MEMBERS PRESENT: Sheriff Steve Stephens

MEMBERS REPRESENTED: Colonel Jan Cahill by First Sergeant Robert Perry
Colonel Jerry Jenkins by Lieutenant Warren Goodson
Sheriff Sonya M. Porter by Sheriff Steve Deweese
Chief Joseph Martin by Chief Brad Rinehart
Retired Chief Steve Walker
By Chief Joey Crawford
Retired Lieutenant Terry Miller by Retired Corporal Dave Gentry

MEMBERS ABSENT: Mayor John Manchester
First Lieutenant James Lee
Ms. MaryKaye Jacquet
Mr. Jonathan Adler

STAFF: Retired Captain Chuck Sadler
Ms. Alicia Holman
Ms. Judy Strickland
The September 7, 2017 meeting of the Law Enforcement Professional Standards (LEPS) Subcommittee was called to order at 9:03 a.m. by the Chair, Sheriff Stephens. There were seven (7) members either present or represented which represents a quorum of the Subcommittee membership, at the start of the meeting and throughout the meeting. This meeting had been moved to September 7, 2017 from its originally scheduled last Thursday of August 31, 2017 when it was determined that a quorum would not be present on the August date. All required notices had been made to the West Virginia Secretary of State’s Office and involved individuals as to this change in meeting dates.

The following actions were taken during this meeting in reference to the agenda items scheduled:

1. Agenda Item 1 – Motion made, Sheriff Deweese, seconded, First Sergeant Perry that the minutes from the July 27, 2017 meeting be approved as presented. 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 LEPS Fund Account. In that this meeting was moved to after the first of September 2017 the LEPS Fund Reports for the end of July and August 2017 were available and reviewed with the members. The LEPS Fund Balance for the end of July 2017 was $96,370.98 while it as $119,775.28 for the end of August 2017. Retired Captain Sadler did note that a supplemental funding award of $57,000 had been made for the previously approved civilian support positions at the Academy for the second quarter of FY18, October 1, 2017 through December 31, 2017 and that approved award for the 172nd Basic Class was in the process of being obligated from the $119,775.28 fund level. As such the fund balance would much lower by the end of September 2017 when the next fund report would be generated. Motion made by Sheriff Deweese, seconded by Chief Crawford, to accept the LEPS Fund report as presented. The motion was approved unanimously without any discussion and no negative votes cast.

3. Agenda Item 3 – Motion made, Chief Crawford, seconded, First Sergeant Perry, 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, First Sergeant Perry, seconded Sheriff Deweese 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, Retired Corporal Gentry, seconded, Chief Rinehart, that the classes listed in the agenda packet be approved for annual in-service credit for the 2018 Training Year period that ends June 30, 2018. The motion was approved unanimously without any discussion and no negative votes cast.

6. Agenda Item 5B – Motion made, Sheriff Deweese, seconded, Chief Rinehart, that the classes listed in the agenda packet be approved for supervisory in-service credit for the 2018 Training Year period that ends June 30, 2018. The motion was approved unanimously without any discussion and no negative votes cast.

7. Agenda Item 5C – Motion made, Chief Rinehart, seconded, Chief Crawford, that the classes listed in the agenda packet be approved for personal in-service credit for the 2018 Training Year period that ends June 30, 2018. The motion was approved unanimously without any questions and no negative votes cast.

8. Agenda Item 5D - Motion made, First Sergeant Perry, seconded, Retired Corporal Gentry, that the classes listed in the agenda packet be approved for instructor level in-service credit for the 2018 Training Year period that ends June 30, 2018. The motion was approved unanimously without any questions and no negative votes cast.

9. At the indication of the Chair, Sheriff Stephens that there were personnel related matters to be discussed under Agenda Items 6 through 15, there was a motion made by First Sergeant Perry, seconded, Chief Crawford to go into executive session. No discussion concerning the motion which was approved unanimously with no negative votes cast. The Subcommittee went into executive session at 9:12 a.m. Motion made, Retired Corporal Gentry, seconded, Chief Crawford, to come out of executive session. Approved unanimously without discussion without questions and no negative votes cast. The Subcommittee came out of executive session at 10:04 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 – Order to Stop Working. Sheriff Stephens noted that the information presented on the two officers who had been sent Stop Work related orders had been presented for informational purposes for the members. No action was required as such.

11. Agenda Item 7. Criminal Conviction Record as to applicant for the Entry Level Training Program. None presented, no action required as such.
12. 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 as such.

13. Agenda Item 9.A. – Officer #1 – Former officer’s appeal to Ohio County Circuit Court of the upholding of the revocation of his certification as a West Virginia law enforcement officer. Presented for informational purposes. No action required.

14. Agenda Item 9.B. – Officer #2 – Retired Captain Sadler provided an update on the overturning of the revocation of this former officer’s certification as a West Virginia law enforcement officer by a Raleigh County Circuit Court judge. An appeal has been filed on behalf of the Subcommittee and the GCCCDC with the West Virginia Supreme Court of this judge’s decision and a stay has been filed in Raleigh County to delay the actions listed in the order. Ms. Webb-Barber has filed required paperwork with the Supreme Court as to our position on appeal. Officer’s attorney will file required paperwork with court. Unknown at this time if judges will review on basis of paperwork submitted or set for oral arguments. Presented for informational purposes. No action required.

