

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

September 29, 2016

MEMBERS PRESENT:

Mayor John Manchester
Sheriff Tom McComas
Chief Steve Walker
Retired Chief Steve Stephens
First Lieutenant James Lee
Ms. Patti Hamilton

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

STAFF:

Retired Captain Chuck Sadler
Ms. Kimberly Mason
Ms. Judy Strickland
Ms. Celeste Webb-Barber

The September 29, 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 eleven (11) members either present or represented which represents a quorum of the Subcommittee membership, at the start of the meeting and present throughout the entire 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 August 25, 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 the balance as of September 1, 2016 is \$137,921.45. 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 applications for additional areas of expertise to be approved for previously certified law enforcement instructors. 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. There was a question by Sheriff McComas concerning the training being presented to law enforcement agencies involved with the Kanawha County Sheriff's Office Records Management System (RMS). Chief Walker overviewed the training and how it related to the officers using the RMS. There were no further questions. 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 – Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson, for approval of applications for Instructor Level In-Service Training. The motion was approved unanimously without any discussion and no negative votes cast.
9. At the indication of the Chair, Retired Chief Stephens, that there were personnel related matters to be discussed under Agenda Items 6A through 14, there was a motion made by Sheriff McComas, seconded, First Sergeant Perry, and approved unanimously without discussion for the Subcommittee to go into executive session at 9:08 a.m. Motion made, Sheriff McComas, seconded, Chief Walker, and approved unanimously without discussion for the Subcommittee to come out of executive session at 10:51 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.A – Officer #1 reference issued Stop Work Order. Order subsequently rescinded by LEPS Program staff as employer advised that officer has resigned in good standing. Presented for informational purpose only.
11. Agenda Item 6.B – Officer #2 reference issued Stop Work Order. Order subsequently rescinded as action in family court that had prompted its issuance was dismissed. Presented for informational purpose only.
12. Agenda Item 7 – Criminal Conviction Records as to Applicants for Entry Level Training Program. None presented. No action required.
13. Agenda Item 8 – This individual appeared before the Subcommittee requesting to attend the Academy as a private citizen. He reviewed with the members the reasons why he was seeking this route to secure certification as a West Virginia law enforcement officer. Motion made, Sheriff McComas, seconded, Chief Walker, to approve this individual to attend the Entry Level Training Program at the Academy as a Private Citizen. The motion was approved unanimously without any discussion and no negative votes cast. Individual was instructed to pick up an application packet from academy staff.

14. Agenda Item 9. A. – Officer #1 – Hearing was held by Mr. Maxwell. He is reviewing and will prepare his Recommended Finding of Facts to be presented to Mr. Staton for a decision to be made by Mr. Staton on the certification related matter under appeal. Presented for informational purposes only. No action required.
15. 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 circuit judge. All applicable paperwork previously provided to the court. Officer remains decertified and not working while this review is pending. Presented for informational purposes only. No action required.
16. 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, Chief Walker, seconded Retired Sergeant Johnson, to approve the full reactivation of the law enforcement certification of the twelve (12) law enforcement officer's listed in the agenda packet. The motion was approved unanimously without any discussion and no negative votes cast.
17. Agenda Item 10. B.1 – Review of reactivation requests where officer left prior agency with standing in question. Officer #1 – appeared before the Subcommittee requesting that the Stop Work Order issued in review of separation from previous employer be lifted and that full reactivation of his certification be granted so that he could begin work again as a law enforcement officer. Motion made, Chief Walker, seconded, Sheriff McComas to approve the reactivation of the law enforcement certification of this former officer in that the circumstances involved in his resignation from his last police employer did not rise to a level requiring his certification not be reactivated. The motion was approved unanimously without any discussion and no negative votes cast.
18. Agenda Item 10.B.2 – Officer #2 – appeared before the Subcommittee requesting approval of the reactivation of his certification as a law enforcement officer in this state in that he had not been allowed to begin work once again as an officer due to the circumstances under which he had left his last employment as a law enforcement officer in this state. Motion made, Chief Walker, seconded, Sheriff McComas to table the reactivation of the law enforcement certification of this officer until additional information is provided to the Subcommittee members by the former officer and/or his former employer, who is once again seeking to employ him, as to the clarification of questions raised by the members as a result of discussion with them during the executive session. The motion was approved unanimously without further discussion with 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. Retired Captain Sadler provided update on one individual interested in recertification after 60 month separation of active service. Retired Captain Sadler informed the Subcommittee members that the individual had not, as of this meeting, submitted a Conditional Offer of Employment. As previously directed by the members absent such a conditional, or full offer of employment, there was not a need to review and determine the amount of training this former officer would require to bring his law enforcement certification current at this time. Motion made, Sheriff McComas, seconded, Retired Sergeant Johnson to table this and decision as to the amount of training required to bring his law enforcement certification current and active until the required offer of employment has been received from this former officer.

