

# 2016

## Annual Report

### West Virginia Law Enforcement Training Law Enforcement Professional Standards (LEPS) Subcommittee

§30-29-3, sub-part (a) (15) of the West Virginia Code stipulates that the Law Enforcement Professional Standards (LEPS) Subcommittee will:

*“Submit, on or before the thirtieth day of September of each year, to the governor, and upon request to individual members of the Legislature, a report on its activities during the previous year and an accounting of funds paid into and disbursed from the special revenue account establish[ed] pursuant to section four of this article.”*

In furtherance of this requirement, the Law Enforcement Professional Standards (LEPS) Program of the West Virginia Division of Justice and Community Services (DJCS) is submitting the following information concerning the **3,600** plus individuals who are working as sworn law enforcement officers within the State of West Virginia as certified by the Law Enforcement Professional Standards (LEPS) Subcommittee of the Governor’s Committee on Crime, Delinquency and Correction (GCCDC).

During the 2016 Training Year reporting period of July 1, 2015 through June 30, 2016 the LEPS Subcommittee met eleven (11) times as per its regular annual schedule for monthly meetings, with no meeting held during the month of November. One (1) additional meeting was held during April 2016 to conduct a legislative rules review retreat immediately prior to the regularly scheduled April meeting. Each meeting was conducted as prescribed by the West Virginia Secretary of State Office guidelines concerning public meetings.

Retired Chief Steve Stephens, the Public-at-Large member on the LEPS Subcommittee, served as the Chair for the LEPS Subcommittee during this training year period. The eleven positions, as set by statute, which make up the LEPS Subcommittee were fully filled during the course of the training year through the action of Department of Military Affairs (DMAPS) Secretary Joe Thornton. The roster of the members comprising the LEPS Subcommittee is provided under Attachment 2 of this report.

A summary of the actions of the LEPS Subcommittee during this reporting period is provided on the following pages. Questions concerning the LEPS Program should be directed to Retired Captain Chuck Sadler, LEPS Program Manager, at (304) 558-8814, ext. 53315 or [Charles.A.Sadler@wv.gov](mailto:Charles.A.Sadler@wv.gov). Questions concerning the LEPS Subcommittee may be directed to Retired Captain Sadler as well or to Retired Chief Stephens, LEPS Subcommittee Chair, [sstephens@woodcountywv.com](mailto:sstephens@woodcountywv.com) or (304) 834-0101.

General information, to include copies of the minutes and agendas of LEPS Subcommittee meetings, related to the LEPS Program may be found on the website of the West Virginia Division of Justice and Community Services at [www.djcs.wv.gov](http://www.djcs.wv.gov) on the Law Enforcement Professional Standards page of that website at <http://www.djcs.wv.gov/law-enforcement-professional-standards/Pages/default.aspx> or may be requested from Retired Captain Sadler.

## Summary of training activities – 2016 Training Year

1.	Number of law enforcement officers awarded law enforcement certification by the LEPS Subcommittee:	<b>169</b>
	A. City, County, State University and Natural Resource Police	
	1. Completed full Basic Program 158 <sup>th</sup> , 159 <sup>th</sup> , 160 <sup>th</sup> and 161 <sup>st</sup> Basic Classes	<b>166</b>
	2. Completed Equivalent Certification Program held September 2015	<b>3</b>
	B. State Police – No Cadet training classes during this reporting period.	<b>0</b>
2.	Number of officers who completed training requirements for recertification as West Virginia law enforcement officers held during September 2015 following a break in serving as an officer in this state of more than twenty-four (24) months.	<b>10</b>
3.	Number of law enforcement certifications suspended, pending completion of required training, by the LEPS Subcommittee	<b>1</b>
4.	Number of stop work orders issued to officers seeking certification as a West Virginia law enforcement officer who had not met or complied with requirements to gain such certification.	<b>28</b>
5.	Number of law enforcement certifications reviewed by the LEPS Subcommittee:	<b>13</b>
	A. Certification revoked	<b>6</b>
	B. Certification surrender accepted	<b>7</b>
6.	Number of requests for training/certification as a private citizen reviewed by the LEPS Subcommittee:	<b>5</b>
	A. Approved	<b>4</b>
	B. Denied	<b>1</b>

