

LAW ENFORCEMENT TRAINING SUBCOMMITTEE
Charleston Civic Center
Charleston, West Virginia
August 28, 2008

MEMBERS PRESENT: Colonel David Murphy
Retired Chief Ivin Lee
Retired Lieutenant Terry Miller
Ms. Suzan Singleton

MEMBERS REPRESENTED: Colonel D. Lemmon by
Sergeant Curt Tilley
Chief Kevin Gessler by
Chief Tim Stover
Retired Lieutenant Steve Walker by
Chief Joe Crawford
Sheriff Rodney Miller by
Ms. Melissa Garretson

MEMBERS ABSENT: Ms. Patty Hamilton
The position occupied by Dr. Ervin V. Griffin Sr.
is vacant due to his resignation from the
LET Subcommittee and the vacancy as
yet not being filled.

STAFF: Retired Captain Chuck Sadler

The August 28, 2008 meeting of the Law Enforcement Training (LET) Subcommittee, conducted at the Charleston Civic Center, located in Charleston, West Virginia, was called to order by the Chair, Sergeant Curt Tilley, at 10:06 a.m. with eight (8) members either present or represented at the meeting. This meeting was held prior to the full Governor's Committee on Crime, Delinquency and Correction meeting at the same location that afternoon.

The minutes of the July 31, 2008 meeting of LET Subcommittee had been mailed to the members prior to the meeting. Sergeant Tilley asked if there were any changes/corrections to be made to the minutes. Hearing none he asked if there was a motion concerning the minutes of the July 31, 2008 LET Subcommittee meeting. Chief Crawford made a motion, seconded by Ms. Singleton, that the minutes of the July 31, 2008 meeting of the LET Subcommittee be accepted with the correction to be made as to its location. There being no discussion on the motion Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Sergeant Tilley asked for the presentation of the financial report by Retired Captain Sadler. A copy of the financial report dated August 25, 2008 had been given to the members present prior to the start of the meeting. He advised the members that as reflected on the account balance sheet that there was a balance of \$145,501 in the LET Fund. He continued that with the funding provided previously by the forfeited funds from the Perdue Pharma monies that the LET Fund was now beginning to accumulate funds that would better allow it to address future funding requests related to entry level training classes. He did advise the members that continued examination needed to be made concerning funding sources that will allow the fund to be able to fully meet future training requests and requirements.

There were no questions about the financial report as presented by Retired Captain Sadler. Sergeant Tilley asked if there was a motion to be made by the members present to accept the financial report as presented. Chief Crawford made a motion, seconded by Retired Lieutenant Miller, that the LET Fund's financial report be accepted as presented. There being no discussion on the motion Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Sergeant Tilley then initiated discussion on agenda item three. The application of the below named individual seeking to be have the listed additional area of expertise added to his previous certification as a law enforcement training instructor was presented for consideration:

Chief Deputy Troy McCoy
Pocahontas County Sheriff's Office

Concealed Carry Pistol for
Law Enforcement

Sergeant Tilley asked staff if this individual met the standards to have this additional area of expertise added to his certification as a law enforcement instructor. Retired Captain Sadler indicated that he did and recommended his approval as such.

A motion was made by Ms Singleton, seconded by Chief Stover, that this officer have the additional area of expertise listed added to his certification as a law enforcement instructor. There being no discussion on the motion Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Sergeant Tilley then initiated discussion on agenda item number four A. The following annual level in-service training programs to be conducted during the 2009 Training Year were presented for consideration and approval:

CHARELSTON POLICE DEPARTMENT

Four (4) hours 14 Aug 08

Taser X26 Re-Qualification

Instructor: Corporal R Sampson and Senior Patrolmen Welch and Edwards
Charleston, WV

