

**LAW ENFORCEMENT TRAINING SUBCOMMITTEE
West Virginia State Police Academy
Professional Development Center
Institute, West Virginia
January 25, 2007**

AMMENDED COPY

MEMBERS PRESENT: Colonel David Murphy
Retired Lieutenant H. Steve Walker
Ms. Susan Singleton

MEMBERS REPRESENTED: Colonel D. Lemmon by
Major Dave Williams
Sheriff Rodney Miller
By Sheriff Mike Rutherford
Retired Lieutenant Terry L. Miller
by Mr. Dave Gentry
Ms. Patricia Hamilton
By Mr. Jack McClung
Ms. Ivin B. Lee
By Retired Sergeant J. L. Johnson

MEMBERS ABSENT: Chief John Walker
The position occupied by Dr. Ervin V. Griffin Sr.
was vacant due to his resignation from the
LET Subcommittee and the vacancy as
yet not being filled.

STAFF: Retired Captain Chuck Sadler
Mr. Jeff Estep

The January 25, 2007 meeting of the Law Enforcement Training (LET) Subcommittee, conducted at the Professional Development Center of the West Virginia State Police Academy, Institute, West Virginia, was called to order at 10:07 a.m. by Colonel Dave Murphy, Chair, with eight (8) members either present or represented. One member was absent and there is one vacancy on the committee.

The minutes of the December 14, 2006 meeting of LET Subcommittee were presented for consideration. Colonel Murphy asked if there were any questions or corrections to be noted concerning the minutes. Hearing none he asked if there was a consensus agreement to accept the minutes as presented. The members present indicated that there was such agreement.

Colonel Murphy asked for the presentation of the financial report by Retired Captain Chuck Sadler. Immediately prior to the start of the meeting Retired Captain Sadler had provided the members with information concerning the funds in the LET Account dated January 24, 2007. A copy of that financial report is provided under Attachment One.

Retired Captain Sadler reviewed the balance listed in the fund advising that there was \$51, 975.24 as of January 24th. There was a question from Colonel Murphy as to whether the report was current as to all the obligations approved for expenditure by the LET Subcommittee. Retired Captain Sadler indicated that it was.

He continued that it appeared that the fund would generate a sufficient level to allow for the projected cost of the 131st Basic Class to be begin May 7, 2007, but that that obligation would be followed closely by a request from the West Virginia State Police for the Academy's civilian support staff's salaries. It would be unlikely that the fund would have collected sufficient funds at that point to allow for the obligation of funds towards that request. Retired Captain Sadler asked that if any of the members individual organizations wanted to support presentation of legislation to increase the amount collected for the LET Fund that this would directly aid the ongoing problem as to the balance in the fund.

There being no further comments by Retired Captain Sadler on the financial report and there being no further questions or comments by the members Colonel Murphy asked if there was a motion to accept the report as presented. Retired Lieutenant Walker made a motion, seconded by Retired Sergeant Johnson, that the financial report be accepted as presented. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Colonel Murphy then initiated discussion on Agenda item three. As to item three the applications of the below named individuals seeking to be certified as law enforcement training instructors were presented for consideration:

Conservation Officer John W. Apgar Division of Natural Resources	Police Firearms Instructor – Handgun Police Firearms Instructor – Shotgun Police Firearms Instructor – Select Fire
Senior Trooper Daniel W. Burge West Virginia State Police	Police Firearms Instructor – Handgun
Sergeant John Burke Wheeling Police Department	WEAPONS/NCIC System
Sergeant Christopher M. Casto West Virginia State Police	Electronic Evidence Digital Forensics
Mr. James C. Curry West Virginia State Police	WEAPONS/NCIC System
Corporal Gary Daniels Charleston Police Department	Radar/Lidar Instructor
Patrolman Brian Lightner Charleston Police Department	Radar/Lidar Instructor Standardized Field Sobriety Testing DUI Detection
Trooper Adam Scott West Virginia State Police	Interview and Interrogation Anti-Terrorism Training Child Physical/Sexual Abuse and Neglect Investigation

Colonel Murphy asked Retired Captain Sadler if these individuals had met the standards to become certified law enforcement instructors. Retired Captain Sadler indicated that they did and that they be recommended for approval as such.

