

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

**March 27, 2014**

MEMBERS PRESENT: Sheriff Tom McComas  
Retired Chief Steve Stephens  
Retired Lieutenant Dave Malcomb  
Retired Lieutenant Steve Walker  
Retired Lieutenant Terry Miller  
Ms. Patti Hamilton

MEMBERS REPRESENTED: Colonel Jay Smithers by  
Captain David Lee  
Colonel David Murphy by  
Lieutenant Tim Coleman  
Chief Ray Fridley by  
Chief Brad Rinehart  
Retired Sergeant J. L. Johnson for the  
WV Human Rights Commission

ABSENT: Mayor Robert Newell

GUEST: Sergeant Joseph Portaro  
Retired Corporal Dave Gentry

STAFF: Retired Captain Chuck Sadler  
Ms. Kimberly Mason  
Ms. Judy Strickland

The March 27, 2014 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at 9:03 a.m. by the Chair, Retired Chief Steve Stephens. There were ten (10) members either present or represented at the start of the meeting. Ms. Hamilton left the meeting at 12:03 p.m. due to a prior commitment after the members came out of executive session at 11:52 a.m.

Chief Brad Rinehart, South Charleston Police Department was present at this meeting for the first time as the proxy for Chief Ray Fridley. He will be continuing to represent the West Virginia Chiefs Association for Chief Fridley.

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 Sergeant Johnson to accept the minutes of the February 27, 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 March 28, 2014, as reflected on page 1 of the agenda mailing packet, was \$722,048.49. There were no questions concerning the fund balance. Motion made, Sheriff McComas, seconded, Captain Lee, to accept the minutes as presented. The motion was approved unanimously with no discussion.
4. Agenda Item 4 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, for the approval of the applications for individuals to be approved as certified law enforcement instructors. The motion was approved unanimously with no discussion.
5. 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. Discussion followed. Retired Lieutenant Walker questioned the qualifications of one of the officers on the list in his area of expertise. He asked that the motion be rescinded and tabled until the Subcommittee requests, receives, and reviews a course outline of this course from the instructor. Sheriff McComas made a motion to rescind his original motion and accept the list with the exception of the officer in question. Retired Sergeant Johnson refused to rescind his second to the original motion. Sheriff McComas rescinded his second motion and requested to table the discussion until Subcommittee goes into executive session. It was the consensus approval of those present to table the discussion until such time that the Subcommittee

goes into executive session as the discussion on Retired Lieutenant Walker's question involved personnel related issues.

6. Agenda Item 6A – Motion made Sheriff McComas, seconded, Retired Lieutenant Miller 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, Sheriff McComas, 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, Sheriff McComas, 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 6D – Retired Lieutenant Don Underwood, former WVSP Trooper and a former Basic Instructor Development Course lead instructor still certified to teach in that area of expertise, and F/Sergeant Richard Dorsey, West Virginia Regional Jail and Corrections Authority, appeared before the Subcommittee and presented an overview of the West Virginia Regional Jail and Correctional Facility Authority DMAPS Training for Trainers (Instructor Development) Course to be considered as meeting the criteria for the Basic Instructor Development Course and be approved for in-service for any law enforcement officer that is seeking certification as a law enforcement officer. There were questions and discussion by the members as to training programs they were interested in having their instructors become involved in and the applicability of these courses to law enforcement officers. They were interested in opening classes to law enforcement officers where the skills/subjects being presented would benefit the officers in carrying out their job responsibilities. Chair, Retired Chief Stephens suggested to Retired Lieutenant Underwood that he meet with Sergeant Portaro, Deputy Director of Training at the Academy, to prepare a curriculum and then submit it to the Subcommittee. Once it is reviewed by the Subcommittee and it is determined that both groups are working with the same criteria, the Subcommittee will take action in deciding whether or not to approve the program from RJA DMAPS. It was the consensus agreement of the members that this recommendation be carried out.
10. Agenda Item 6E – Retired Captain Steve Cogar, a retired WVSP Trooper and former Director of Training at the Academy, appeared before the Subcommittee with a presentation requesting consideration of approval of Wood Badge Leadership Program, a six day Boy Scout adult leader training

management program, to be approved for in-service credit, annual and supervisory. The cost of the training is \$274.00 for the entire course. He stated that this program basically teaches leadership, discipline, motivation, and decision making. Retired Captain Cogar informed the Subcommittee that based on the rank of the officer, this training can be used as annual or supervisory based training, but that anyone could take the course. Retired Captain Cogar told the Subcommittee that law enforcement officers have participated in the course. Retired Captain Sadler said that he recommended consideration of the approval of this training. Captain Lee asked Retired Captain Cogar to submit the appropriate paperwork to Retired Captain Sadler. There was strong consensus approval for an application be submitted to secure the approval of this leadership course for in-service.

