

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

**September 25, 2014**

MEMBERS PRESENT: Colonel Jerry Jenkins  
Sheriff Tom McComas  
Retired Chief Steve Stephens  
Retired Lieutenant Steve Walker

MEMBERS REPRESENTED: First Lieutenant James Lee by  
First Sergeant Aaron Nicholas  
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 Jay Smithers/Captain David Lee  
Mayor Robert Newell  
Ms. Patti Hamilton

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

The September 25, 2014 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at 9:09 a.m. by the Chair, Retired Chief Stephens. There were eight (8) members either present or represented at the start of the meeting. Chief Rinehart left the meeting at 9:54 a.m. due to a prior appointment.

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

1. Agenda Item 1 – Consideration of the minutes of the August 28, 2014 LEPS Subcommittee meeting. Motion made, Retired Lieutenant Walker, seconded, Retired Sergeant Johnson, to approve the minutes as presented. The motion was approved unanimously with no discussion.
2. Agenda Item 2 –LEPS Fund Account financial update was provided by Retired Captain Sadler. He noted that the balance as reflected on the report, page 1 of the agenda packet as of September 16, 2014 was \$690,370.79 Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, to accept report as given. The motion was approved unanimously with no discussion.
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-serviced credit. The motion was approved unanimously with no discussion.

8. Agenda Item 5D – Listing of annual, supervisory, and personal in-service training credit classes that met the criteria for approval and were acted on during the August 28, 2014 meeting. Presented for informational purposes.
9. Agenda Item 5E-1 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the Train the Trainer Basic Instructor Development Course listed in the agenda packet be approved. The motion was approved unanimously with no discussion.
10. Agenda Item 5E-2 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the FBI Law Enforcement Instructor School/Instructor Development Course listed in the agenda packet be approved. Discussion followed. Sheriff McComas recommended that this training be approved as long as the curriculum does not change. The motion was approved unanimously with no further discussion.
11. Agenda Item 5E-3 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the Taser Instructor Course listed in the agenda packet be approved. The motion was approved unanimously with no discussion.
12. Agenda Item 6 – Order to Stop Working. There were none. No action required.
13. At the indication of the Chair that there were personnel related matters to be discussed under Agenda Items 7, 9, 10A, 10B, 12, 14, and 15, motion made by Sheriff McComas, seconded, Retired Sergeant Johnson, and approved unanimously without discussion for the Subcommittee to go into executive session at 9:15 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 10:08 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, agenda item 7 on.
14. Agenda Item 7 – Officer and department representative had appeared before the Subcommittee for review of a prior criminal conviction who was seeking approval to attend the entry level training program. Motion made, Retired Lieutenant Walker, seconded, Retired Sergeant Johnson, that this officer be approved to attend basic entry level training program. . The motion was approved unanimously with no discussion.
15. Agenda Item 8 – Request to attend the Entry Level Training Program as a Private Citizen. There were none. No action required.

16. Agenda Item 9 – Supervisory Deputy Attorney General Wright had given the Subcommittee members an update on a prior action by the Subcommittee members relating to officer's formal appeal, hearing and review related to the revocation of his certification as an officer in this state. Presented for informational purposes, no action required.
17. Agenda Item 10A. – Concerned the review for reactivation of officer certifications of officers who had left their prior employment without any issue and had been employed by another West Virginia law enforcement agency. Motion made, Sheriff McComas, 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 to allow full reactivation for the eighteen officers listed.
18. Agenda Item 10B – Review of reactivation requests where officer left prior agency with standing in question. There were none, no action required.
19. Agenda Item 11 – Determination of required training for recertification following separation of more than sixty (60) months as a West Virginia law enforcement officer. There were none, no action required.
20. Agenda Item 12 – Equivalent certification program reviews as to decisions made. This officer has been recommended and approved by the Equivalent Certification Review Committee to participate in the equivalent certification process by attending the three (3) week training scheduled for September 2015 in order to gain certification as a West Virginia law enforcement officer. Presented for informational purposes. No action required.
21. Agenda Item 13– Review of officer's ability to enter and complete the entry level training program. There were none, no action required.
22. Agenda Item 14 – Supervisory Deputy Attorney General Wright made a presentation concerning the effect and weight to be considered/given to Police Civil Service Commission and Court related rulings by the LEPS Subcommittee concerning law enforcement officer's certification related reviews/actions they had/would be conducting.
23. Agenda Item 15 –Retired Captain Sadler provided an update on the officers flagged as not meeting 2014 training year requirements. Fourteen officers were sent correspondence. Compliance checks have been put back in place for those officers who met their training requirements before the September 30, 2014 deadline. Those officers who did not meet the September 30<sup>th</sup> deadline were issued Stop Work Orders, as approved during the August Subcommittee meeting, and, once they meet their training and/or qualification

