

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

February 27, 2014

MEMBERS PRESENT: Retired Chief Steve Stephens

MEMBERS REPRESENTED: Colonel Jay Smithers by
Captain David Lee
Colonel David Murphy by
Lieutenant Tim Coleman
Ms. Patti Hamilton by
Mr. Jack McClung
Retired Lieutenant Steve Walker by
Chief Joe Crawford
Retired Sergeant J. L. Johnson for the
West Virginia Human Rights Commission

MEMBERS ABSENT: Sheriff Tom McComas
Mayor Bob Newell
Retired Lieutenant Dave Malcomb
Retired Lieutenant Terry Miller
Public-at-Large position not filled at this time

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

The February 27, 2014 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at 9:11 a.m. by the Chair, Retired Chief Steve Stephens. There were six (6) members either present or represented at the start of the meeting and throughout the meeting. As such a quorum was established and maintained 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, Mr. McClung, seconded, Chief Crawford, to accept the minutes of the January 30, 2014 meeting as presented. The motion was approved unanimously with no discussion.
3. Agenda Item 3 – Retired Captain Sadler informed the Subcommittee that the LEPS Fund balance as of February 21, 2014, as reflected on page 1 of the agenda mailing packet, was \$683,535. There were no questions concerning the fund balance. The report was accepted with the consensus approval of those present.
4. Agenda Item 4 – Motion made, Captain Lee, seconded, Retired Sergeant Johnson, for the approval of the application of the officer listed as a certified law enforcement instructor in the area of expertise listed. The motion was approved unanimously with no discussion.
5. Agenda Item 5 – Motion made, Captain Lee, seconded, Retired Sergeant Johnson, the approval of applications for additional areas of expertise to be approved for previously certified law enforcement instructors listed. The motion was approved unanimously with no discussion.
6. Agenda Item 6A – Motion made, Mr. McClung, seconded, Retired Sergeant Johnson, that the classes listed in the agenda packet be approved for annual in-service credit. The motion was approved unanimously with no discussion.
7. Agenda Item 6B – Motion made, Captain Lee, seconded, Retired Sergeant 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, Chief Crawford, seconded, Retired Sergeant Johnson, that the listed classes in the agenda packet be approved for personal in-service training credit. The motion was approved unanimously with no discussion.
9. Agenda Item 7 – Order to Stop Working. There were none, no action required.
10. At the indication of Retired Chief Stephens that there were personnel related matters to be discussed under Agenda Items 8 through 12 and 15 a motion was made by Chief Crawford, seconded, Captain Lee, and approved unanimously without discussion for the Subcommittee to go into executive session at 9:14 a.m. Motion made, Chief Crawford, seconded, Retired Sergeant Johnson and approved unanimously without discussion for the Subcommittee to come out of executive session at 9:52 a.m.
11. Agenda Item 8 – Retired Chief Stephens noted that as the agency involved concerning this former officer had decided to not employ him that no action was required on this agenda item as to whether his criminal convictions would allow him to attend the entry level training program or not.
12. Agenda Item 9 – Motion made, Mr. McClung, seconded, Chief Crawford, that the former officer involved be approved to attend the entry level training program as a private citizen. The motion was approved unanimously with no discussion.
13. Agenda Item 10A – Officer #1, Motion made, Captain Lee, seconded Chief Crawford, that the Draft Position Statement be approved as reflecting the position and actions of the LEPS Subcommittee members concerning this former officer during the January 30, 2014 meeting. The motion was approved unanimously with no discussion.
14. Agenda Item 10B – Officer #2, Motion made, Chief Crawford, seconded Retired Sergeant Johnson, that as no proof of notice of the certification review to the concerned officer could be provided, that should this former officer attempt to work again as a law enforcement officer in this state, that he not be allowed to do so until a certification review was completed addressing the facts involving the matter on today's agenda. The motion was approved unanimously with no discussion.

15. Agenda Item 10C – Officer #3, Motion made, Chief Crawford, seconded Retired Sergeant Johnson, that the West Virginia law enforcement certification of the involved officer be revoked as a result of the circumstances surrounding his criminal matter and that a Position Statement be prepared concerning this action. The motion was approved unanimously with no discussion.
16. Agenda Item 10D – Officer #4, Motion made, Chief Crawford, seconded Retired Sergeant Johnson, that the surrender of the West Virginia law enforcement certification of the involved officer be accepted as a result of the circumstances surrounding his criminal matter and that a Position Statement be prepared concerning this action. The motion was approved unanimously with no discussion.
17. Agenda Item 11A – Motion made, Chief Crawford, seconded, Retired Sergeant Johnson, to approve the full reactivation of the law enforcement officers listed in the agenda packet. This motion was approved unanimously, with no discussion, to allow full reactivation of the certification of the listed eight (8) officers.
18. Agenda Item 11B – Reactivation reviews where the officer had left prior agency under circumstances requiring review before officer could be employed. Retired Chief Stephens advised that there were no such reviews for this meeting, no action required.
19. Agenda Item 12 – Determination of required training for recertification following separation of more than sixty (60) months as a West Virginia law enforcement officer. Retired Chief Stephens noted that as the agency involved concerning this former officer had not employed him that no action was required on this agenda item at this time. Presented for informational purposes.
20. Agenda Item 13 – Equivalent certification program reviews as to decisions made. There were none, no action required.
21. Agenda Item 14 – Review of officer's ability to be able to complete Academy based on medical related issues/excuses prior to attending classes. There were none, no action required.
22. Agenda Item 15 – Subpoena response presented for informational purposes only. Due to the amount and type of information requested the response had been prepared with the assistance of the Attorney General who represents the LEPS Program and DJCS. No action required.

23. Agenda Item 16 – As to the legislative update Retired Captain Sadler advised that action was proceeding without any issue concerning filed changes to Legislative Rule 149-2 and the concurrent resolution to study the LEPS Fund. There were no questions concerning either.
24. Agenda Item 17 – LEPSIS (Law Enforcement Professional Standards Information System) Program update was provided by Retired Captain Sadler. He noted that the system continues to be working well and to be well received by the officers and training administrators using it. He is continuing to work with representatives of the State Purchasing Office and Envisage Technologies to have applicable enhancement features completed on the software. There were no questions concerning LEPSIS.
25. Agenda Item 18 – Retired Captain Sadler reminded the members of the scheduled legislative rule review, to be followed by the regular monthly Subcommittee meeting, at Stonewall Resort April 22-24, 2014. Member attendance is necessary to identify and start the legislative rule review process for the 2015 legislative session and for a quorum to be present during the monthly meeting on April 24, 2014.
26. Agenda Item 19 – The next scheduled LEPS Subcommittee meeting is on March 27, 2014 at the PDC.

There being no further agenda items set for discussion a motion was made by Captain Lee, seconded, Chief Crawford, to adjourn this meeting. Meeting adjourned at 10:02 a.m.