

**LAW ENFORCEMENT PROFESSIONAL STANDARDS SUBCOMMITTEE
Charleston Civic Center
Charleston, West Virginia**

August 29, 2013

MEMBERS PRESENT: Retired Chief Steve Stephens
Sheriff Tom McComas
Lieutenant Dave Malcomb
Ms. Suzan Singleton

MEMBERS REPRESENTED: Colonel Jay Smithers by
Captain David Lee
Colonel David Murphy
Lieutenant Tim Coleman
Retired Lieutenant Steve Walker by
Retired Corporal Dave Gentry
Judge Phyllis Carter by
Retired Sergeant J. L. Johnson
Ms. Patti Hamilton by
Mr. Jack McClung

MEMBERS ABSENT: Mayor Arthur Auxer
Retired Lieutenant Terry Miller

STAFF: Retired Captain Chuck Sadler
Ms. Kimberly Mason
Ms. Judy Strickland

GUEST: Secretary Joe Thornton

The August 29, 2013 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at 9:06 a.m. by Chair Retired Chief Steve Stephens. There were nine (9) members either present or represented.

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 July 25, 2013 meeting. Motion approved unanimously with no discussion.
3. Agenda Item 3 – Retired Captain Sadler advised that there was \$434,851.51 in the LEPS Fund as of August 21, 2013. He informed the members that the funding for the 156th Basic Class which began August 26, 2013, and had been approved during the July 25, 2013 meeting from the LEPS Fund, had been fully funded by available Perdue Pharma funds. No further discussion. Consensus approval of the report was noted by Retired Chief Stephens.
4. Agenda Item 4A – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, of the approval of individuals listed in the agenda be certified as law enforcement instructors. Motion approved unanimously with no discussion.
5. Agenda Item 4B – Retired Captain Sadler informed the members that while the training supporting this officer's request to be approved as an instructor in the areas of expertise of Active Shooter and Clandestine Laboratories were current and that he recommended his approval in these areas without discussion, his original training in the other firearms related areas listed was ten years old. This officer had, however, been actively involved in firearms qualifications in each area and as such retired Captain Sadler recommended all areas be considered for approval. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, for the approval of this Officer as a certified as law enforcement instructor in all of the areas listed. Motion approved unanimously with no discussion.
6. Agenda Item 5 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, for approval of the additional areas of expertise for the individuals listed. Motion approved unanimously with no discussion.
7. Agenda Item 6A – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson that the classes listed be approved for annual 2014 in-service credit. Motion approved unanimously. Retired Captain Sadler

informed the Committee that he is now using a different format in the listing of the in-service classes given to the members for review. He also said that there is going to be an individual physical mailing to each officer in the state in order to let them know about the changes in the legislative rule addressing their in-service requirements. The mailing should go out by September 10, 2013. Captain Lee said that the Academy is going to start offering more supervisory in-service classes so it won't be as difficult for the supervisors to locate the supervisory training they need.

8. Agenda Item 6B – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the listed classes be approved for supervisory in-service training credit. The motion was approved unanimously with no discussion.
9. Agenda Item 6C – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the listed classes be approved for 2014 personal in-service training credit. The motion was approved unanimously with no discussion.
10. At the indication of the Chair that there were personnel related matters to be discussed under Agenda Items 7A, 7B, 7C, 7D, 10A, 10B, 10C, 11A, 13A a motion was made by Sheriff McComas, seconded, Retired Sergeant Johnson and approved unanimously without discussion for the Subcommittee to go into executive session at 9:21 a.m. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson and approved unanimously without discussion for the Subcommittee to come out of executive session at 10:33 a.m.
11. Agenda Item 7A – Officer #1 - Order to Stop Working. Provided for informational purposes, no action required.
12. Agenda Item 7B – Officer #2 - Order to Stop Working. Provided for informational purposes, no action required.
13. Agenda Item 7C – Officer #3 – Order to Stop Working. Motion made, Captain Lee, seconded, Ms. Singleton, to keep the Stop Work Order in place until a police department sponsors this individual at the Academy in the basic class that begins in January. If a police department does not sponsor this individual at that time, to allow him to attend the Academy as a private citizen. Motion was approved unanimously.
14. Agenda Item 7D – Stop Work Order for Officer's #1, #2, #3, and #4 provided for informational purposes. No action required at this time.