A motion was made by Retired Lieutenant Walker, seconded by Retired Sergeant Johnson, that these individuals be certified as law enforcement instructors. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Colonel Murphy then initiated discussion on agenda item number four A. The following applications for approval of annual in-service training programs were presented for consideration:

BECKLEY POLICE DEPARTMENT

Eight (8) hours

5 Feb 07

Drug Investigations for Patrol Officers

Instructor: Adjunct Staff from Old Dominion Tactical and Narcotics Training Inc.
Beckley, WV

CHARLESTON POLICE DEPARTMENT

Eight (8) hours 10 Apr 07

Glock Armorers Course

Instructor: Deputy Jim Greene
Charleston, WV

Eight (8) hours 15 Jan 07

Field Training Officer Program

Instructor: Lieutenants B Rinehart and D Peal
Charleston, WV

FAYETTE COUNTY SHERIFF'S OFFICE

Forty (40) hours 26 Feb 07 – 2 Mar 07

Crisis Negotiations

Instructor: FBI Special Agents M. Yansick, S. Viglianco, and J. Kelly
Beaver, WV

NOTE: This course is being recommended as dual track in-service in that material covered addressed management concepts and training along with standard operating procedures.

HURRICANE POLICE DEPARTMENT

Forty (40) hours 22-26 Jan 07

Patrol Rifle Instructor

Instructor: Mr. Harry Teare
Hurricane, WV

KANAWHA COUNTY PROSECUTOR'S OFFICE

Four (4) hours 17 Jan 07

Quarterly Law Enforcement Training Seminar

Instructors: Attorneys-at-Law R. Garlow and F. Giggenbach
Charleston, WV

MERCER COUNTY SHERIFF'S OFFICE

Twenty-four (24) hours

Patrol Interdiction

Instructors: Adjunct Staff Multijurisdictional Counterdrug Task Force
Princeton, WV

MID ATLANTIC TRAINING RESOURCES

Eight (8) hours 23 Jan 07, 20 Feb 07 20 Mar 07, 24 Apr 07,
22 May 07 and 19 Jun 07

M4/M16/AR15 Operator Basic Course

Instructor: Adjunct Staff Mid Atlantic Training Resources
Philippi, WV

Four (4) hours 16 Jan 07, 13 Feb 07, 13 Mar 07, 17 Apr 07
15 May 07 and 12 Jun 07

OCAT Pepper Spray Basic Certification

Instructor: Adjunct Staff Mid Atlantic Training Resources
Philippi, WV

Eight (8) hours 17 Jan 07, 14 Feb 07, 14 Mar 07, 18 Apr 07
16 May 07 and 13 Jun 07

Shotgun Armorer Course

Instructor: Adjunct Staff Mid Atlantic Training Resources
Philippi, WV

Twenty-four (24) hours 26-28 Mar 07, 28-30 May 07 and 25-27 Jun 07

Pistol Basic Instructor Course

Instructor: Adjunct Staff Mid Atlantic Training Resources
Philippi, WV

Twenty-four (24) hours 26-28 Feb 07, 30 Apr 07-2 May 07 and 20-22 Jun 07

Carbine Basic Instructor Course

Instructor: Adjunct Staff Mid Atlantic Training Resources
Philippi, WV

NCLETTTC

Eight (8) hours 26 Jan 07

PR-24 Side Handle Baton Instructor

Instructor: Retired Officer E. Bogats Jr
Moundsville, WV

Twenty-four (24) hours 14-16 Feb 07

Glock Firearms Instructor Workshop

Instructor: Adjunct Staff Glock Inc.
Moundsville, WV

Eight (8) hours 6 Mar 07

Inmate Transport

Instructor: Mr. Doyle Prichard
Moundsville, WV

NITRO POLICE DEPARTMENT

Two (2) hours 18 Jan 07

Racial Profiling Documentation for West Virginia Law Enforcement Officers

Instructor: Captain W. Javins and Lieutenant D. Scurlock
Nitro, WV

PARKERSBURG POLICE DEPARTMENT

Eight (8) hours 14 Dec 06
Smith and Wesson Armorer's Course
Instructor: Adjunct Staff Smith and Wesson Inc.
Parkersburg, WV

UNITED STATES ATTORNEY'S OFFICE – SOUTHERN DISTRICT

Ten (10) hours 27-28 Feb 07
West Virginia Gang Prevention Summit
Instructor: Adjunct Staff United States Department of Justice
Charleston, WV

UNITED STATES ATTORNEY'S OFFICE – NORTHERN DISTRICT

Eight (8) hours 21 Feb 07
Commercial Motor Vehicle Safety and Familiarization
Instructors: Mr. James Farrell and Mr. Shannon Chelf
Moundsville, WV

