

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

**July 25, 2013**

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

MEMBERS REPRESENTED: Colonel Jay Smithers by  
Captain David Lee  
Colonel David Murphy  
Lt. Tim Coleman  
Retired Lieutenant Terry Miller by  
Retired Corporal Dave Gentry  
Retired Lt. Steve Walker  
Chief Joseph Crawford  
Judge Phyllis Carter by  
Retired Sergeant J. L. Johnson

MEMBERS ABSENT: Mayor Arthur Auxer

STAFF: Deputy Director Jeff Estep  
Associate Deputy Director Leslie Boggess  
Ms. Kimberly Mason  
Ms. Judy Strickland

GUEST: Sgt. J. G. Portaro

The July 25, 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 ten (10) 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. Cpt Lee requested to speak to the members about an adjustment to an existing LEPS Fund award. This addition will be Agenda Item 16-B.
2. Agenda Item 2 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to accept the minutes of the June 27, 2013 meeting. Motion approved unanimously with no discussion.
3. Agenda Item 3 – Ms. Mason advised the Subcommittee that there was \$411,577.97 in the LEPS Fund as of July 24, 2013. No discussion. Consensus approval of the report was noted by Chair Retired Chief Stephens.
4. Agenda Item 4A – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, the approval of individuals listed in the agenda be certified as law enforcement instructors. Motion approved unanimously.
5. Agenda Item 4B – Tabled review of consideration of applications for certified law enforcement instructors with the West Virginia Regional Jail and Correctional Authority (WVRJCA) from the May 30, 2013 and June 27, 2013 meeting, Agenda Items, 4B (2) and (3) information requested on instructor for the Train the Trainer program completed by these individuals. Representative from the WVRJCA was unable to attend this meeting. Review is tabled until the August 29<sup>th</sup> meeting to be held at the Charleston Civic Center.
6. Agenda Item 5 – Consideration of applications for additional areas of expertise to be approved for previously certified law enforcement instructors. There were none, no action required.
7. Agenda Item 6A – Motion made, Sheriff McComas, seconded, Retired Sgt. Johnson that the classes listed be approved for annual 2013 in-service credit. Sheriff McComas asked for clarification on the 'questions on training' that is listed within the class approval request for the West Virginia Natural Resources Police (and is commonly listed within other course listing). Determined that this is how Retired Captain Sadler is listing the courses now

- to facilitate posting of available classes within the state. Motion approved unanimously with no further discussion.
8. Agenda Item 6B – Motion made, Sheriff McComas, seconded, Retired Sgt. Johnson, that the listed classes be approved for supervisory in-service training credit. Sheriff McComas and members briefly discussed the Rural Domestic Preparedness Consortium (RDPC) in-service course listed as to its focus and purpose. The motion was approved unanimously with no discussion.
  9. Agenda Item 6C – Motion made, Sheriff McComas, seconded, Retired Sgt. Johnson, that the listed classes be approved for 2013 personal in-service training credit. The motion was approved unanimously with no discussion.
  10. Agenda Item 6D – Annual In-Service request for Active Shooter training class to be presented by LEPS certified instructors in subject area from the West Virginia Regional Jail & Correctional Authority. Discussion followed. Members of the Subcommittee have concerns with individuals teaching tactical operations style classes who do not have current law enforcement related experience(s) in the course they are teaching. Retired Chief Stephen discussed with the members that the instructor is certified in the subject area by the LEPS Subcommittee and discussed the instructional program at the Regional Jail and Corrections Academy where the training would be held. He recommended approval of the training, but noted that there would be further discussion in upcoming meetings as to instructor approval (tabled item 4B) and course approval. Motion made, Ms. Singleton, seconded, Sheriff McComas, to table the decision on the Active Shooter class pending the clarification that the instructor is a LEPS certified instructor.
  11. At the indication of the Chair that there were personnel related matters to be discussed under Agenda Items 7, 10A, 10B, 10C, 11A, and 11B 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 9:24 a.m. Motion made, Sheriff McComas, seconded, Ms. Singleton and approved unanimously without discussion for the Subcommittee to come out of executive session at 10:10 a.m.
  12. Agenda Item 7 – Order to Stop Working. Provided for information purposes, no action required.
  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 – Tuition Waiver Request. There were none, no action required.
15. Agenda Item 10A – Motion made, Sheriff McComas, seconded, Retired Sgt. Johnson to revoke this officer’s certification. **Retired Captain Sadler will prepare a position statement.** This motion was approved unanimously with no discussion.
16. Agenda Item 10B – Motion made, Sheriff McComas, seconded, Chief Crawford, to decertify this officer based upon his agreement to surrender his certification. **Retired Captain Sadler will prepare a position statement.** This motion was approved unanimously with no discussion.
17. Agenda Item 10C – Motion made, Sheriff McComas, seconded, Lt. Malcomb, to decertify this officer’s certification based on the agreement set forth by the United States Department of Justice. **Retired Captain Sadler will prepare a position statement.** Discussion followed as to whether this individual could seek employment as the chief of police at a different agency. Members said the agreement reads that he can “never seek or accept employment as a law enforcement officer in the future”. This motion was approved unanimously with no further discussion.
18. Agenda Item 11A – Motion made, Sheriff McComas, seconded, Chief Crawford, to approve the full reactivation of the law enforcement certification of the officers (13) listed. This motion was approved unanimously with no discussion.
19. Agenda Item 11B – Review of reactivation requests where officer left prior agency not in good standing. Motion made, Chief Crawford, seconded, Sheriff McComas, to approve the reactivation of this officer as the violations involved were departmental rules and regulations of agency where he had left, there having been no representatives present from his former agency to discuss the matter and in that there had been representatives present from his new employer. This motion was approved unanimously with no further discussion.
20. 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.
21. Agenda Item 13 – Appeal of denial for an out-of-state officer to participate in the equivalent certification program. This was presented for informational purposes only. No action required.

