

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

**February 26, 2015**

MEMBERS PRESENT: Sheriff Tom McComas  
First Lieutenant James Lee  
Retired Chief Steve Stephens

MEMBERS REPRESENTED: Colonel Jay Smithers by  
Captain David Lee (In at 9:34 a.m.)  
Sergeant Joseph Portaro  
Colonel Jerry Jenkins by  
Lieutenant Tim Coleman  
Mayor Robert Newell by  
Chief Joe Martin  
Chief Ray Fridley by  
Chief Brad Rinehart  
Retired Lieutenant Steve Walker  
Retired Corporal Dave Gentry  
Ms. Marykaye Jacquet by  
Retired Sergeant J. L. Johnson  
Ms. Patti Hamilton by  
Mr. Jack McClung

MEMBERS ABSENT: Lieutenant Terry Miller

STAFF: Retired Captain Chuck Sadler  
Ms. Leslie Boggess(In at 9:13 a.m.)  
Ms. Kimberly Mason  
Ms. Judy Strickland

GUEST: Ms. Celeste Webb-Barber (In at 9:15 a.m.)

The February 26, 2015 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at 9:00 a.m. by Chair Retired Chief Stephens. There were nine (9) 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 of the January 29, 2015 LEPS Subcommittee meeting. Motion made, Sheriff McComas, seconded, Sergeant Johnson to approve the minutes as presented. The motion was approved unanimously with no discussion.
2. Agenda Item 2 – Retired Captain Sadler advised the members that the LEPS Fund Account financial update, dated February 19, 2015, reflected that there was \$721,630.21 available for use within the LEPS Fund. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, for the approval of the LEPS Fund Report as presented. 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. .
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. Discussion followed with Sheriff McComas asking a question about the Low Light Firearms Training being presented as part of the Mingo County Fire School Weekend. Retired Captain Sadler advised that the training class had been previously approved for another location and that the same instructor was involved. The motion was approved unanimously with no further 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 further discussion.
8. Agenda Item 5D – Motion made, Sheriff McComas, seconded, Retired Johnson, that the Train the Trainer Course, Patrol Rifle/Shotgun Instructor training scheduled for April 2015 tabled from the January 29, 2015 meeting be approved for annual in-service credit. The motion was approved unanimously with no further discussion.
9. Agenda Item 5E – 2016 Annual In-Service Training Courses. There were none to be reviewed. No action required.
10. Agenda Item 5F – 2016 Supervisory In-Service Training Courses. There were none to be reviewed. No action required.
11. Agenda Item 5G – 2016 Personal In-Service Training Courses. There were none to be reviewed. No action required.
12. Agenda Item 5H – 2016 Train the Trainer Courses. There were none to be reviewed. No action required.
13. At the indication of the Chair that there were personnel related matters to be discussed under Agenda Items 6, 7, 8, 9, 10A, 10B, 10C, 10D (1), 10D (2) 10D (3) and 14, motion made by Sheriff McComas, seconded, Retired Sergeant Johnson, and approved unanimously without discussion for the Subcommittee to go into executive session at 9:20 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 10:28 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.
14. Agenda Item 6 – Order to Stop Working – Presented for informational purposes. To be discussed in conjunction with Agenda Item 10-B(1).
15. Agenda Item 7 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to allow this officer to continue in the application process for the Entry Level Training Program. The motion was approved unanimously with no discussion.
16. Agenda Item 8 – This individual appeared before the Subcommittee requesting that he be approved to attend the Academy as a private citizen. Motion made, Chief Rinehart, seconded, Captain Lee, that this individual's

request to attend the Entry Level Training Program as a Private Citizen be denied as he will be eligible to apply to the Academy again in July 2016 and at that time be sponsored by a law enforcement agency. The motion was approved unanimously with no further discussion.

