



2010

West Virginia Law Enforcement Training



Annual Report

§30-29-3, sub-part (j) of the West Virginia State Code stipulates:

...Upon recommendation of the subcommittee, the governor's committee shall...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 directive, the West Virginia Division of Justice and Community Services is submitting the following information concerning the **3,540** individuals who are working as sworn law enforcement officers within the State of West Virginia on behalf of the Governor's Committee on Crime, Delinquency and Correction.

During the 2010 Training Year reporting period of July 10, 2009, through July 9, 2010, the Law Enforcement Training (LET) Subcommittee of the Governor's Committee on Crime, Delinquency and Correction, met eleven (11) times as per its regular annual schedule for monthly meetings, with no meeting held during the month of November.

First Sergeant Curt Tilley, West Virginia State Police – Assistant Director of Training at the West Virginia State Police Academy, served as the Chair for the LET Subcommittee during this reporting period. There remains one vacancy on the ten (10) member LET Subcommittee, the Public-at-Large Member. A request has been made to the Governor's Office staff for the position to be filled.

A summary of the actions of the LET Subcommittee during this reporting period is provided on the following pages. Questions concerning the LET Program should please be directed to Retired Captain Chuck Sadler, LET Coordinator at (304) 558-8814, ext 53315 or Charles.A.Sadler@wv.gov. Questions concerning the LET Subcommittee may be directed to Retired Captain Sadler as well or to First Sergeant Tilley, (304) 766-5800 or ctilley@wvsp.state.wv.us. General information, to include copies of minutes of LET Subcommittee meetings, on the LET Program may be found at the website of the West Virginia Division of Justice and Community Services at www.dcjs.wv.gov on the Law Enforcement Program page of that website.

| | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|
| 1. | Number of law enforcement officers granted law enforcement certification by the LET Subcommittee: | | 160 |
| | A. City, County, Public University and WV DNR | 122 | |
| | B. State Police | 38 | |
| 2. | Number of officers who completed training requirements for recertification as West Virginia law enforcement officers. | | 7 |
| 3. | Number of officers who completed training requirements for equivalent certification as West Virginia law enforcement officers. | | 4 |
| 4. | Number of law enforcement certifications suspended, or that officers were required to complete certain actions in relation to their certification, by the LET Subcommittee: | | 1 |
| 5. | Number of law enforcement certifications reviewed by the LET Subcommittee: | | 9 |
| | A. Certification rescinded | 8 | |
| | B. No action taken | 1 | |
| 6. | Number of requests for training/certification as a private citizen reviewed by the LET Subcommittee: | | 8 |
| | A. Approved | 4 | |
| | B. Denied | 4 | |
| 7. | Number of requests for equivalent certification as a law enforcement officer considered by the LET Subcommittee. | | 15 |
| | A. Requests approved | 11 | |
| | B. Requests denied | 4 | |
| 8. | Number of appeals from individuals aggrieved by a decision of the LET Subcommittee: | | 3 |
| 9. | Number of applicants for admission to a basic entry level training program reviewed by the LET Subcommittee due to prior arrest. | | 8 |
| | A. Reviewed and approved | 5 | |
| | B. Reviewed and denied | 3 | |
| 10. | Number of accommodations for the physical ability test made by the LET Subcommittee: | | 0 |
| 11. | Number of requests for accommodation for the medical entry standards: | | 0 |
| 12. | Number of requests for accommodation of physical fitness training standards during academy training: | | 0 |
| 13. | Number of requests to waive the 90-day requirement (CSR149-2-8.2.a.) heard by the LET Subcommittee: | | 3 |
| | A. Reviewed and approved | 3 | |
| | B. Reviewed and denied | 0 | |
| 14. | Number of current and active law enforcement instructors in the State: | | 425 |

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 15. Number of individuals who were either granted law enforcement instructor certification or approved for additional areas of expertise by the LET Subcommittee. | 83 |
| A. Approved as new instructors | 40 |
| B. Approved with additional areas | 40 |
| 16. Number of individuals testing for credit in lieu of attending any of the classes required for recertification certification. | 10 |

Supervisory In-Service Training Summary:

| | |
|------------------------------------------------------------------------------------------|------------|
| 17. Number of Supervisory In-Service Training Programs approved by the LET Subcommittee: | 92 |
| 18. Number of Supervisory In-Service Training Programs scheduled: | 130 |
| 19. Number of individuals attending Supervisory In-Service Training Programs: | 984 |

