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State of West Virginia  
OFFICE OF THE SECRETARY DEPARTMENT OF HOMELAND SECURITY  
Division of Administrative Services, Justice and Community Services

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SECRETARY OF STATE  
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CABINET SECRETARY

To: The Honorable Mac Warner  
Secretary of State

From: Retired Captain Chuck Sadler, Manager  
West Virginia Law Enforcement Professional Standard (LEPS) Program

Date: October 2, 2020

RE: Temporary Suspension of Certain Provisions of CSR Title 149 Series 2

The West Virginia Law Enforcement Professional Standards (LEPS) Subcommittee is the state entity, in conjunction with the LEPS Program of the Justice and Community Services of the Division of Administrative Services, Department of Military Affairs and Public Safety, charged with the oversight of the certification of the state's approximately 3,600 sworn law enforcement officers.

On March 16, 2020, the Honorable Governor of the State of West Virginia, Jim Justice, declared a State of Emergency to address the COVID-19 pandemic and delegated "to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency."

In accord with the March 16, 2020 Emergency Proclamation the LEPS Subcommittee and the LEPS Program respectfully requests that the following provisions of CSR Title 149, Series 2, specifically section 14.1.e. and 15.3 and 15.3.a., be temporarily suspended through December 31, 2020:

§149-2-14. Equivalent Certifications

14.1.e. Complete the following entry-level courses within twelve (12) months from the date of employment : Provided, that under extenuating circumstances the Subcommittee may grant a waiver.



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- 14.1.e.1. Firearms Training and Certification;
- 14.1.e.2. Emergency Vehicles Operations Course;
- 14.1.e.3. Defensive Tactics;
- 14.1.e.4. Laws of Arrest;
- 14.1.e.5. West Virginia Motor Vehicle Law;
- 14.1.e.6. Criminal Law;
- 14.1.e.7. Domestic Crimes; and,
- 14.1.e.8. Laws of Search and Seizure.

**§149-2-15. Re-certification Requirements.**

**15.3 15.3. Law enforcement officers, or law enforcement officials who desire to re-certify as a law enforcement officer, who have been separated from a law enforcement agency for more than twenty-four (24) months, but less than sixty (60) months; who are in good standing; and who were certified under the provisions of W. Va. Code §30-29-5; and have been reappointed as a law enforcement officer or law enforcement official by a law enforcement agency; are required to either test for credit in lieu of attending any of the classes required for re-certification or, attend and successfully complete within twelve (12) months of the date of employment, the following courses : Provided, That the Subcommittee may grant a waiver under extenuating circumstances. The Subcommittee may, at its discretion, require a course to be completed and not allow a test for credit.**

- 15.3.a. Firearms Training and Certification;
- 15.3.b. Emergency Vehicle Operations Course;
- 15.3.c. Defensive Tactics;
- 15.3.d. Laws of Arrest;

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15.3.c. West Virginia Motor Vehicle Law;

15.3.f. Criminal Law Update;

15.3.g. Domestic Crimes; and,

15.3.h. Laws of Search and Seizure.

The preceding sections of this rule addressing the law enforcement training and certification standards, and the amount and type of training required for a qualified out-of-state officer seeking to gain certification as a West Virginia law enforcement officer, §149-2-14.1.e. and for previously certified West Virginia law enforcement officers who are returning to work as a sworn officer in this state after a break in employment as a sworn officer of more than twenty-four months, §149-2-15.3. and 15.3.a., placed the fifteen (15) officers who were completing such training during August and September 2020 and their respective agencies in a position where it was unsafe for them to complete the practical classwork and training that is normally completed at the West Virginia State Police Academy. The ongoing manner in which training, education classes and gatherings are being conducted within this state during the state of emergency limited the options open to conducting such required training.

Of the one hundred and twenty (120) hour program designed and carried out to allow such officers to meet the required training set forth in sections 14.1.e. and 15.3.a. eighty (80) hours were able to be completed through virtual training conducted by the staff of the West Virginia State Police Academy. No process could be set up to insure the safe presentation of the remaining forty (40) hours of training that requires physical and hands on interaction between the instructors and the student officers that would not potentially expose the individuals to a heightened chance of transferring and/or contracting the COVID-19 virus.

Each of the 15 officers has had detailed training in the past, either here in West Virginia or the states where they were certified as an officer, in the subject areas for which this training waiver is being requested. Their respective employing police departments will be moving to see that they receive follow up training in the training area waived as a result of this request at a later date to refresh the training that they originally received when they gained their certification as a law enforcement officer and through prior continuing in-service related training.

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**Thank-you for your time and attention to this request. If granted the LEPS Subcommittee and the LEPS Program requests that the identified rule provisions be suspended through October 31, 2020. Questions concerning this request may be directed to me at either (304) 941-9644 (cell) or [Charles.A.Sadler@wv.gov](mailto:Charles.A.Sadler@wv.gov)**