requirements for that time frame, will be required to appear before the LEPS Subcommittee requesting that the Stop Work Order be lifted.

24. Agenda Item 16 – Retired Captain Sadler provided an update on the Legislative Interim Study referencing the LEPS Fund. He indicated that from Finance Committee staff indications he had received it appeared that the study would be began during the October interim meetings. As additional information was provided to him by the legislative staff he would forward it on to the Subcommittee members.
25. 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. The rules review was progressing as they should be at this point of the process.
26. Agenda Item 18 – Retired Captain Sadler provided an update on LEPSIS. He told the Subcommittee about a problem that the portal users had encountered when entering training and qualification related data. He said an enhancement feature had been added relating to the “type ahead” capability that had caused the problem and noted the problem has been resolved by the vendor.
27. Agenda Item 19 – Retired Captain Sadler informed the Subcommittee that Director Staton is working with the Office of Technology to purchase iPads to be used by the various Subcommittees of the Governor’s Committee on Crime, Delinquency and Corrections. The devices would be loaded with the applicable agenda/support items for each of the Subcommittee meetings and brought to the meetings by the DJCS support person working with that Subcommittee for use during that meeting. Electronic versions of the agenda/support items would continue to be sent to the members prior to each meeting. Once the meeting was over the device would have that material deleted.
28. Agenda Item 20 – Retired Captain Sadler informed the Subcommittee that Director Staton is working through Secretary Thornton’s office and the Governor’s Office in reviewing the structure and makeup of the Governor’s Committee on Crime, Delinquency and Corrections (GCCDC) and its respective Subcommittees. Such changes would have to be made through the statutes relating to the overall GCCDC and the respective Subcommittees. The projected changes in relation to the LEPS Subcommittee are minimal at this time. Before any formal request is submitted concerning these changes they will be presented for review and consideration by the LEPS Subcommittee.

29. Agenda Item 21-A – General correspondence showing PAT Failures with the beginning of the 160<sup>th</sup> Basic Class and actions taken by the LEPS Unit personnel. Provided for informational purposes, no action required.
30. Agenda Item 21-B – General correspondence showing the 160<sup>th</sup> Basic Class resignations and actions taken by the LEPS Unit personnel. Provided for informational purposes, no action required.
31. Agenda Item 22 – Reminder to the members that the next scheduled LEPS Subcommittee meeting will be held on Thursday, October 30, 2014 at the WVSP Training Academy PDC, at 9:00 a.m.

Retired Lieutenant Walker informed the Subcommittee that he had been involved in discussions at a recent National Fraternal Order of Police (FOP) as to the federal government considering the issuance of a mandate for all law enforcement officers to wear body cameras that will record interactions between the officers and the public. The FOP is involved in the review of the enactment of such a requirement and the implications of such a mandate as to items such as costs to provide, what the system requirements/capabilities would be, vendor availability, storage or recordings, when the devices will have to be on, privacy issues, etc. He told the Subcommittee that there is going to be a webinar on October 9<sup>th</sup> at 3:00 p.m. He provided a website ([www.1.gotomeeting.com/join/6313785771/106993843](http://www.1.gotomeeting.com/join/6313785771/106993843)) and a phone number (415-655-0051, access code 411700801, ID#631378577) for those interested in further information.

There being no further agenda items set for discussion a motion was made by Retired Lieutenant Walker, seconded, Retired Sergeant Johnson to adjourn this meeting. Meeting adjourned at 10:26 a.m.