

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

July 1, 2017 - June 30, 2018

ANNUAL REPORT



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



**Department of Military Affairs and Public Safety
Jeff S. Sandy CAMS, CFE, 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 2018 Training Year reporting period of July 1, 2017 through June 30, 2018 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 filled over the course of the year as vacancies occurred because of changes in leadership at the member organizations through the action of Department of Military Affairs (DMAPS) Secretary Jeff Sandy, CAMS, CFE, except for the position occupied by the West Virginia Human Rights Commission. That position became vacant during the spring of 2017 with the retirement of their representative who had been a long-time member. Retired Captain Sadler is working with that new Director to have the vacancy filled. 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. 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 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 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 – 2018 Training Year

1.	Number of law enforcement officers awarded law enforcement certification by the LEPS Subcommittee:	145
	A. City, County, State, College/University, Airport and Natural Resources Police	
	1. Completed full Basic Program 171 st , 172 nd and 173 rd Basic Classes	134
	2. Completed Equivalent Certification Program held September 2017	11
	B. State Police – No Cadet training classes held during this reporting period.	0
2.	Number of officers who completed training requirements for recertification as West Virginia law enforcement officers held during September 2017 following a break in serving as an officer in this state of more than twenty-four (24) months.	10
3.	Number of law enforcement certifications suspended, pending completion of required training, by the LEPS Subcommittee	4
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.	12
5.	Number of law enforcement certifications reviewed by the LEPS Subcommittee:	20
	A. Certification revoked	14
	B. Certification surrender accepted	6
6.	Number of requests for training/certification as a private citizen reviewed by the LEPS Subcommittee:	0

NOTE: While this type of approval process remains in place individuals who would have previously been approved under this process are now directed to wait two years following their resignation from the entry-level training program to be able to be hired once more by a West Virginia law enforcement agency and to be sponsored by the agency to the entry-level training program.

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: 7
- A. Approved 6
 - B. Denied 1
8. Number of appeal requests for equivalent certification as a law enforcement officer considered by the LEPS Subcommittee: 0
- A. Approved 0
 - B. Denied 0
9. Number of appeals from individuals aggrieved by a decision of the LEPS Subcommittee: 2
- A. Appeal upheld at GCCDC level 1
 - B. Appealed to Circuit Court 0
 - C. Appealed to Supreme Court 1
10. Number of applicants for admission to a basic entry level training program reviewed by the LEPS Subcommittee due to prior arrest. 6
- A. Reviewed and approved 6
 - B. Reviewed and denied 0
 - 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 0
training started
 - 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
- 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.	0
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:	10
A. Required to complete three (3) week re-certification training.	6
B. Required to complete full entry level training	4
17. Number of officer certification reactivation reviews completed as a result of officer employed at another agency:	187
A. Standard review and approved	172
B. Review required due to how separated	15
(1) Approved	14
(2) Denied	1
(3) Review tabled	0
18. Number of current and active law enforcement instructors in the State.	422
19. Number of individuals who were either granted law enforcement instructor certification or approved in additional areas of expertise by the LEPS Subcommittee:	68
A. Approved as new instructors	47
B. Approved with additional areas	21
20. Number of reviews of instructor certifications:	0
A. Revoked, due to officer de-certification	0
B. Suspended	0
C. No action taken	0

In-Service Training Summary:

21. Number of Supervisory In-Service Training Programs approved by the LEPS Subcommittee:	76
22. Number of Annual In-Service Training Programs approved by the LEPS Subcommittee:	306

23. Number of Personal Training Programs approved by the LEPS Subcommittee.	42
A. Annual level in-service	30
B. Supervisory level in-service	12
24. Review of instructor level (Train the Trainer) classes.	8
A. Approved	8
B. Denied	0

Items carried out on behalf of, or by, the LEPS Subcommittee members or program staff:

25. Six (6) grant awards were recommended for approval to the Governor’s Office and were subsequently awarded totaling **\$913,800** from the LEPS Fund. The 175th and 176th Basic Classes and the Civilian Support Staff awards, D. – F. following, could only be awarded as the result of supplemental funding that was awarded to the Department of Military Affairs and Public Safety (DMAPS) during the 2018 Special Session of the Legislature. The inability of the LEPS Fund to fully support the cost of the entry level training remains a key issue as to the program’s overall ability to meet its statutory requirements. The following awards were recommended in support of the law enforcement training effort.
 - A. **\$135,000** for the operation of the 172nd Basic Class.
 - B. **\$135,000** for the operation of the 173rd Basis Class.
 - C. **\$133,800** for the operation of the 174th Basic Class
 - D. **\$134,000** for the operation of the 175th Basic Class
 - E. **\$134,000** for the operation of the 176th Basic Class
 - F. **\$242,000** 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 2017 Training Year, July 1, 2016 to June 30, 2017. These officers were brought before the Subcommittee during the October 2017 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.