15. Agenda Item 8 – Criminal Conviction Records as to applicants for entry level training program. There were none. No action required.
16. Agenda Item 9 – Request to attend the Entry Level Training Program as a Private Citizen – Tuition Waiver Request. There were none. No action required.
17. Agenda Item 10A – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to accept the position statement prepared by Retired Captain Sadler for Officer #1. Motion was approved unanimously with no discussion.
18. Agenda Item 10B – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to accept the position statement prepared by Retired Captain Sadler for Officer #2. Motion was approved unanimously with no discussion.
19. Agenda Item 10C – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to accept the position statement prepared by Retired Captain Sadler for Officer #3. Motion was approved unanimously with no discussion.
20. Agenda Item 11A – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to approve the full reactivation of the law enforcement certification of the officers (15) listed. Motion was approved unanimously with no discussion.
21. Agenda Item 11B – Review of reactivation requests where officer left prior agency not in good standing. There were none. No action required.
22. 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.
23. Agenda Item 13A – Equivalent Certification Review Actions. 1) There were three (3) officer's eligible to participate in the equivalent certification program; and, 2) there were three (3) officers denied to participate in the equivalent certification program. Provided for informational purposes. No action required.
24. Agenda Item 13B – Appeal of denial for an out-of-state officer to participate in the equivalent certification program. There were none. No action required.
25. Agenda Item 14 – Review of officer's ability to enter and complete the entry level training program. There were none. No action required.

26. Agenda Item 15 – Retired Captain Sadler gave an update on the funding for the 156th Basic Class which is being conducted at the Academy from August 26, 2013 through December 13, 2013. As he had also noted during the presentation of the financial report he informed the members that the funding for this class will be fully paid through Purdue Pharma funds from the DJCS program and will not come out of the LEPS Fund.
27. Agenda Item 16 – Motion made, Captain Lee, seconded, Retired Sergeant Johnson to approve the 2013 West Virginia Law Enforcement Training Year Annual Report as prepared. Motion was approved unanimously with no discussion. Retired Captain Sadler said the report would be submitted to the full Governor’s Committee on Crime, Delinquency and Correction during their annual meeting.
28. Agenda Item 17 – Retired Captain Sadler gave an update on the Legislative Rule Proposed Changes for the 2014 Legislative Session. Ms. Mason filed the paperwork with the Secretary of State’s Office on July 26, 2013. The changes will go before the House Judiciary Committee during the September interims.
29. Agenda Item 18 – Ms. Mason gave an update on the LEPSIS program. She said 1,780 officers have signed up for portal accounts within the system which will allow the officers to view their training records in LEPSIS.
30. Agenda Item 19 – Retired Captain Sadler reminded the Committee of the full Governor’s Committee on Crime, Delinquency and Correction meeting at the Charleston Civic Center scheduled for 1:00 p.m. this afternoon. He invited everyone to attend the meeting.
31. Agenda Item 20 – The September 26, 2013 LEPS Subcommittee meeting will be held on the campus of Glenville State College. This meeting will allow the Committee to review the criminal justice training program that has been implemented at the college and the Division of Correction’s basic training program and facility.
32. Retired Chief Stephens asked if there was anything else to be addressed. Sheriff McComas asked about the Eyewitness ID Policy & Procedure Requirement information that was provided to the members at the start of the meeting. Retired Captain Sadler said this is a requirement of Senate Bill 200 which was passed by the Legislature during the 2013 session. It is a sample policy for West Virginia law enforcement agencies whose officers’ conduct eyewitness identification and was designed by Professor Beety, West Virginia University Law School. If a law enforcement agency already has an existing policy in place, they do not have to have one such as distributed. The packet

the members received was sent to each department. The deadline for the new statutory requirement is January 1, 2014.

33. There being no further agenda items set for discussion a motion was made by Sheriff McComas, seconded, Retired Sergeant Johnson to adjourn the meeting. Meeting adjourned at 10:50 a.m.