7. Number of equivalent certification reviews, certified officers from other states/federal entities, seeking to gain certification as a West Virginia law enforcement officer through the three (3) week training process: **13**
- A. Total approved **10**
  - B. Total denied **3**
8. Number of appeal requests for equivalent certification as a law enforcement officer considered by the LEPS Subcommittee: **0**
- A. Requests approved **0**
  - B. Requests denied **0**
9. Number of appeals from individuals aggrieved by a decision of the LEPS Subcommittee: **4**
- A. Appeal upheld at GCCDC level **3**
  - B. Appealed to Circuit Court **1**
  - C. Pending review/decision **0**
10. Number of applicants for admission to a basic entry level training program reviewed by the LEPS Subcommittee due to prior arrest. **7**
- A. Reviewed and approved **6**
  - B. Reviewed and denied **1**
  - C. Review tabled, not employed **0**
11. Number of medical related reviews of officer's ability to enter and complete the training to gain certification as an officer: **0**
- A. Stop work order issued until training started **0**
  - B. Review tabled, medical release provided to attend **0**
12. Number of requests for accommodations relating to the physical ability test (PAT) made to the LEPS Subcommittee: **0**
13. Number of requests for accommodations concerning the medical entry standards made to the LEPS Subcommittee.: **0**
14. Number of requests for accommodations concerning the physical fitness training or other training standards during academy training made to the LEPS Subcommittee: **1**
- Accommodation request denied **1**
15. Number of requests for waiver of tuition fees for the entry level training program. Review completed and approved. **1**

16. Number of reviews of officers who had been separated for more than sixty (60) months as a law enforcement officer in West Virginia to determine required training to complete to bring certification current:		<b>10</b>
A. Required to complete three (3) week re-certification training.	<b>10</b>	
B. Required to complete full entry level training	<b>0</b>	
17. Number of officer certification reactivation reviews completed as a result of officer employed at another agency		<b>195</b>
A. Standard review and approved	<b>170</b>	
B. Review required due to how separated	<b>25</b>	
(1) Reactivation approved	<b>23</b>	
(2) Reactivation denied	<b>2</b>	
(3) Review tabled		
18. Number of current and active law enforcement instructors in the State.		<b>375</b>
19. Number of individuals who were either granted law enforcement instructor certification or approved in additional areas of expertise by the LEPS Subcommittee:		<b>111</b>
A. Approved as new instructors	<b>71</b>	
B. Approved with additional areas	<b>40</b>	
20. Number of reviews of instructor certifications:		<b>0</b>
A. Revoked, due to officer de-certification	<b>0</b>	
B. Suspended	<b>0</b>	
C. No action taken	<b>0</b>	

**In-Service Training Summary:**

21. Number of Supervisory In-Service Training Programs approved by the LEPS Subcommittee:		<b>82</b>
22. Number of Annual In-Service Training Programs approved by the LEPS Subcommittee:		<b>348</b>
23. Number of Personal Training Programs approved by the LEPS Subcommittee.		<b>70</b>
A. Annual level in-service	<b>48</b>	
B. Supervisory level in-service	<b>22</b>	