Annual In-Service Training Summary:

| | |
|-------------------------------------------------------------------------------------|-------------|
| 20. Number of Annual In-Service Training Programs approved by the LET Subcommittee: | 498 |
| 21. Number of Annual In-Service Training Programs scheduled: | 824 |
| 22. Number of individuals attending Annual In-Service Training Programs: | 7747 |

**Personal In-Service Training Summary:
(Formerly referred to as Out-Of-State Training)**

| | |
|--------------------------------------------------------------------------------------------|------------|
| 23. Number of Personal Training Programs approved by the LET Subcommittee. | 316 |
| A. Annual level in-service | 270 |
| B. Supervisory level in-service | 46 |
| 24. Number of law enforcement officers who completed personal in-service training classes. | 536 |

Additionally:

25. Five (5) grant awards were recommended for approval to the Governor’s Committee on Crime, Delinquency and Correction totaling **\$840,296**. The following awards were recommended in support of the law enforcement training effort.
- A. **\$157,082** for the operation of the 140th Basic Academy Class.
 - B. **\$5,637** supplemental award for the operation of the 137th Basic Class.
 - C. **\$153,469** for the operation of the 141st Basic Academy Class.
 - D. **\$159,304** for the operation of the 142nd Basic Academy Class.
 - E. **\$159,778** for the operation of the 143rd Basic Academy Class.
 - F. **\$205,026** for salaries for civilian support staff at the Academy for 2010 Training Year.

Each of these recommended awards was subsequently made by Governor Manchin.

Approved the following adjustments to training awards previously made for the reason listed:

- A. **\$15,000** approved from the funds originally awarded for 140th Basic Class for the development and building of a physical fitness/challenge trail on the Academy grounds.
 - B. **\$37,000** approved from the funds originally awarded for the 138th Basic Class for the purchase of firearms related maintenance tools, equipment and supplies for placement in the new range facility being constructed at the Academy.
26. Continued to address funding levels within the LET 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. The Purdue Pharma asset forfeiture funds allotted to the LET Fund during this period have allowed the fund to recover to a point where such requests can be met while also allowing the fund to rebuild itself to levels that will allow for the continued operation of the entry level training program over the next two to three training years.
 27. The LET Program received Purdue Pharma related funds for the upgrading or replacement of the Officer Training Information System (OTIS). OTIS is an electronic data base system used to track and record training related to the certification of the law enforcement officers, current and past, within this state. The LET Coordinator is currently working with the staff of the West Virginia Office of Technology for the development of a Request for Proposal (RFP) for the replacement of OTIS. RFP projected to be finalized and **let Fall 2010**.
 28. Approved the 60th Cadet Training Program as an entry level training program.
 29. Approved the training schedules for the 139th through 141st Basic Academy Classes.
 30. Approved a change in the class schedule and number of hours for Basic Academy Classes beginning with the 141st Basic Class. Total hours now stand at 835 hours. All subsequent Basic Academy Classes approved until future change in class schedule, length, curriculum, etc made.
 31. Approved the graduates of the 139th, 140th and 141st Basic Classes and the 60th Cadet Classes for certification as West Virginia law enforcement officers.
 32. Received, reviewed and approved recommendation from Academy staff, supported by the West Virginia Chiefs of Police Association and West Virginia Sheriff's Association, for a program to have the required sit in classes for equivalent certification and re-certification held in a three week block of training, changed from the involved officers coming to Academy whenever classes were being presented in a basic class program.
 33. Working with Academy staff on the development and implementation of a two to three week program for agencies wanting officers to receive radar, taser, other training not presented as part of the entry level training program.
 34. Scheduled and held one make-up training program for officers who did not complete their 2009 Training Year in-service requirements.
 35. Received and acted upon three appeals of individuals as a result of decisions made by the members of the LET Subcommittee.
 36. Completed a rules review of Legislative Rules Series 149, Title 2 by identifying proposed changes to rules to best continue the training and certification of officers. Proposed changes put out for public comment. Applicable steps to be completed to have these proposed changes addressed during the 2011 Session of the West Virginia Legislature.

