

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

December 10, 2015

MEMBERS PRESENT: Colonel Jerry Jenkins
Sheriff Tom McComas
Mayor John Manchester
Chief Steve Walker
First Lieutenant James Lee
Retired Chief Steve Stephens

MEMBERS REPRESENTED: Colonel Jay Smithers by
Captain David Lee
Chief Ray Fridley by
Chief Brad Rinehart
Retired Lieutenant Terry Miller by
Retired Corporal Dave Gentry
Ms. Patti Hamilton by
Mr. Jack McClung

MEMBERS ABSENT: Ms. Marykaye Jacquet

STAFF: Retired Captain Chuck Sadler
Ms. Kimberly Mason
Ms. Leslie Boggess
Ms. Judy Strickland
Ms. Celeste Webb-Barber

The December 10, 2015 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at 9:04 a.m. by the Chair, Retired Chief Stephens. There were ten (10) 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 – Consideration of the minutes from the October 29, 2015 meeting. Motion made, Sheriff McComas, seconded, Chief Rinehart, to accept the minutes as presented. The motion was approved unanimously.
2. Agenda Item 2 – Retired Captain Sadler provided the LEPS Fund Account financial update dated November 30, 2015 which reflected a balance of \$55,739.69. This amount was with all the Basic Classes being approved and funding for them obligated through the 168th Basic Class. This funds all of the entry level training classes through the 2016 calendar year. He also noted that the next major funding request would be received during May or June 2016 for the FY17 funding application for the salaries for the five civilian support staff positions at the Academy regularly approved in the past by the members. The LEPS Fund should be at a level to meet this projected \$225,000 request by the submission of that application. . Retired Captain Sadler further informed the Subcommittee members that DJCS is seeking an increase from \$2 to \$10 for the LEPS Fund as part of the Governor’s legislation packet. He stated that while we are aware of the state’s financial situation this makes any consideration of such a request and its approval difficult, however, it must be addressed as fund balance continues to remain severely underfunded. Motion made, Sheriff McComas, seconded, First Lieutenant Lee to accept the report as presented. The motion was approved unanimously.
3. Agenda Item 3A – Motion made, Sheriff McComas, seconded, Mr. McClung, for the approval of applications of individuals listed as certified law enforcement instructors in the areas of expertise listed. The motion was approved unanimously with no discussion.
4. Agenda Item 3B – Correspondence addressing individual not recommended for approval as a certified law enforcement instructor until additional 16 hours of related training submitted. Presented for informational purposes only. No action taken.
5. Agenda Item 4 –Motion made, Sheriff McComas, seconded, First Lieutenant Lee for 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.

6. Agenda Item 5A – Motion made, Sheriff McComas, seconded First Lieutenant Lee, 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 5B – Motion made, Captain Lee, seconded, Sheriff McComas, that the classes listed in the agenda packet be approved for supervisory in-service credit. The motion was approved unanimously with no discussion.
8. Agenda Item 5C – Motion made Sheriff McComas, seconded, First Lieutenant Lee, that the classes listed in the agenda packet be approved for personal in-service credit. The motion was approved unanimously with no discussion.
9. Agenda Item 5D – Consideration of Train the Trainer Courses. None presented. No action required.
10. Agenda Item 5E – Notice of consideration of class that is not being approved for in-service training hours as the instructor is not a certified instructor in West Virginia. Department understands that officers will not receive in-service credit, just the knowledge of how to use the equipment being trained on. Presented for informational purposes only. No action required.
11. At the indication of the Chair that there were personnel related matters to be discussed under Agenda Items 7 through 10. Motion made by Sheriff McComas, seconded, Captain Lee, and approved unanimously without discussion for the Subcommittee to go into executive session at 9:11 a.m. The members took a break from 10:30 am to 10:43 a.m. Motion made, Sheriff McComas, seconded, Captain Lee, and approved unanimously without discussion for the Subcommittee to come out of executive session at 11:34 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.
12. Agenda Item 6 – Order to Stop Working. Presented for informational purposes, no action required.
13. Agenda Item 7 – This officer had appeared before the Subcommittee due to a prior criminal conviction requesting approval to attend the basic entry level training program. Motion made, Captain Lee, seconded, Retired Corporal Gentry, to allow this officer to attend the basic entry level certification training program at the Academy. The motion was approved unanimously without any discussion.