24. Review of instructor level (Train the Trainer) classes.

6

- A. Approved 6
- B. Denied 0

**Additionally:**

25. Seven (7) grant awards were recommended for approval to the Governor's Office and were subsequently awarded totaling **\$932,718** from the LEPS Fund. The following awards were recommended in support of the law enforcement training effort.
- A. **\$117,305** for the operation of the 164<sup>th</sup> Basic Class.
  - B. **\$122,108** for the operation of the 165<sup>th</sup> Basis Class.
  - C. **\$118,410** for the operation of the 166<sup>th</sup> Basic Class
  - D. **\$118,035** for the operation of the 167<sup>th</sup> Basic Class
  - E. **\$115,910** for the operation of the 168<sup>th</sup> Basic Class
  - F. **\$115,400** for the bulk purchase of ammunition to use during entry level training classes (165<sup>th</sup> to 168<sup>th</sup>) to maximize availability of ammunition while minimizing the cost.
  - G. **\$225,550** for the salaries of five (5) civilian support staff personnel at the West Virginia State Police Academy.
26. Identified officers not in compliance as to required in-service completion for the 2015 Training Year, July 1, 2014 to June 30, 2015. These officers were brought before the Subcommittee members during the Subcommittee's August 2015 meeting. Requirements were set for them to complete to bring their certification current as to training requirements. Followed up to verify that required training and/or firearms qualifications were completed. One Deputy was subsequently determined to have misrepresented the completion of required training and his certification as a West Virginia law enforcement officer was revoked as a result.
27. Worked with the staff of the West Virginia State Police's Professional Development Center (PDC), located on the Academy grounds, for the approval and dissemination of information concerning the Fall 2015 and Spring 2016 in-service class schedule. Twelve (12) classes were approved for the Fall 2015 session and fourteen (14) for the Spring 2016 session.
28. Continued to address funding levels within the LEPS Fund by seeking to identify new funding sources. The fund levels continue to require that only requests for funding relating to the entry level training programs receive priority for approval. A request to have the \$2 court cost fee, in place since the creation of the then Law Enforcement Training (LET) Program in 1982, increased to \$10 as part of a proposal to the Legislature was denied.
29. Subcommittee members, representing the Subcommittee and their associations and organizations, worked with members of the West Virginia Legislature during their 2016 session concerning revisions to CSR 149-2 et al. that had been developed by the Subcommittee during a legislative rule retreat in the spring of 2015. The approved changes took effect following the 2016 legislative special sessions.
30. Among the changes made in CSR 149-2 which took effect July 1, 2016 the LEPS Subcommittee may now set a specific course of fire for required firearms qualifications. The development of such a specific course of fire will be reviewed and acted upon during the FY17 Training Year period with a projected implementation date of July 1, 2017 with the start of the FY18 Training Year period.

31. Completed a rules review during the spring of 2016 concerning Legislative Rules Series 149, Title 2, by identifying proposed changes to rules to best continue the training and certification of officers. Applicable steps to be completed to have these proposed changes addressed during the 2017 session of the West Virginia Legislature.
32. The LEPS Program staff appeared during the quarterly meetings of the Governor's Committee on Crime, Delinquency and Correction (GCCDC), of which the LEPS Subcommittee is a subcommittee of and reported to the members the actions of the LEPS Subcommittee during the period preceding the meetings.
33. Assisted the management of the West Virginia State Fire Marshal's Office in the review and modification of their entry level training program for Assistant State Fire Marshals (ASFM) and with the development of training concerning the issuance of citations by their ASFMs.
34. Worked with associations, organizations, training entities and individuals to ensure that West Virginia law enforcement officers received instruction and training in subject areas to allow them to continue to perform the job skills/tasks of a law enforcement officer in this state.
35. Worked with the staff of the West Virginia State Police Academy concerning program and schedule changes for the entry level training program relating to the Basic Class Program.
36. Continued the implementation of the Law Enforcement Professional Standards Information System (LEPSIS) through awareness and education programs to officers and administrators within the state.
37. Responded to fifteen (15) Freedom of Information Act (FOIA) requests and two (2) subpoena for officer training records by providing the requested information.
38. Worked with the West Virginia Wives Behind the Badge Auxiliary program director on the scheduling and holding of a statewide police memorial observance at the Cultural Center located on the capital grounds during May 2016.

