

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

June 27, 2013

MEMBERS PRESENT: Sheriff Tom McComas
Retired Chief Steve Stephens
Lt. Dave Malcomb

MEMBERS REPRESENTED: Colonel Jay Smithers by
Captain David Lee
Colonel David Murphy by
Lieutenant Tim Coleman
Retired Lieutenant Steve Walker by
Retired Corporal Dave Gentry
Ms. Patti Hamilton by
Mr Jack McClung
Ms. Suzan Singleton by
Ms. Beth McCoy

MEMBERS ABSENT: Judge Phyllis Carter
Mayor Arthur Auxer
Retired Lieutenant Terry Miller

STAFF: Retired Captain Chuck Sadler
Ms. Kimberly Mason
Ms. Leslie Boggess

The June 27, 2013 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at 9:05 a.m. by the Chair of the Subcommittee, Retired Chief Steve Stephens. There were eight (8) 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, Captain Lee, to accept the minutes of the May 30, 2013 Subcommittee meeting. Motion approved unanimously with no discussion.
3. Agenda Item 3 – Retired Captain Sadler advised that there was \$495,111.10 in the LEPS Fund as of June 24, 2013 based on the financial report provided to the members that morning in a handout given to them. Motion made, Sheriff McComas, seconded, Lieutenant Malcomb, to accept the financial report as presented. Motion approved unanimously with no discussion.
4. Agenda Item 4A – Motion made, Sheriff McComas, seconded, Captain Lee, for the approval of individuals listed in the agenda mailing be certified as law enforcement instructors in the areas listed. Motion approved unanimously with no discussion.
5. Agenda Item 4B – Consideration of applications for certified law enforcement instructors with the West Virginia Regional Jail and Correctional Authority (WVRJCA) tabled from Agenda Items 4 B (2) and (3) of the May 30, 2013 LEPS Subcommittee meeting.

Discussion followed as to the review completed by Retired Lieutenant Tilley of the Train the Trainer Course curriculum used by the WVRJCA that was being considered as meeting the basic instructor development course (IDC) curriculum. Lieutenant Tilley had recommended that the course not be considered equivalent to the IDC taught at the Academy and by the FBI. At the conclusion of the discussion on the WVRJCA Train the Trainer course there was consensus agreement that there needed to be more information secured as to the background of the instructor/s who teach their version of the IDC before a decision can be made as to considering the training as equivalent.

Discussion the followed as classes to be considered and approved for training relating to tactical related operations/procedures and looking at whether the involved instructor had practical law enforcement experience in the subject

being taught. Concern was expressed that while the individual may have received training in a given area that his or her practical experience was limited or was in an environment not related to situations that law enforcement officers would be utilizing the skills being taught in. Consensus agreement expressed that the staff should not recommend such tactical related courses for approval in the “block” recommendation listings made, that each such course would need to be reviewed individually as to the background and experience of the instructor.

There being no further discussion Retired Chief Stephens asked if there was a motion to be made concerning the tabled items from June 27th meeting. .

Motion made, Sheriff McComas, seconded, Lieutenant Malcomb, that Agenda Items 4B (2) and (3) remain tabled and that DJCS staff seek information on the training background and experience of the Train the Trainer instructor for the West Virginia Regional Jail & Correctional Authority . Motion approved unanimously with no discussion.

6. Agenda Item 5 – Motion made, Sheriff McComas, seconded, Captain Lee, for the approval of applications for additional areas of expertise to be approved for previously certified law enforcement instructors. Motion approved unanimously with no discussion.
7. Agenda Item 6A – Motion made, Sheriff McComas, seconded, Captain Lee, that the classes listed be approved for 2013 annual in-service credit. Motion approved unanimously with no discussion
8. Agenda Item 6B – Motion made, Sheriff McComas, seconded, Captain Lee, that the listed classes be approved for supervisory in-service training credit for the 2013 Training Year. The motion was approved unanimously with no discussion.
9. Agenda Item 6C – Motion made, Captain Lee, seconded, Sheriff McComas, 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 – Motion made, Sheriff McComas, seconded, Retired Corporal Johnson, that the classes listed be approved for 2014 annual in-service credit. The motion was approved unanimously with no discussion.
11. Agenda Item 6E – Motion made, Captain Lee, seconded, Sheriff McComas, that the listed classes be approved for 2014 supervisory in-service training credit. The motion was approved unanimously with no discussion..

