review at this time.
3. Agenda Item 3 – Consensus acceptance of the LEPS Fund Report as presented.
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, Ms Singleton, seconded, Sheriff McComas and approved unanimously following a discussion in response to a question as to whether the Subcommittee had previously approved training addressing the subject of armorer training, which they have, and a general discussion as to what the training on autism was going to address, of the classes listed in the agenda mailing for annual in-service hours for the 2012 Training Year.
7. Agenda Item 6B - Motion made, Sheriff McComas, 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, Ms Singleton, seconded, Sheriff McComas and approved unanimously following a discussion noting that the training presented under the name of the Eleanor Police Department was being presented by a department officer under his company business, Three Pigs, Inc., the classes listed in the agenda mailing for annual in-service hours for the 2013 Training Year.

10. Agenda Item 6E - Motion made, Sheriff McComas, 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, Ms Singleton, seconded, Sheriff McComas 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 items 19 and 21 at this point of the meeting as there were multiple individuals present concerning these proposed legislative rules.
13. Agenda Item 19 – Representation made by the individuals present on behalf of proposed new legislative rule 149-7 addressing law enforcement protocol in handling stalking incidents. Discussion covered the Personal Safety Order (PSO) which legislation now allowed, that the rule would not be filed as an emergency rule, the development of the rule and by the request of the members, that the definitions section be checked to ensure that the listed definitions were the same as those present in 149-2. At the indication of Mr Estep, DCJS, of the need for a motion to approve the filing of this new legislative rule motion made, Ms Singleton, seconded, Retired Sergeant Johnson and approved unanimously with no discussion that the group be approved to move forward with the filing of this new rule with the approval of the LEPS Subcommittee, a subcommittee of the Governor’s Committee on Crime, Delinquency and Correction.
14. Agenda Item 21 (there being no Agenda Item 20 listed) - Representation made by the individuals present on behalf of proposed new legislative rule 149-8 addressing recommended law enforcement protocol when handling child abuse incidents. Discussion covered the fact that the rule would not be filed as an emergency rule, the development of the rule and by the request of the members, that the definitions section be checked to ensure that the listed definitions were the same as those present in 149-2. At the indication of Mr Estep, DCJS, of the need for a motion to approve the filing of this new legislative rule motion made, Sheriff McComas, seconded, Retired Sergeant Johnson and approved unanimously with no discussion that the group be approved to move forward with the filing of this new rule with the approval of the LEPS Subcommittee, a subcommittee of the Governor’s Committee on Crime, Delinquency and Correction.
15. 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 for the Subcommittee to go into executive session at 10:04 a.m. By action from the same individuals the Subcommittee came out of executive session at 2:51 p.m.
16. Agenda Item 7 – At the inquiry of the Chair if there was a motion to be made on this item, motion made, Lieutenant Malcomb, seconded, Retired Sergeant

- Johnson and approved unanimously with no discussion that the Ninety (90) Day Stop Work Order in place remain in effect.
17. The Chair advised there was no action required concerning Agenda Items 8 and 9 by the members as there had been no items required to be addressed under these regularly set agenda items
 18. Agenda Item 10A - 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 surrender of the West Virginia law enforcement certification of the listed former officer be accepted.
 19. Agenda Item 10B - 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 surrender of the West Virginia law enforcement certification of the listed former officer be accepted.
 20. Agenda Item 10C – No action was required as noted by the Chair as this item had been presented for informational purposes.
 21. Agenda Item 10D - No action was required as noted by the Chair as this item had been presented for informational purposes.
 22. 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 thirty four (34) West Virginia officers be fully reactivated.
 23. 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 unanimously with no discussion that the law enforcement certifications of the listed five (5) West Virginia officers be fully reactivated.
 24. Agenda Item 11C - At the inquiry of the Chair if there was a motion to be made on this item, motion made, Lieutenant Malcomb, seconded, Retired Sergeant Johnson and approved unanimously with no discussion that the law enforcement certifications of the listed West Virginia officer be fully reactivated.
 25. Agenda Item 12A - 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 discussion on this agenda item be tabled until the June 28, 2012 meeting to determine if the involved parties had received proper notice of the review of this item.
 26. Agenda Item 12B - 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 discussion on this agenda item be tabled until the June 28, 2012 meeting to

determine if the involved parties had received proper notice of the review of this item.

27. Agenda Item 12C - At the inquiry of the Chair if there was a motion to be made on this item, motion made, Lieutenant Malcomb, seconded, Sheriff McComas and approved unanimously with no discussion that the involved officer be allowed to participate in the three week recertification training course in September 2012 to bring his certification fully current.
28. Agenda Item 12D - 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 involved officer be allowed to participate in the three week recertification training course in September 2012 to bring her certification fully current.
29. Agenda Item 13 - No action was required as noted by the Chair as this item had been presented for informational purposes.
30. Agenda Item 14A - 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 involved officer be allowed to continue to work and that he be invited to attend the 152nd Basic Class. If he was unable to enter that class he would have to stop working at that point.
31. Agenda Item 14B - 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 this matter be removed from the agenda as no action was required on it as the involved officer had indicated that he would be attending the 151st Basic Class.
32. Agenda Item 14C- 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 this item be tabled to allow the DCJS staff to research the statutes and legislative rules addressing the position of Chief of Police in relation to an individual's ability to withdraw an application for the entry level training program while serving as Chief of Police, but to then be able to subsequently submit another application should his position change.
33. Agenda Item 14D - At the inquiry of the Chair if there was a motion to be made on this item, motion made, Retired Corporal Gentry, seconded, Sheriff McComas and approved unanimously with no discussion that the matter involving the officer in question be removed from the agenda until he should make any further application to attend the entry level training program.
34. Agenda Item 15 – No action was required as this item had been presented for information update for the members.
35. Agenda Item 16 - No action was required as this item had been presented for information update for the members.
36. 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 training completed by the involved instructor could be used to allow his certification as a law enforcement instructor to be renewed.
37. Agenda Item 18 - 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 tuition costs for the involved agency to send two officers to the entry level training program be waived for one officer.
 38. Agenda Items 19 and 21 had been previously discussed, there was no agenda item 20.
 39. Agenda Item 22 – Discussion to bring the members current on the changes that they had discussed at their April 26, 2012 meeting as to legislative rule 149-2. Members requested only one change, that the definition of “Chief Law Enforcement Officer” have the wording changed to say “any West Virginia law enforcement agency”
 40. Agenda Item 23 - 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 funding request submitted concerning the civilian support positions at the West Virginia State Police Academy be approved.
 41. Agenda Item 24 - 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 funding request submitted concerning the operation of the 151st Basic Class at the West Virginia State Police Academy be approved.
 42. Agenda Item 25 – No action required as the involved instructor had not provided request information. Consensus approval of the members that the matter be tabled until he provided the requested information.
 43. Agenda Item 25 – 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 April 26, 2012 meeting had been done so for informational purposes and there were no questions concerning these items.

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 May 31, 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 May 31, 2012 meeting of the LEPS Subcommittee was brought to a close at 3:13 p.m. with seven (7) members present or represented as Ms Singleton had have to

leave the meeting at 1:55 p.m. while the Subcommittee was still in executive session and did not return to the meeting.