37. Developed and adopted by-laws for the LET Subcommittee. Copy provided under Attachment 3 of this report.
38. 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.
39. Addressed inquires from the West Virginia Legislature as to proposed legislation addressing the tracking of behavior/actions by officers addressing their certification. Will be continuing to work with the Legislature as this has been referred to a study committee between the 2010 and 2011 legislative sessions.
40. Responded to inquires concerning proposed legislative changes addressing the training and duties of law enforcement officers being addressed during the 2010 Session of the West Virginia Legislature. Will be taking the actions reflected concerning the following pieces of legislation passed during that session:
 - A. Senate Bill 435 – Addressing speed measuring devices required training. Will be identifying applicable training program to meet new standard for operators and will move to implement that training. Academy staff moving to place such training in the curriculum of the Basic Classes.
 - B. Senate Bill 649 – Addressing motor vehicle search and consent practices/requirements. Will be developing and implementing a standardized form for such consents and searches.
 - C. House Bill 4188 – Addressing organized criminal enterprises and anti-racial profile training. Will be developing, identifying applicable training programs to meet the requirements to train West Virginia officers in these subject areas and will then move to conduct and record such training.

Report Attachments:

41. **Attachment 1:** Law Enforcement Training Financial Summary
42. **Attachment 2:** Law Enforcement Training Subcommittee Membership
43. **Attachment 3:** By-Laws of the Law Enforcement Training Subcommittee

Attachment 1
Law Enforcement Training Fund
Financial Summary

**SPECIAL REVENUE
FY2010 LET,ACCT. #6801**

15-Jun-10

CASH FLOW ANALYSIS

| | |
|-----------------------------------------|-----------------------------|
| Cash Balance Beginning Fiscal Year 2010 | \$ 613,146.63 |
| ADD: CASH RECEIPTS FISCAL YEAR 2010 | <u>\$ 509,642.69</u> |
| TOTAL RECEIPTS | \$ 1,122,789.32 |
| LESS: CASH DISBURSEMENTS, YEAR 2010 | \$ 423,135.24 |
| CASH BALANCE (COH), AS OF 15-Jun | <u><u>\$ 699,654.08</u></u> |

FY2009 LET,ACCT. #6801

CASH FUNDS STATEMENT FOR PERIOD ENDED

15-Jun-10

| | |
|-----------------------------------------------|------------------------------------|
| UNAWARDED BALANCE, 07-01-10 | \$ 413,006.21 |
| ADD: | |
| FEES COLLECTED | \$ 271,837.69 |
| TUITION DEPOSITS* | \$ 209,405.00 |
| GRANT RECEIPTS (GCDDP) | \$ 28,400.00 |
| GROSS RECEIPTS 2010 | <u>\$ 509,642.69</u> |
| TOTAL UNAWARDED BALANCE before FY 2010 awards |] \$ 922,648.90 |
| PLUS: DEOBLIGATIONS | + \$ 144,680.70 |
| LESS: GRANT AWARDS AND SUPPLEMENTS | - \$ 458,790.54 |
| LESS: CREDITS ON ACCOUNT | - \$ 6,850.00 |
| UNAWARDED BALANCE AS OF THIS DATE | <u><u>\$ 601,689.06</u></u> |

GRANT AWARDS FOR FISCAL YEAR 2010 (07/01/09 THRU 06/30/10)

| | | |
|-----------------|------------------------------|------------------------------------|
| WV STATE POLICE | 10-LET-102 | \$ 148,240.00 |
| WV STATE POLICE | 10-LET-103 | \$ 157,082.00 |
| WV STATE POLICE | 10-LET-104 | \$ 153,468.54 |
| WV STATE POLICE | | |
| WV STATE POLICE | | |
| | TOTAL GRANT AWARDS... | <u><u>\$ 458,790.54</u></u> |

SUPPLEMENTAL AWARDS FOR FISCAL YEAR 2010

| | |
|-------------------------------------|---------------------------|
| WV STATE POLICE | _____ |
| | |
| TOTAL SUPPLEMENTAL AWARDS... | <u><u>\$ -</u></u> |

TOTAL AWARDS AND SUPPLEMENTS:

\$ 458,790.54

Attachment 2

Membership

Law Enforcement Training Subcommittee

Governor's Committee on Crime, Delinquency and Correction
Law Enforcement Training Subcommittee

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

Retired Lieutenant H. Stephen Walker
President
WV Fraternal Order of Police
5395 Partridge Drive
Charleston, WV 25313

Colonel David E. Murphy
Chief, Law Enforcement Division
Department of Natural Resources
1900 Kanawha Boulevard
Building 3, Room 669
Charleston, WV 25305

Chief Bill Roper
President, WV Chiefs Association
c/o Ranson Police Department
700 N. Preston Street
Ranson, WV 25438

