

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

January 31, 2013

MEMBERS PRESENT: Colonel David Murphy
Retired Lieutenant Terry Miller
Retired Lieutenant Steve Walker
Ms. Suzan Singleton

MEMBERS REPRESENTED: Colonel Jay Smithers by
Lieutenant Curt Tilley
Sheriff Michael White by
Sheriff Tom McComas
Chief Ray Fridley by
Retired Chief Steve Stephens
First Lieutenant Douglas Gunnoe by
Lieutenant Dave Malcomb
Ms. Patti Hamilton by
Mr. Jack McClung

MEMBERS ABSENT: Judge Phyllis Carter
Mayor Arthur Auxer

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

GUESTS: Retired Corporal Dave Gentry
Captain David Lee
Professor Valena Beety
Mr. Derek Knop
Ms. Kristen McKeon
Mr. Andrew Herrick

The January 31, 2013 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order by the Chair, Lieutenant Tilley, at 9:07 a.m. with nine (9) members either present or represented at the start of 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. Consideration and discussion of ten (10) DOC instructors is added to Agenda as Item 4B, having been noticed to the Chair three days prior to the scheduled meeting and with the consensus approval of those present.
2. Agenda Item 2 – Motion made, Sheriff McComas, seconded, Retired Lieutenant Walker to approve the minutes of the December 13, 2012 meeting. Discussion followed. With reference to #17 Agenda Item 11B in the minutes of previous meeting, Retired Lt. Walker asked if Retired Captain Sadler had contacted the Sheriff of said county to determine whether an appeal to the Civil Service Commission had been submitted on Deputy in question. Retired Captain Sadler said that the appeal had been filed and he is requesting a copy. With reference to #30 in the minutes of December 13, 2012 meeting, Retired Lt. Walker asked if Colonel Murphy had contacted Senator William Laird to discuss the medical related standards that need to be included in the code concerning individuals who want to become law enforcement officers. Colonel Murphy replied that he had called Senator Laird and a meeting was to be set concerning this item. There were no further questions or comments. Motion approved unanimously to approve the minutes from the December 13, 2012 LEPS meeting.
3. Agenda Item 3 – Chair, Lt. Tilley, informed the Subcommittee that the LEPS fund account financial update had been provided to the members at the start of the meeting. Discussion on it was to follow later during the meeting.
4. Agenda Item 4A - Motion made, Retired Chief Stephens, seconded, Sheriff McComas approved unanimously with no discussion the approval of individuals listed in the agenda mailing to be certified as law enforcement instructors. Motion carried.
5. Agenda Item 4B – Retired Captain Sadler recommended consideration and discussion by the LEPS Subcommittee of the approval of ten (10) Division of Corrections instructors from the WV Corrections Academy as firearms instructors. Discussion followed. Motion made, Colonel Murphy, seconded, Sheriff McComas to table matter until staff determines whether or not individuals have been trained under a curriculum that was equivalent to the

handgun instructor and basic instructor development course training previously approved by the Subcommittee.

6. Agenda Item 5 - Motion made, Sheriff McComas, seconded, Retired Lieutenant Miller, for approval of the additional areas of expertise for the individuals listed. The motion was approved unanimously for the approval of the additional area of instructor expertise for the individuals listed in the agenda mailing with no discussion.
7. Agenda Item 6A – Motion made, Sheriff McComas, seconded Retired Lieutenant Walker that the listed classes be approved for annual in-service credit. Discussion followed with reference to the In-Synch Records System class that had been submitted. Retired Captain Sadler noted that similar such training had been approved previously by the Subcommittee. Motion approved unanimously to approve the classes listed for annual in-service hours. Ms. Singleton had a question about the training submitted for approval by the West Virginia Sheriff's Association as to the instructors involved in the training. Retired Captain Sadler noted that he had listed all of the presenters to reflect their involvement. Discussion followed that future listings of classes would only reflect certified or exempt status instructors.
8. Agenda Item 6B - Motion made, Ms. Singleton, seconded, Sheriff McComas, and approved unanimously with no discussion the classes listed for supervisory in-service training hours.
9. Agenda Item 6C – Motion made, Sheriff McComas, seconded, Ms. Singleton, to approve the classes listed as personal in-service. The motion was approved unanimously for the training listed as personal in-service training.
10. Lt. Tilley advised that as individuals were present to discuss Agenda Item 15 that with the member's approval it would be discussed now. Such unanimous consent was noted. A presentation was made by Professor Valena Beety and representatives of the West Virginia Innocence Project concerning Eyewitness ID procedures by officers in West Virginia. They had been in contact with Senator Bill Laird, Fayette County, and proposed legislation had been drafted to change sections of the current Eyewitness ID statute. A discussion followed concerning the proposed legislation and the changes in ways to prepare and present photo lineups to witnesses. The concerns of the members and recommendations on how to address them were given to the individuals present. No decision was required on this agenda item as it has been presented for informational purposes.
11. Lieutenant Tilley advised that for agenda items 7 to 20 that there were personnel related actions involved in those which had items to be discussed and requested asked for a motion to go into executive session to address