Eight (8) hours 22 Feb 07
Commercial Vehicle Roadside Interview Techniques
Instructors: Mr. James Farrell and Mr. Shannon Chelf
Moundsville, WV

Eight (8) hours 23 Feb 07
Commercial Vehicle Concealment and Search Techniques
Instructors: Mr. James Farrell and Mr. Shannon Chelf
Moundsville, WV

WAYNE COUNTY SHERIFF'S OFFICE

Sixteen (16) hours 12-13 Mar 07 and 14-15 Mar 07
Patrol Defensive Tactics
Instructor: Officer Jeremy Walters and Deputy Stanford Poff
Huntington, WV

WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION

Four (4) hours 6 Feb 07
How to Properly Complete a ABCA Violation Report
Instructor: Ms. Teri Snerberger
Charleston, WV

WEST VIRGINIA PREVENTION RESOURCE CENTER

Six (6) hours 12 Dec 06
Professionalism on the Witness Stand
Instructor: Mr. Chris Chiles and Mr. Phil Morrison, Attorneys-at-Law
Multiple locations through video broadcast, base site Kanawha County

Six (6) hours 13 Dec 06

Advanced Courtroom Testimony

Instructor: Mr. Chris Chiles and Mr. Phil Morrison, Attorneys-at-Law
Multiple locations through video broadcast, base site Kanawha County

WEST VIRGINIA STATE POLICE

Sixteen (16) hours 4-5 Jun 07

Criminal Street Gangs Investigations

Instructor: Mr. Mike Miller
Institute, WV

Sixteen (16) hours 15 sets of dates during the period 20 Feb 07 to
31 May 07

West Virginia State Police Annual In-Service Training

Instructor: Sergeants David Lee, Gary Martin, Chris Casto, Kevin Keplinger
And Trooper First Class Rob Petry
Institute, WV

NOTE: The last day of this training, which addresses the Identification and Seizure of Electronic Evidence, is being recommended for dual track approval as annual and supervisory in-service due to the concepts presented during the training.

WHITE SULPHUR SPRINGS POLICE DEPARTMENT

Eight (8) hours 20 Feb 07

Legal Issues Review and Updates-Case Law and Mutual Aid

Instructor: Mr. Mark Neal
White Sulphur Springs, WV

NOTE: This course is being recommended as dual track in-service in that material covered addressed management concepts and training along with standard operating procedures.

Colonel Murphy asked Retired Captain Sadler if these classes met the standards to be certified for annual level in-service training. Retired Captain Sadler stated that all the classes listed did and recommended their approval.

A motion was made by Ms. Singleton, seconded by Retired Sergeant Johnson, that all of the listed classes be approved as annual level in-service training. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Colonel Murphy then initiated discussion on agenda item number four B. The following applications that had been submitted for approval as supervisory in-service for this month's meeting were considered:

FAYETTE COUNTY SHERIFF'S OFFICE

Forty (40) hours 26 Feb 07 – 2 Mar 07

Crisis Negotiations

Instructor: FBI Special Agents M. Yansick, S. Viglianco, and J. Kelly
Beaver, WV

NOTE: This course is being recommended as dual track in-service in that material covered addressed management concepts and training along with standard operating procedures.

WEST VIRGINIA STATE POLICE

Eight (8) hours 15 dates during the period 20 Feb 07 to 31 May 07

Identifying and Seizing Electronic Investigation (ISEE)

Instructor: Sergeant C. Casto
Institute, WV

NOTE: This course is being recommended as dual track in-service in that material covered addressed management concepts and training along with standard operating procedures. The training is on the last day of overall training requested approval under annual in-service category as 16 overall hours for 2007 West Virginia State Police In-Service Training. The class is open to officers from all agencies.