Public-at-large position
Vacant

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

Colonel T. S. Pack
Superintendent
West Virginia State Police
725 Jefferson Road
South Charleston, WV 25309

Ivin B. Lee
Executive Director
WV Human Rights Commission
1321 Plaza East
Room 104-206
Charleston, WV 25301-1400

Ms. Suzan Singleton
c/o WV Municipal League
2020 Kanawha Blvd., East
Charleston, WV 25311

Sheriff Richard Ferguson
President
WV Sheriffs Association
c/o Brooke County Sheriff's Office
632 Main Street
Wellsburg, WV 26070

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

Attachment 3
By-Laws
of the
Law Enforcement Training (LET) Subcommittee

By Laws
of the
Law Enforcement Training Subcommittee

ARTICLE I: NAME

Law Enforcement Training Subcommittee created as a subcommittee of the Governors Committee on Crime, Delinquency and Correction by WV Code 30-29-2. (Hereafter referred to as LETC)

ARTICLE II: PURPOSE

The LETC shall be governed by WV Code, WV Legislative Rule and the decisions of the Governor's Committee on Crime, Delinquency and Correction. The LETC shall be responsible for the review and administration of programs for qualification and training of law enforcement officers in the state. The LETC is responsible for law enforcement instructor guidelines and certification. The LETC is responsible for the review of and certification of all law enforcement officers in the state.

ARTICLE III: MEMBERSHIP

Section 1. The membership, as defined by WV Code, shall consist of the following:

1. Superintendent of the West Virginia State Police
2. Chief of Law Enforcement, Division of Natural Resources
3. Representative of WV Sheriffs Association
4. Representative of WV Chiefs of Police Association
5. Representative of WV Deputy Sheriffs Association
6. Representative of WV Fraternal Order of Police
7. Representative of WV Municipal League
8. Representative of WV Association of Counties
9. Representative of WV Human Rights Commission
10. Representative from the Public at Large

Section 2. If a member appointed by the Governor is unable to attend a meeting, that member shall designate in writing a representative empowered to act for the member. In the case of the West Virginia State Police and Division of Natural Resources, the designee in place of the named member shall serve until further designation of the principle of the appointing that designee.

Section 3. The Academy Director of Training shall be invited as a non voting guest to scheduled LETC meetings provided this individual is not designated above.

ARTICLE IV: OFFICERS

Unless other appointed by the Governor, the committee shall annually elect from its membership a chairperson. The chairperson shall be responsible for providing direction to the committee, for conducting the business of the committee and shall preside over all meetings of the LETC. The chairperson shall be responsible for keeping the committee members informed of all business concerning the committee.

ARTICLE V: COMPENSATION

Members of the LETC shall serve without pay, but may be reimbursed for actual expenses, including travel to and from committee meetings or while performing functions or work of the committee. All of said expenses shall be in line with all travel rules and regulations of the State of West Virginia.

ARTICLE VI: MEETINGS

Section 1. – Dates / Locations

Meetings of the LETC shall be held at a location and time to be determined by the chair. The chair shall have the discretion to cancel or reschedule any regular meeting by written notice within a reasonable time prior to the scheduled meeting.

All meetings are open to the public, and are subject to the requirements of the West Virginia Open Governmental Proceedings Act §6-9A-1 et seq. The LETC may discuss individual personnel matters while in executive session; with all personnel decisions being made during regular session.

Section 2 – Quorum

A majority of members present in person or by designation shall constitute a quorum and the quorum may legally transact business.

Section 3 – Voting and Procedures

Each Member or the designee appointed by the terms of Article II, Section 2, of these by-laws, shall have one vote on all matters before the LETC with the exception of the chairperson who will only vote in the case of a tie vote.

All matters of procedure not covered by these By-Laws shall be governed by Robert's Rules of Order.

Section 4 – Agendas

The chairperson shall set the agenda items for each meeting. These items shall consist of all business to be conducted by the LETC during the meeting. The agenda may be modified during the meeting provided a member presents the agenda modification and a majority vote of the members present approves modification. No business item shall be voted on unless it appears on the agenda.

ARTICLE VII Subcommittees

Sub committee members shall be appointed by the chairperson with the consent of member appointed. Sub committees shall be utilized as required by legislative rule. The chairperson may utilize sub committees not described in rule as needed.

ARTICLE VII Amendments of the By-Laws

These by-laws may be amended at any regular meeting by a majority vote of the members present, provided such proposed amendment has been distributed to all LETC members at least seven days prior to such meeting.