

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

August 25, 2016

MEMBERS PRESENT:

Sheriff Tom McComas
Chief Steve Walker
Mayor John Manchester
Retired Chief Steve Stephens
First Lieutenant James Lee

MEMBERS REPRESENTED:

Colonel Jay Smithers by
First Sergeant R. Perry
Colonel Jerry Jenkins by
Lieutenant Warren Goodson
Chief Ray Fridley by
Chief Brad Rinehart
Retired Lieutenant Terry Miller by
Retired Corporal Dave Gentry
Ms. MaryKaye Jacquet by
Retired Sergeant J. L. Johnson

ABSENT:

Ms. Patti Hamilton

STAFF:

Retired Captain Chuck Sadler
Ms. Judy Strickland

The August 25, 2016 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at 9:01 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 the meeting.

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

1. Agenda Item 1 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to approve the meeting minutes of the July 28, 2016 LEPS Subcommittee meeting. The motion was approved unanimously without any discussion and no negative votes cast.
2. Agenda Item 2 – Retired Captain Sadler provided an update on the Financial Report for LEPS Fund Account. He noted that there was a balance of \$72,051.30 in this account as of 31 Jul 16. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the Financial Report be accepted as given. The motion was approved unanimously without any discussion and no negative votes cast.
3. Agenda Item 3 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, for the approval of applications of individuals listed as certified law enforcement instructors in the areas of expertise listed. The motion was approved unanimously without any discussion and no negative votes cast.
4. Agenda Item 4 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, for the approval of the applications for additional areas of expertise to be approved for previously certified law enforcement instructors listed. The motion was approved unanimously without any discussion and no negative votes cast.
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 for 2017 Training Year period that ends June 30, 2017. The motion was approved unanimously without any discussion and no negative votes cast.
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 for the 2017 Training Year period that ends June 30, 2017. The motion was approved unanimously without any discussion and no negative votes cast.
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 for the 2017 Training Year period that ends June 30, 2017. The motion was approved unanimously without any discussion and no negative votes cast.

8. Agenda Item 5D – Consideration of applications for Instructor Level In-Service Training. None presented. No action required.
9. At the indication of the Chair, Retired Chief Stephens that there were personnel related matters to be discussed under Agenda Items 7 through 15, there was a motion made by Sheriff McComas, seconded, Retired Sergeant Johnson, and approved unanimously without discussion for the Subcommittee to go into executive session at 9:06 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.
10. Agenda Item 6 – Order to Stop Working. None presented. No action required.
11. Agenda Item 7 – Criminal Conviction Records as to Applicants for Entry Level Training Program. This officer appeared had before the Subcommittee to address his prior criminal conviction with the members seeking approval to participate in the entry level training program at the Academy. Retired Chief Stephens asked if there was a motion to be made that would allow this officer to be approved to continue in the entry level training program at the Academy. Motion made, Sheriff McComas, seconded, Chief Walker, that this officer be approved to continue working as a law enforcement officer and to be allowed to participate in the entry level training program at the Academy. The motion was approved unanimously without any discussion and no negative votes cast.
12. Agenda Item 8 – Request to attend the Entry Level Training Program as a Private Citizen or be approved to be employed once again as a sworn officer following a departure from the entry level training program. None presented. No action required.
13. Agenda Item 9. A. – Officer #1 – This officer's certification was previously revoked and an appeal filed with Director Staton/GCCDC has been set to a hearing before Mr. Maxwell for a recommended finding of fact to be developed. Presented for informational purposes only. No action required.
14. Agenda Item 9. B. – Officer #2 – This officer's appeal remains filed in Raleigh County Circuit Court for review and a decision by the assigned judge. All applicable paperwork previously provided. Officer remains decertified and is

not working while review pending. Presented for informational purposes only. No action required.