15. Agenda Item 9.C.– Officer #3 – Retired Captain Sadler noted that this was a former officer who had not worked for several years, and by age/other circumstances, was unlikely to return to work again. The individual had been convicted of a misdemeanor criminal offense that had occurred after he had stopped working as an officer. Individual’s LEPSIS file had been flagged to not to allow to return to work, if he did move to be employed once again as a sworn officer, before a certification review was set concerning this conviction. Presented for informational purposes. No action required.

16. Agenda Item 9.D.– Officer #4 – Retired Captain Sadler noted that this was a second former officer who had not worked for several years, and by age/other circumstances, was unlikely to return to work again. The individual had been convicted of a misdemeanor criminal offense that had occurred after he had stopped working as an officer. Individual’s LEPSIS file had been flagged to not to allow to return to work, if he did move to be employed once again as a sworn officer, before a certification review was set concerning this conviction. Presented for informational purposes. No action required.

17. Agenda Item 10. A. – Sheriff Stephens asked if there was a motion to be made concerning the temporary reactivation status of the officers listed. Motion made, Chief Rinehart, seconded, Chief Crawford, to approve the full reactivation of the law enforcement certification of the twenty-one (21) law enforcement officers listed in the agenda packet. The motion was approved unanimously without any discussion and no negative votes cast.
18. Agenda Item 10. B. (1). – Officer #1. Retired Captain Sadler noted that this item addressed information concerning a former officer who had previously appeared for a certification reactivation review and had been denied to be allowed to have his certification reactivated. A Position Statement had been sent to the former officer, along with information on how to appeal the decision if he elected to do so. The former officer had not filed his appeal in a timely manner and was advised that an appeal review would not be set based on this. Presented for informational purposes, no action required as such.

19. Agenda Item 10. B. (2). – Officer #2. Retired Captain Sadler advised that this item addressed correspondence between another officer and himself as to concerns that this officer had as to a current officer being approved for the equivalent certification program because of an alleged issue with the status of the officer in the state that he was coming from. A review had been conducted with that state and there was no indication as a result of that review that reflected that there was any issue with the status of that officer’s certification in that state. Presented for informational purposes, no action required as such.

20. Agenda Item 10. B. (3). – Officer #3. Retired Captain Sadler advised the members that while the nature of this former officer’s separation from his prior police employer here in West Virginia required a full reactivation review that the agency who had been interested in hiring this former offer had withdrawn that request in the week leading up to this meeting after the agenda had been set. Presented for informational purposes as such with no action required. Consensus agreement of those present that until another agency expressed an interest in employing this officer that a reactivation review would be tabled.

21. Agenda Item 10. B. (4) – Officer #4 appeared before the Subcommittee for a certification reactivation as he had left his prior agency with standing in question. Motion made, Retired Corporal Gentry, seconded, Chief Rinehart, to approve this officers law enforcement certification to be reactivated in that the matters involved in his separation did not meet the level of actions for a certification revocation related action. The motion was approved unanimously without discussion with Chief Crawford abstaining and no negative votes cast, a quorum still having voted on the matter at hand.

22. Agenda Item 11. A. (1). Former officer who had been separated from working as an officer here in West Virginia for more than sixty (60) months. Officer appeared to discuss training that he had completed during period he had not worked as an officer. Motion made, Retired Corporal Gentry, seconded, Chief Rinehart, to approve this officer’s attendance at the three-week recertification training program in September 2017 to bring his certification current. The
motion was approved unanimously without questions and no negative votes cast.

23. Agenda Item 12. A.– Officer #1 through Agenda Item 12. E.– Officer Five. Based on information submitted to them addressing these officers’ out-of-state law enforcement training and certification, members of the Equivalent Certification Review Committee of the LEPS Subcommittee approved these officers to attend the three-week equivalent certification program in September 2017. Presented for informational purposes, no action required by membership of full LEPS Subcommittee.

24. Agenda Item 13 – Review of officer’s ability to enter and complete the entry level training program. None presented. No action required.

25. Agenda Item 14 – Retired Captain Sadler provided an update on an officer requesting accommodations relating to attendance in the entry level training program. This former officer had requested such an accommodation and was subsequently denied during prior Subcommittee meetings. A legal action concerning this decision has been filed in Circuit Court by the former officer. Applicable response is being prepared concerning that filing. Presented for informational purposes, no action required by membership of full LEPS Subcommittee.

26. Agenda Item 15 — FOIA requests and responses – One FOIA had been received and responded to. Retired Captain Sadler discussed what had been requested and the response provided. Provided for informational purposes to the members. No action required.

27. Agenda Item 16 - Fairmont State University Regional Training Academy proposal. Ms. Webb-Barber reviewed the status of the discussion concerning this proposal. Presented for informational purposes, no action required.

28. Agenda Item 17 – Retired Captain Sadler provided an update on Legislative rule filings for 149-2 and 149-3 for the 2018 Legislative Session. Both items have had applicable required filings with the Secretary of State’s Office. Next action on each will be during the fall 2017 legislative interim meetings. No questions by the members on the actions involving these rules. Provided for information purposes. No action required.

29. Agenda Item 18 – Class schedule for the 172nd Basic Class presented for informational purposes. No action required.

30. Agenda Item 19 – Notice of when next Governor’s Committee on Crime, Delinquency and Correction meeting would be. Presented for informational purposes, no action required.
31. Agenda Item 20 – Sheriff Stephens noted that the next LEPS Subcommittee meeting is scheduled for Thursday, September 27, 2017 at 9:00 a.m. at the PDC.

There being no further agenda items set for discussion a motion was made by Lieutenant Goodson, seconded, Chief Crawford to adjourn this meeting. The motion passed unanimously without questions and no negative votes cast. Meeting adjourned at 10:17 a.m.