CLARKSBURG POLICE DEPARTMENT

Six (6) hours 13 and 20 Sep 08

Standardized Field Sobriety Testing (SFST) Refresher Course

Instructor: Patrolman First Class M Cross
Clarksburg, WV

Two (2) hours 13 and 20 Sep 09

Intoxilyzer S-D5 PBT Operator Course

Instructor: Patrolman First Class M Cross
Clarksburg, WV

DAVID VINE ASSOCIATES – INVESTIGATIVE TECHNOLOGY

Six (6) hours 15 Sep 08

Internet for Investigators

Instructor: Mr. David Vine
Dunbar, WV

Six (6) hours 16 Sep 08

Advanced Internet Searches for Investigators

Instructor: Mr. David Vine
Dunbar, WV

GLENVILLE STATE UNIVERSITY

Eight (8) hours 15 Sep 08

Basic Crime Scene Management for Patrol Officers

Instructor: Dr's M Cavendish and J Meyers
Glennville, WV

Eight (8) hours 22 Sep 08

Basic Electronic Evidence Seizure

Instructor: Dr M Cavendish and Lieutenant K Rowan
Glennville, WV

MORGANTOWN POLICE DEPARTMENT

Sixteen (16) hours 8-9, 15-16, 22-23, and 24-25 Sep 08

Emergency Vehicle Operation Course (EVOC)

Instructor: Sergeants B Hennessey and J Robinson

Morgantown, WV

RESA VI

Fourteen (14) hours 25-26 Aug 08

Arson I

Instructor: Mr. S Traylor

Ohio County, WV

SAFE HAVEN CHILD ADVOCACY CENTER

Six (6) hours 4 Oct 08

Multidisciplinary Approach to Child Abuse

Instructor: Dr. S Moerschel, Ms B Johnson, Mr S Groh

And Sergeant D Boober

Charles Town, WV

UNITED STATES ATTORNEY'S OFFICE – NORTHERN DISTRICT

Thirty-two (32) hours 15-19 Sep 08

Crisis Negotiator – Basic Course

Instructor: FBI Special Agents S Viglianco and M Yansick

Harpers Ferry, WV

Five (5) hours 14 Aug 08

Middle Eastern Culture and Islamic Awareness

Instructor: Sergeant E Issa

Charleston, WV

Two (2) hours 23 Sep 08

Gang Interaction and Prevention Programs

Instructor: Mr. R "Cook" Barrett

Camp Dawson, WV

WEST VIRGINIA DIVISION OF CRIMINAL JUSTICE SERVICES

PRO Training Classes Snowshoe Mountain Resort

Three (3) hours 5 Aug 08

Internet Crimes Against Children and My Space

Instructor: Sergeant C Casto and Ms K Bleattler, Esquire

Snowshoe Mountain, WV

Three (3) hours 6 Aug 08

Sexual Assault

Instructor: Ms. D Lopez-Bonasso and Ms. D Strouse-Beasley

Snowshoe Mountain, WV

Three (3) hours 4 Aug 08
Diversity in Classroom
Instructor: Ms. V. Walker
Snowshoe Mountain, WV

2008 Make Up Training Program – Professional Development Center
Total of 16 hours, broken down as follows:
Eight (8) hours 16 Sep 08
Human Trafficking in the United States – Promoting Awareness
Instructor: Master Deputy M Hildebrand
Dunbar, WV

Two (2) hours 17 Sep 08
DUI Legislative Update and DUI Related Forms
Instructor: Sergeant S Williams
Dunbar, WV

Two (2) hours 17 Sep 08
Occupant Protection for Law Enforcement (TOPS)
Instructor: Mr. L Kendall
Dunbar, WV

Four (4) hours 17 Sep 08
Operation of Sobriety Checkpoints
Instructor: Retired Captain C Sadler
Dunbar, WV

**WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES
– LAW ENFORCEMENT DIVISION**

Eight (8) hours 12 Aug 08
Glock Armorer School
Instructor: Adjunct Staff Greene – Glock Firearms
Dunbar, WV

Twenty-four (24) hours 13-15 Aug 08
Glock Firearms School
Instructor: Adjunct Staff Greene – Glock Firearms
Dunbar, WV

Sixteen (16) hours 27-28 Aug 08
Swiftwater Rescue School
Instructor: Lieutenant I Case
Glen Jean, WV

WEST VIRGINIA REGIONAL COMMUNITY POLICING INSTITUTE

Eight (8) hours 19 Aug 08
Domestic Violence – The Consequences of Our Response
Instructor: Retired Lieutenant L Nelson and Ms K Fink
Weston, WV

WEST VIRGINIA DEPARTMENT OF HOMELAND SECURITY

Twelve (12) hours 4-5 Aug 08

West Virginia Regional Evacuation Conference III

Instructor: Drs. J Nigg, K Thomas, R Kiley, Mr. T Lockwood, Mr D Decker
Ms B Miller and Ms. E Fisher

Sergeant Tilley asked if these classes met the criteria to be approved as supervisory in-service classes. Retired Captain Sadler indicated that they did and recommended their approval as such. Sergeant Tilley asked if there were any questions concerning the classes. Hearing none he asked if there was a motion for their approval.