12. Agenda Item 6F – Motion made, Sheriff McComas, seconded, Captain Lee, that the listed classes be approved for 2014 personal in-service training credit. The motion was approved unanimously with no discussion.
13. Agenda Item 6G - Motion made, Sheriff McComas, seconded, Captain Lee, that the listed classes scheduled to be presented at the West Virginia State Police Academy Professional Development Center (PDC) during the 2014 Training Year be approved for annual and/or supervisory in-service training credit. The motion was approved unanimously with no discussion.
14. Agenda Item 6H – Retired Chief Stephens advised that there was no action required on this course as the instructor had postponed the presentation of it to a date to be set. Retired Captain Sadler noted that if and when the course was reset that it would be set back to the agenda of the next applicable LEPS Subcommittee meeting.
15. Agenda Item 7 – Order to Stop Working. There were none, no action required.
16. Agenda Item 8 – Criminal convictions concerning applicants to the entry level training program. There were none, no action required.
17. Agenda Item 9 – Requests to attend the entry level training program as a private citizen. There were none, no action required.
18. Agenda Item 10 – Certification reviews. There were none, no action required.
19. Retired Chief Stephens advised that there were personnel related items to be discussed concerning Agenda Items 11 A, and 15, with no action required concerning Agenda Items , 11 B, 12, 13 and 14. He asked if there was a motion to go into executive session at 9:58 a.m. to address them. Motion made Sheriff McComas, seconded, Captain Lee, to go into executive session concerning Agenda Items 11B and 15. Motion made, Sheriff McComas, seconded Retired Sgt. Johnson to return to open session at 10:23 a.m. Approved unanimously with no discussion for each motion.
20. Agenda Item 11 A – Retired Chief Stephens asked if there was a motion to be made concerning this agenda item? Motion made, Sheriff McComas, seconded, Captain Lee, to approve full reactivation of the law enforcement certification of the officers listed. This motion was approved unanimously with no discussion .
21. Agenda Item 11B – Review of certification reactivation requests where the officer left prior agency not in good standing. There were none, no action required.

22. Agenda Item 12 – Training required as to officers who had not worked for more than sixty (60) months. There were none, no action required.
23. 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.
24. Agenda Item 14 – Review of officer's ability to enter and complete the entry level training program. There were none, no action required.
25. Agenda Item 15 – Retired Chief Stephens asked if there was a motion to be made concerning this agenda item? Motion made, Sheriff McComas, seconded, Captain Lee, that for the officer's certification in question to be able to brought fully current and active so that he could work again as an officer in this state that he would have to first complete a total of thirty-two (32) hours of in-service training, sixteen (16) for the 2012 Training Year and sixteen (16) for the 2013 Training Year, and to complete a firearms qualification. The motion was approved unanimously with no discussion.
26. Agenda Item 16 – Motion made, Sheriff McComas, seconded, Mr McClung, to approve a grant request from the West Virginia State Police in the amount of \$128,525.53 in funding from the LEPS Fund for the operation of the 155th Basic Class program over the dates of July 15, 2013 to November 1, 2013. The motion was approved unanimously with no discussion.
27. Agenda Item 17 – Ms Mason reviewed with the members that there were approximately 1,700 of the approximate 3,500 active officers in the state who had secured passwords to check their individual training records within the Law Enforcement Professional Standards Information System (LEPSIS). There were 200 individuals, some within the 1,700 officers and some civilian agency employees, who had been given administrative rights to monitor the training and qualification records of all the officers with their agencies.
28. Agenda Item 18 – Retired Captain Sadler advised that the recommended changes for Legislative Rule 149-2 to be considered during the 2014 session of the legislature had been opened for public comment in accord with the requirements of the West Virginia Secretary of State's Office. The public comment period would close prior to the July 25 Subcommittee meeting.
29. Agenda Item 19 – Retired Captain Sadler advised that this information had been provided to make the members aware during the current legislative interims that a study had been set concerning West Virginia Deputy Sheriffs Reserves. As part of the study might address the training of such reserves and in that the Subcommittee had previously made recommendations

concerning such reserves in 2003 it might be asked to again. None of the Subcommittee member associations dealing with Deputy Sheriffs had received any contact from the legislative interim committee studying this matter as yet.

30. Agenda Item 20 – Retired Chief Stephens noted that the next scheduled meeting of the Subcommittee would be on July 25, 2013 beginning at 9:00 a.m. here at the PDC. Retired Captain Sadler and Ms Boggess reminded the members that the full Governor’s Committee on Crime, Delinquency and Correction’s annual meeting would be following the Subcommittee meeting on August 29, 2013. Both meetings would be at the Charleston Civic Center as in prior years. The importance of having a quorum present at the full Governor’s Committee meeting was stressed.
31. There being no further items set for discussion the June 27, 2013 meeting of the LEPS Subcommittee adjourned at 10:33 a.m. following a motion to do so by Sheriff McComas, seconded by Mr McClung, the motion having passed unanimously with no discussion.