

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

**September 24, 2015**

MEMBERS PRESENT: Sheriff Tom McComas  
Chief Steve Walker  
Retired Chief Steve Stephens

MEMBERS REPRESENTED: Colonel Jay Smithers by  
Captain David Lee  
Colonel Jerry Jenkins by  
Lieutenant Colonel David Trader  
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: Mayor John Manchester  
First Lieutenant James Lee  
Ms. Marykaye Jacquet

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

The September 24, 2015 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at 9:08 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 following actions were taken during this meeting in reference to the agenda items scheduled:

1. Agenda Item 1 – Consideration of the minutes from the August 27, 2015 meeting. Retired Captain Sadler advised that these minutes would be presented for review and approval during the October 29, 2015 meeting.
2. Agenda Item 2 – Retired Captain Sadler provided the LEPS Fund Account financial update, dated September 21, 2015, which reflected, with entry level training classes being processed for award within DJCS, that there was \$22,963.98 available for use within the LEPS Fund. Motion made, Sheriff McComas, seconded, Chief 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, Chief Walker, 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 4 – Motion made, Sheriff McComas, seconded, Chief Walker, 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.
5. Agenda Item 5A – Motion made, Sheriff McComas, seconded Retired Corporal Gentry, 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 6B – Motion made, Sheriff McComas, seconded, Mr. McClung, 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 6C – Motion made Captain Lee, seconded, Sheriff McComas, 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 6D – Motion made, Sheriff McComas, seconded, Mr. McClung, that the classes listed in the agenda packet as being presented at the West

Virginia State Police Academy's Professional Development Center (PDC) be approved for supervisory or annual in-service credit as presented. The motion was approved unanimously with no discussion.

9. Agenda Item 6E - Consideration of Train the Trainer Courses. Former Trooper N Harmon was present and spoke with the members concerning the BECON (B-Barricade, E-Egress, C-Control, O-Oppose and N-Notify) Active Shooter Train the Trainer Course which had developed. This training has been previously approved as regular in-service by the Subcommittee. This was the first time it had been presented as a Train the Trainer level program and in line with Subcommittee practices Mr. Harmon had been invited to speak with the Subcommittee members concerning its presentation as an instructor level class.

Not all of the members had been able to open the attachment provided to them as part of the agenda packet prior to the meeting addressing items 11E (2) and (3) which contained the detailed information on the program and his background to teach it as presented.

Motion made, Sheriff McComas, seconded, Chief Walker, to table the further discussion and approval/denial of the training until the October 29, 2015 meeting to allow all of the members an opportunity to review the materials concerning the course. The motion was approved unanimously with no discussion.

10. At the indication of the Chair that there were personnel related matters to be discussed under Agenda Items 6 through 15. Motion made by Sheriff McComas, seconded, Captain Lee, and approved unanimously without discussion for the Subcommittee to go into executive session at 9:36 a.m. Motion made, Sheriff McComas, seconded, Captain Lee, and approved unanimously without discussion for the Subcommittee to come out of executive session at 12:23 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.

The Chair, Retired Chief Stephens, then moved to determine the action to be taken concerning the items that had been discussed during the executive session.

11. Agenda Item 6A – Order to Stop Working – Officer #1 – Presented for informational purposes, no action required.

12. Agenda Item 6B - Motion made, Sheriff McComas, seconded, Captain Lee, to allow this officer to have until November 1, 2015 to complete required in-service and firearms qualifications for the 2015 Training Year Period. If not completed by then a stop work order will be issued. The motion was approved unanimously with no discussion.
13. Agenda Item 6C – Retired Chief Stevens advised the members that as the legislative rule addressing individuals who had failed the PAT for a second time were unable to continue working until the PAT was passed on a subsequent attempt and they entered the entry level training program contained a “shall” action as to the individual no longer being able to work that no action could be taken by the members as to the request by this officer to be allowed to continue working following a second failure PAT. No action taken on this request as such, stop work order remains in effect.
14. Agenda Item 6D - Orders to Stop Working – Multiple 2<sup>nd</sup> failure PATs – Presented for informational purposes, no action required.
15. Agenda Item 6E - Order to Stop Working – Officer #5 – Presented for informational purposes as to a 3<sup>rd</sup>/subsequent PAT failure, no action required.
16. Agenda Item 7 – Criminal Conviction Records as to Applicants for Entry Level Training Program. None presented, no action required.
17. Agenda Item 8 -Request to attend the Entry Level Training program as a Private Citizen or to be allowed to be employed once again as a sworn officer following a five year period since termination from an entry level training class. Draft Position Statement from denial action on such request made during the August 27, 2015 meeting. Motion made, Sheriff McComas, seconded, Chief Walker, for Ms. Webb-Barber and Retired Captain Sadler to make the changes necessary to the draft document and to then forward the finalized document to the involved officer as the position of the Subcommittee members concerning their denial decision during the August 27, 2015 meeting. The motion was approved unanimously with no discussion.
18. Agenda Item 9A and 9B – Certification reviews. Provided for informational purposes only to update the members concerning the status of two actions previously taken by them. No action required.
19. Agenda Item 10A – Motion made, Sheriff McComas, seconded, Chief Walker, 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.