Twenty-four (24) hours 22-24 Jan 07

West Virginia State Police Executive Command School – Week One

Instructor: Captain Jack Chambers, Sergeant Kevin Keplinger and
Sergeant Curt Tilley
Institute, WV

Twenty-eight (28) hours 12-15 Feb 07

West Virginia State Police Executive Command School – Week Two

Instructor: Retired Colonel J. R. Buckalew, Retired Captain Ted Smith,
Technical 2nd Lieutenant Jan Hudson, Trooper Brett Childress and
Special Agent Joe Ciccarelli
Institute, WV

Twenty (20) hours 27-29 Mar 07

West Virginia State Police Executive Command School – Week Three

Instructor: Captain Joe Parsons, Lieutenant Larry Bailes, Sergeant Curt Tilley
Mrs. Martha Beasley, Mrs. Sandra Ashley, and Mr. Lew Brewer
Institute, WV

Thirty-two (32) hours 16-20 Apr 07

West Virginia State Police Executive Command School – Week Four

Instructor: Retired Captain Jess Gundy, Lieutenant D. L. Lemon,
Sergeant Curt Tilley and Sergeant Mike Lynch
Institute, WV

WHITE SULPHUR SPRINGS POLICE DEPARTMENT

Eight (8) hours 20 Feb 07
Legal Issues Review and Updates-Case Law and Mutual Aid
Instructor: Mr. Mark Neal
White Sulphur Springs, WV

NOTE: This course is being recommended as dual track in-service in that material covered addressed management concepts and training along with standard operating procedures.

Colonel Murphy asked Retired Captain Sadler if these classes met the standards to be certified for supervisory level in-service training. Retired Captain Sadler stated they did and recommended their approval.

A motion was made by Ms. Singleton, seconded by Retired Sergeant Johnson, that the listed classes be approved as supervisory level in-service training. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Colonel Murphy then initiated discussion on agenda item number four C. The following applications for approval of personal in-service training programs were presented for consideration:

BECKLEY POLICE DEPARTMENT

Lieutenant Tim Deems
Annual In-Service
Eighty (80) hours 22 Jan 07 – 2 Feb 07
DEA Basic Narcotics Investigator School
Drug Enforcement Administration
Quantico, VA

BROOKE COUNTY SHERIFF'S OFFICE

Detective Sergeant Peter A. Giordano
Supervisory In-Service
Sixteen (16) hours 21-22 Jan 07
Incident Command School Level 300
RESA VI
Newell, WV

CHARLESTON POLICE DEPARTMENT

Sergeant M. Fulks
Sergeant S. Williams
Supervisory In-Service
Twenty-four (24) hours 18-20 Dec 06
First Line Supervision Class
Ohio Peace Officers Academy

Patrolman C. Johnson
Patrolman S. Midkiff
Annual In-Service
Twenty-four (24) hours 6-8 Feb 07
Colt M-16/AR-15 Armors Course
Colt Firearms Inc.
York, PA

CHESTER POLICE DEPARTMENT

Chief Ken Thorn
Lieutenant James Bryan
Patrolman Peter Bowen
Dual Track In-Service
Sixteen (16) hours 20-21 Jan 07
Incident Command System (NIMS)
RESA VII
Newell, WV

CONSOLIDATED COMMUNICATIONS EMERGENCY RESPONSE CENTER

Retired Lieutenant Donald M. Davis
Annual In-Service
Twenty (20) hours 15-18 Jan 07
West Virginia 911 Training Conference
Charleston, WV

FAIRMONT POLICE DEPARTMENT

Officer Jack Frost
Officer Donald Quinn
Annual In-Service
Eight (8) hours 5 Mar 07
Amber Alert System
Amber Alert Inc.
Columbia, SC

HAMPSHIRE COUNTY SHERIFF'S OFFICE

Deputies to be named
Annual In-Service
Twenty-four (24) hours 17-19 Jul 07
2007 D.A.R.E. International Conference
D.A.R.E. Inc.
Nashville, TN

JEFFERSON COUNTY SHERIFF'S OFFICE

Corporal R. S. Sell
Corporal T. L. Edwards
Annual In-Service
Twenty-four (24) hours 22-24 Jan 07
The Reid Technique of Interviewing and Interrogation
John E. Reid and Associates
Baltimore, MD

MORGAN COUNTY SHERIFF'S OFFICE

Chief Deputy Shambaugh
Deputy Tony Link
Deputy Seth Place
Deputy Scott Lemon
Annual In-Service
Forty (40) hours 5-9 Feb 07
Basic SWAT Training
Central Delco Tactical Response Team
Aston, PA

MORGANTOWN POLICE DEPARTMENT

Patrolman First Class Scott E. Carl
Patrolman First Class Nicholas S. Schmidle
Patrolman Tyler F. Holder
Annual In-Service
Twenty-four (24) hours 17-19 Jan 07
Criminal Street Gang Course
Northeast Counter Drug Training Center
Fort Indiantown Gap, PA

