

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

July 30, 2015

MEMBERS PRESENT: Colonel Jerry Jenkins
Sheriff Tom McComas
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 Steve Walker by
Retired Corporal Dave Gentry
Ms. Marykaye Jacquet by
Retired Sergeant J. L. Johnson
Ms. Patti Hamilton by
Mr. Jack McClung

MEMBERS ABSENT: Officer Terry Miller
The position for the West Virginia
Municipal League is vacant, replacement
appointment pending

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

The July 30, 2015 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at 9:02 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 from the April 28-29, 2015 Rules Review, and April 30th, May 28th and June 25, 2015 LEPS meetings. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, for the approval of the minutes from the meetings indicated. The motion was approved unanimously.
2. Agenda Item 2 – Retired Captain Sadler provided the LEPS Fund Account financial update, dated July 17, 2015, which reflected that there was \$438,392.23 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.
3. Agenda Item 3 – Consideration of applications for individuals to be approved as certified law enforcement instructors. There were none to be reviewed. No action required.
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 – Consideration of Train the Trainer Courses. There were none to be reviewed. No action required.
9. Agenda Item 5E – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the training not submitted for approval be approved for those classes within the overall listing, not as an overall conference, which were specific for job responsibilities of law enforcement officers. The motion was approved unanimously with no further discussion.

At the indication of the Chair that there were personnel related matters to be discussed under Agenda Items 9A, 9B, 9C, 10A, 10B1, 10B2, 10B3, 10B4, 10B5, 10B6, 10C, 10D, 11A, 11B, and 11C motion made by Sheriff McComas, seconded, Retired Sergeant Johnson, and approved unanimously without discussion for the Subcommittee to go into executive session at 9:08 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 12:10 p.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.

10. Agenda Item 6A – Order to Stop Working – Officer #1 – Presented for informational purposes, no action required.
11. Agenda Item 6B – Order to Stop Working – Officer #2 – Stop Work Order lifted due to required paperwork being received by the Academy. Presented for informational purposes, no action required.
12. Agenda Item 6C – Order to Stop Working – Officer #3 – Presented for information purposes, no action required.
13. Agenda Item 7 – Criminal Conviction Records as to Applicants for Entry Level Training Program. There were none to be reviewed. No action required.
14. Agenda Item 8 – Request to attend the Entry Level Training program as a Private Citizen. There were none to be reviewed. No action required.
15. Agenda Item 9A – Certification review – Officer 1 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to approve the Position Statement Draft for this officer as presented. The motion was approved unanimously with no further discussion.
16. Agenda Item 9B – Certification review – Officer 2 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to approve the Position

Statement Draft for this officer as presented. The motion was approved unanimously with no further discussion.

17. Agenda Item 9C – Certification review – Officers #3 – Retired Captain Sadler had provided an update on appeal status of this officer. Provided for informational purposes only.
18. Agenda Item 10A – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, to approve the full reactivation of the law enforcement certification of the seventeen law enforcement officers listed in the agenda packet. The motion was approved unanimously with no discussion.
19. Agenda Item 10B (1) – Review of reactivation request where officer left prior agency with standing in question – Officer 1. This officer appeared before the Subcommittee requesting reactivation of his law enforcement certification in order to gain employment as a law enforcement officer. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson that this officer's certification be reactivated. The motion was approved unanimously with no discussion.
20. Agenda Item 10B (2) – Review of reactivation request where officer left prior agency while under investigation – Officer 2. This officer appeared before the Subcommittee requesting reactivation of his law enforcement certification in order to gain employment as a law enforcement officer. Motion made, Sheriff McComas, seconded, Captain Lee that this officer's certification be reactivated. The motion was approved unanimously with no discussion.
21. Agenda Item 10B (3) – Review of reactivation request where officer left prior agency while under investigation. Officer 3 – This officer appeared before the Subcommittee requesting reactivation of his law enforcement certification in order to gain employment as a law enforcement officer. Motion made, Captain Lee, seconded, Retired Sergeant Johnson that this officers certification be reactivated. Retired Corporal Gentry and Sheriff McComas abstained from voting. The motion was approved by the all of the remaining members present with no further discussion.
22. Agenda Item 10B (4) – 10B (6) – No action required under these agenda item numbers. These officers will be addressed under Agenda Items 11A, 11B, and 11C.
23. Agenda Item 10C – Retired Captain Sadler provided an update on appealed reactivation denial for this officer. Provided for informational purposes, no action required.
24. Agenda Item 10D – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to approve the Position Statement Draft of this officer as

presented. The motion was approved unanimously with no further discussion.