20. 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 to allow him to begin working as a law enforcement officer once again. Motion made, Sheriff McComas, seconded, Captain Lee, that this officer's certification be fully reactivated. The motion was approved unanimously with no discussion.

21. Agenda Item 10B (2) – Review of reactivation request where officer resigned prior agency in lieu of termination – Officer 2. This officer appeared before the Subcommittee requesting reactivation of his law enforcement certification to allow him to continue working as a law enforcement officer at another law enforcement agency. A stop work order had been put in place for the second agency when it was determined that he had resigned from the first agency in lieu of termination.

The Chief Deputy of the first agency appeared as requested and spoke with the Subcommittee members and addressed the circumstances which had led to the officer's resignation in lieu of termination. The officer spoke with the members as well.

Motion made, Captain Lee, seconded, Lieutenant Colonel Trader, that this officer's certification not be allowed to be reactivated based on the circumstances involved in his resignation in lieu of termination from the first agency. The motion was approved unanimously with no discussion.

A Position Statement is to be prepared reflecting the information reviewed by the Subcommittee members and their decision for approval during the October 29, 2015 meeting.

22. Agenda Item 10B (3) - Review of reactivation request where officer resigned prior agency while under investigation – Officer 3. This officer appeared before the Subcommittee requesting reactivation of his law enforcement certification to allow him to continue working as a law enforcement officer at another law enforcement agency. The head of the agency seeking to employ him at this time also appeared. Each spoke with the Subcommittee members.

Motion made, Sheriff McComas, seconded, Captain Lee, that based on the information reviewed concerning his resignation and provided during this meeting that this officer's certification be fully reactivated. The motion was approved unanimously with no discussion.

23. Agenda Item 10C – Response to the media by the Public Information Officer for Department of Military Affairs and Public Safety (DMAPS) for a request submitted to the LEPS Program concerning an officer who may seek

reactivation of his certification and criminal charges that had been adjudicated. Presented for informational purposes, no action required.

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. Officer in question had advised LEPS Program staff following this review being set to the agenda that he would not be seeking to fully reactivate his law enforcement certification, that he had elected to serve under the Head of Agency Exemption afforded under statute. No action required as such.
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 – Discussion concerning listed officers who had been determined to be short of the required firearms qualifications for the 2015 Training Year period that ran from July 1, 2014 through June 30, 2015.

The officer was present concerning agenda items 15I and spoke with the members concerning his qualification record. Motion made, Sheriff McComas, seconded, Captain Lee, that based on information presented that this officer was compliant for his firearms qualification requirements for the 2015 Training Year period. The motion was approved unanimously with no further discussion.

Motion then made, Sheriff McComas, seconded, Chief Rinehart, for a stop work order to be issued to any of the remaining officers listed under this agenda item who were determined to be still working as an officer and who had not completed their required firearms qualifications for the 2015 Training Year Period. The motion was approved unanimously with no further discussion.

29. Agenda Item 16 – Request to allow the tuition for the entry level training program for an officer from a municipal agency to be waived. The Mayor of the municipality requesting the waiver appeared and spoke with the members. Based on the timeframe until the officer would be hired and the potential that the city’s financial status was projected to be at point when the officer would be hired it was the consensus agreement of the members

present that no action needed to be taken at this time concerning this request. The LEPS Unit staff will work with the agency concerning the receipt of the tuition payment when the officer does being work and attend the Academy. Matter tabled by consensus action indefinitely,

30. Agenda Item 17 – Entry level training schedule for the Basic Classes to be held during calendar year 2016. Presented for informational purposes, no action required.

31. Agenda Item 18 – Correspondence relating to officers participating in the 164<sup>th</sup> Basic Class which had started August 31, 2015 who had failed the PAT or who had resigned from the program. Presented for informational purposes, no action required.

32. Agenda Item 19 – The next LEPS Subcommittee meeting is scheduled for Thursday, October 19, 2015 at 9:00 a.m., at the PDC.

There being no further agenda items set for discussion a motion was made by Chief Walker, seconded, Sheriff McComas, to adjourn this meeting. The motion passed unanimously with no discussion. Meeting adjourned at 12:31 p.m.