Sergeant Debra Gordey
Supervisory In-Service
Twenty-four (24) hours 22-24 Jan 07
First Line Supervision
Ohio Peace Officer's Training Academy
Richfield, OH

Sergeant Robert McBee
Sergeant Debra Gordey
Supervisory In-Service
Twenty-four (24) hours 27 Feb 07 – 1 Mar 07
First Line Supervision
Ohio Peace Officer's Training Academy
London, OH

Patrolman First Class Steve Bennett
Patrolman Molly Linthicum
Annual In-Service
Thirty-two (32) hours 29 Jan 07 – 1 Feb 07
Drug Identification
Northeast Counter Drug Training Center
Fort Indiantown Gap, PA

Lieutenant Kevin Clark
First Sergeant Joel Smith
Supervisory In-Service
Eighty (80) hours 5-16 Feb 07
Police Executive Training (POLEX)
Northeast Counter Drug Training Center
Fort Indiantown Gap, PA

First Sergeant Harold Sperringer
Annual In-Service
Twenty-four (24) hours 12-16 Feb 07
Star Witness (Forensic Video Processing Training)
U. S. Army
U. S. Army Electronic Proving Grounds
St Louis, Missouri

PARKERSBURG POLICE DEPARTMENT

Officers to be named
Annual In-Service
Eight (8) hours 14 Dec 06
Armorer's Course
Smith & Wesson Inc.

Officers to be named
Annual In-Service
Thirty-two (32) hours 12-15 Feb 07
Criminal Patrol Drug Interdiction Course
Ohio Highway Patrol Academy
Columbus, OH

Officers to be named
Annual In-Service Date to be provided
Sixteen (16) hours
Street Survival Seminar
Calibre Press
Cleveland, OH

Officers to be named
Annual In-Service
Eight (8) hours
Glock Armorer Course
Glock Inc.
Moundsville, WV

RITCHIE COUNTY SHERIFF'S OFFICE

Lieutenant Bryan C. Davis
Annual In-Service
Sixteen (16) hours 22-23 Feb 07
School Violence Training Seminar
Public Agency Training Council
Marion, OH

VIENNA POLICE DEPARTMENT

Officer Scott Hughes
Annual In-Service
Forty (40) hours 29 Jan 07 – 2 Feb 07
Phase I & II Hostage Negotiations and Crisis Intervention
Public Agency Training Council
Columbus, OH

Officer Carl L. Powell II
Officer Anthony N. Harris
Officer Jeremy L. Bradley
Annual In-Service
Twenty-four (24) hours 22-24 Jan 07
The Reid Technique of Interviewing and Interrogation
John E. Reid and Associates
Columbus, OH

Colonel Murphy asked Retired Captain Sadler if these classes met the standards to be certified as annual or supervisory level in-service training as applicable. Retired Captain Sadler indicated they did and recommended their approval.

Colonel Murphy asked if there were any questions concerning the classes that had been submitted. As there were none expressed a motion was made by Ms. Singleton, seconded by Retired Sergeant Johnson, that these classes be approved as annual or supervisory level in-service training as applicable. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, the motion as made.

Colonel Murphy then initiated discussion on Item 5 of the agenda as to the recommendation by the West Virginia State Police that the cost of ammunition used by entry level training officers at the Academy be paid for by the Department that the officer worked for by asking Sergeant Curt Tilley, Assistant Director of

Training for the West Virginia State Police to speak on the matter. Sergeant Tilley reviewed with the members present the cost, approximately \$12,000, that purchasing ammunition for range training and qualification would cost during the 130th Basic Class. He continued that this was a cost being covered by the LET Fund and that if the approximate \$240 per officer cost was borne by the agencies involved that this would be one way to help address the shortfall in funding levels that the LET Fund had been experiencing.

He continued that the Academy would purchase the rounds in bulk to ensure lowest cost available for the cost to be passed on the officer's agency. Such a bulk purchase would also ensure that consistency in the type and quality of the rounds used on the range was the same. The cost of the ammunition would be assessed to the agencies in the form of a fee to cover the purchase and use price of the ammunition.

There was discussion by the members present as to in lieu of approving such a fee that the overall tuition/fee to attend the Academy be increased from the current level of \$1,000. There was concern expressed as to the impact that either the implementation of a ammunition fee or an increase in the overall tuition on the smaller law enforcement agencies in the state. A tiered fee system was discussed as to raising the tuition fee for larger agencies. It was recognized that that any increase/addition of a fee would need to be made with a sufficient time period before implementation to allow the law enforcement agencies to prepare for the additional cost of sending an officer to the entry level training.