**Report Attachments:**

39. **Attachment 1:** Law Enforcement Training Financial Summary
40. **Attachment 2:** Law Enforcement Training Subcommittee Membership

**Attachment 1**  
**Law Enforcement Training Fund**  
**Financial Summary**

**FY 16 Period**

**July 1, 2015 to June 30, 2016**

**LAW ENFORCEMENT PROFESSIONAL STANDARDS (LEPS) FUND  
BALANCE REPORT  
FY2016**

**Special Revenue  
FY 2016 LEPS Account #6801**

**June 30, 2016 Report**

Cash Balance Beginning Fiscal Year 2016, July 1, 2015      \$1,152,589.47

ADD:

Fees collected	\$389,897.33	
Tuition deposits	\$120,750.00	
Grant receipts (CDDP)	<u>\$       0.00</u>	
Gross receipts FY2016		<u>\$ 510,647.33</u>

Total funds available FY2016      \$1,663,236.80

Less: Unexpended grant awards for FY2016      - \$679,481.46

13-LET-104	\$ 2,464.94
14-LET-103	\$ 1,025.04
15-LET-102	\$ 1,770.50
15-LET-104	\$ 32,101.90
16-LET-101	\$ 74,048.58
16-LET-102	\$ 39,711.36
16-LET-103	\$ 36,346.40
16-LET-104	\$115,465.90
16-LET-105	\$ 92,603.64
16-LET-106	\$118,034.10
17-LEPS-101	\$115,909.10
LEPSIS	<u>\$ 50,000.00</u>
Total	\$714,197.24

Disbursements for LEPS awards      - \$768,425.66

Cash Balance Ending Fiscal Year 2016, June 30, 2016      \$ **215,329.68**



**Attachment 2**

**Law Enforcement Professional Standards (LEPS) Subcommittee**

**Membership Roster**

**Governor's Committee on Crime, Delinquency and Correction**  
**Law Enforcement Professional Standards Subcommittee**

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Retired Lieutenant Terry L. Miller  
President  
West Virginia Deputy Sheriffs  
Association  
Post Office Box 2746  
Charleston, WV 25330

Chief Steve Walker  
President  
West Virginia Fraternal Order of Police  
5395 Partridge Drive  
Charleston, WV 25313

Colonel Jerry Jenkins  
Chief, Law Enforcement Division  
Division of Natural Resources  
324 4<sup>th</sup> Avenue  
South Charleston, WV 25309

Chief Ray Fridley  
President  
West Virginia Chiefs of Police  
Association  
102 South Street  
Ripley, WV 25271

Retired Chief Steve Stephens  
Chair, LEPS Subcommittee  
Public-at-Large Member  
202 39<sup>th</sup> Street  
Vienna, WV 26105

Ms. Patricia L. Hamilton  
Executive Director  
West Virginia Association of Counties  
2211 Washington Street, East  
Charleston, WV 25301

Colonel C. R. "Jay" Smithers  
Superintendent  
West Virginia State Police  
725 Jefferson Road  
South Charleston, WV 25309

Ms. Mary Kaye Jacquet  
Executive Director  
West Virginia Human Rights  
Commission  
1321 Plaza East  
Room 104-206  
Charleston, WV 25301-1400

Mayor John Manchester  
West Virginia Municipal League  
City of Lewisburg  
242 Washington Street West  
Lewisburg, WV 24901

Sheriff Tom McComas  
Immediate Past President  
West Virginia Sheriffs Association  
Cabell County Sheriff's Office  
750 5<sup>th</sup> Ave, Room 101  
Huntington, WV 26047

Secretary J. Thornton, Chairman  
Governor's Committee on Crime  
Delinquency and Correction  
Department of Military Affairs and  
Public Safety (DMAPS)  
Building One, State Capitol Complex  
Charleston, WV 25317

First Lieutenant James C. Lee  
President  
West Virginia Trooper's Association  
210 Chesapeake Avenue  
Charleston, WV 25301