

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

October 30, 2014

MEMBERS PRESENT: Sheriff Tom McComas
Mayor Robert Newell
First Lieutenant James Lee
Retired Chief Steve Stephens
Retired Lieutenant Steve Walker
Ms. Patti Hamilton

MEMBERS REPRESENTED: Colonel Jay Smithers by
Captain David Lee
Chief Ray Fridley by
Chief Brad Rinehart
Retired Lieutenant Terry Miller
Retired Corporal Dave Gentry
Ms. Marykaye Jacquet by
Retired Sergeant J. L. Johnson

MEMBERS ABSENT: Colonel Jerry Jenkins

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

The October 30, 2014 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at **9:07** a.m. by Chair Retired Chief Stephens. There were ten (10) members either present or represented at the start of the meeting.

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

1. Agenda Item 1 – Retired Captain Sadler advised the members that the minutes from the September 25, 2014 LEPS Subcommittee meeting were not available. They will be available for review and action, along with the minutes of this meeting, at the December 11, 2014 meeting.
2. Agenda Item 2 – Retired Captain Sadler advised the members that the LEPS Fund Account financial update was not available due to staffing change in the DJCS accounting section. The update will be available at the December 11, 2014 meeting.
3. Agenda Item 3 – 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.
4. Agenda Item 4 – 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. The motion was approved unanimously with no discussion.
5. Agenda Item 5A – Motion made, Sheriff McComas, 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.
6. Agenda Item 5B – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, 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 Sheriff McComas, seconded, Retired Sergeant Johnson, 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, Sheriff McComas, seconded, Retired Sergeant Johnson, that the Train the Trainer Taser Instructor Class listed in

the agenda packet be approved. The motion was approved unanimously with no discussion.

9. Agenda Item 5D (2) – Motion made, Captain Lee, seconded, Sheriff McComas, that the Critical Incident Peer Support for Law Enforcement 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 6A, 6B, 9, 10A, and 11, motion made by Sheriff McComas, seconded, Retired Sergeant Johnson, and approved unanimously without discussion for the Subcommittee to go into executive session at 9:18 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 10:02 a.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 6A – Officer #1 issued a Stop Work Order because the required application and medical documentation had not been submitted to the Academy within the 90-day time frame. Presented for informational purposes, no action required.
12. Agenda Item 6B (1) – This officer had completed the in-service he needed to to bring his certification current for the 2014 Training Year. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the Stop Work Order in effect on this officer be lifted. The motion was approved unanimously with no further discussion.
13. Agenda Item 6B (2) – This officer had completed required in-service training and firearms qualification to bring both current for the 2014 Training Year period. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson that that the Stop Work Order in place in effect on this officer be lifted as to his certification status. Discussion following the motion of the importance of all officers, to include heads of agencies, keeping their certifications current. The importance of this will be relayed to this officer. The motion was approved unanimously with no further discussion.
14. Agenda Item 6B (3) – Presented for informational purposes, no action required concerning this officer.
15. Agenda Item 7 – Criminal Conviction Records as to Applicants for Entry Level Training Program. There were none. No action required.

16. Agenda Item 8 – Request to attend the Entry Level Training Program as a Private Citizen. There were none. No action required.
17. Agenda Item 9. A. – Retired Captain Sadler 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.
18. Agenda Item 9. B. – Certification revocation review as a result of plea and subsequent conviction of this former officer to multiple criminal charges. Motion made, Retired Lieutenant Walker, seconded, First Lieutenant Lee, that this officer's law enforcement certification be revoked. The motion was approved unanimously with no further discussion.
19. Agenda Item 10A. – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, to approve the full reactivation of the law enforcement certification of the twenty-one (21) law enforcement officers listed in the agenda. The motion was approved unanimously with no discussion.
20. Agenda Item 10B – Review of reactivation requests where officer left prior agency with standing in question. There were none, no action required.
21. Agenda Item 11 – Determination of required training for recertification following separation of more than sixty (60) months as a West Virginia law enforcement officer. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, to table the Subcommittee's decision on this officer pending submission of additional training records for review at the December 11, 2014 meeting. The motion was approved unanimously with no discussion.
22. Agenda Item 12 – Equivalent certification program reviews as to decisions made. There were none, no action required.
23. Agenda Item 13– Review of officer's ability to enter and complete the entry level training program. There were none, no action required.
24. Agenda Item 14 – Motion made, First Lieutenant Lee, seconded, Retired Sergeant Johnson, that the officers who graduated from 159th Basic Class be approved for certification as West Virginia law enforcement officers. The motion was approved unanimously with no discussion.
25. Agenda Item 15 –Retired Captain Sadler provided an update on the officers flagged as not meeting 2014 training year requirements. Final Stop Work Order (SWO) will be issued for any officers who have still not completed their required in-service and/or firearms qualifications and officers will be required to appear before the LEPS Subcommittee requesting that the SWO be lifted.

