

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

**May 30, 2013**

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

MEMBERS REPRESENTED: Colonel Jay Smithers by  
Captain David Lee  
Retired Lieutenant Terry Miller by  
Retired Corporal Dave Gentry  
Judge Phyllis Carter by  
Retired Sergeant J. L. Johnson  
Retired Chief Steve Stephens by  
Lieutenant Curt Tilley

MEMBERS ABSENT: Mayor Arthur Auxer  
Ms Patti Hamilton

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

The May 30, 2013 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at 9:07 a.m. by Lieutenant Tilley, acting as the designated Chair in the absence of Retired Chief Steve Stephens. There were nine (9) members either present or represented. Colonel Murphy left the meeting at 11:15 a.m. due to a prior commitment..

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, Retired Lieutenant Walker, seconded, Retired Sergeant Johnson to accept the minutes of the April 23-24, 2013 Legislative Rules Retreat and the April 25, 2013 Subcommittee meeting. Motion approved unanimously with no discussion.
3. Agenda Item 3 – Retired Captain Sadler advised that there was \$643,590.04 in the LEPS Fund as of May 23, 2013. No discussion. Consensus approval of the report was noted by the Lieutenant Tilley.
4. Agenda Item 4A – Motion made, Ms. Singleton, seconded, Retired Sergeant Johnson, the approval of individuals listed in the agenda mailing be certified as law enforcement instructors. Captain Lee questioned the certification of a representative from the West Virginia Regional Jail & Correctional Authority being approved as a Firearms Instructor based on previous discussions concerning approval of instructors from that entity and the discussion to be held this meeting under Agenda Item 4.B.(1) –(3) . Retired Captain Sadler noted that this individual is a former certified West Virginia and federal law enforcement officer, is a Master Firearms Instructor with the federal entity that he was most recently employed at. There being no further questions the motion was voted on. Motion approved unanimously.
5. Agenda Item 4B (1) – (3) – Consideration of applications for certified law enforcement instructors pending review and recommendations.

Discussion followed with reference to 4B – 1, 2, and 3. Lt. Tilley stated that the three individuals in question had not completed the 40 hour Instructor Development Program approved by the Subcommittee, and based on Legislative Rule they did not meet the criteria for being an Instructor. He informed the Committee that during the past 10 years only two (2) Instructor Development Course Programs, the FBI, and WVSP Academy basic instructor development courses have been the ones approved by the Subcommittee.

Richard M. Dorsey appeared before the Subcommittee as a representative for the agency and the three (3) individuals in question. He informed the Committee that Individual 1 has withdrawn his application due to accepting a job in the administrative department of said agency. Lt. Tilley asked if there was a motion to remove Individual 1 from the Agenda. Motion made, Sheriff McComas, seconded, Retired Sgt. Johnson, to remove Individual 1 from the May 30<sup>th</sup> Agenda approved unanimously with no discussion.

In response to a question from Cpt Lee as to the reason that they were seeking to have these individuals approved as instructors Mr Dorsey responded that they were wanting to be able to provide law enforcement related training to the police departments in their area. In response to a question from Lt Tilley as to the make up of the their instructor development course Mr Dorsey overviewed the general program and advised that he could provide a copy of the course material used.

Retired Lt. Walker then suggested that the Committee table making decisions on Individual 2 and 3 until review of their curriculum by the full LEPS Subcommittee. Lt. Tilley requested to Mr. Dorsey that he supply Retired Captain Sadler with a copy of their curriculum and he would then distribute it to the Committee for further review. Mr. Dorsey said he would submit a copy of the CD to Retired Captain Sadler.

A discussion followed concerning the amount of training required in a given area to be considered sufficient to be approved as an instructor in that area. There was also discussion as to the importance of an instructor having practical experience in the application in a law enforcement setting and the ability of an individual who is not a law enforcement officer being able to gain such practical experience in certain areas of teaching to then be able to pass such experience on to the officers in a class.

Lt. Tilley asked if there was a motion to be made as to Lt Walker's suggestion concerning a review of the instructor development trainer program individuals 2 and 3 had attended. Motion made, Retired Lt. Walker, seconded, Retired Sgt. Johnson to table decision on Individual 2 and Individual 3 to allow information to be provided to Lt Tilley concerning the curriculum of the instructor development program in question to allow Lt Tilley to review and report to the members on that curriculum. Motion approved unanimously with no further discussion.

