

MINUTES

BLEOST MEETING
November 12, 2020

Call to Order:

The meeting was called to order at 9:00 a.m. by the Chair Lori Travis. This meeting was held by conference call.

Roll Call:

The Chair called the roll and a quorum was established. Board members present were:

Officer Brad Carter
Chief Don Gammage
Sheriff Jim Johnson
Dr. Steve Mallory
Constable Glenn McKay
Chief Vance Rice
Hon. Ed Snyder
Mr. Windy Swetman
Captain Lori Travis

Board members not present were:

Hon. Kassie Coleman
Sheriff Greg Pollan
Mayor Gary Rhoads
One Vacancy

Hon. Candace Rucker, Board Counsel

Introduction of Guests, Introductory Remarks:

The guests introduced themselves and they were welcomed.

Speakers/Guests present were:

Director Jacqueline Moreno, SRPSI
Director Phyllis Colson, N.E.M.C.C.
Director Thomas Tuggle, MLEOTA
Director Mike Cowan, DeSoto Co. S.O
Sheriff Joey East, Lafayette Co. S.O.
Director Chuck Jenkins, Lafayette Co. S.O.
Sheriff Charlie Sims, Forrest Co. S.O.
Chief Jessie Stewart, Woodville Police Dept.
Inv. Rutledge, Woodville Police Dept.
Director Amy Vanderford, MDCCLETA

Staff Members Present were:

Certification Officer Bebea Boney
Bureau Director Robert Davis
Division Director Bob Morgan
Training Director, Michael Nash
Certification Officer Donna Rogers

Approval of Minutes:

A copy of the minutes from the October meeting was emailed to each member. Chief Gammage made a motion to approve the minutes as presented. Chief Rice seconded the motion. The motion carried without opposition.

OLD BUSINESS

In-Service Training – Request for Approval:

1. Advanced Human Trafficking Training; 33 hours; for Certified Investigators or Human Trafficking Investigators; HT State Coordinator Ashlee Lucas.
2. Courtroom Testimony; 4 hours; Report Writing; 2 hours; Lt. Charlie Hill, Jr.

Dr. Mallory made a motion to approve the courses for in-service training. Mr. Snyder seconded the motion and it passed without opposition.

Review Proposed Policy Changes, Chapters 1,2,3,4,5,7,9,13; Final Vote for Approval:

Changes were proposed for the listed chapters to clarify policy and due to the passage of the Fresh Start Act of 2019. The OLRC refused to accept the previous changes, stating that it was determined that the Board did not fall under this Act. These changes have been reversed and a vote is needed to submit the other changes to clarify policy and to place new language in the policy. Some of the proposed changes in Chapter 1 are the results of a new law (HB 1434) changing the salary of part-time certified officers. The new language and policy are underlined below.

Part 301 Chapter 1

Rule 1.1 Definitions

Herein are defined certain terms used in these Policy and Procedures.

1. **Administrative Hold** - Shall mean the withholding of all training funds and certification certificates due to non-compliance with Board policy or official requests for information.
2. **Background Investigation** – Shall mean a comprehensive process designed to produce fact-based, complete, accurate and unbiased information to ensure that an applicant meets all standards and requirements for employment.

- 32. Board** - Shall mean the Board on Law Enforcement Officer Standards and Training.
- 43. Board Director** - Shall mean the Director of the Division of Public Safety Planning.
- 54. Break in Service** - Any period of time when an individual is not a law enforcement officer as defined in this policy.
- 65. Certificates** - Shall mean certificates issued only to fully qualified officers.
- 76. Certified** - Shall mean the Board has acknowledged that all requirements mandated by this policy and the Law Enforcement Officers Training Program have been achieved and that a certificate has been issued as documentation of the same.
- 87. Chief of Police** - Shall mean the chief law enforcement officer of the municipality, who shall have control and supervision of all police officers employed by the municipality. The officer in charge of municipal law enforcement officers, regardless of title, is acting as the Chief of Police.
- 98. Code of Ethics** - Shall mean the ethical mandates set forth in Chapter 4, Rule 4.4.(1), Law Enforcement Code of Ethics, that law enforcement officers use to perform their duties.
- 109. Criminal Record** - Shall mean any type of felony or misdemeanor conviction.
- 1140. Disqualifying Criminal Convictions** - Shall mean a criminal record that is specific and directly related to the duties and responsibilities of a law enforcement officer as determined by a consideration of the following factors: the nature and seriousness of the crime for which the individual was convicted; the passage of time since the commission of the crime; the relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of a law enforcement officer; and any evidence of rehabilitation or treatment undertaken by the individual that might mitigate against a direct relation.
- 1244. Employment Standards** -- ~~All law enforcement applicants must meet the following guidelines to be employed as a law enforcement officer.~~ To be qualified for employment as a law enforcement officer, the applicant must meet the following standards and requirements: They must Be at least twenty-one (21) years of age, ~~be~~ a high school graduate (or obtain a General Educational Development (GED) Diploma), and ~~be~~ a United States citizen; be of such good physical and mental condition; to be capable of performing the duties under conditions inherent to the profession, as verified by a licensed physician; and be of good moral character as evidenced among other things by having neither a conviction, a plea of guilty, a plea of nolo contendere, probation, pre-trial diversion or the payment of any fine for a felony or a misdemeanor involving moral turpitude, or in relation to a crime that is directly related to the duties and responsibilities of a law enforcement officer; and have engaged in no conduct or action that would greatly diminish the public trust in the competence and reliability of a law enforcement officer. ~~Individuals~~ Former members of the Armed Forces must have been discharged ~~from the Armed Forces~~ under honorable conditions. Fitness for service as it relates to moral character must be verified by an appropriate background investigation.