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 2017 and calendar year 2018 in-service class schedule.

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 2018 legislative session. Was approved by the Senate but did not advance out of House Judiciary for consideration.

29. As generally noted previously in point #25 supplemental funding of over \$500,000 was approved during the 2018 Special Session of the Legislature to allow for the continued presentation of entry level training in the state. Without this one-time appropriation entry level classes would have had to have been stopped beginning July 2018 to at least early 2019. This funding will allow for such classes to continue through the spring of 2019, but if no further action is taken to address the LEPS Fund shortfall it is projected that classes will have to be stopped by early to mid-summer 2019.
30. Subcommittee members, representing the Subcommittee and their associations and organizations, worked with members of the West Virginia Legislature during their 2018 session concerning revisions to CSR 149-2 et seq. that had been developed by the Subcommittee members during their spring 2017 regularly scheduled meetings. The approved changes took effect in July 2018. Prior to effective date staff distributed information on changes to the law enforcement community within the state.
31. Retired Captain Sadler, LEPS Program Manager, worked with the West Virginia Coalition Against Domestic Violence (WVCADV) Co-Chair concerning the development, introduction and passage during the 2018 Legislative Session of needed revisions and updates to CSR 149-3 et seq., Domestic Violence Protocol. Prior to effective date staff distributed information on changes to the law enforcement community within the state.
32. The LEPS Program staff appeared during the quarterly meetings of the Governor's Committee on Crime, Delinquency and Correction (GCCDC) and reported to the members the actions of the LEPS Subcommittee during the period preceding the meetings. Sheriff Stephens, LEPS Subcommittee Chair, is a member of the GCCDC and attended these meetings as well.
33. 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.
34. Worked with the staff of the West Virginia State Police Academy concerning program and schedule changes for the entry level training program.
35. 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.
36. Responded to eighteen (18) Freedom of Information Act (FOIA) requests and one (1) subpoenas for officer training records by providing the requested information.
37. 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 2018.

38. 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 the decision made by the LEPS Subcommittee, and upheld by Mr. Staton to deny the operation of a regional entry level training program at Fairmont State University (FSU) was reversed by Judge Wilson, Marion County Circuit Court. His decision was to allow the operation of such a regional entry level training program. DJCS/GCCDC/LEPS Program appealed the matter to the West Virginia Supreme Court. The appeal is under consideration. A friend of the court brief was filed in support of this appeal by the West Virginia Deputy Sheriffs Association and the West Virginia Fraternal Order of Police.

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:

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 2018

July 1, 2017 to June 30, 2018

**LAW ENFORCEMENT PROFESSIONAL STANDARDS (LEPS) FUND
BALANCE REPORT
FY2018**

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

June 30, 2018 Report

Cash Balance Beginning Fiscal Year 2018, July 1, 2017 \$600,314.26

ADD:

Fees collected	\$249,065.96
Tuition deposits	\$176,792
Grant receipts	<u>\$ 94,439.14</u>
Gross receipts FY2018	<u>\$ 519,297.10</u>

Total funds available FY2018 \$1,20,650.67

Less: Unexpended grant awards for FY2018 - \$341,398.03

Disbursements for LEPS awards - \$738,577.25

Cash Balance Ending Fiscal Year 2018, June 30, 2018 \$ 382,073.42

Unawarded balance as of June 30, 2017 \$40,675.39

Attachment 2

Law Enforcement Professional Standards (LEPS) Subcommittee

Membership Roster

Law Enforcement Professional Standards (LEPS) Subcommittee Membership

Retired Corporal David Gentry
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 4th Avenue
South Charleston, WV 25309

Chief Joseph Martin
President
West Virginia Chiefs of Police
Association
102 South Street
Ripley, WV 25271

Sheriff Steve Stephens
Chair, LEPS Subcommittee
Public-at-Large Member
202 39th Street
Vienna, WV 26105

Mr. Jonathan Adler
Executive Director
West Virginia Association of Counties
2211 Washington Street, East
Charleston, WV 25301

Colonel Jan Cahill
Superintendent
West Virginia State Police
725 Jefferson Road
South Charleston, WV 25309

VACANT
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
942 Washington Street West
Lewisburg, WV 24901

Sheriff Steve Deweese
President
West Virginia Sheriffs Association
Putnam County Sheriff's Office
236 Courthouse Drive, Suite 8
Winfield, WV 25213-7908

Corporal James Baker
President
West Virginia Trooper's Association
210 Chesapeake Avenue
Charleston, WV 25301