

**LAW ENFORCEMENT PROFESSIONAL STANDARDS SUBCOMMITTEE  
Stonewall Resort  
Stonewall Jackson Lake State Park  
Roanoke, West Virginia**

April 25, 2013

MEMBERS PRESENT: Colonel David Murphy  
Sheriff Tom McComas  
Retired Chief Steve Stephens  
Lt. Dave Malcomb  
Ms. Patti Hamilton  
Ms. Suzan Singleton

MEMBERS REPRESENTED: Colonel Jay Smithers by  
Lieutenant Curt Tilley  
Retired Lieutenant Terry Miller by  
Retired Corporal Dave Gentry  
Judge Phyllis Carter by  
Retired Sergeant J. L. Johnson  
Retired Lieutenant Steve Walker  
Sergeant J. D. Murphy

MEMBERS ABSENT: Mayor Arthur Auxer

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

GUESTS: Captain David Lee

The April 25, 2013 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order by the Chair, Lieutenant Tilley, at 9:06 a.m. with ten (10) members either present or represented. The meeting was held in the Conference Center of Stonewall Resort located in Roanoke, West Virginia.

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. No action required.
2. Agenda Item 2 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to accept the minutes of the March 28, 2013 meeting after correcting attendance record on page 1 of the minutes by removing Suzan Singleton as being present for the March 28<sup>th</sup> meeting when she was absent. Motion approved unanimously with no discussion.
3. Agenda Item 3 – Retired Captain Sadler advised that there was \$614,092.81 in the LEPS Fund as of April 22, 2013. Lieutenant Tilley informed the Committee that they may want to start looking for additional funding sources as the LEPS account is dwindling down. Consensus approval of the report was noted by Lieutenant Tilley. For the members not present during the Legislative Rules Review the preceding two days, Lieutenant Tilley gave a summary of the projected operating balance of the fund and stressed to the members the importance of identifying additional revenue sources for the Fund.
4. Agenda Item 4 – Motion made, Sheriff McComas, seconded, Ms. Singleton the approval of individuals listed in the agenda mailing be certified as law enforcement instructors. Motion approved unanimously with no discussion.
5. Agenda Item 5 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, the approval of applications for additional areas of expertise to be approved for previously certified law enforcement instructors. Motion approved unanimously with no discussion.
6. Agenda Item 6A – Motion made, Ms. Singleton, seconded, Sheriff McComas that the listed classes be approved for annual in-service training credit. The motion was approved unanimously with no discussion.
7. Agenda Item 6B - Motion made, Retired Sergeant Johnson, seconded, Sheriff McComas, that the listed classes be approved for supervisory in-service training credit. The motion was approved unanimously with no discussion.

8. Agenda Item 6C – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the listed classes be approved for personal in-service training credit. The motion was approved unanimously with no discussion.
9. Agenda Item 7 – Order to Stop Working. There were none, no action required.
10. Agenda Item 8 – Criminal Conviction Records as to Applicants for Entry Level Training Program. There were none, no action required.
11. Agenda Item 9 – Request to attend the Entry Level Training Program as a Private Citizen – Tuition Waiver Request. There were none, no action required.
12. Agenda Item 10 – Certification Reviews. There were none, no action required.
13. Agenda Item 11A – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, to approve full reactivation of the law enforcement certification of the officers listed. Ms. Singleton reminded the Committee that the airport police departments are not recognized as a policing agency and they have an officer on this list. Discussion followed. Lieutenant Tilley said the Committee should contact Steve Compton and seek legal advice on whether officers employed by the airport police would be eligible to attend the Academy sponsored by the airport police department. He said the head of those agencies need to be contacted in order to let them know their agency needs to be recognized as an agency with police power. Colonel Murphy said if they cannot be sponsored by the police agency then they should have to attend the Academy as a private citizen. Retired Chief Stephens said the Committee needs to contact the Attorney General's office to find out what the official ruling is. Retired Colonel Gentry remarked that most of the airport police officers are retired officers that have already been certified. Lieutenant Tilley said the Committee would be acting in good faith to approve this motion. Motion was approved unanimously.
14. Agenda Item 11B – Review of reactivation requests where officer left prior agency not in good standing. There were none, no action required.
15. Agenda Item 12 – Determination of required training for recertification following separation of more than sixty (60) months as a West Virginia law enforcement officer. There were none, no action required.
16. Agenda Item 13 – Appeal of denial for an out-of-state officer to participate in the equivalent certification program. There were none, no action required.

