

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

December 11, 2014

MEMBERS PRESENT: Sheriff Tom McComas
First Lieutenant James Lee
Retired Chief Steve Stephens

MEMBERS REPRESENTED: Colonel Jay Smithers by
Captain David Lee
Colonel Jerry Jenkins by
Lieutenant Tim Coleman
Chief Ray Fridley by
Chief Brad Rinehart
Retired Lieutenant Steve Walker
By Retired Chief Joe Crawford
Retired Lieutenant Terry Miller
Retired Corporal Dave Gentry

MEMBERS ABSENT: Mayor Robert Newell
Ms. Patti Hamilton
Ms. Marykaye Jacquet

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

The December, 2014 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at 9:11 a.m. by Chair Retired Chief Stephens. There were eight (8) members either present or represented, which represents a quorum of the Subcommittee membership, at the start of, and during, the meeting.

The following actions were taken during this meeting in reference to the agenda items scheduled:

1. Agenda Item 1 – Retired Chief Stephens advised the members that the minutes of the September 25, 2014 meeting, which had not been available for review during the October 30th meeting, and the October 30, 2014 meeting had been provided to them for review. Motion made, Sheriff McComas, seconded, Captain Lee, for the approval of the September 25th and October 30th, 2014 minutes as presented. The motion was approved unanimously with no discussion.
2. Agenda Item 2 – Retired Captain Sadler advised the members that the LEPS Fund Account financial update, dated December 3, 2014, reflected that there was \$640,647.49 available for use within the LEPS Fund. Motion made, Sheriff McComas, seconded, Captain Lee, for the approval of the approval of the LEPS Fund Report as presented. The motion was approved unanimously with no discussion.
3. Agenda Item 3 – Motion made, Sheriff McComas, seconded, Retired Chief Crawford, for the approval of the applications for individuals to be approved as certified law enforcement instructors. Question by Sheriff McComas as to whom the training or qualification the individual from the probation program would be presenting. Retired Captain Sadler advised that it would primarily be to members of the probation program. There was a call for questions by the Chair. The motion was approved unanimously. .
4. Agenda Item 4 –Motion made, Sheriff McComas, seconded, Retired Chief Crawford, the approval of applications for additional areas of expertise to be approved for previously certified law enforcement instructors. The motion was approved unanimously with no discussion.
5. Agenda Item 5A – Motion made, Sheriff McComas, seconded Captain Lee, that the classes listed in the agenda packet be approved for annual in-service credit. The motion was approved unanimously with no discussion.
6. Agenda Item 5B – Motion made, Sheriff McComas, seconded, Captain Lee, that the classes listed in the agenda packet be approved for supervisory in-service credit. The motion was approved unanimously with no discussion.

7. Agenda Item 5C – Motion made Captain Lee, seconded, Sheriff McComas, that the classes listed in the agenda packet be approved for personal in-service credit. The motion was approved unanimously with no discussion.
8. Agenda Item 5D (1) – Motion made, Captain Lee, seconded, First Lieutenant Lee, that the Active Shooter Instructor Class listed in the agenda packet be approved. Sheriff McComas gave the members an over view of how this training was to be presented. No questions were asked. Call for questions by the Chair. The motion was approved unanimously. .
9. Agenda Item 5D (2) – Motion made, Sheriff McComas, seconded, Captain Lee, that the NHTSA Instructor Development class listed in the agenda packet be approved. The motion was approved unanimously with no discussion.
10. At the indication of the Chair that there were personnel related matters to be discussed under Agenda Items 6, 7, 9, 10, 11 and 14, motion made by Sheriff McComas, seconded, Captain Lee, and approved unanimously without discussion for the Subcommittee to go into executive session at 9:21 a.m. Motion made, Sheriff McComas, seconded, Captain Lee, and approved unanimously without discussion for the Subcommittee to come out of executive session at 12:58 p.m, no action having been taken during the executive session on any of the items discussed. The Chair then moved to address, as necessary, the agenda items that had been discussed while in executive session.
11. Agenda Item 6 – Retired Chief Stephens noted that this agenda item had been presented to the members for informational purposes and that no action was required by them concerning it.
12. Agenda Item 7 – Retired Chief Stephens asked the members what action they wished taken concerning this item. Motion made, Sheriff McComas, seconded, Captain Lee, that the concerned officer be approved to continue in the entry level training process. The motion was approved unanimously with no discussion.
13. Agenda Item 8 – Request to attend the Entry Level Training Program as a Private Citizen. There were none. No action required.
14. Agenda Item 9. A. – Retired Chief Stephens noted that Captain Sadler had provided an update on actions taken as to the appeal of an officer's certification revocation by the LEPS Subcommittee members. Presented for informational purposes, no action required.