Ms Singleton made a motion, seconded by Retired Chief Lee, that the classes presented and recommended be approved for supervisory in-service credit. There being no discussion on the motion Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Sergeant Tilley then initiated discussion on agenda item 4C by presenting the following classes for approval as personal in-service:

MORGANTOWN POLICE DEPARTMENT

Annual In-Service

Patrolman First Class Troy Ball

Patrolman First Class Robert Balderson

One Hundred and Twenty (120) hours 12-23 May 08

Police Motorcycle Operator Training and Certification National Academy

Northwestern University Center for Public Safety
Allentown, PA

Supervisory In-Service

Sergeant James Robinson

Twenty-four (24) hours 28-30 Apr 08

OPTAC International Tactical Command Program

OPTAC International

Chesapeake Police Academy

Chesapeake, VA

WEIRTON POLICE DEPARTMENT

Annual In-Service

Chief Bruce Marshall

Detective Brian Beatty

Detective Gerald Spencer

Twenty-four (24) hours 19-21 May 08

Reid Technique of Interview and Interrogation

Reid and Associates

Pittsburgh, PA

Annual In-Service
Detective Rob Alexander
Detective Ricky Grishkevich
Forty (40) hours 23-27 Jun 08
FBI Laboratory Specialized Training Program
FBI
Huntington, WV

WHEELING POLICE DEPARTMENT

Annual In-Service
Two officers to be named
Five (5) hours 7 May 08
Concealed Compartment Training
Drug Enforcement Administration (DEA)
Greensburg, PA

Sergeant Tilley asked if these classes met the criteria to be approved as personal in-service classes as annual or supervisory as reflected. Retired Captain Sadler indicated that they did and recommended their approval as such. Sergeant Tilley asked if there were any questions concerning the classes. Hearing none he asked if there was a motion for their approval.

Ms. Singleton made a motion, seconded by Retired Chief Lee, that the classes presented and recommended be approved for personal in-service credit. There being no discussion on the motion Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Sergeant Tilley then initiated discussion on agenda item 5 as to the approval of the certification as law enforcement officers of the individuals who attended and completed the 134th Basic Class. The listing of the applicable officers had been provided to the members present at the start of the meeting.

Ms. Garretson had a question as to the officers participating in the equivalent certification program as sit ins during a basic class as to whether the directed desire of the subcommittee members at their May 29, 2008 meeting had been initiated, that desire being that such individuals be required to participate in all of the core classes. Sergeant Tilley advised that such officers were now not allowed to participate in the test out option previously so afforded to them, that as of the 135th Basic Class that they had to attend and successfully complete all of the required core classes set forth in the Legislative Rules.

Sergeant Tilley asked if there were any other questions pertaining to the requested recommendation that the listed individuals be certified as West Virginia law enforcement officers. Hearing none he asked if there was a motion to be made concerning agenda item 5.

Ms. Singleton made a motion, seconded by Retired Chief Lee, that the individuals who had completed the 134th Basic Class be certified as law

enforcement officers in West Virginia, the effective date of that certification being the graduation date for the 134th on August 22, 2008. There being no discussion on the motion Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Sergeant Tilley then initiated discussion on agenda item 6 reviewing with the members present the course schedule and curriculum for the 59th Cade Class. In that the schedule met the criteria set for entry level training programs for certification of law enforcement officers in West Virginia he asked that the schedule be approved as submitted. He asked if there were any questions concerning his recommendation or the scheduled training. Hearing none he asked if there was a motion concerning agenda item 6.