20. Agenda Item 12 – Equivalent certification program reviews as to decisions made. There were none. No action required.
21. Agenda Item 13 – Review of officer’s ability to enter and complete the entry level training program. There were none. No action required.
22. Agenda Item 14 – Retired Captain Sadler provided an update on status of officer who had previously sought an accommodation to participate in the Academy’s entry level training program to gain certification as an officer and was denied by the members. Provided for informational purposes, no action required.
23. Agenda Item 15 – Retired Captain Sadler and Ms. Webb-Barber provided the Subcommittee with an update on the appeal of Fairmont State University and the denial of their request to operate a regional law enforcement training academy. Provided for informational purposes.
24. Agenda Item 16 – Training schedule provided for the Three Week Recertification/Equivalent Certification Program that is being held at the PDC, September 12-30, 2016. Provided for informational purposes, no action required.
25. Agenda Item 17 – Training schedule provided for the 168th Basic Class, August 29, 2016 to December 16, 2016 which is currently running at the Academy. Provided for informational purposes, no action required as a result of previous approval of the schedule and make-up of these classes by the Subcommittee members.
26. Agenda Item 18 – Captain Sadler reviewed the FY2016 Training Year Report that was provided to the Subcommittee members by email along with the meeting agenda materials. The report provides an overview of the training, qualification and certification related matters addressed by the Subcommittee members during the period of July 1, 2015 to June 30, 2016. The final version

of the report will be provided, as required by statute, to the Governor, the Speaker of the House and the President of the Senate. A copy will also be posted to the LEPS Page on the DJCS website. Provided for informational purposes, no action required.

27. Agenda Item 19 – Correspondence by LEPS Program relating to 168th Basic Class. Captain Sadler reviewed the following items, numbers 28 through 31, with the members. There were no questions concerning these items and as reflected they were presented for information purposes so no action was required by the members.
28. Agenda Item 19.A – Retired Captain Sadler informed the Subcommittee that this item addressed letters sent by Ms. Mason to those individuals failing the PAT and/or those who were no shows for the 168th Basic Class. Provided for informational purposes.
29. Agenda Item 19.B – Retired Captain Sadler informed the Subcommittee that this item addressed correspondence sent out by Ms. Mason with reference to the personal related resignations of officers from the 168th Basic Class. Provided for informational purposes.
30. Agenda Item 19.C – Retired Captain Sadler informed the Subcommittee that this item addressed correspondence sent out by Ms. Mason with reference to medical resignations of officers from the 168th Basic Class. Provided for informational purposes.
31. Agenda Item 19.D – Retired Captain Sadler informed the Subcommittee that this item addressed correspondence sent out by Ms. Mason with reference to an officer who had been dismissed from the 168th Basic Class. It was noted that as a result of his dismissal from an entry level training program that by statute he could not work again as an officer for at least five years and then only if the Subcommittee members approved this former officer to be able to work again to pursue certification as a law enforcement officer. Provided for informational purposes.
32. Agenda Item 20 – Retired Chief Stephens noted that the next LEPS Subcommittee meeting is scheduled for Thursday, October 27, 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 Mayor Manchester to adjourn this meeting. The motion passed unanimously with no discussion. Meeting adjourned at 11:10 a.m.