15. Agenda Item 10.A – Retired Chief Stephens asked if there was a motion to be made concerning the temporary reactivation status of the officers listed. Motion made, Sheriff McComas, seconded Chief Walker, to approve the full reactivation of the law enforcement certification of the eighteen (18) law enforcement officer's listed in the agenda packet. The motion was approved unanimously without any discussion and no negative votes cast.
16. Agenda Item 10.B. – Officer #1 – Retired Chief Stephens asked if there was a motion to be made to lift the Stop Work Order (SWO) on this officer and approve that he is allowed to return to work as a certified law enforcement officer. Motion made, Sheriff McComas, seconded, Lieutenant Lee, to lift the SWO that had been issued based on how he had left another West Virginia law enforcement agency and to allow this officer to return to work with another agency he had been employed with part time. The motion was approved unanimously without any discussion and no negative votes cast.
17. Agenda Item 10.C. – Officer #2 – Retired Chief Stephens asked if there was a motion to be made to approve full reactivation of this officer and he be allowed to return to work. Motion made Sergeant Perry, seconded, Chief Walker, to approve the full reactivation of the certification of this officer and allow him to return to work. The motion was approved unanimously without any discussion and no negative votes cast.
18. Agenda Item 10. D. – Officer #3 – Retired Chief Stephens asked if there was a motion to be made to approve full reactivation of this officer and he be allowed to return to work. Motion made, Chief Walker, seconded Lieutenant Lee to approve full reactivation of the certification of this officer and allow him to return to work. The motion was approved unanimously without any discussion and no negative votes cast.
19. Agenda Item 11 – Determination of required training for recertification following separation of more than sixty (60) months as a West Virginia law enforcement officer. None presented. No action required.
20. Agenda Item 12 – Equivalent certification program reviews as to decisions made. One presented for informational purposes. No action required.
21. Agenda Item 13 – Review of officer's ability to enter and complete the entry level training program. None presented. No action required
22. Agenda Item 14 – Retired Captain Sadler informed the Subcommittee that an individual who had previously requested accommodations to attend the Academy whose requests had been denied and sent to a physician to

address his requests was now requesting that the Subcommittee provide him with the name of a new physician. That new request has been referred to Mr. Steve Connolly, Deputy Attorney General, representing the Subcommittee, for review and determination of the action to be taken. The name of a workers compensation related physician in Huntington whom one of the Subcommittee members had recently been seen by was discussed as a physician with applicable expertise to consider sending this former officer to. This information has been referred to Mr. Connolly as well. Provided for information purposes, no action required.

23. Agenda Item 15 – Retired Captain Sadler informed the Subcommittee that there is only one (1) officer who remains noncompliant for in-service and/or firearms qualification requirements for the 2016 Training Year Period, July 1, 2015 to June 30, 2016. This officer is located in an area where flooding occurred in June 2016. He has been given until September 30, 2016 to complete the required training or a stop work order will be issued. Presented for informational purposes only. No action required.
24. Agenda Item 16 – FOIA requests and responses – Retired Captain Sadler reviewed with the members the information that had been sought under a request that had been received by the DJCS/LEPS Program and what had been provided in response to it. Provided for informational purposes only. No action required.
25. Agenda Item 17. A. – Retired Captain Sadler provided an update on the proposed changes for CSR 149-2, Law Enforcement Training and Certification Standards, for the 2017 legislative session. These changes have been filed with the Secretary of State's Office. The 30 day public comment period ended August 24, 2016, and no comments were received. Provided for informational purposes. No action required.
26. Agenda Item 17.B. – Retired Captain Sadler provided an update on CSR 149-9. This is a new proposed legislative rule concerning the William R. Laird IV Second Chance Driver License Program (SCDL). This rule has been filed with the Secretary of State's Office as a new rule and emergency rule. The 30-day public comment period ran through August 24, 2016 at 5:00 p.m. The public comments received have been answered and required filing actions will be completed with the Secretary of State's Office. An individual will be hired, at some point, to handle the second chance drivers program which is currently being overseen by Retired Captain Sadler and Ms. Mason. Provided for informational purposes. No action required.
27. Agenda Item 18 – Discussion among members concerning the policy of individuals appearing before the LEPS Subcommittee not being armed. Discussion followed as to modification of the current policy that no individual is to appear before the Subcommittee armed. Consensus of those present

that no change be made in the existing policy. No action taken, policy remains in place.

28. Agenda Item 19 – Retired Captain Sadler provided the Subcommittee with an update on the appeal of denial of regional training academy previously proposed by an in-state agency. A thirty (30) day extension beyond the original forty-five (45) day time period has been requested by the party involved for the filing of required response. Provided for informational purposes, no action required.

29. Agenda Item 20 – Retired Chief Stephens noted that the next LEPS Subcommittee meeting is scheduled for Thursday, September 29, 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 Retired Sergeant Johnson to adjourn this meeting. The motion passed unanimously with no discussion. Meeting adjourned at 10:41 a.m.