

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

September 27, 2012

MEMBERS PRESENT: Retired Lieutenant Steve Walker
Ms Suzan Singleton
Retired Lieutenant Terry Miller

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
First Lieutenant Douglas Gunnoe by
Lieutenant Dave Malcomb
Ms Patti Hamilton by
Ms. Melissa Garrison

MEMBERS ABSENT: Mayor Arthur Auxer
Chief Bill Roper

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

GUESTS: Retired Corporal Dave Gentry

The September 27, 2012 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order by the Chair, Lieutenant Tilley, at 9:05 a.m. with nine (9) members either present or represented at the meeting.

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, Retired Lieutenant Walker, seconded, Sheriff McComas and approved unanimously with no discussion of the approval of the minutes of the August 30, 2012 meeting.
3. Agenda Item 3 – Retired Captain Sadler advised that there was \$1,008,608 in the LEPS Fund as of September 20, 2012. There were no questions concerning the report. Consensus approval of the report was noted by the Lieutenant Tilley.
4. Agenda Item 4 - Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson 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, Retired Lieutenant Walker, seconded by Retired Lieutenant Miller, to table training sponsored by Glenville State College in order to confirm instructor is a law enforcement certified instructor. Approved unanimously with no discussion. Motion made Sheriff McComas, seconded, Retired Sergeant Johnson to add language to approve remaining annual in-service training items under 6A. Approved unanimously with no discussion.
7. Agenda Item 6B - Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, and approved unanimously with no discussion to the classes listed in the agenda, with the exception of Glenville State College, for supervisory in-service training hours.
8. Agenda Item 6C – Motion made, Retired Lieutenant Miller, seconded, Sheriff McComas and approved unanimously with no discussion to approve the training listed as personal in-service training.
9. The Chair noted the following items which could involve personnel related issues did not need to be addresses for the reason provided.
 - a. Agenda Item 7 – Order to stop working has been resolved.
 - b. Agenda Item 8 – There were no Criminal Conviction Records as to Applicants for Entry Level Training Program to be considered.

- c. Agenda Item 9 – There were no requests to attend the Entry Level Training Program as a Private Citizen to be considered.
 - d. Agenda Item 10 – There were no certification reviews to be considered.
 - e. Agenda Item 12 – There were no review of officers who had been separated for more than sixty (60) months to be considered.
10. At the indication of the Chair that there were personnel related matters to be discussed concerning Agenda Items 11A, 11B, 13, and 14 a motion made, Sheriff McComas, seconded, Retired Sergeant Johnson and approved unanimously without discussion for the Subcommittee to go into executive session at 9:10 a.m. By a motion made, Sheriff McComas, seconded by Retired Sergeant Johnson and approved unanimously without discussion the Subcommittee came out of executive session at 10:32 a.m. The Chair then moved to determine action to be taken concerning the following agenda items discussed in executive session.
- a. Agenda Item 11A – Temporary reactivation to full reactivation for 11 officers. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson and approved unanimously with no discussion.
 - b. Agenda Item 11B – Review of reactivation requests where officer left prior agency not in good standing. Motion made, Sheriff McComas, seconded Retired Sergeant Johnson and approved unanimously that the certification as an officer be fully reactivated, having determined that the policy violations determined to have occurred by the officer in question did not rise to a level that impacted the status of his certification.
 - c. Agenda Item 13 – Appeal of denial for an out-of-state officer to participate in the equivalent certification program that had been tabled from the August 30, 2012 meeting, Agenda Item 13B to allow the officer to provide verification of out-of-state certification being current. Motion made, Ms. Singleton, seconded, Retired Sergeant Johnson and approved unanimously to not rescind the previous decision of the Equivalent Certification Review Committee to not allow this out of state officer to participate in the equivalent certification program because his entry level and other training from the state he had been certified in had been found to not be equivalent with entry level training program requirements, thereby requiring that if this individual was hired as an officer in West Virginia he would have to attend the full entry level training program.
 - d. Agenda Item 14 – Discussion concerning officers who did not complete in-service training requirements for the 2012 Training Year, July 10, 2011 – July 9, 2012. Motion made,

Sheriff McComas, seconded, Retired Sergeant Johnson to amend the February 23, 2012 decision by the subcommittee to delay implementation of the suspension action of the certification of officers who had not completed required in-service for the 2012 Training Year and to allow such officers to be scheduled for make-up training until new Acadis system is implemented at DJCS. Discussion followed. Notice will be sent to all certified law enforcement officers that make-up in-service training is no longer going to be offered beginning with the 2013 Training Year and what the consequences of not being current with their mandatory in-service training will be. The officer will be deactivated by a "stop work order" if in-service is not current by August 1 of each year. A decision will have to be made later by the Subcommittee members as to what the officer will need to do to be reactivated. Retired Captain Sadler said make-up training is going to be scheduled one last time during November 2012 for those officers who did not complete the required 2012 Training Year in-service. The Chair called for questions, there were no more questions, the motion was approved unanimously.

11. Agenda Item 15A – Legislative rule review update. Retired Captain Sadler told the subcommittee that the required responses to the two public comments with reference to the proposed changes to the 2013 Legislative Session Rules had been sent to the individuals involved and that the applicable filing with the Secretary of State's Office had been made. The proposed rule changes will next be addressed during the legislative interim committee meetings. There were no questions on this item. The Chair noted that no action was required by the members on this item.
12. Agenda Item 15B – Retired Captain Sadler advised the members that the 2014 Legislative Session Retreat has been set for April 23-25, 2013 at Stonewall Jackson Resort. Lieutenant Tilley noted that as a result of the previous efforts of the Subcommittee that the overall rules were in good shape. He did note that two items that were being considered to be discussed at that retreat were (1) to determine if any changes needed to be made within the sections of the rule addressing medical standards in relation to the skills necessary to perform as an officer in this state and (2) the development of a master instructor program within the rule. He noted that there had been previous interest and general discussion as to the master instructor concept, but that it had never been fully developed by the members. Sheriff McComas suggested that the DJCS staff contact representatives in other states that have this type of instructor program and find out how they conduct their program. That recommendation will be followed up on by the staff. There were no questions on this item. The Chair noted that no action was required by the members on this item.

13. Agenda Item 16 – The Chair 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, Retired Lieutenant Walker, seconded, Retired Sergeant Johnson, to bring the September 27, 2012 meeting of the LEPS Subcommittee to a close. The motion was approved unanimously with no discussion.

The September 27, 2012 meeting of the LEPS Subcommittee adjourned at 10:40 a.m.