

LAW ENFORCEMENT PROFESSIONAL STANDARDS SUBCOMMITTEE
WV Division of Justice and Community Services
1204 Kanawha Boulevard, East
Charleston, West Virginia

June 25, 2015

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

MEMBERS REPRESENTED: Colonel Jerry Jenkins by
Lieutenant Colonel David Trader
Chief Ray Fridley by
Chief Brad Rinehart
Lieutenant Terry Miller by
Retired Corporal Dave Gentry
Ms. Marykaye Jacquet by
Retired Sergeant J. L. Johnson

MEMBERS ABSENT: Colonel Smithers
Ms. Patti Hamilton
The position for the West Virginia
Municipal League is vacant, replacement
appointment pending

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

GUEST: Ms. Celeste Webb-Barber

The June 25, 2015 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at 9:05 a.m. by Chair Retired Chief Stephens. There were eight (8) members either present or represented which represents a quorum of the Subcommittee membership, at the start of, and during, the meeting. The meeting was held in the conference room of the Division of Justice and Community Services (DJCS) due to water problems being experienced at the Academy.

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

1. Agenda Item 1 – The minutes for the May 28, 2015 meeting were not available at the time of this meeting. They will be provided at the July meeting for review and approval.
2. Agenda Item 2 – Retired Captain Sadler advised the members that the LEPS Fund Account financial update, dated June 22, 2015, reflected that there was \$317,899.94 available for use within the LEPS Fund. Motion made, Sheriff McComas, seconded, Retired Lieutenant Walker, for the approval of the LEPS Fund Report as presented. The motion was approved unanimously.
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. 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. Discussion referencing the title of the training (Title IX Investigator Training) followed as to what this training covered. The motion was approved unanimously with no further 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 2016 Annual In-Service Training Courses be approved for annual in-service credit. The motion was approved unanimously with no discussion.
10. Agenda Item 5F – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the 2016 Supervisory In-Service Training Courses be approved for supervisory in-service credit. The motion was approved unanimously with no discussion.
11. Agenda Item 5G – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the 2016 Personal In-Service Training Courses be approved for personal in-service credit. The motion was approved unanimously with no discussion.
12. Agenda Item 5H – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the 2016 Train the Trainer level in-service training programs be approved for in-service credit. The motion was approved unanimously with no discussion.
13. Agenda Item 6 – Order to Stop Working – There were none to be reviewed. No action required.
14. Agenda Item 7 – Criminal Conviction Records as to Applicants for Entry Level Training Program. There were none to be reviewed. No action required.
15. Agenda Item 8 – Request to attend the Entry Level Training program as a Private Citizen. There were none to be reviewed. No action required.
16. At the indication of the Chair that there were personnel related matters to be discussed under Agenda Items 9A, 9B, 9C, 10, 10A, 10B1, 10B2, 10B3, 10B4, 10C, 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 11:14 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.

17. Agenda Item 9A – Certification review – Officer 1 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to accept the surrender of this former officer’s law enforcement certification and thereby decertify this officer based on his criminal conviction of a single misdemeanor count of alteration of public record, with a Position Statement to be prepared addressing this decision. The motion was approved unanimously with no further discussion.
18. Agenda Item 9B – Certification review – Officer 2 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to accept the surrender of this former officer’s law enforcement certification and thereby decertify this officer based on his criminal conviction of a single misdemeanor count of alteration of public record, with a Position Statement to be prepared addressing this decision. Motion was approved unanimously with no further discussion.
19. Agenda Item 9C – Certification review – Officer 3 – Update on Appeal – This individual is not working and his appeal of the upholding of the revocation of his law enforcement certification by Mr. Staton remains pending in Raleigh County Circuit Court. Ms. Webb-Barber will be filing motion with the court to have matter acted on. Provided for informational purposes only.
20. 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. The motion was approved unanimously with no discussion.
21. Agenda Item 10B-1 – Review of reactivation request where officer left prior agency while under investigation – Officer 1 – This officer did not appear before the Subcommittee and withdrew his requests for his law enforcement certificate to be reactivated. No action required.
22. 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 law enforcement certification in order to be employed by another police department that indicated it desires to employ him. Motion made Sheriff McComas, seconded, Retired Sergeant Johnson, that this officer’s certification not be reactivated at this time due to the circumstances involved in his prior terminations and his responses to the Subcommittee members. He may seek reactivation by another department, however, before starting work he would have to appear before the Subcommittee once again to request that his certification be reactivated. The motion was approved unanimously with no further discussion, a Position Statement will be prepared on this decision.

23. 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 her law enforcement certification in order to gain employment with another police department. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to reactivate this officer's certification. Chief Rinehart abstained from voting as this officer was a former employee with his department. The motion was approved with no further discussion.
24. Agenda Item 10B-4 – Review of reactivation request where officer left prior agency while under investigation. Officer 4 – This officer appeared before the Subcommittee requesting reactivation of his law enforcement certification in order to gain employment with another police department. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, to approve reactivation of this officer's law enforcement. The motion was approved unanimously with no discussion.
25. Agenda item 10C – Retired Captain Sadler provided an update on a prior reactivation denial that had been appealed to Mr. Staton... Mr. Maxwell, Hearing Examiner for Mr. Staton for appeals from the LEPS Subcommittee to GCCDC, has scheduled a hearing on this appeal for July 21-22, 2015 in Charleston. Provided for informational purposes, no action required.
26. 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.
27. Agenda Item 12 – Equivalent certification program reviews as to decisions made. There were none, no action required.
28. Agenda Item 13– Review of officer's ability to enter and complete the entry level training program. There were none, no action required.
29. Agenda Item 14 – Retired Captain Sadler provided an update on an individual's actions concerning notice of denial for accommodations request concerning participation in the entry level training program. Presented for information purposes, no action required.
30. Agenda Item 15 – Retired Captain Sadler provided an update on Legislative Rule Review proposed changes on CSR 149-2 filing for public comment period, 2016 Legislative Session. The public comment period will end on July 22, 2015. Subcommittee members will review and act on at July 30, 2015 meeting. The next required filing with Legislative Rule Making Committee (LRMC) and the Secretary of State's (SOS) Administrative Law Section is on July 31, 2015.

31. Agenda Item 16 – The next LEPS Subcommittee meeting is scheduled for 9 a.m., Thursday, July 30, 2015 at the PDC.

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. The motion passed unanimously with no discussion. Meeting adjourned at 11:25 a.m.