11. At the indication of Retired Chief Stephens that there were personnel related matters to be discussed under Agenda Items 7, 8, 11A, 11B, 11C, 12A, 12B, 13A, 13B, and 16 a motion was made by Sheriff McComas, seconded, Retired Sergeant Johnson, and approved unanimously without discussion, for the Subcommittee to go into executive session at 10:15 a.m. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, and approved unanimously without discussion, for the Subcommittee to come out of executive session at 11:52 a.m.
12. Agenda Item 7 – Retired Chief Stephens advised the members that Supervisory Deputy Attorney General Marty Wright, who now represents DJCS and the LEPS Subcommittee, would provide a procedural guide to be presented to officers appearing before the Subcommittee on how their reviews would be conducted.
13. Agenda Item 8 – Motion made, Sheriff McComas, seconded, Retired Lieutenant Walker that Academy staff review the application paperwork submitted by the involved officer, and if it is all complete, that the stop work order will be lifted. The motion was approved unanimously with no further discussion.
14. Agenda Item 9 – Criminal conviction records as to applicants for entry level training program. There were none, no action required.
15. Agenda Item 10 – Request to attend the entry level training program as a private citizen. There were none, no action required.
16. Agenda Item 11A – Certification Reviews – Officer #1 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, to approve draft position statement prepared by Retired Captain Sadler as to acceptance of surrender of this officer's certification.

17. Agenda Item 11B – At the February 27, 2014 meeting the Subcommittee voted to revoke Officer #2's certification and requested that Retired Captain Sadler draft a position statement. Afterward it was determined that the former officer did not receive notice due to an incorrect address on file with DJCS. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, to rescind that revocation until such a time that former officer could be notified or if he attempted to gain employment as a law enforcement officer he would be denied and a certification review and reactivation review would be set at that time. The motion was approved unanimously.
18. Agenda Item 11C – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that even though this former officer was now incarcerated due to his criminal action that notice be sent to him and his attorney that a certification review was being set for the April 24, 2014 Subcommittee meeting. Motion approved unanimously without discussion.
19. Agenda Item 12A – Motion made, Captain Lee, seconded, Retired Sergeant Johnson, to approve the full reactivation of the law enforcement officers listed in the agenda. The motion was approved unanimously, with no discussion.
20. Agenda Item 12B – Motion made, Retired Lieutenant Malcomb, seconded, Sheriff McComas, that his certification to be fully reactivated and to allow this officer to attend the three-week recertification class in September 2014 to bring his certification current. Motion approved unanimously without discussion.
21. Agenda Item 13A – This officer, Officer #1, is the same officer involved in Agenda Item 12B. Matter as to training to be completed addressed in motion made/approved under Agenda item 12B.
22. Agenda Item 13B – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, to allow this former officer to participate in the 3-week recertification class in September 2014 based on length of absence and law enforcement related work during absence. The motion was approved unanimously without discussion.
23. Agenda Item 14 – Presented for informational purposes to show your approval of officer to be in equivalent certification program. There were none, no action required.
24. Agenda Item 15 – Review of officer's ability to enter and complete the entry level training program. There were none, no action required.

25. Agenda Item 16 – Presented for informational purposes as to subpoena duces tecum. AG Wright working with lawyer to determine what will be provided.
26. Agenda Item 17 – Motion made, Captain Lee, seconded by Sheriff McComas, to approve the list of graduates of the 63<sup>rd</sup> Cadet Class as certified West Virginia law enforcement officers. The motion was approved unanimously without discussion.
27. Agenda Item 18A – Informational purposes to make the members aware of action from 2014 legislative session in regards to the LEPS Subcommittee.
28. Agenda Item 18B – Concurrent resolution addressing LEPS Fund study. DJCS and LEPS unit personnel will be working with legislative staff to schedule and participate in this study.
29. Agenda Item 19 – Ms. Mason provided the Subcommittee with a LEPSIS Program Update.
30. Agenda Item 20 – Consideration of three (3) impending funding requests in support of entry level training programs at the Academy. Two basic training classes – 158<sup>th</sup> Basic Class Program and 159<sup>th</sup> Basic Class Program, and the staff positions at the Academy. Captain Lee advised that the applications for these programs were being worked on for submission and approval.
31. Agenda Item 21 – Presented for informational purposes. The five (5) vacancies on the Subcommittee have been filled. Letters signed by Cabinet Secretary Joe Thornton were mailed to the five (5) appointees.
32. Agenda Item 22 – Presented for informational purposes. On Tuesday, May 13, 2014 there will be a West Virginia Law Enforcement Memorial Ceremony at the State Capitol Complex at 8:00 p.m. This event is being coordinated to take place in conjunction with the National Law Enforcement Memorial Candle light Ceremony being held in Washington, DC during the same time frame. There will be a wreath laying at the Fallen Partner memorial Statue at 7:00 a.m. Then at 8:00 p.m. there will be a memorial observance on Kanawha Boulevard side of the Capitol steps.
33. Agenda Item 23 – Legislative Rule review is set for April 22-23, 2014 at Stonewall Resort beginning at 12 noon on the 22<sup>nd</sup>.
34. Agenda Item 24 – The next scheduled LEPS Subcommittee meeting is April 24, 2014 at Stonewall Resort following the Legislative Rule review on April 22<sup>nd</sup> and 23<sup>rd</sup>.

There being no further agenda items set for discussion a motion was made by Captain Lee, seconded, Sheriff McComas to adjourn this meeting. Meeting adjourned at approximately 12:10 p.m.