26. Agenda Item 16 – Retired Captain Sadler provided an update on the Legislative Interim Study addressing the LEPS Fund. He informed the Subcommittee that a financial packet outlining the LEPS Fund, its current collection and expenditure rate, was presented to each member of the Joint Committee on Finance on October 20, 2014 during the legislative interim meeting. He explained to the Committee that this fund is projected to have a negative balance by August 2017 if additional funding is not made available. No questions were asked during the meeting and no follow up has been made the joint committee staff since the presentation. A general discussion followed at that point of the meeting following the use of contracts by agencies to minimize the chance that an officer will leave an agency after completion of the Academy and if they do that the contract will obligate them to reimbursement to the department for the costs of sending them to the Academy. Some departments in the state already use such contracts. No action was required to be taken by the members concerning this agenda item as it was presented for informational purposes.
27. 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 no further action is required concerning it. CSR 149-2 remains in the rule making process. Next action on it will be during the actual 2015 legislative session.
28. 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. The “one class” enhancement feature, which will allow easier entry and posting of in-service related training classes, is now functional.
29. Agenda Item 19 – Mailing with reference to the Physical Aptitude Testing (PAT) standards changes. Provided for informational purposes, no action required. These standards in place now and will be in effect with the PAT for any future entry level training class.
30. Agenda Item 20 – 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 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. Any recommended changes that will be made will be

submitted to the LEPS Subcommittee members for review and approval prior to consideration by the Legislature.

31. Agenda Item 21 (A) to (C) This information was provided to make members aware of information that had been sought concerning officers from LEPSIS and response of the LEPS Unit on each. No action required on these, presented for informational purposes.
32. Agenda Item 21 (A) – The response to a subpoena requesting LEPSIS officer records.
33. Agenda Item 21 (B) – The response to a Freedom of Information Act (FOIA) requesting verification of two (2) officers' certifications as West Virginia law enforcement officers.
34. Agenda Item 21 (C) – The response to a private citizen complaint referencing the hiring of a police chief and town policy. Information was forwarded to individual referring the individual to the town and agency in question as the requested action/review is not under the scope of the LEPS Unit oversight.
35. Agenda Item 22 – Reminder to the members that the next scheduled LEPS Subcommittee meeting will be held on Thursday, December 11, 2014 at the WVSP Academy's PDC, at 9:00 a.m.

Retired Lieutenant Walker advised that he is working with the Governor's staff concerning a reception in the Governor's Reception area on November 24th at 5:00 p.m. Emergency response teams – fire departments, police departments, and emergency medical service members, will be recognized as part of this reception and he asked for the assistance of the Subcommittee members in identifying officers who could be present at the meeting. Chief Rinehart and Sheriff McComas advised that they would assist him on this request.

Retired Lieutenant Walker provided an update on the discussions by the National FOP's Executive Board concerning the call for body cameras to be worn by all law enforcement officers and the development of recommended guidelines and a policy concerning their use. That Board recognizes and supports officer safety initiatives, but wants to insure that the privacy and other rights of both the officers and the citizens they come in contact will be upheld by any implemented policy and use requirements. As a draft policy is developed he will forward it n to the Subcommittee members.

There being no further agenda items set for discussion a motion was made by Sheriff McComas, seconded, Retired Sergeant Johnson to adjourn this meeting. The motion passed unanimously with no discussion. Meeting adjourned at 10:46 a.m.