

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

July 28, 2016

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

MEMBERS REPRESENTED: Colonel Jay Smithers by
First Sergeant R. Perry
Colonel Jerry Jenkins by
Lieutenant Warren Goodson
Chief Ray Fridley by
Chief Brad Rinehart
First Lieutenant James Lee by
First Sergeant Aaron D. Nichols
Retired Lieutenant Terry Miller by
Retired Corporal Dave Gentry
Ms. MaryKaye Jacquet by
Retired Sergeant J. L. Johnson

ABSENT: Mayor John Manchester
Ms. Patti Hamilton

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

The July 28, 2016 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at 9:03 a.m. by the 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 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 June 30, 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 FY16 end of year Financial Report for LEPS Fund Account. He noted that while the report provided in the meeting agenda packet reflected a balance of \$215,329.68 that with the awarding of the civilian support positions at the Academy, which are covered through FY17, the balance of the Fund is basically at \$0. The Academies running through December 30, 2016 are covered, and by the time we need to award the basic classes beginning in 2017, there will be sufficient funds collected from the \$2 court cost fee and Academy tuitions to fund those programs. 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, First Sergeant Nichols, 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 – Consideration of applications for additional areas of expertise to be approved for previously certified law enforcement instructors. None presented. No action required.
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. Agenda Item 5E – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that the classes listed in the 2016 Fall/Winter Course Catalog of the West Virginia State Police Professional Development Center (PDC) be approved. The motion was approved unanimously without any discussion and no negative votes cast.
10. Agenda Item 5F – 2016 Fall/Winter Course Catalog of the West Virginia State Police – presented for information purposes. No action required.
11. At the indication of the Chair, Retired Chief Stephens that there were personnel related matters to be discussed under Agenda Items 9 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 9:08 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 10:22 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.
12. Agenda Item 6 – Order to Stop Working. None presented. No action required.
13. Agenda Item 7 – Criminal Conviction Records as to Applicants for Entry Level Training Program. None presented. No action required.
14. 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.
15. Agenda Item 9. A. – Officer #1 – This officer's appeal to Director Staton has been set to hearing before Mr. Maxwell for a recommended finding of fact to be developed. Mr. Maxwell has been in contact with officer's attorney and

hearing date is August 10, 2016. Presented for informational purposes only. No action required.

16. Agenda Item 9. B. – Officer #2 – This officer's appeal has been previously filed in Raleigh County Circuit Court and remains on review by the assigned judge. All applicable paperwork previously provided. Officer remains decertified and not working while review pending. Presented for informational purposes only. No action required.
17. Agenda Item 9. C. – Officer #3 – Correspondence and Position Statement sent following June 30, 2016 meeting concerning Agenda Item 9. C. from that previous Subcommittee meeting. Presented for informational purposes only. No action required.
18. Agenda Item 9. D. – Officer #4 – Certification review from June 30, 2016 meeting, Agenda Item 9. D. Draft Position Statement for this officer emailed to members. Retired Chief Stephens asked if there was a motion to be made to accept the Draft Position Statement for this officer. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to accept the Draft Position Statement as prepared. The motion was approved unanimously without any discussion and no negative votes cast.
19. Agenda Item 9. E. – Officer #5 – Certification surrender review from June 30, 2016 meeting, Agenda Item 9. E. Draft Position Statement for this officer emailed to members. Retired Chief Stephens asked if there was a motion to be made to accept the Draft Position Statement for this officer. Motion made Sheriff McComas, seconded, Retired Sergeant Johnson to accept the Draft Position Statement as prepared. The motion was approved unanimously without any discussion and no negative votes cast.
20. 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, First Sergeant Nichols, seconded Retired Sergeant Johnson, to approve the full reactivation of the law enforcement certification of the fourteen (14) law enforcement officer's listed in the agenda packet. The motion was approved unanimously without any discussion and no negative votes cast.
21. Agenda Item 10. B. – Review of reactivation requests where officer left prior agency with standing in question. There were none. No action required.
22. Agenda Item 11. A. – Officer #1 – This officer appeared before the Subcommittee for reactivation review following separation of more than sixty (60) months as a West Virginia law enforcement officer. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that this officer be approved

to attend the September 2016 recertification class. The motion was approved unanimously without any discussion and no negative votes cast.