139. Equivalency of Training - Shall mean the assessment of an applicant's law enforcement training, education, experience and qualifications.

1410. "Grand-fathered" or exempt officers - Shall mean full-time law enforcement officers already serving under permanent appointment on July 1, 1981, and personnel of the division of community services under § 47-7-9, Mississippi Code of 1972, serving on July 1, 1994, are not required to meet any of the provisions of the Law Enforcement Officers Training Program.

1511. Lateral Transfer - A transfer by a certified officer to a different law enforcement agency.

1612. Law Enforcement Employer - Shall mean the agency which employs the law enforcement officer.

1713. Law Enforcement Officer - Shall mean any person appointed or employed full time by the state or any political subdivision thereof, or by the state military department as provided in Section 33-1-33, who is duly sworn and vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime, the apprehension of criminals and the enforcement of the criminal and traffic laws of this state and/or the ordinances of any political subdivision thereof. The term "law enforcement officer" also includes employees of the Department of Corrections who are designated as law enforcement officers by the Commissioner of Corrections pursuant to Section 47-5-54 and includes those district attorney criminal investigators who are designated as law enforcement officers. However, the term "law enforcement officer" shall not mean or include any elected official or any person employed as a legal assistant to a district attorney in this state, compliance agents of the State Board of Pharmacy, or any person or elected official who, subject to approval by the board, provides some criminal justice related services for a law enforcement agency. As used in this paragraph, "appointed or employed full time" means any person, other than a deputy sheriff or municipal law enforcement officer, who is receiving gross compensation for his or her duties as a law enforcement officer of Two Hundred Fifty Dollars (\$250.00) or more per week or One Thousand Seventy-Five Dollars (\$1,075.00) or more per month; for a deputy sheriff or municipal law enforcement officer, the term "appointed or employed full time" means a deputy sheriff or municipal law enforcement officer who is receiving gross compensation for his or her duties as a law enforcement officer of Four Hundred Seventy-five Dollars (\$475.00) or more per week or Two Thousand Fifty Dollars (\$2,050.00) or more per month.

1814. Law Enforcement Trainee - Shall mean any person appointed or employed in a full-time, part-time, reserve or auxiliary capacity by the state or any political subdivision thereof for the purposes of completing all the selection and training requirements established by the board to become a law enforcement officer or a part-time law enforcement officer. Such individuals shall not have the authority to use force, bear arms, make arrests or exercise any of the powers of a peace officer unless:

- A. The trainee is under the direct control and supervision of a law enforcement officer;
- B. The trainee was previously certified under this chapter; or

C. The trainee is a certified law enforcement officer in a reciprocating state

19. Moral Turpitude - Any conduct, or pattern of conduct, contrary to justice, honesty, honor, modesty or good morals that would tend to disrupt, diminish or otherwise jeopardize public trust and fidelity in law enforcement.