Agenda Item 5 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, the approval of applications for additional areas of expertise to be approved for previously certified law enforcement instructors. Motion approved unanimously with no discussion.

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7. Agenda Item 6A – Motion made, Sheriff McComas, seconded, Retired Lt. Walker, that the classes listed be approved for 2013 annual in-service credit. Ms. Singleton had a question as about the listing of training classes for approval as in-service that had already taken place prior to the meeting.

Retired Captain Sadler advised that it had been an ongoing practice of the Subcommittee that as long as an application was received prior to the scheduled training that it was placed on the agenda for approval. A discussion followed by the members concerning the need for agencies to, as much as possible, make sufficient notice to the Subcommittee concerning applications for upcoming training. It was recognized that this had not been strongly enforced by the DJCS staff, but that the members did not, at this time, want to take a position that all training had to be approved at a meeting prior to the scheduled training. Retired Captain Sadler will work to educate applicable individuals concerning the submission of applications sufficiently in advance of the training in question to minimize the chance that a training will not be presented which is subsequently not approved by the members.

Sheriff McComas questioned the department that is sponsoring the Public Safety Response to Active Shooter Events. Retired Captain Sadler explained that the contact person is not the instructor and that the instructor was a certified law enforcement officer and is approved to teach in that subject area..

There being no further questions or discussion Lt Tilley called for a vote on the motion to approve the training classes. Motion approved unanimously.

8. 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.
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 – Motion made, Sheriff McComas, seconded, Retired Sgt. Johnson, that the classes listed be approved for 2014 annual in-service credit

Lt. Tilley stated noted that Retired Trooper Bobby Smith, the instructor for the Visions of Courage class sponsored by Charleston Police Department, was a Louisiana state trooper was an exceptional motivational speaker in the subject area based on his personal story as to how he had been shot and blinded while a Trooper and how he had overcome that. He strongly recommended anyone who had the opportunity to hear him speak.

There being no further questions or discussion Lt Tilley asked for a vote on the motion as presented. The motion was approved unanimously with no further discussion.

11. Agenda Item 6E – 2014 Supervisory In-Service Training. Sheriff McComas questioned the Active Shooter Vehicle Based Firearms Tactics for Supervisors.

A discussion followed as to the background of the instructor involved in that active shooter class as to whether such a practice, firing from moving vehicles, was something that the Subcommittee wanted to approve as in-service training and as to the specific training an instructor would need in this area if it were to be approved. Consensus approval was noted by the members that the instructor needed to be invited to the next Subcommittee meeting to discuss the class in terms of its goals, objectives, structure of the class as to providing more detailed information on what would be presented, the need for officers to be trained in it and his background/experience in the subject area.

There being no further discussion or questions Lt Tilley asked if there was a motion to be made concerning the classes listed under this item.

Motion made, Captain Lee, seconded Lt. Malcomb, to approve all 2014 Supervisory in-service training with the exception of active shooter training that had been discussed and that the instructor involved was to be invited to appear before the LEPS Subcommittee. The motion was approved unanimously. .

12. Agenda Item 6F – Motion made, Sheriff McComas, seconded, Retired Sgt. Johnson, that the listed classes be approved for 2014 personal in-service training credit. The motion was approved unanimously with no discussion.

13. Agenda Item 7 – Order to Stop Working. There were none, no action required.

14. Lt. Tilley advised that there were personnel related items to be discussed concerning Agenda Items 8, 10, 11, 12, and 13 and requested a motion to go into executive session at 10:27 a.m. to address them. Motion made Sheriff McComas, seconded, Retired Sgt. Johnson. Motion made, Sheriff McComas, seconded Retired Sgt. Johnson to return to open session at 11:38 a.m. Approved unanimously.

15. Agenda Item 8 – Motion made, Retired Lt. Walker, seconded, Ms. Singleton to not allow this officer to participate in the entry level training program due to

the time frame and seriousness of the offense and the resulting conviction..  
The motion was approved unanimously with no discussion.

