

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

October 25, 2012

MEMBERS PRESENT: Retired Lieutenant Terry Miller
Ms Patti Hamilton
Ms Suzan Singleton

MEMBERS REPRESENTED: Colonel Jay Smithers by
Lieutenant Curt Tilley
Colonel David Murphy by
Lieutenant Colonel Jerry Jenkins
Sheriff Michael White by
Sheriff Tom McComas
Judge Phyllis Carter by
Retired Sergeant J L Johnson
Chief Ray Fridley by
Retired Chief Steve Stephens
First Lieutenant Douglas Gunnoe by
Lieutenant Dave Malcomb
Retired Lieutenant Steve Walker by
Retired Corporal Dave Gentry

MEMBERS ABSENT: Mayor Arthur Auxer

STAFF: Retired Captain Chuck Sadler
Ms Leslie Boggess
Ms Kim Mason

GUESTS: Mr Ron Taylor
Glennville State College Public Safety Center

The October 25, 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. Retired Chief Stephens came into the meeting at 9:11 a.m. during the discussion of Agenda Item 6A and Retired Sergeant Johnson coming into the meeting at 9:23 a.m. during the discussion of Agenda Item 6D.

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. There were none.
2. Agenda Item 2 – Motion made, Sheriff McComas, seconded, Ms Hamilton and approved unanimously with no discussion of the approval of the minutes of the September 27, 2012 meeting.
3. Agenda Item 3 – Retired Captain Sadler advised that there was \$1,063,689 in the LEPS Fund as of October 18, 2012. Ms Hamilton noted that she was a member of the Regional Jail Authority Cost Containment Committee and advised that the funds they were projected to receive were being reduced. It is likely that the same may occur with funds received into the LEPS Fund. There were no additional comments or any questions concerning the report. Consensus approval of the report was noted by the Lieutenant Tilley.
4. Agenda Item 4 - Motion made, Sheriff McComas, seconded, Ms Singleton 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 for approval of the additional areas of expertise listed. Sheriff McComas did have a question about the practice of approving individuals as certified instructors from private businesses. Lieutenant Tilley noted that they were providing training to West Virginia law enforcement officers and agencies. There were no additional questions or comments. The motion was approved unanimously for the approval of the additional area of instructor expertise for the individuals listed in the agenda mailing.
6. Agenda Item 6A - Motion made, Retired Lieutenant Miller, seconded by Sheriff McComas, approved unanimously with no discussion, the classes listed for annual in-service hours.
7. Agenda Item 6B - Motion made, Sheriff McComas, seconded, Ms Singleton, and approved unanimously with no discussion the classes listed for supervisory in-service training hours.
8. Agenda Item 6C – Motion made, Ms Singleton, seconded, Sheriff McComas to approve the classes listed as personal in-service. Question from Lieutenant Tilley as to the location of the training for the Charles Town Police Department, as to whether it was at the college or the police department. Retired Captain Sadler noted that it was being held at the police department and that it had been opened to outside agencies but that only officers from

Charles Town Police Department were participating in the training. There were no other questions or comments. The motion was approved unanimously for the training listed as personal in-service training.