2016. Part-time Law Enforcement Officer - Shall mean any person appointed or employed in a part-time, reserve, or auxiliary capacity by the state or any political subdivision thereof who is duly sworn and vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime, the apprehension of criminals and the enforcement of the criminal and traffic laws of this state and/or the ordinances of any political subdivision thereof. However, the term “part-time law enforcement officer” shall not mean or include any person or elected official who, subject to approval by the Board, provides some criminal justice related services for a law enforcement agency. As used in this paragraph “appointed or employed” means any person, other than a deputy sheriff or municipal law enforcement officer, who is performing such duties at any time whether or not they receive any compensation for duties as a law enforcement officer provided that such compensation is less than Two Hundred Fifty Dollars (\$250.00) per week or One Thousand Seventy-Five Dollars (\$1,075.00) per month; for a deputy sheriff or municipal law enforcement officer, the term ‘appointed or employed’ means a deputy sheriff or municipal law enforcement officer who is performing such duties at any time whether or not they receive any compensation for duties as a law enforcement officer provided that such compensation is less than Four Hundred Seventy-five Dollars (\$475.00) per week or Two Thousand Fifty Dollars (\$2,050.00) per month.

2117. Probationary Period - A period of one year for full-time status and two years for part-time status from the initial date of hire as a law enforcement trainee, in the original appointment. The probationary period cannot be enlarged by additional or multiple appointments. Individuals acquire an additional two-year period following a break in-service of more than two years.

2218. Self-Sponsored Cadet – Shall mean any person applying to an accredited law enforcement academy with the intent of completing the basic course curriculum or refresher course curriculum for full-time or part-time employment.

2319. Training Packet -Shall mean the Board adopted forms used to collect information necessary for enrollment in a basic, part-time/reserve or refresher training course.

History: adopted - 07/1981; rev - 04/1988, 10/1991, 07/1998, 07/2004, 07/2006, 07/2007, 09/2008, 05/2013, 03/2017 and 09/2019

Source: Miss Code Ann. § 45-6-3, 45-6-7

Part 301 Chapter 2: Applicant Evaluation, Employment and Certification Procedures

C. All law enforcement applicants with the noted exception in paragraph (b) above must meet the following guidelines to be employed as a law enforcement officer:

5. And be of good moral character as evidenced among other things by having neither a conviction, a plea of guilty, a plea of nolo contendere, having been ordered into probation or pre-trial diversion or have been fined in relation to a felony or a misdemeanor involving moral turpitude or to a crime that is directly related to the duties and responsibilities of a law enforcement officer; and not have been engaged in any conduct or action that would greatly diminish the public trust in the competence and reliability of a law enforcement officer. ~~Former members of the Armed Forces~~ Individuals must have been discharged ~~from the Armed Forces~~ under honorable conditions. Fitness for service as it relates to moral character must be verified by an appropriate background investigation.

A complete background investigation (~~See Background Investigations~~). This investigation is a critical factor in determining whether law enforcement applicants meet the requirements established under the LEOTP. The primary purpose of the investigation is to provide the law enforcement employer with enough factual information to determine if a particular candidate would ensure the continued public trust in the competence and reliability of the department.

- F. Self-Sponsored individuals may request to attend an accredited academy for the purpose of completing basic or refresher training before applying for a law enforcement position. Self-Sponsored individuals must obtain certification within two years of completing basic or refresher training. If certification is not granted, the training must be repeated.

Rule 2.3

C3.

- c. All other types of offenses are crimes and must be reported, regardless of the fine, pleas entered, or the adjudication status. This would include but is not limited to cases that are non-adjudicated, nolle prossed, dismissed, ~~or~~ acquitted, or expunged.

D3.

- c. Eligible for certification after successful completion of the Skills Test and Law Courses of the Refresher Course (completion of a Board-approved basic training course and break in service of more than two years), or the Refresher Course (completion of a Board-approved basic training course and break in service of more than five years).

Part 301 Chapter 3: Professional Certificates

- D. The employer should return the certificate to the Board director, along with a complete **“Termination/Reassignment Report”** form, within ten working days after:
 1. The employee no longer meets all of the qualifications for employment (i.e.- the employee has been convicted, pled guilty, pled nolo contendere, fined, ordered into probation or pre-trial diversion in relation to a felony or a crime involving moral turpitude or to a crime that is directly related to the duties and responsibilities of a law enforcement officer, etc. **[the employer shall provide official documentation of any such conviction]**);