17. Agenda Item 9 – Certification review – Motion made, Sheriff McComas, seconded, Chief Rinehart, to decertify this officer based on his criminal conviction of battery, with a Position Statement to be prepared addressing this decision. The motion was approved unanimously with no further discussion.
18. Agenda Item 10A – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, to approve the full reactivation of the law enforcement certification of the law enforcement officers listed in the agenda with the exception of the officer that has accepted a position with the U. S. Marshal's Service in that he no longer requires his West Virginia law enforcement certification to be reactivated. The motion was approved unanimously with no discussion.
19. Agenda Item 10B – Review of reactivation requests where officer left prior agency while under investigation. Motion made, First Lieutenant Lee, seconded, Retired Sergeant Johnson, that Stop Work Order concerning this officer be lifted and that this officer be approved for full certification reactivation. The motion was approved unanimously with no further discussion.
20. Agenda Item 10C – This officer had requested that he be placed in the Certification Retention program. Due to a misunderstanding Retired Captain Sadler thought this officer had left previous employment in good standing. Upon notice that officer was seeking employment at another agency Retired Captain Sadler became aware that this officer had left previous agency not in good standing. Certification Retention was rescinded. If and/or when individual seeks to be reactivated they will be required to appear before the Subcommittee before going to work as a law enforcement officer. This information was presented for informational purposes only.
21. Agenda Item 10D (1), (2) and (3) – Certification reactivation was denied for this officer during the January 29<sup>th</sup> meeting. As to this matter:
  - (1) Notice to officer of decision to not be reactivated provided to members. No action required.
  - (2) Notice of appeal submitted on officer's behalf by his attorney concerning this decision provided to members. No action required.
  - (3) Draft Position Statement concerning the action/decision during the January 29, 2015 meeting concerning this officer provided to the members for review/action. Motion made, Sheriff McComas, seconded, Retired Corporal

- Gentry to accept the Draft Position Statement on this officer as it has been prepared. The motion was approved unanimously with no further discussion.
22. 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.
  23. Agenda Item 12 – Equivalent certification program reviews as to decisions made. There were none, no action required.
  24. Agenda Item 13– Review of officer’s ability to enter and complete the entry level training program. There were none, no action required.
  25. Agenda Item 14 – Retired Captain Sadler provided an update on prior action of a request by an officer for accommodation relating to attendance in the entry level training program. Correspondence was drafted for the Subcommittee addressing the accommodation request. Copy of the letter sent by Chair was provided for review by the members, no action required during this meeting. Meeting sets timeframe in which officer must respond to actions outlined in the letter. If no response provide a stop work order will be issued.
  26. Agenda Item 15 – Retired Captain Sadler provided an update on Legislative Rule Review proposed changes on SB 199, 149-2. Legislation is being reviewed and action upon at this time in the House of Delegates.
  27. Agenda Item 16 – No information to address during this meeting.
  28. Agenda Item 17 – Retired Captain Sadler informed the Subcommittee that SB 370 which includes applicable changes to statutes addressing the Governor’s Committee on Crime, Delinquency and Correction (GCCDC) and its respective Subcommittees is being addressed in the House of Delegates.
  29. Agenda Item 18 – Provided for informational purposes. Letter from LEPS Subcommittee to Mr. Rick Staton, Director, Division Justice and Community Services (DJCS) concerning considered increase of LEPS Fund administrative fee. Provided for informational purposes, no action required.
  30. Agenda Item 19 – Correspondence by a civilian concerning a complaint on an officer’s actions that the LEPS Program was copied on. Provided for informational purposes. No action required. .
  31. Agenda Item 20 – Retired Captain Sadler and Ms. Mason provided updates on LEPSIS. Ms. Mason informed the Subcommittee that the Personnel Change-In-Status form can now be submitted online. Retired Captain Sadler

said that eventually officers will be able to renew their instructor certification online and In-Service Training Applications being submitted online. He said they hope to schedule training on the entry of training and firearms records by department identified training administrators in April and/or May of this year.

32. Agenda Item 21 – The Rules Review for the 2016 Legislative Session will be held at Stonewall Resort on Tuesday, April 28, 2015 beginning at 12 noon and going through the day on Wednesday, April 29, 2015. The regular scheduled monthly LEPS Subcommittee meeting will be held at the same location on Thursday, April 30, 2015.

33. Reminder to the members that the next scheduled LEPS Subcommittee meeting will be held on Thursday, March 26, 2015 at 9:00 a.m. at the Academy's Professional Development Center.

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