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 10 – Motion made, Sheriff McComas, seconded, Retired Sgt. Johnson to revoke this officers certification as a result of the criminal charge to which he had pled to. Retired Captain Sadler will prepare a position statement. This motion was approved unanimously with no discussion.
18. Agenda Item 11A – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, to approve full reactivation of the law enforcement certification of the officers listed. This motion was approved unanimously with no discussion .
19. Agenda Item 11B – As the former officer in this matter was not present at the meeting Retired Captain Sadler asked that the review of reactivation requests where officer left prior agency not in good standing be tabled because he had been out of the office for several days and did not know whether or not this officer had contacted him with reference to appearing before the Subcommittee. Motion made, Sheriff McComas, seconded, Retired Lt. Walker approve this review be tabled with the stipulation that individuals involved will be asked to appear before the Committee, along with the investigating officer and that the Committee be provided with the internal affairs report. This motion was approved unanimously with no further discussion.
20. Agenda Item 11C – Provided for information purposes to the members, no action required.
21. Agenda Item 11 D - Provided for information purposes to the members, no action required.
22. Agenda Item 12 – Motion made, Retired Corporal Gentry, seconded, Retired Sgt. Johnson that this individual be approved to attend the three (3) week recertification sit-in program at the Academy in September. This motion was approved unanimously with no discussion.
23. 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.

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 – Motion made, Retired Lt. Walker, seconded, Retired Sgt. Johnson, to approve a grant request from the West Virginia State Police in the amount of \$201,157 for five civilian support positions at the WVSP Academy. The motion was approved unanimously with no discussion.
26. Agenda Item 16 – Motion made, Sheriff McComas, seconded, Retired Sgt. Johnson, for Subcommittee staff to submit an application to the West Virginia Commission on Drunk Driving Prevention for reimbursement of up to \$32,500 for impaired driver training during the entry level training programs during the 2014 Training Year to the LEPS FUnd.
27. Agenda Item 17 – Motion made, Sheriff McComas, seconded, Retired Sgt. Johnson to approve the Legislative Rules as proposed from the actions by the members during the April 23-24, 2012 legislative rule retreat and for staff to take the applicable steps required to have the matter reviewed, acted upon, during the 2014 session of the West Virginia Legislature. The motion was approved unanimously with no discussion.
28. Agenda Item 18 – HB 2600 – the “Snowshoe” bill from the 2013 session of the Legislature. Resort Area Rangers as West Virginia certified law enforcement officers. On the agenda for informational purposes. Retired Captain Sadler and Lieutenant Tilley reviewed the legislation as to the creation of the Resort Area Rangers who would be recognized certified law enforcement officers. It was noted that the legislation did set proper requirements as to the training required for those rangers.
29. Agenda Item 19 – Legislative Rule definitions as relating to airport police. Informational update to prior discussion concerning Airport Police Officers and the operation of airport authorities. Retired Captain Sadler noted that no action could be taken on making any such change until a statutory change was made in the applicable sections of West Virginia Code 30-29. Discussions will be carried out with Mr S Compton, Assistant Attorney General who assists the Subcommittee, to determine what changes would be required and what entity should make that request.
30. Agenda Item 20 – LEPSIS and officer training compliance update. Officers will be sent a mailing if they are not up to date on in-service that will let them know their certification will be suspended until training is brought current and they will have to appear before the Subcommittee. Just under half of the certified officers in the state have signed up to be able to directly view their training records.

31. Agenda Item 21 – Informational update referencing the shortage of ammo used for qualification purposes. If the problem continues there may need to be reviewed by the Subcommittee as to the inability of certain departments to have their officers qualify during the 2014 Training Year.
32. Ms Singleton had a question concerning the legislation requiring officers running radar to be certified officers as to the number of Chiefs who were not so certified, serving under the Head of Agency exemption. Retired Captain Sadler responded that he did not know the number involved. He had also been receiving inquiries about the requirement that had gone into effect January 1, 2013 as to the officer having to be certified and to have completed eight hours of training.
33. Agenda Item 22 – The next regularly scheduled LEPS Subcommittee meeting will be held at the Academy's PDC on June 27, 2023.

The May 30, 2013 meeting of the LEPS Subcommittee adjourned at 11:53 a.m. following a motion to do so by Sheriff McComas, seconded by Retired Sgt. Johnson.