15. Agenda Item 9. B. – Retired Chief Stephens noted that this agenda item pertained to the criminal plea by an officer with an indicated surrender of his law enforcement officer certification made within the plea, but that a copy of the plea had not been obtained prior to the meeting. Motion made, Sheriff McComas, seconded, Retired Chief Crawford, that action on this agenda item be tabled until a copy of the plea agreement entered into by the officer in question be obtained and presented to the members. The motion was approved unanimously with no further discussion.
16. Agenda Item 9. C. – Retired Chief Stephens asked the members what action they wished taken concerning this agenda item. Motion made, Sheriff McComas, seconded, First Lieutenant Lee, that the Draft Position Statement concerning the revocation action taken during the October 30, 2014 meeting involving Charles R Henning III be approved. The motion was approved unanimously with no discussion.
17. Agenda Item 10. A. – Motion made, Sheriff McComas, seconded, First Lieutenant Lee, to approve the full reactivation of the law enforcement certification of the twenty-eight (28) law enforcement officers listed in the agenda. The motion was approved unanimously with no discussion.
18. Agenda Item 10. B. (1). – Retired Chief Stephens asked the members what action they wished taken concerning this agenda item. Motion made, Sheriff McComas, seconded, Captain Lee, that this reactivation review be tabled until the January 29, 2015 LEPS Subcommittee meeting to allow the necessary information needed for a complete reactivation review to be obtained. The motion was approved unanimously with no discussion.
19. Agenda Item 10. B. (2). – Retired Chief Stephens asked the members what action they wished taken concerning this agenda item. Motion made, Sheriff McComas, seconded, Captain Lee, that this reactivation review be tabled until the January 29, 2015 LEPS Subcommittee meeting to allow the necessary information needed for a complete reactivation review to be obtained. The motion was approved unanimously with no discussion.
20. Agenda Item 10. B. (3). – Retired Chief Stephens asked the members what action they wished taken concerning this agenda item. Motion made, Sheriff McComas, seconded, Captain Lee, that this reactivation review be tabled until the January 29, 2015 LEPS Subcommittee meeting to allow the necessary information needed for a complete reactivation review to be obtained. The motion was approved unanimously with no discussion.
21. Agenda Item 11. A. – Retired Chief Stephens asked the members what action the members wished taken concerning this determination of the required training by this officer for recertification following separation of more than sixty

- (60) months as a West Virginia law enforcement officer. Motion made, Sheriff McComas, seconded, Retired Chief Crawford, to approve this officer to attend the three week recertification program based on a review of his training and employment as a Special Agent with the FBI since he last worked as an officer in this state, scheduled at the PDC during September 2015, to allow his law enforcement certification to be brought fully current. The motion was approved unanimously with no discussion.
22. Agenda Item 11. B. – Retired Chief Stephens asked the members what action the members wished taken concerning this tabled determination from the October 30, 2014 meeting of the required training by this officer for recertification following separation of more than sixty (60) months as a West Virginia law enforcement officer. Motion made, Sheriff McComas, seconded, Captain Lee, to table the Subcommittee’s decision on this officer until the January 29, 2015 meeting so as to allow this officer to appear in person to discuss the information that he had provided in written form for this meeting. The motion was approved unanimously with no discussion.
23. Agenda Item 12 – Equivalent certification program reviews as to decisions made. There were none, no action required.
24. Agenda Item 13– Review of officer’s ability to enter and complete the entry level training program. There were none, no action required.
25. Agenda Item 14 – Retired Chief Stephens asked the members what action they wished taken concerning this item. Motion made, Sheriff McComas, seconded, Retired Chief Crawford, that the request for accommodations by an officer while attend the entry level training program be tabled until the attorney from the West Virginia Attorney General’s Office and the LEPS Unit personnel were able to review the information presented, and information addressing accommodation requests in general, and report back to the members. The motion was approved unanimously with no discussion.
26. Agenda Item 15. A. – Retired Captain Sadler reviewed with the members this funding request from the West Virginia State Police for the operation of the 161st Basic Class which would begin on January 5, 2015. He advised the members that there sufficient funds available within the LEPS Funds to cover the full request and recommended its approval. Motion made, Sheriff McComas, seconded, First Lieutenant Lee, that the request from the West Virginia State Police for \$117,695.63 in funding from the LEPS Fund for the operation of the 161st Basic Class be approved. The motion was approved unanimously with no discussion.
27. Agenda Item 15. B. - Retired Captain Sadler reviewed with the members this funding request from the West Virginia State Police for funding for the