22. Agenda Item 14 – Review of officer’s ability to enter and complete the entry level training program. There were none. No action required.
23. Agenda Item 15 – Review of officers who failed to complete required in-service, for below Sergeant during period July 10, 2012 to June 30, 2013, and for Sergeants and above, July 10, 2011 to June 30, 2013 (23 officers). There is a list of 24 officers who failed to complete the required in-service credit training hours. Two (2) officers were removed from this list prior to this meeting because they provided documentation that they had received required in-service training, and one (1) officer had retired. Members discussed and decided what action they would take for the remaining officers. Members decided by consensus agreement the following actions concerning these officers who had not completed their required in-service for the 2013 Training Year:
- A. To give the officers appearing before the Subcommittee a “grace period” in order to receive the training they needed. Officers appeared before Subcommittee in two groups.
    - (1) Nine (9) of the officers present were granted an extension until September 1, 2013 to provide documentation of the in-service training hours required. If they failed to submit proof of in-service training, they would be issued a Stop Work Order and would be required to appear at the September 26, 2013 meeting.
    - (2) There were four (4) officers in attendance that had already taken in-service training and were allowed to count that as their make-up training.
  - B. The eight (8) officers that did not appear before the Subcommittee will be issued a Stop Work Order and invited to appear before the Subcommittee at the August 29<sup>th</sup> meeting.
24. Agenda Item 16A – Motion made, Chief Crawford, seconded, Sheriff McComas to approve the funding of the 156<sup>th</sup> Basic Class at the Academy to be conducted August 26, 2013 through December 13, 2013 with the possibility of the funds coming from Purdue Pharma. The motion was approved unanimously with no discussion.
25. Agenda Item 16B - Captain Lee requests \$8,000 in surplus funds from a previously approved LEPS Fund award for entry level training to go toward new carpet for the classrooms. Motion made, Sheriff McComas, seconded, Retired Sgt. Johnson to approve this request. The motion was approved unanimously with no discussion.
26. Agenda Item 17 – Motion made, Sheriff McComas, seconded, Retired Sgt. Johnson to approve the certification of the thirty-nine (39) graduates of the

B154 Class as West Virginia certified law enforcement officers. The motion was approved unanimously with no discussion.

27. Agenda Item 18 – Legislative Rule Proposed Changes for the 2014 Legislative Session. Action concerning public comment and/or any changes or modifications to the proposed rules should be decided upon at this meeting as Ms. Mason will be filing the paperwork with the Secretary of State's Office on July 26, 2013. The only public comment received to date was from Captain J. Agee, St. Albans Police Department. His comment was that regarding the courses where an individual wants to be approved as a Level II master instructor and there is no Train the Trainer course available in that expertise what background and/or experience, etc., do we want to consider and how that should be reflected within the rule. Ms. Mason informed the Committee that there had been last minute email, which was too late to consider as to the public comment period, from L. VanKavage, Senior Legislative Attorney, Best Friends Animal Society, Maryville, Illinois, regarding §149-2—8, Academy Entry Standards, in which they are opposing the wording in section 8.3.g.12, discharge a weapon at an animal. It was noted that contact had been made with L VanKavage as to recommending they work with the Academy staff concerning training changes in how animals were handled by officers. Motion made, Sheriff McComas, seconded by Chief Crawford, to take comments of Captain Agee under advisement during the next Legislative retreat and to accept the rules as they had been previously proposed to be changed. The motion was approved unanimously with no discussion.
28. Agenda Item 19 – Class schedule for the 155<sup>th</sup> Basic Class, conducted between July 15, 2013 – November 1, 2013 presented for informational purpose. No action required.
29. Agenda Item 20 – LEPSIS and officer training compliance update. Ms. Mason gave a LEPSIS program update. She informed the Committee that 1,724 officers have signed up for portal accounts within the system that allows them to view their, and as applicable, other officer training records within the system. .
30. Agenda Item 21 – Discussion regarding holding the September 26 or October 31, 2013 LEPS Subcommittee meeting at Glenville State College in order to review their program and facility. Lodging will be provided. Discussion followed. Motion made, Sheriff McComas, seconded, Ms. Singleton, to schedule the September 26, 2013 meeting at Glenville State College to begin at 9:00 a.m.
31. Agenda Item 22 – The next regularly scheduled LEPS Subcommittee meeting will be held at the Charleston Civic Center, Room 204 on August 29, 2013 at

9:00 a.m. This meeting is to be followed by the full Governor's Committee on Crime, Delinquency, and Correction at 1:00 p.m. in the same location. Members were reminded by the Chair as to the importance of having a quorum present at the afternoon meeting.

32. There being no further agenda items set for discussion a motion was made by Retired Sgt. Johnson, seconded, Chief Crawford, to adjourn meeting. Meeting adjourned at 10:54 a.m.