23. Agenda Item 11. B. – Officer #2 – This officer appeared before the Subcommittee for reactivation review following separation of more than sixty (60) months as a West Virginia law enforcement officer. Motion made, First Sergeant Nichols, seconded, Retired Sergeant Johnson, that this officer be approved to attend the September 2016 recertification class. The motion was approved unanimously without any discussion and no negative votes cast.
24. Agenda Item 11. C. – Officer #3 – This officer appeared before the Subcommittee for reactivation review following separation of more than sixty (60) months as a West Virginia law enforcement officer. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, that this officer be approved to attend the September 2016 recertification class. The motion was approved unanimously without any discussion and no negative votes cast.
25. Agenda Item 12 – Equivalent certification program reviews as to decisions made. Ms. Mason informed the Subcommittee that there is one (1) officer eligible to participate in the equivalent certification program based on his law enforcement certification from another state. Presented for informational purposes only. 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 – Retired Captain Sadler informed the Subcommittee that an individual who had previously requested accommodations to attend the Academy and 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. Previously provided physician would not conduct the necessary evaluation and he wants name of a new physician to have such an evaluation conducted by. His request has been provided to Mr. S Connolly, Deputy Attorney General representing the Subcommittee, for review and a determination of the action to be taken. Provided for information purposes, no action required.
28. Agenda Item 15 – Retired Captain Sadler provided information on the officers who are noncompliant for in-service and/or firearms qualification requirements for the 2016 Training Year – July 1, 2015 to June 30, 2016 period. Discussion followed. Retired Captain Sadler requested that the in-service and/or firearms qualifications reviews for these two officer's be tabled until such training/qualifications can be verified as completed or not completed. Motion made, Sheriff McComas, seconded Retired Sergeant Johnson to table in-service/firearms qualifications status review for these two officers. Chief Walker abstained from voting.

29. Agenda Item 16 – FOIA requests and responses – Retired Captain Sadler reviewed with the members the information that had been sought under this request and what had been provided in response to it. Provided for informational purposes only. No action required.
30. Agenda Item 17 – Retired Captain Sadler informed the Subcommittee that actions were taken to notify officers of the end on the 2016 Training Year on June 30, 2016. Provided for informational purposes. No action required.
31. Agenda Item 18 – Motion made, Sheriff McComas, seconded Retired Sergeant Johnson, to approve the certification of the 166th Basic graduating class as certified West Virginia law enforcement officers. The motion was approved unanimously with no discussion and no negative votes cast.
32. Agenda Item 19 – Retired Chief Stephens noted that this item address the status of Legislative Rules related actions. He asked Retired Captain Sadler to address each.
33. Agenda Item 19. 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 for a 30 day public comment period which will end August 24, 2016. Provided for informational purposes. No action required.
34. Agenda Item 19. 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. There will be a 30-day public comment period running through August 24, 2016 at 5:00 p.m. 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.
35. Agenda Item 20 – Retired Captain Sadler informed the members that the Academy staff had requested to modify the grant award adjustment for the 166th Basic Class LEPS Fund award grant to outfit the classrooms with new audio visual equipment. Retired Captain had approved and processed that request when it was made. Provided for informational purposes. No action required.
36. Agenda Item 21 – 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. No action taken, policy remains in place.

37. Agenda Item 22 – Retired Captain Sadler informed the Subcommittee of the DJCS/LEPS Program move to its new location, The Greenbrooke State Office Building located at 1124 Smith Street, Suite 3100, Charleston, West Virginia 25301-1323, the week of August 15-19, 2016. During that move limited services will be available from the LEPS program. Provided for informational purposes, no action required.

38. Agenda Item 23 – Retired Chief Stephens noted that the next LEPS Subcommittee meeting is scheduled for Thursday, August 25, 2016 at 9:00 a.m. at the PDC.

There being no further agenda items set for discussion a motion was made by First Sergeant Perry, seconded Sheriff McComas to adjourn this meeting. The motion passed unanimously with no discussion. Meeting adjourned at 10:43 a.m.