

**LAW ENFORCEMENT PROFESSIONAL STANDARDS (LEPS)  
SUBCOMMITTEE/PROGRAM**

**July 1, 2016 - June 30, 2017**

**ANNUAL REPORT**



**State of West Virginia  
Jim Justice, Governor**



**Department of Military Affairs and Public Safety  
Jeff S. Sandy CFE, CAMS, Cabinet Secretary**



**Division of Justice and Community Services  
1124 Smith Street, Suite 3100  
Charleston, West Virginia 25301  
W. Richard Staton, Director  
Jeffrey D. Estep, Chief Deputy Director  
Leslie S. Boggess, Deputy Director  
Retired Captain Chuck Sadler, LEPS Program Manager**

## West Virginia Law Enforcement Training

§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 2017 Training Year reporting period of July 1, 2016 through June 30, 2017 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. Each meeting was conducted as prescribed by the West Virginia Secretary of State Office guidelines concerning public meetings.

Sheriff Steve Stephens, the Public-at-Large member on the LEPS Subcommittee, served as the Chair for the LEPS Subcommittee during this period. The eleven positions, as set by statute, which make up the LEPS Subcommittee were fully filled during the course of the year through the action of Department of Military Affairs (DMAPS) Secretary Jeff Sandy, CFE, CAMS. 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 Sheriff Stephens, LEPS Subcommittee Chair, at [sstephens@woodcountywv.com](mailto:sstephens@woodcountywv.com) or (304) 424-1834.

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 – 2017 Training Year

1.	Number of law enforcement officers awarded law enforcement certification by the LEPS Subcommittee:	<b>182</b>
	A. City, County, State, College/University and Natural Resource Police	
	1. Completed full Basic Program 167 <sup>th</sup> , 168 <sup>th</sup> , 169 <sup>th</sup> and 170 <sup>th</sup> Basic Classes	<b>179</b>
	2. Completed Equivalent Certification Program held September 2016	<b>3</b>
	B. State Police – No Cadet training classes held 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 2016 following a break in serving as an officer in this state of more than twenty-four (24) months.	<b>14</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>10</b>
5.	Number of law enforcement certifications reviewed by the LEPS Subcommittee:	<b>6</b>
	A. Certification revoked	<b>4</b>
	B. Certification surrender accepted	<b>2</b>
6.	Number of requests for training/certification as a private citizen reviewed by the LEPS Subcommittee:	<b>2</b>
	A. Approved	<b>1</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:	<b>7</b>
	A. Approved	<b>6</b>
	B. Denied	<b>1</b>

8. Number of appeal requests for equivalent certification as a law enforcement officer considered by the LEPS Subcommittee:
- A. Approved           **0**
  - B. Denied               **0**
- 0**
9. Number of appeals from individuals aggrieved by a decision of the LEPS Subcommittee:
- A. Appeal upheld at GCCDC level **1**
  - B. Appealed to Circuit Court   **1**
  - C. Appealed to Supreme Court **1**
- 3**
10. Number of applicants for admission to a basic entry level training program reviewed by the LEPS Subcommittee due to prior arrest.
- A. Reviewed and approved       **6**
  - B. Reviewed and denied           **0**
  - C. Review tabled, not employed **0**
- 6**
11. Number of medical related reviews of officer's ability to enter and complete the training to gain certification as an officer:
- A. Stop work order issued until **0**  
training started
  - B. Review tabled, medical  
release provided to attend **0**
- 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**
- A. Approved           **0**
  - B. 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 training required to bring certification current:	<b>8</b>
A. Required to complete three (3) week re-certification training.	<b>8</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>128</b>
A. Standard review and approved	<b>118</b>
B. Review required due to how separated	<b>10</b>
(1) Approved	<b>9</b>
(2) Denied	<b>1</b>
(3) Review tabled	<b>0</b>
18. Number of current and active law enforcement instructors in the State.	<b>385</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>51</b>
A. Approved as new instructors	<b>35</b>
B. Approved with additional areas	<b>26</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>93</b>
22. Number of Annual In-Service Training Programs approved by the LEPS Subcommittee:	<b>315</b>
23. Number of Personal Training Programs approved by the LEPS Subcommittee.	<b>66</b>
A. Annual level in-service	<b>46</b>
B. Supervisory level in-service	<b>20</b>

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

7

- A. Approved 7
- B. Denied 0

25. Six (6) grant awards were recommended for approval to the Governor's Office and were subsequently awarded totaling **\$878,468** from the LEPS Fund. The following awards were recommended in support of the law enforcement training effort.