- purchase of ammunition for the firearms training and qualifications for the 161st through 164th Basic Classes. He advised the members that there are sufficient funds available within the LEPS Funds to cover the full request and that by buying bulk for these four classes that the ammunition cost, as the members had done for the last four classes, would be lower than awarding the funding within each Basic Class funding request. As such he recommended its approval. Motion made, Sheriff McComas, seconded, First Lieutenant Lee, that the request from the West Virginia State Police for \$115,465.90 in funding from the LEPS Fund for the purchase of ammunition for the 161st to 164th Basic Classes be approved. The motion was approved unanimously with no discussion.
28. Agenda Item 16 – Retired Captain Sadler provided an update on the Legislative Interim Study addressing the LEPS Fund. He advised the members that no further information had been sought from the Legislature since he had made his presentation Joint Committee on Finance on October 20, 2014 during the legislative interim meeting. There being no questions from the members on the study Retired Chief Stephens asked Retired Captain Sadler to discuss Agenda Item 17.
29. Agenda Item 17 – Retired Captain Sadler provided an update on the Legislative Rule Review’s proposed changes for CSR 149-1 and CSR 149-2 during the 2015 Legislative Session. CSR 149-1 has been final filed with the Secretary of State’s Office as recommended by House Judiciary counsel and took effect December 5, 2014. CSR 149-2 remains in the rule making process. Next action on it will be during the actual 2015 legislative session. There being no questions from the members on the study Retired Chief Stephens asked Retired Captain Sadler to discuss Agenda Item 18.
30. Agenda Item 18 – Retired Captain Sadler and Ms. Mason provided updates on LEPSIS. The program continues to allow the LEPS Unit to properly track and enter information concerning the status of officer in-service training, firearms qualifications and certification status. During the period between this meeting and the January meeting the payment of year 2 of 3 licensing and maintenance fees for LEPSIS with the vendor will be received and processed for payment. He reminded the members that they had previously set aside funds within the LEPS Fund to cover each of the three year periods. There being no questions from the members on the study Retired Chief Stephens asked Retired Captain Sadler to discuss Agenda Item 19.
31. Agenda Item 19 – Review of structure and makeup of the Governor’s Committee on Crime, Delinquency and Corrections (GCCDC) and its respective Subcommittees. Retired Captain Sadler discussed with the members the ongoing discussions and changes being considered within the statutes encompassing the GCCDC and its Subcommittees by Mr. Staton. No

major changes are projected at this time concerning the role and actions of the LEPS Subcommittee. There being no questions from the members on the study Retired Chief Stephens asked Retired Captain Sadler to discuss Agenda Item 20.

32. Agenda Item 20 (A) and (B) Retired Captain Sadler advised the members that this information had been provided to keep them informed on activities being completed on the state and national level concerning the training of military law enforcement personnel. There being no questions from the members on this information Retired Chief Stephens moved to discuss the next agenda item.
33. Agenda Item 21 – Retired Chief Stephens advised the members that they had been provided a schedule of the LEPS Subcommittee meetings during calendar year 2015. He asked them to please note these dates on their respective scheduling calendars.
34. Agenda Item 22 – Reminder to the members that the next scheduled LEPS Subcommittee meeting will be held on Thursday, January 29, 2015 at the WVSP Academy's PDC, at 9:00 a.m.

There being no further agenda items set for discussion a motion was made by Retired Chief Crawford, seconded, Captain Lee to adjourn this meeting. The motion passed unanimously with no discussion. Meeting adjourned at 1:15 p.m.