No consensus was come to as to the proposed recommendation implementation of a fee for the ammunition or to any change in the tuition fee charged to agencies for officers attending the entry level training program. Colonel Murphy advised the members that the recommendation and matters discussed should be given continued consideration by them as part of the overall action and possible solutions to address the level of funds in the LET Fund.

Colonel Murphy then initiated discussion on agenda item 6 as to the tabled request from the December 14, 2006 LET Subcommittee meeting of the initiation of a ninety day action concerning prior Officer Wallace Meade Jr., Chapmanville Police Department for failure to submit a completed application for participation in the entry level training program. Mr. Meade was present to speak with the members and was asked to come before the members to review his request to made anew as to the entry level training requirements.

There was consensus agreement by the members present that the Chapmanville Police Department had not taken steps at the time of his employment to advise Mr. Meade of the requirement to submit the required application in a timely manner. A request had been made to the current administration at Chapmanville Police Department to send a representative to speak on the matter involving Mr. Meade. No one was present at the meeting to speak on their behalf.

Retired Lieutenant Walker made a motion, seconded by Retired Sergeant Johnson, that Mr. Wallace Meade Jr., formerly an officer with the Chapmanville Police Department be made anew in the eyes of the LET Subcommittee as to his participation in the entry level training program. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, the motion as made.

Colonel Murphy then initiated discussion on agenda item 7 as to the request by Ms. Julie Skidmore, formerly an officer with the Richwood Police Department, to be re-hired by the Richwood Police Department and make application to attend the entry level training process in consideration of the fact that she had previously had a pacemaker implanted. Retired Captain Sadler gave an overview to the members present of the circumstances surrounding Ms. Skidmore's employment as an officer, her actions concerning the PAT examinations and the medical information that she had provided concerning her pacemaker.

Colonel Murphy asked Ms. Skidmore to comment on her circumstances and request. She did do so and indicated that with the actions taken recently by her doctor that she was now able to work and be trained as an officer. Colonel Murphy reviewed with her that if she was re-hired that she would need to make timely application and submission of all required/requested documentation from the Academy staff and the LET Coordinator. He continued that failure to do so would not allow the LET Subcommittee to make further approval as to her ability to participate in the entry level training process.

Retired Lieutenant Walker made a motion, seconded by Retired Sergeant Johnson, that Ms. Julie Skidmore, formerly an officer with the Richwood Police Department be allowed to be re-hired by the Richwood Police Department or another West Virginia law enforcement agency and make application to participate in the entry level training program. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, the motion as made.

Colonel Murphy then moved to initiate discussion on agenda items 8, 9 and 10 by advising the members present that these items addressed personnel related matters and asked if there was a motion for the LET Subcommittee to go into executive session to so address them. Mr Gentry made a motion, seconded by Retired Sergeant Johnson, that the LET Subcommittee go into executive session to address agenda items 8, 9 and 10. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, the motion as made.

The LET Subcommittee went into executive session at 10:38 a.m. The LET Subcommittee came out of executive session at 11:37 a.m. Colonel Murphy asked the members if there were any motions to be made concerning agenda items 8, 9 and 10.

Retired Lieutenant Walker made a motion, seconded by Retired Sergeant Johnson, that Officer Scott Shelton, Martinsburg Police Department be allowed to continue in the application process to participate in the entry level training program. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, the motion as made.

Ms. Singleton made a motion, seconded by Retired Sergeant Johnson, that the motions passed during the December 14, 2006 meeting concerning Baker, Brown and Munson (in re: the upholding of the review and decision of Colonel Lemon issued on September 5, 2006 reference the dismissal of these individuals from the 128th Basic Class and the motion directing that a formal position statement be drafted and brought back before the LET Subcommittee at its January 25, 2007 meeting reflecting the position of the LET Subcommittee in upholding those dismissals) be rescinded and that a letter be prepared and sent to Baker, Brown, Munson and their counsel, as applicable, advising that a formal evidentiary hearing was to be set before an administrative law judge concerning their dismissal and to determine their interest in participating in that hearing . There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, the motion as made.

Retired Lieutenant Walker made a motion, seconded by Retired Sergeant Johnson, that any consideration of the request of Mr. Marcus Baker, Mr. Jonathan Brown and Mr. Jason Munson that they have met the requirements to be certified as law enforcement officers in West Virginia be tabled until the resolution of their appeal of their dismissal from the 128th Basic Academy Class. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, the motion as made.