Chief Crawford made a motion, seconded by Retired Lieutenant Miller, that the course schedule for the 59th Cadet Class be approved as submitted. There being no discussion on the motion Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Sergeant Tilley then initiated discussion on agenda item 7 concerning the request by Mr. Sean Hoffer to attend the entry level training program as a private citizen by asking Mr. Hoffer, who was present in the room, to speak with the members as to his desire to do so. Mr. Hoffer did then speak with the members as to his desire to enter the program as a private citizen due to his concerns that due to his age being close to thirty five years old that he might not have the ability to be hired as a law enforcement officer is he did not complete the program as a private citizen.

The members present then discussed with Mr. Hoffer, there being no other individuals present in the room, his interest in attending the entry level training program as a private citizen, Sergeant Tilley asked if he had ever been a law enforcement officer before in West Virginia. Mr. Hoffer responded that he had not., but that he had put in applications with the Beckley and Hinton Police Departments.

Retired Chief Lee asked if he was aware of the age requirement of 35 years old as to employment with municipal police agencies. Mr Hoffer responded that he was, that was why he was interested in attending as a private citizen. He feels that it will open up more possibilities as to employment in that he will be trained and certified as an officer. Ms. Garretson spoke with him as to the fact that the employment age for Deputy Sheriffs in the state is 45 years old.

In response to a question from Sergeant Tilley Mr. Hoffer advised when he would turn 35. The members reviewed with him that as to a municipal agency that he would need to be hired then by his 36th birthday.

There was general discussion then by the members present as to the type and sensitivity of the training presented during the entry level training programs. Individuals now attending the program have some form of background checks completed by the agencies sponsoring them or in the case of current individuals

attending as private citizens that they had at least been previously employed by a West Virginia law enforcement agency and had left a prior basic class for personal related reasons.

The members present advised Mr. Hoffer that his request would be reviewed and further discussed during the executive session that the members would need to go into concerning later agenda items set for this meeting. Mr. Hoffer was advised that he could remain in the meeting room until such an executive session was begun. He opted to leave the meeting room at that point but did remain in the concourse area outside the meeting room.

Sergeant Tilley then initiated discussion on agenda item 8 as to the consideration of the ruling in Wood County Circuit Court, case #05-P-183, by advising the members that the order pertaining to this case had been forwarded with the agenda mailing under pages 63-67. Retired Captain Sadler advised the subcommittee members that the order had been secured and placed on the agenda in response to the inquiry by Retired Deputy Gentry at the July 31, 2008 meeting as to the possible impact of the ruling on the training and certification of law enforcement officers in the state.

There was consensus agreement by the members present that with the information provided in the order of the Court that there was no projected impact on the subcommittee's oversight concerning the training and certification of law enforcement officers in the state. They appreciated the fact that the matter had been brought to their attention should it have been determined that there was a potential or actual impact, but noted that in this matter that there was not anything that needed to be further addressed.

Sergeant Tilley then initiated discussion on agenda item 9 as to the consideration of the PRO position in Mineral County and the status, as to certification and employment, of the individual in that position. Retired Captain Sadler noted that the information provided under this agenda item had been secured in response to the inquiry that had been made at the July 31, 2008 meeting by Retired Deputy Gentry as to the certification status of the officer filling a PRO position in Mineral County.

There was general discussion by the members present as to the employment status of the individual and the ability of the Prosecutor of Mineral County to grant law enforcement powers to an individual. There was consensus agreement by the members present that with the Mineral County Sheriff's Office having notified Retired Captain Sadler through the submission of a Change In Status Report that as of July 28, 2008 that the individual was no longer working with their Department and that he was employed by the Mineral County School Board that he may no longer work as a PRO as to representing himself as a sworn law enforcement officer.

Chief Crawford made a motion, seconded by Ms. Singleton, that it was the position of the LET Subcommittee members that while his certification as an officer was in good standing that Mr. Fraley, in that he was no longer working for the

Mineral County Sheriff's Office, could not be represent himself as a sworn law enforcement officer in West Virginia until he was once again employed by a recognized law enforcement agency in the state.

There being no discussion on the motion Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Retired Captain Sadler was directed to develop correspondence reflecting the consensus agreement of the subcommittee members to the individual in the PRO position. He advised that he would do so and present it to Sergeant Tilley in his capacity as Chair of the LET Subcommittee prior to sending it.