9. Agenda Item 6D – Lieutenant Tilley advised the members that this item addressed the tabled consideration from the September 27, 2012 meeting for the same agenda item as to consideration and approval of training classes to be presented for Glenville State College by Arma Training. He noted that as requested by the members that Retired Captain Sadler had secured additional information on the instructor for the class, Mr D Young. Mr Ron Taylor, Director of the Public Safety Center at Glenville State College (GSC) was present at the meeting. He gave an overview of the training to be presented, the background of Mr Young and what the expectations of GSC were concerning the program. Questions were asked by the members concerning dates of the class, numbers of officers to be involved and costs of the training. Mr Taylor answered each of these questions. Motion made, Sheriff McComas, seconded, Ms Singleton, and approved unanimously with no discussion the classes to be presented by Arma Training for Glenville State College be approved for in-service credit, supervisory for Sergeants and above and annual for those below Sergeant.
10. Lieutenant Tilley noted to the members that there were no items for consideration under regularly set Agenda Items 7, 8, 9, 10, 11B, 12 and 13 and that the action required under Agenda Item 11A could be handled in open session. As such no request was made to go into executive session by Lieutenant Tilley.
11. There being no action required concerning Agenda Items 7, 8, 9 and 10 Lieutenant Tilley advised the members that Agenda Item 11A involved the full reactivation of the listed officers from their temporary certification status in line with the legislative rule. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, and approved unanimously with no discussion the temporary certification status of the eleven listed officers be placed into a full reactivation status as a result of their changes in employment.
12. There being no action required concerning Agenda Item 11B, 12 and 13 as there were no officers listed for review or action under these standard agenda items Lieutenant Tilley moved to address Agenda Item 14.
13. Agenda Item 14 – Lieutenant Tilley advised the members that this addressed the transfer of training related funds approved under LEPS Fund award 12-LET-102 from their originally approved use to use to address other training related needs of the entry level training program at the West Virginia State Police Academy. As the transfer was in line with the standards for such changes previously set by the Subcommittee members no approval was required at this time, this item having been provided for informational purposes.
14. Agenda Item 15 – Lieutenant Tilley advised the members that this had been presented for informational purposes as to actions/review that the LEPS Unit staff was taking concerning two officers who had been employed at the

- agency in question. At this time no action was required concerning these officers. Lieutenant Tilley did note in conjunction with this item that there had been discussion by other associations within the law enforcement community within the state as to the development and use of an officer Identification card that could be used to verify officer certification status. At this time the use of such a card is only in the beginning discussion stages. He will keep the members advised should it develop any further and what the potential role of the Subcommittee would be concerning it.
15. Agenda Item 16 – Lieutenant Tilley advised the members that this item addressed a request from the West Virginia State Fire Marshall's Office (WVSFM) as to a needed update in the training program used by that organization as to citations issued under fire code violations by certain fire officials. Contact had been made from the WVSFM for Subcommittee members to assist in an advisory role as to the update of the program. It was the consensus of the members present that additional information and development of the updated program was required from that office before the Subcommittee could review and advise on it. Their staff will be advised as such.
 16. Agenda Item 17 – Retired Captain Sadler advised the members that eighty officers had been sent letters notifying them of the fact that the training system had flagged them as short in-service hours for the 2012 Training Year period. Based on prior experience with the make-up training program approximately one half of those officers would be excused from the make-up requirement based on information provided following these letters being mailed. Retired Captain Sadler will advise the members on the results of the make-up training at the December 13, 2012 meeting. Any officers who do not complete the training and no excuse is given for not attending will be invited to appear during the December meeting.
 17. Agenda Item 18A Retired Captain Sadler advised the members that all applicable filings with the proposed changes for Legislative Rule 149-2 for consideration during the 2013 Session of the West Virginia Legislature had been completed with the Legislative Rule Making Committee (LRMC) and the Secretary of State's Office. The LRMC would be meeting prior to the December Subcommittee meeting to approve for further consideration by the legislature.
 18. Agenda Item 18B – Lieutenant Tilley reminded the members that the Legislative Rules retreat for changes to be considered to 149-2 during the 2014 Session of the West Virginia Legislature was set for April 23-25, 2013 at Stonewall Jackson. The full rule will be open for consideration and review but he noted that the medical sections of the rule as relating to applicants for the entry level training program and previous discussions concerning the development of standards for the implementation of a master instructor category were items that would be discussed in depth.
 19. Agenda Item 19 – Lieutenant Tilley noted that there were no items to be discussed under this agenda item.

There being no other agenda items set for discussion Lieutenant Tilley asked if there were any other items to be addressed. Hearing none he asked for a motion to bring the meeting to a close. Motion made, Ms Singleton, seconded, Retired Sergeant Johnson, to bring the October 25, 2012 meeting of the LEPS Subcommittee to a close. The motion was approved unanimously with no discussion.

The October 25, 2012 meeting of the LEPS Subcommittee adjourned at 10:34 a.m.