14. Agenda Item 8A – Officer #1 - Information was presented concerning this former officer who had started a previous entry level training class, but had left for personal related reasons. In that it has been more than twenty-four (24) months since he left that class, and in line with prior actions of the Subcommittee members concerning individuals with the same circumstances, he had been advised by Retired Captain Sadler that he could now once again be hired as an officer in this state and be sent to the Academy by that department. Presented for informational purposes only. No action required.
15. Agenda Item 8B – Officer #2 - Information was presented concerning this former officer who had started a previous entry level training class, but had left for personal related reasons. In that it has been more than twenty-four (24) months since he left that class, and in line with prior actions of the Subcommittee members concerning individuals with the same circumstances, he had been advised by Retired Captain Sadler that he could now once again be hired as an officer in this state and be sent to the Academy by that department. Presented for informational purposes only. No action required.
16. Agenda Item 9A – Officer 1 – Retired Captain Sadler provided an update on the hearing to be scheduled on the appeal of prior decision by the members not to reactivate this officer’s certification. Presented for informational purposes only. No action required.
17. Agenda Item 9B – Officer 2 – Retired Captain Sadler provided an update that hearing is set for review by Mr. Maxwell and recommended findings will be submitted to Mr. Staton for a decision to be made on this appeal. Presented for informational purposes only. No action required.
18. Agenda Item 9C – Officer 3 – Retired Captain Sadler provided an update on appeal of decision by Mr. Staton to the Circuit Court level. Ms. Webb-Barber is scheduling meeting as to action to be taken. Presented for informational purposes only. No action required.
19. Agenda Item 9D – Officer 4 – Retired Captain Sadler provided an update on this appeal at the Circuit Court level. Ms. Webb-Barber is awaiting filing of petition from counsel. Presented for informational purposes only. No action required.
20. Agenda Item 9E – Officer 5 – Motion made, Sheriff McComas, seconded, F/Lieutenant Lee, to approve the Draft Position Statement addressing the certification surrender acceptance that occurred during the October 29, 2015 meeting. The motion was approved unanimously with no discussion.
21. Agenda Item 10A – Motion made, Sheriff McComas, seconded, Chief Walker, to approve the full reactivation of the law enforcement certification of the

- twelve (12) law enforcement officers listed in the agenda packet. The motion was approved unanimously with no discussion.
22. Agenda Item 10.B(1) – Officer #1 – This officer appeared before the Subcommittee requesting reactivation of their law enforcement certification in order to be allowed to work as a law enforcement officer once again. Motion made, Chief Walker, seconded, Mr. McClung, that this officer’s certification be fully reactivated. Retired Corporal Gentry abstained from voting. The motion was approved with no further discussion.
 23. Agenda Item 10B2 – Officer #2 – Tabled from April 2014 LEPS meeting. This officer appeared before the Subcommittee requesting review of certification reactivation where he had left prior agency with standing in question. Discussion followed. Mayor Manchester asked if there should be a motion to put this back on the agenda and then voted on since it had been tabled from the April 2014 LEPS meeting. Discussion followed. Motion made, Chief Walker, seconded, Captain Lee to place this officer’s tabled request for reactivation of his certification back on agenda. The motion was approved unanimously without any discussion. Motion made Chief Walker, seconded, Captain Lee that this officer’s certification not be reactivated based on the circumstances involved in his resignation and that a Position Statement be drafted pertaining to this action that the members had approved. The motion was approved unanimously with no further discussion.
 24. 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.
 25. Agenda Item 12 – Equivalent certification program reviews as to decisions made. Presented for informational purposes, no action required.
 26. Agenda Item 13 – review of officer’s ability to enter and complete the entry level training program. There were none, no action required.
 27. Agenda Item 14 – Request by an officer for accommodations relating to attendance in the entry level training program. There were none, no action required.
 28. Agenda Item 15. A. – FOIA response – Retired Captain Sadler provided an update concerning a FOIA request for information pertaining to a former law enforcement officer. Provided for informational purposes only. No action required.

29. Agenda Item 15. B. – FOIA response – Retired Captain Sadler provided an update concerning a FOIA request addressing an officer's certification status. Provided for informational purposes only. No action required.

30. Agenda Item 16 – 2016 meeting schedule of the LEPS Subcommittee meetings was provided to all members for informational purposes. No action required.

31. Agenda Item 17 – The next LEPS Subcommittee meeting is scheduled for Thursday, January 28, 2016 at 9:00 a.m. at the PDC.

There being no further agenda items set for discussion a motion was made by Mayor Manchester, seconded, Mr. McClung to adjourn this meeting. The motion passed unanimously with no discussion. Meeting adjourned at 11:43 a.m.