Sergeant Tilley then initiated discussion on agenda item 10 by updating the members present concerning the appeal of the decision of the LET Subcommittee members at their March 27, 2008 meeting as to the certification of Former Officer William Morris as to the actions taken concerning the appeal since their July 31, 2008 meeting. He advised them that the previously continued hearing before Mr. Lacy, serving as Administrative Law Judge (ALJ), had been completed. The involved parties had presented information to the ALJ in support of their respective positions. The ALJ was awaiting the submission of Proposed Finding of Facts from the involved attorneys, Mr. Compton for the subcommittee and Mr. Teare for Former Officer Morris.

Sergeant Tilley then asked the members present if there was a motion to go into executive session to further discuss agenda item 7 due to the nature of the matters to be discussed. Chief Crawford made a motion, seconded by Ms. Singleton, that the LET Subcommittee go into executive session. There being no discussion on the motion Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

The LET Subcommittee went into executive session at 11:10 am. The LET Subcommittee came out of executive session at 11:32 am.

Sergeant Tilley asked for Mr. Hoffer to come back into the room concerning agenda item 7 and his request to attend the entry level training program as a private citizen. When Mr. Hoffer was present in the meeting room Sergeant Tilley asked if there was a motion to be made concerning agenda item 7.

Colonel Murphy made a motion, seconded by Chief Crawford, that based on the past practices on the LET Subcommittee as to individuals attending the entry level training program as private citizens having been previously employed by law enforcement agencies in the state and that they had not completed the entry level training program for personal related reasons, but were then approved based on their request to attend as private citizens that only individuals falling into such a position would be allowed to attend as private citizens, that any individual not previously employed as an officer and who had then failed to complete the entry level training program could not attend the training.

There being no discussion on the motion Sergeant Tilley called for questions. All present voted in favor of, with no negative votes cast, for the motion as made.

Sergeant Tilley commended Mr Hoffer on his desire to become a law enforcement officer in West Virginia but advised him that he would be unable to by attending as a private citizen. He recommended to him that he continue to contact law enforcement agencies in his area and seek to be employed by them. Mr. Hoffer thanked the committee members for their time and consideration of his request.

Sergeant Tilley then initiated discussion on agenda item 11 by reviewing with the members present that Former Officer Longwell, who had met with them at their June 26, 2008 meeting, had made a decision to not attend the entry level training program as a private citizen and would remain employed with the Benwood Police Department in a non-sworn capacity.

Sergeant Tilley then initiated discussion on agenda item 12 by advising them that on page 72 was information addressing an action taken by Retired Captain Sadler since the July 31, 2008 meeting, in this case a notice for an individual to stop working as an officer in that a completed application had not been submitted in a timely manner.

Sergeant Tilley then initiated discussion on agenda item 13 by asking the members present if there was other business to be discussed. Retired Captain Sadler indicated that he did and Sergeant Tilley asked him to present it.

Retired Captain Sadler reviewed the contents of the 2008 Law Enforcement Training Report with the members at that time. A copy of the report to be presented at the full Governor's Committee meeting that date was reviewed by him. There were no questions by the members as to the content of the report.

Retired Captain Sadler then reviewed with the members present that the make up training for the 2008 Training Year, July 10, 2007 to July 9, 2008, was set for September 16-17, 2008 at the Academy's Professional Development Center. He was working with the individuals identified as needing such training and their agencies at this point. He further noted that he would present a report on the training completed at the September 25, 2008 LET Subcommittee meeting.

Sergeant Tilley reviewed with the members present at that time that the Former Officer Morris appeal review had brought up the point that the committee members would need to discuss at a future meeting which individuals needed to be brought before the LET Subcommittee for certification review. He asked the members to consider the current practice of the subcommittee and to be prepared to further discuss it at a later meeting.

Sergeant Tilley asked if there was any other business to be discussed. Hearing none he asked for a motion to bring this meeting of the LET Subcommittee to a close. Chief Crawford made a motion, seconded by Ms. Singleton, that the August 28, 2008 meeting of the LET Subcommittee be brought to a close. Hearing no questions on the motion Sergeant Tilley called for questions. All present voted in favor of the motion as made with no negative votes cast.

The August 28, 2008 meeting of the LET Subcommittee was brought to a close as such.