



January 28, 2011

House bill expands law officer oversight

State agency database would list problem cops

By Gary A. Harki

House bill expands law officer oversight

CHARLESTON, W.Va. — Police departments would have to report instances of officer wrongdoing to the state, under a bill reviewed by members of the West Virginia House of Delegates on Friday.

The bill (HB 2358) would expand the duties of the state body that decides when police officers lose their certification.

House Judiciary Committee members had questions about how the bill would work, and the committee likely will take a vote on whether to send it to the floor on Tuesday, said Committee Chairman Tim Miley, D-Harrison.

"There are concerns that law enforcement officers that run into trouble leave [a department] before discipline has been taken and find another department," said House counsel Brian Skinner, referring to news media reports. "It became clear - and I'm not trying to suggest this happens a great deal - that these law enforcement officers were moving from jurisdiction to jurisdiction. That's what led to it."

The bill would require police departments to report problems with officers to a central database, and then for departments to check that database before hiring an officer. It also would give the state Law Enforcement Training Subcommittee subpoena powers to look into instances where an officer may need to be decertified.

Many of the Judiciary Committee members' questions centered on just what type of complaints would be reported.

Delegate Woody Ireland, D-Ritchie, asked if all infractions including, "not shining your shoes properly" would have to be reported to the subcommittee.

The bill states that if passed, the subcommittee will recommend rules to the Legislature in July that would govern just what policies and regulations agencies would be required to report.

Other than in instances where criminal charges were filed, the newly created database also would be exempt from Freedom of Information Act requests, Skinner said.

Delegate Barbara Fleischauer, D-Monongalia, questioned why a database that reports police officer misconduct would not be available to the public when those of lawyers and doctors are.

"What's the rationale for making them different," she asked.

The question was opened to the room, including to West Virginia State Police Maj. Gordon Ingold, who spoke out against the bill. No one responded.

Ingold said the State Police already has an Internal Affairs unit and that because it keeps track of all infractions, the names of State Police officers would show up in the database more often. He also said the bill usurps the department's legislative rules for internal investigations.

"This duplicates what we already do. It is not necessary for our agency," he said. "The rules would

hamper the ability we have in place to do our investigations. ... Some other departments don't have the in-depth investigative process we have."

Skinner said his reading of the bill would not mean that every complaint made against an officer would be included.

The State Police created the legislative rules when the West Virginia Supreme Court forced it to do so in 1995. Before that, it was common for troopers of the same detachment to investigate each other. The ruling was the result of a complaint filed by Billy Ray Casto of Lincoln County, who said he was beaten by Trooper Joe Parsons with fists and a flashlight.

Delegate Meshia Poore, D-Kanawha, said she wants to learn a little more about the bill before the vote on Tuesday.

"The substance of the bill is there," she said. "We just want to make sure we protect officers that do good work."

Reach Gary Harki at gharki@wvgazette.com or 304-348-5163.