- them. Motion made, Retired Chief Stephens, seconded Colonel Murphy for Subcommittee to go into executive session at 10:46 a.m. Approved unanimously. Motion made, Retired Chief Stephens, seconded Sheriff McComas to return to open session at 11:38 a.m. Approved unanimously.
12. Agenda Item 7 – Order to Stop Working. Retired Captain Sadler presented this to the Subcommittee for information purposes only.
 13. Agenda Item 8 – Criminal Conviction Records as to Applicants for Entry Level Training Program. There were none, no action required.
 14. Agenda Item 9 – Request to attend the Entry level Training Program as a Private Citizen. Motion made, Ms. Singleton, seconded, Sheriff McComas. Discussion followed. Due to the circumstances surrounding this individuals departure from previous Basic class the Subcommittee decided to allow restrictions be waived for this individual and that once he is employed by a law enforcement agency attend the Academy. Motion approved unanimously.
 15. Agenda Item 10 – Certification Reviews. There were none to be discussed, no action required.
 16. Agenda Item 11A – Motion made, Sheriff McComas, seconded, Retired Chief Stephens to approve the full reactivation of the law enforcement certification of the officers listed. Retired Lt. Miller abstained as he was on the list. Approved unanimously with no discussion to allow full reactivation for the eighteen (18) officers.
 17. Agenda Item 11B – Review of reactivation requests where officer left prior agency not in good standing. There were none to be discussed, no action required.
 18. Agenda Item 12A - Determination of required training for recertification following separation of more than sixty (60) months as a West Virginia law enforcement officer. There were none to be discussed, no action required.
 19. Agenda Item 13 – Appeal of denial for an out-of-state officer to participate in the equivalent certification program. There were none to be discussed, no action required.
 20. Agenda Item 14 – Review of one (1) officer’s ability to enter and complete the entry level training program. Motion made, Sheriff McComas, seconded Retired Chief Stephens, to allow this Officer to take PAT test in March for the 154th Basic Class and continue in application process to the Academy. Motion made, Colonel Murphy, seconded Sheriff McComas, to amend motion in which Officer continued application process to enter Academy but issue a

Stop Work Order until he enters the Academy at which time he will be employed again as a sworn deputy by Lincoln County Sheriff's Department. Discussion followed. Subcommittee voted 6 to 2 to approve amended motion to Stop Work Order until Officer attends the next Academy class in March. Voting on amended motion was as follows:

For the amended motion:

Mr. McClung
Colonel Murphy
Ms. Singleton
Retired Lt. Miller
Lt. Malcomb
Retired Lt. Walker

Against the amended motion:

Sheriff McComas
Retired Chief Stephens

21. Agenda Item 16 – Retired Captain Sadler gave an update on the new Acadis program that has replaced the Officer Training Information System (OTIS). He said letters will be sent to all law enforcement officers letting them know about the new program and the transition to it. He said that each officer will have to complete a computer survey in order to be gain access into the system. Also, there has been an eight (8) digit identification number assigned to each officer that will be used in place of his/her social security number. Ms. Singleton asked for a copy of the letter that will be sent to the officers. Retired Captain Sadler advised that he would provide her with one.
22. Agenda Item 17 – Retired Captain Sadler reminded the Subcommittee about the Legislative Rule Retreat for 2014 Legislative Session. The retreat will be held at Stonewall Jackson Resort April 23-24, 2013.
23. Lt. Tilley advised that as there were personnel related items to be discussed concerning Agenda Item 3 and asked that the Subcommittee go into executive session. Motion made, Lt. Macomb, seconded Retired Lt. Walker for Subcommittee to go back into executive session at 12 noon. Approved unanimously. Motion made, Ms. Singleton, seconded Retired Lt. Walker to go back into open session at 12:33 p.m. Approved unanimously. Lt. Tilley asked if there was a motion to be made concerning Agenda Item 3. Motion made, Retired Lt. Walker, seconded, Retired Chief Stephens to accept the financial report as presented. The motion was approved unanimously to accept the LEPS financial report.

There being no other agenda items set for discussion, Lt. Tilley asked if there were any other items to be addressed. There being no further items for discussion motion made Ms. Singleton, seconded Colonel Murphy that the meeting be brought to a close. The January 31, 2013 meeting of the LEPS Subcommittee adjourned at 12:35 p.m.