17. Agenda Item 14 – Review of officer’s ability to enter and complete the entry level training program. There were none, no action required.
18. Agenda Item 15 – LEPSIS Program transition update was presented by Retired Captain Sadler and Ms. Mason. Retired Captain Sadler stated that the transition was moving forward and he is pleased with the results so far. Ms. Mason reported to the Subcommittee that out of approximately 3,500 police officers in the State, 1,400 have been entered and merged into the system.
19. Agenda Item 16 – 2013 Legislative Session Update was presented by Retired Captain Sadler. He told the Subcommittee the Legislative Rule bundle had passed and will become effective July 1, 2013, based on final filing with the Secretary of State’s Office to be completed. He also said that beginning July 1, 2013 **all** certified law enforcement officers in the State will have to earn sixteen (16) hours of in-service training within the period of one year. Officers with supervisory status, Sergeants and above, will have a time frame of two (2) years to earn the eight (8) hours of supervisory training they are required to have. Retired Captain Sadler informed the Subcommittee that the LEPS Subcommittee would not have any direct responsibility with Senate Bill 200, and the Eyewitness ID Program; however, by December 2014 they would have to have an Eyewitness ID Program in place within their department.

Ms. Hamilton reported that legislation had passed to allow the recovery of court cost related fees from an individual’s state income tax return.

Retired Colonel Gentry reported that the Sheriff’s Association had initiated and secured passage of a bulletproof vest program for all deputies, and for legislation that passed and raised the scholarship amount to \$7,500 for children of deputies who had been killed in the line of duty.

20. Agenda Item 17 – Legislative Rules Retreat for 149-2. Lieutenant Tilley reviewed the discussions of the members during the preceding two days for those members not present. He noted that the review had concentrated on three areas within the overall Rule. Those were the sections addressing the reactivation process, the development of a master instructor level as an area of instructor certification (Train the Trainer level) and the need to revise/update, as necessary, the medical sections of the Rule.

As to the master instructor level of instructor expertise and the reactivation review process the recommended changes he noted were to be put together by the DJCS LEPS staff for review and approval for public comment at the Subcommittee’s May 30, 2013 meeting.

As to the need to determine the medical standards section, it had been recognized that the members needed the expertise of individuals familiar with medical standards and requirements. Lieutenant Tilley asked if there was a motion to be made concerning such a review. Motion made, Retired Chief Stephens, seconded, Sheriff McComas, to approve up to \$10,000 from LEPS Fund to contract a physician to work with the Academy's medical staff to review the medical requirements set for entrance into the Academy training program.

Instructors – The addition of a Level I and Level II Instructor. Level I would be an Instructor teaching in-service; Level II would be a Master Instructor who would teach 'Train the Trainer' type criteria in their area of expertise. Motion made, Retired Sergeant Johnson, seconded Sheriff McComas, to approve the Level I and Level II Instructor Programs. Motion was approved unanimously.

21. Agenda Item 17 – The next LEPS Subcommittee Meeting will be on Thursday, May 30, 2013 at the Professional Development Center on the grounds of the WVSP Training Academy.
22. There being no other agenda items set for discussion, Lt. Tilley announced that he was retiring and would be stepping down as Chair of the Law Enforcement Professional Standards Subcommittee. Captain Lee will now be representing Colonel Smithers. Lt. Tilley then recommended Retired Chief Steve Stephens for the Chair position of the LEPS Subcommittee and opened the floor for nominations.

Lieutenant Tilley nominated Retired Chief Stephens for the Chair. He said Retired Chief Stephens had knowledge of the Legislature and a working relationship with Retired Captain Sadler. Ms. Singleton seconded the motion. There were no other nominations. Ms. Singleton made a motion to close the nominations, seconded by Colonel Murphy. Motion to close nominations approved unanimously without any discussion.

Lt. Tilley asked Retired Chief Stephens if he was willing to accept the position of Chair of the LEPS Subcommittee in which Retired Chief Stephens replied that yes he was. Motion approved unanimously with no negative votes.

23. Retired Captain Sadler then thanked Lt. Tilley and presented him with a plaque which recognized his dedication as Chair to the LEPS Subcommittee on behalf of Department of Military Affairs and Public Safety (DMAPS) Secretary Joe Thornton, Chair of the Governor's Committee on Crime, Delinquency and Corrections, Mr. Norb Federspeil, Director, Division of Justice and Community Corrections (DJCS), the Subcommittee members and the LEPS unit members. The members expressed their strong appreciation of the work he had done as Chair.

The April 25, 2013 meeting of the LEPS Subcommittee adjourned at 9:44 a.m. following a motion to do so by Ms. Singleton, seconded by Colonel Murphy. Motion passed unanimously with no discussion.