- A. **\$138,981** for the operation of the 169<sup>th</sup> Basic Class.
- B. **\$132,644** for the operation of the 170<sup>th</sup> Basis Class.
- C. **\$132,316** for the operation of the 171<sup>st</sup> Basic Class
- D. **\$132,035** for the operation of the 172<sup>nd</sup> Basic Class
- E. **\$117,982** 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.
- F. **\$224,510** 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 2016 Training Year, July 1, 2015 to June 30, 2016. These officers were brought before the Subcommittee during the July 2016 meeting. Requirements were set for them to complete to bring their certification current. Followed up to verify that required training and/or firearms qualifications were completed. One officer's certification was suspended because of failure to complete required training by designated date. This officer did subsequently complete training and certification was reinstated.

27. Worked with the staff of the West Virginia State Police's Professional Development Center (PDC) for the approval and dissemination of information concerning the Fall 2016 and calendar year 2017 in-service class schedule. Twelve (12) classes were approved for the Fall 2016 session and thirty (30) for the 2017 calendar year period.

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 was introduced as legislation during the 2017 legislative session but did not advance out of its assigned legislative committees.

29. As part of ongoing effort to identify and secure additional funding sources for the LEPS Fund addressed in preceding point provided requested information to the House Judiciary Committee as part of their consideration of the medical cannabis legislation. The legislation addressing medical cannabis did pass during the 2017 session, was signed by Governor Justice, will provide ten percent (10%) of fees generated to the LEPS Fund.

30. Subcommittee members, representing the Subcommittee and their associations and organizations, worked with members of the West Virginia Legislature during their 2017 session concerning revisions to CSR 149-2 et seq. that had been developed by the Subcommittee members during their spring 2016 regularly scheduled meetings. The approved changes took effect in April 2017.

31. LEPS Subcommittee members and LEPS Program staff reviewed and developed proposed changes to CSR 149-2 that will be considered during the 2018 legislative session. Proposed changes are being made to allow the rule to remain current with state and national standards and requirements addressing the training, qualifications and certification of law enforcement officers.
32. Among the changes made in CSR 149-2 which took effect July 1, 2016 the LEPS Subcommittee was then able to set a specific course of fire for required firearms qualifications. A committee of the LEPS Subcommittee worked with firearms instructors to develop such a set course of fire. Based on course developed and tested a determination was made during the spring of 2017 to not move to implement such a specific course of fire. The standards currently in place within CSR 149-2-10 set forth appropriate guidelines and standards in terms of officer firearms qualifications.
33. Retired Captain Sadler, LEPS Program Manager, worked directly with the members of the West Virginia Coalition Against Domestic Violence (WVCADV) to assist in the filing of proposed changes to CSR 149-3, Protocol for Law Enforcement Response to Domestic Violence, that will be considered for review and approval during the 2018 legislative session.
34. The LEPS Subcommittee members received and reviewed a request from Fairmont State University (FSU) for the approval of an entry level training class (Basic Class) to be held at their facility as a regional police academy. This request was denied by the Subcommittee members in that there is not an identified need for such a regional academy to be operated and that there are not sufficient funds within the LEPS Fund to address the costs of any additional entry level training classes within the state. FSU representatives appealed this decision to Mr. Staton in his capacity as Executive Director of the Governor's Committee on Crime, Delinquency and Corrections (GCCDC). That appeal was denied by Mr. Staton. His denial was then appealed to the GCCDC which upheld Mr. Staton's denial. GCCDC members did request that FSU representatives and Subcommittee members continue to discuss FSU's interests in presenting regional in-service related training and if there was an avenue by which they could present entry level training as a regional academy location.
35. The LEPS Program staff appeared during the quarterly meetings of the Governor's Committee on Crime, Delinquency and Correction (GCCDC) reported to the members the actions of the LEPS Subcommittee during the period preceding the meetings. Sheriff Stephens is a member of the GCCDC and attended these meetings as well.
36. 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.
37. 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.
38. Continued the implementation of the Law Enforcement Professional Standards Information System (LEPSIS) database through awareness and education programs to officers and administrators within the state.