Colonel Murphy asked the members present if there was any other business to be discussed. Retired Captain Sadler advised that Mr. G. M. "Gus" Ghannan, formerly with the Clendenin Police Department, was present at the meeting and had asked to speak with the members as a ninety (90) day order that had been put in place requiring him no longer work as a law enforcement officer in West Virginia for failure to make timely application to the entry level training program. With Mr. Ghannan was Chief M. L. Dibbs of the Clendenin Police Department. Colonel Murphy indicated that Mr. Ghannan could present his request to the members and asked Retired Captain Sadler to review the circumstances that had led to the issuance of the ninety day order.

Retired Captain Sadler provided the members present with copies of correspondence pertaining the action taken and the request to appeal the action to the LET Subcommittee, copy provided under Attachment Two. Retired Captain Sadler gave an overview of the circumstances that led to the issuance of the order and Mr. Ghannan's request to appeal the matter. Colonel Murphy had Mr. Ghannan and Chief Dibbs speak as to the actions that had led to an application not being filed in a timely manner for Mr. Ghannan to participate in the entry level training program. From the information provided the members determined that Mr.

Ghannan had not been informed by the Town of Clendenin as to the requirement to submit the application and had been led to believe that all actions required to be taken would be completed on his behalf.

Mr. Gentry made a motion, seconded by Retired Sergeant Johnson, that Mr. G. Ghannan, formerly with the Clendenin Police Department made anew in the eyes of the LET Subcommittee and that he be allowed to participate in the application process to participate in the entry level training program upon being hired as a law enforcement officer. There being no discussion on the motion Colonel Murphy called for questions. All present voted in favor of, with no negative votes cast, the motion as made.

Colonel Murphy asked if there was any other business to be discussed by the members. Sergeant Tilley indicated that he would like to talk with the members as to the physical fitness standards and the impact that the lowering of them had on the officers who were entering the Academy. Colonel Murphy indicated for him to go ahead and speak about his concerns.

Sergeant Tilley advised that he was aware that action was being undertaken to review the job task analysis that was the basis for establishing the existing entry level standards. Until that review was completed and the standards be modified as based on the review the Academy was experiencing another problem concerning the physical fitness standards of the officers participating in the entry level training program.

Upon successfully passing the PAT to gain entry to the entry level training program an applicant officer's results are valid for a period of six months. With the number of applicants requiring training it is not uncommon for an officer to be delayed for a period of time before he enters the Academy. Some number of these officers are not maintaining their physical fitness condition at the levels that allowed them to successfully complete the PAT and come to Academy to participate in the entry level training program overweight and out of shape. As such they are having difficulty in participating in the physical conditioning program of the Academy and present a potential medical risk to themselves and as to their ability to successfully complete the classes which make up the training program, in particular the Defensive Tactics class normally held during week 5 of the program.

Sergeant Tilley asked that the LET Subcommittee approve a requirement that physical fitness training be viewed as a skills test and that the officers entering the Academy be required to take the PAT exam on Day 1 of starting the entry level training program. If they failed the PAT on that attempt they would be given remedial training and given 2 further attempts to pass it as with any other skills based examination. In conjunction with established Academy policy if they failed a third time they would be dismissed from the training program.

There was consensus agreement by the members present as to the need to address the concerns raised by Sergeant Tilley. It was recognized however that an examination of the legislative rules pertaining to physical fitness and the entry level

training program would need to be reviewed to determine if those rules would have to be changed to allow for the implementation of the recommendation of Sergeant Tilley that physical fitness be considered as a skills test. Colonel Murphy indicated that the matter would be reviewed and asked the members present to examine the issue and that the issue would be discussed at upcoming LET Subcommittee meetings.

Colonel Murphy asked if there was any other business to be brought before the LET Subcommittee. There being no indication of any further other business that needed to be discussed by the members present Colonel Murphy asked if there was consensus agreement to close the January 25, 2007 meeting of the LET Subcommittee. Such consensus agreement being indicated the January 25, 2007 meeting of the LET Subcommittee be brought to a close by Colonel Murphy.

ATTACHMENT ONE

LET FUND FINANCIAL REPORT

January 24, 2007

ATTACHMENT TWO

Ninety Day Action

Mr. G. M. “Gus” Ghannan