

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

March 28, 2013

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

MEMBERS REPRESENTED: Colonel Jay Smithers by  
Lieutenant Curt Tilley  
Ms. Patti Hamilton by  
Mr. Jack McClung  
Retired Lieutenant Terry Miller by  
Retired Corporal Dave Gentry  
Judge Phyllis Carter by  
Retired Sergeant J. L. Johnson

MEMBERS ABSENT: Mayor Arthur Auxer  
Ms. Suzan Singleton

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

GUESTS: Captain David Lee

The March 28, 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 seven (7) members either present or represented at the start of the meeting. Colonel Murphy arrived at the meeting at 11:12 a.m. Retired Corporal Gentry left the meeting at 12:15 p.m. A quorum of the members were present at all times during 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. There were none. No action required.
2. Agenda Item 2 – Motion made, Sheriff McComas, seconded, Retired Sgt. Johnson to accept the minutes of the February 28, 2013 meeting. Motion approved unanimously with no discussion.
3. Agenda Item 3 – Retired Captain Sadler advised that there was \$567,739.93 in the LEPS Fund as of March 27, 2013. He informed the Committee that the B153 tuitions have been invoiced and paid. The B154 will not be billed until late April. No further discussion. Consensus approval of the report was noted by the Lieutenant Tilley.
4. Agenda Item 4 – Motion made, Sheriff McComas, seconded, Retired Sgt. Johnson 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 – Consideration of applications for additional areas of expertise to be approved for previously certified law enforcement instructors. There were none, no action required.
6. Agenda Item 6A – Motion made, Retired Lt. Walker, seconded, Retired Sgt. Johnson that the listed classes be approved for annual in-service training credit. Sheriff McComas had a question about the number of departments who used officers trained as scuba divers for evidence purposes. Retired Lt. Walker advised that the Charleston Police Department regularly used such officers. There were no other questions. The motion was approved unanimously with no discussion.
7. Agenda Item 6B - Motion made, Sheriff McComas, seconded, Retired Sgt. Johnson 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 Sgt. Johnson that the listed classes be approved for personal in-service training credit. The motion was approved unanimously with no discussion.
9. Lieutenant Tilley advised that there were personnel related items to be discussed concerning Agenda items 7, 9, and 11 and requested a motion to go into executive session at 9:13 a.m. to address them. Motion made, Sheriff McComas, seconded, Retired Sgt. Johnson. Motion made, Sheriff McComas, seconded, Retired Chief Stephens to return to open session at 2:27 p.m. Approved unanimously.
10. Agenda Item 7A – Motion made, Sheriff McComas, seconded, Retired Lt. Johnson that since Officer One had not worked as a police officer before working in the position of Chief of Police, that the order to stop working be lifted and that he be allowed to attend the Academy as a sworn officer and be sponsored by the agency where he is now employed. The motion was approved unanimously with no discussion.
11. Agenda Item 7B – Motion made, Retired Chief Stephens, seconded, Sheriff McComas that the private citizen provision be waived and Officer Two be made anew and that he be allowed to enter the B154 as an Officer of the sponsoring police department. The motion was approved unanimously with no discussion.
12. Agenda Item 8 – Criminal Conviction Records as to Applicants for Entry Level Training Program. There were none, no action required.
13. Agenda Item 9 – Motion made, Sheriff McComas, seconded, Retired Sgt. Johnson that this individual be made anew within the system based on the circumstances involving his prior departure from the Academy, and his development since then, and he be allowed to attend the Academy sponsored by a law enforcement agency. The motion was approved unanimously with no discussion.
14. Agenda Item 10 – Certification Reviews. There were none, no action required.
15. Agenda Item 11A – Motion made, Sheriff McComas, seconded, Retired Sgt. Johnson to approve full reactivation of the law enforcement certification of the officers listed. The motion was approved unanimously with no discussion.
16. Agenda Item 11B-1 – Motion made, Sheriff McComas, seconded, Retired Sgt. Johnson that this Officer's certification as a West Virginia law enforcement officer be reactivated with the conditions in place of a one year probationary period and that he provide the LEPS Subcommittee staff with proof of

completion of an anger management class he advised he had completed following his termination. The motion was approved unanimously.

17. Agenda Item 11B-2 – Motion made, Lt. Malcomb, seconded, Retired Sgt. Johnson that the certification of this Officer be allowed to be reactivated. The motion was approved unanimously by those members present.
18. Agenda Item 11B-3 – Motion made, Lt. Malcomb, seconded, Retired Lt. Walker to allow the certification of the involved officer to be reactivated in that the actions involved in his resignation in lieu of termination were department policy related issues. All present, with the exception of Retired Chief Stephens who voted against the motion, voted for the motion as presented.
19. 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, no action required.
20. 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.
21. Agenda Item 14 – Review of officer's ability to enter and complete the entry level training program. There were none, no action required.
22. Agenda Item 15 – Correspondence to Chief of Police exercising Head of Agency exemption in lieu of seeking certification is an example of letter that goes out to the Officers when they elect head of agency exemption of Chief.
23. Agenda Item 16 – 2013 Legislative Session Update. Retired Captain Sadler said that the Eye Witness Identification Bill is out of the Senate and is on the House side. He informed the members that all of the language requiring actions by the LEPS Subcommittee had been removed.

Retired Captain Sadler advised the members that the revisions to 149-2, Legislative Rules, were being dealt with by the House of Delegates and Senate. They were expected to be approved as presented.

Colonel Murphy advised that Senator Laird will be speaking with Retired Captain Sadler as to revising standards addressing maintenance of certain medical standards by all officers. There may also be consideration of statutory changes to establish an officer's certification as a professional license status.

24. Agenda Item 17 – Retired Captain Sadler gave LEPSIS (Law Enforcement Professional Standards Information System) Program Update. He said that the mailing went out and that all officers in the State should have received

letters with their LEPS ID number, general training/Subcommittee matters, racial profiling issues, and gang issues. Ms. Mason said that she has entered around 1,070 Officers and merged them into the system. Retired Chief Stephens said some retired officers have asked him about the new system and told him that they have not received any information. Retired Captain Sadler told him that if they were retired they would need to contact the LEPS unit staff to provide contact information.

25. The next LEPS Subcommittee Meeting will be on Thursday, April 25, 2013 at Stonewall Resort, Roanoke, WV.

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 Sheriff McComas, seconded, Retired Lt. Walker that the meeting be brought to a close. The March 28, 2013 meeting of the LEPS Subcommittee adjourned at 2:45 p.m.