39. Responded to eighteen (18) Freedom of Information Act (FOIA) requests and two (2) subpoenas for officer training records by providing the requested information.
40. Worked with the West Virginia Wives Behind the Badge Auxiliary program director on the scheduling and the holding of a statewide police memorial observance at the Culture Center located on the Capitol grounds during May 2017.
41. Worked with representatives of the West Virginia Attorney General's Office on the development and approval of in-service training addressing human trafficking issues, investigation and enforcement of applicable statutes.
42. The following is a summary of actions carried out/decided by the LEPS Subcommittee members that currently are on appeal within the court system or that a notice of intent to take legal action has been made:
  - a. An appeal of a decision made to revoke the certification of an officer's certification as a law enforcement officer is being reviewed by a Circuit Judge in Ohio County. The involved former officer filed this appeal after Mr. Staton, acting in his capacity as Executive Director of the GCCDC, upheld the revocation action taken by the LEPS Subcommittee members.
  - b. An appeal of Mr. Staton's decision to uphold the revocation of an officer's law enforcement certification was overturned on review by a Raleigh County Circuit Judge. A decision was made by Mr. Staton and the LEPS Subcommittee members to appeal that decision to the West Virginia Supreme Court of Appeals. The applicable paperwork has been filed with the Supreme Court of Appeals and a request to stay the decision has been filed in Raleigh County Circuit Court.
  - c. A former officer who had been denied a request for accommodations to attend the entry level training program required to gain certification as a West Virginia law enforcement officer filed a Notice of Intent with DJCS concerning the actions taken in denying him that request. Required notice was made to BRIM and LEPS Program representatives have been working with the counsel assigned to review the details involved in this matter.

**Report Attachments:**

43. **Attachment 1:** Law Enforcement Training Financial Summary
44. **Attachment 2:** Law Enforcement Training Subcommittee Membership



**Attachment 1**

**Law Enforcement Training Fund**

**Financial Summary**

**FY 2017**

**July 1, 2016 to June 30, 2017**

**LAW ENFORCEMENT PROFESSIONAL STANDARDS (LEPS) FUND  
BALANCE REPORT  
FY2017**

**Special Revenue  
FY 2017 LEPS Account #6801**

**June 30, 2017 Report**

Cash Balance Beginning Fiscal Year 2017, July 1, 2016 \$894,811.14

ADD:

Fees collected	\$211,093.11
Tuition deposits	\$265,526.00
Grant receipts (CDDP)	<u>\$ 600.00</u>
Gross receipts FY2016	<u>\$ 477,219.11</u>

Total funds available FY2016 \$1,372,030.25

Less: Unexpended grant awards for FY2017 **- \$599,291.64**

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 **- \$771,715.99**

Cash Balance Ending Fiscal Year 2016, June 30, 2016 \$ 600,314.26

**Unawarded balance as of June 30, 2017 \$1,022.62**

**Attachment 2**

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

**Membership Roster**

## Law Enforcement Professional Standards (LEPS) Subcommittee Membership

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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  
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Colonel Jerry Jenkins  
Chief, Law Enforcement Division  
Division of Natural Resources  
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Chief Joseph Martin  
President  
West Virginia Chiefs of Police  
Association  
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Sheriff Steve Stephens  
Chair, LEPS Subcommittee  
Public-at-Large Member  
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Executive Director  
West Virginia Association of Counties  
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Colonel Jan Cahill  
Superintendent  
West Virginia State Police  
725 Jefferson Road  
South Charleston, WV 25309

Ms. MaryKaye Jacquet  
Executive Director  
West Virginia Human Rights  
Commission  
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Mayor John Manchester  
West Virginia Municipal League  
City of Lewisburg  
942 Washington Street West  
Lewisburg, WV 24901

Sheriff Sonya Dingess-Porter  
President  
West Virginia Sheriffs Association  
Logan County Sheriff's Office  
300 Stratton St., Rm 209  
Logan, WV 25601

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