25. Agenda Item 11A – Determination of required training for recertification following separation of more than sixty (60) months as a West Virginia law enforcement officer – Officer #1. Motion made, Sheriff McComas, seconded, Captain Lee, to approve this officer, who has been separated for more than sixty (60) months as West Virginia law enforcement officer, to attend the three-week recertification program at the Academy in September 2015 in order to bring his certification as an officer fully current and that his certification be reactivated. The motion was approved unanimously with no further discussion.
26. Agenda Item 11B – Determination of required training for recertification following separation of more than sixty (60) months as a West Virginia law enforcement officer – Officer #2. Motion made, Captain Lee, seconded, Retired Sergeant Johnson, to approve this officer, who has been separated for more than sixty (60) months as a West Virginia law enforcement officer, to attend the three-week recertification program at the Academy in September 2015 in order to bring his certification as an officer fully current and that his certification be reactivated. The motion was approved unanimously with no further discussion.
27. Agenda Item 11C – Determination of required training for recertification following separation of more than sixty (60) months as a West Virginia law enforcement officer – Officer #3. Motion made, First Lieutenant Lee, seconded Chief Rinehart, to approve this officer, who has been separated for more than sixty (60) months as a West Virginia law enforcement officer, to attend the three-week recertification program at the Academy in September 2015 in order to bring his certification as an officer fully current and that his certification be reactivated. The motion was approved unanimously with no further discussion.
28. Agenda Item 12 – Equivalent certification program reviews as to decisions made. There were none, no action required.
29. Agenda Item 13– Review of officer’s ability to enter and complete the entry level training program. There were none, no action required.
30. Agenda Item 14 – Request by an officer for accommodations relating to attendance in the entry level training program. There were none, no action required.
31. Agenda Item 15A – Discussion on fund revenue projections and expenses. Retired Captain Sadler discussed with the members the billings that had been

submitted by the West Virginia Attorney General's Office concerning legal work and representation completed by the Assistant Attorney General assigned to the LEPS Subcommittee and DJCS on behalf of the LEPS Unit and Subcommittee. Discussion by the members concerning the billing of one state entity by another and the status of the LEPS Fund. Motion made, Sheriff McComas, seconded Retired Corporal Gentry, to deny the Attorney General's Office the reimbursement for legal fees and to turn it over to the Court of Claims if necessary due to the LEPS Fund being in the financial position that it is in. Motion approved unanimously with no further discussion.

32. Agenda Item 15B - Request by the West Virginia State Police for the following grants from the LEPS Fund:

- \$117,305 for the operation of the 164th Basic Class
- \$122,108 for the operation of the 165th Basic Class
- \$118,410 for the operation of the 166th Basic Class
- \$118,035 for the operation of the 167th Basic Class
- \$115,910 for the operation of the 168th Basic Class
- \$115,466 to purchase ammunition for the 165th through 168th Basic Training Classes

Captain Sadler advised the members that these awards had been submitted by the West Virginia State Police as a result of the request to do so made by the members during the preceding month's meeting. He noted if approved that he would have the awards processed and obligated within the LEPS Fund based on the available funding level within it. At the current time the requests for funding for the 164th and 165th Basic Classes and the ammunition request could be immediately processed upon approval to do so. that sufficient funds were in the LEPS Fund to approve this request and recommended its approval. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, to approve the funding request for all of the grants with the processing of the awards to be made as sufficient funds were present in the LEPS Fund and in an order to be determined by Retired Captain Sadler. The motion was approved unanimously with no further discussion.

33. Agenda Item 16 – Retired Captain Sadler provided an update on Legislative Rule Review proposed changes on CSR 149-2 filing for public comment period, required for consideration during the 2016 Legislative Session. The public comment period ended on July 22, 2015. No comments were received. Required paperwork will be filed with the Secretary of State's Office (SOS) and Legislative Rule Making Committee (LRMC) prior to the date set for such a filing. Provided for informational purposes. No action required as no changes were being made from prior approved proposed rule changes.

34. Agenda Item 17 – Correspondence reference Special Railroad Police Officer. Retired Captain Sadler advised that no further action had been taken by the

- parties involved. He did note that they had recognized the importance of such an officer being trained at the Academy and gaining certification as a West Virginia law enforcement officer. Presented for informational purposes. No action required.
35. Agenda Item 18A – Request for information from the LEPS Program. Associated Press for a listing of all state and local law enforcement agencies. The request had been complied with as reflected in the agenda packet. Presented for informational purposes. No action required.
 36. Agenda Item 18B – Request for information from the LEPS Program. Wall Street Journal's FOIA request for a listing of all currently certified law enforcement officers and their current agencies of employment within the State of West Virginia. Retired Captain Sadler reviewed the discussions and research that had been for Secretary Thornton to make the decision to deny the request as submitted. The denial response was provided in the agenda packet. Presented for informational purposes. No action required.
 37. Agenda Item 19 – Status of review of identification of officers not compliant for 2015 Training Year which ended June 30, 2015. Letters will be mailed to those individuals to determine if they are out of compliance without justification and those officers out of compliance will be invited to attend the August 27, 2015 LEPS meeting.
 38. Agenda Item 20 – Correspondence update as to actions taken by LEPS Program. Certified letters were mailed to First Failure PAT officers and those officers resigning from the 163rd Basic Class.
 39. Agenda Item 17 – The next LEPS Subcommittee meeting is scheduled for Thursday, August 27, 2015 at 9:00 a.m., at the PDC. As a reminder, there will no longer be a full Governor's Committee meeting as there has been held in the past during August due to the change in the makeup of the GCCDC.

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 12:45 a.m.