Part 301 Chapter 4: Hearings, Denial or Other Sanctions of Certificates

Rule 4.2 Policy

1. The Board may reject any unqualified applicant for certification by a classification of not eligible for certification. Further, the Board reserves the right to reprimand, suspend or cancel and recall any certificate when:
 2.
 - C. The holder has been convicted, pled guilty, pled nolo contendere, fined, ordered into probation or pre-trial diversion in relation to a felony or a crime involving moral turpitude or that is directly related to the duties and responsibilities of a law enforcement officer;
 - D. The holder has committed an act of malfeasance or has been dismissed from his employing law enforcement agency; or
 - E. The physical or mental condition of the officer is such that the officer is incapable of performing law enforcement duties inherent to the profession; or
 - ~~EE.~~ Other due cause as determined by the Board.
 1. The Board has established standards and qualifications by rule and regulation for the employment of law enforcement officers as they relate to the competence and reliability of persons to discharge the responsibilities of that position of public trust. These standards address minimum age, education, training, physical and mental standards, citizenship, good moral character and experience.
 2. Any ~~condition~~, conduct or action that would breach the established minimum standards, violate the Law Enforcement Code of Ethics or would greatly diminish the public trust in the competence and reliability of a law enforcement officer would be actionable as due cause for reprimand, suspension (under conditions), recall or cancellation of a certificate.

Rule 4.3 Procedures

1. The procedures listed herein shall be followed to ensure a fair and expedient process consistent with law.
 - A. The Board staff shall open a certification review file upon the instruction of the assistant director or the director. The director or the assistant may base the opening of a review file on a number of sources.
 - F. The director shall have the administrative authority to issue both temporary or permanent declarations of ineligibility for certification as well as an administrative revocation of those certificate holders who have been adjudicated guilty of a felony crime.

1. Once the date has been established for the hearing, the director shall notify the officer/individual and the agency head of the hearing date. The letter shall state, in clear terms, the time and place of the hearing, purpose of the hearing and proposed action to be taken. The letter will also:
 - a. Invite the officer/individual to appear personally before the Board to make a presentation on his certification.
 - b. Advise the officer/individual that they have a right to be heard, present evidence and that they may bring people to give oral testimony or to provide assistance in the presentation. They also may question any adverse witnesses.
 - c. Advise the officer/individual that they may have counsel assist and/or represent them at the hearing.
 - d. Advise the officer/individual that strict rules of evidence do not apply.
 - e. Advise the officer/individual that documents may be submitted for consideration. All copies of any official documents must be submitted under the county seal or notary public. Any written testimony must be presented in the form of duly sworn affidavits. All documents must be submitted to the Board staff not later than five working days before the hearing.
7. During deliberations the Board shall first consider the factual charges against the officer/individual and determine if the information presented supports the charges. If the Board finds that one or more of the charges are supported, then the Board shall consider the appropriate sanction.
8. The Board action shall be reduced to writing and entered into the written record of the proceedings. This record shall report the Board's findings of fact relative to each charge and the certification sanction by the Board.
- K. The director shall notify the employing agency and the officer/individual in writing of the Board's decision. If the Board suspended or recalled the certificate, the notification shall advise the employer that no person shall serve as a law enforcement officer during a period when that person's certificate has been suspended, canceled or recalled in accordance with Mississippi Code Annotated, § 45-6-11 (3).
- L. An officer/individual aggrieved by the findings and order of the Board may file an appeal with the chancery court of the county in which the officer was employed. The officer/individual must submit written notice of the appeal and the appropriate venue to the Board within thirty days after the date of the Board's final order.

Source: Miss Code Ann. § 45-6-7, 45-6-11

Part 301 Chapter 5: Compliance Monitoring and Noncompliance

Rule 5.3

A2. Law enforcement agencies must establish policy that ensures only authorized (certified) officers perform duties as full-time or part-time; (including reserve; and/or auxiliary) law enforcement officers.

Part 301 Chapter 7: Standards for the Successful Completion of Law Enforcement Training

Rule 7.3 Procedures

1. This section establishes procedures governing the standards to be used by accredited training academies.

A. Admission/enrollment procedure

1. Each academy shall develop an admittance and enrollment procedure. This procedure must ensure that only those applicants who are of good moral character meeting Board standards and are physically and mentally fit are admitted to the academy.

Part 301 Chapter 9: Certification Based on Equivalency of Training and Refresher Training

D1. Applicants must have: completed the basic course as in Chapter-9, Rule 9.2, Subsection-C above, met the current employment guidelines and completed each of the hands-on skill tests and law courses and provide verification of First Aid/CPR certification within one year for full-time status and two years for part-time status of their date of hire. The skill tests must be conducted by a certified instructor or at a Board accredited academy. The law courses must be conducted at a Board accredited academy. Academies and instructors must review the Board's notice that the student is eligible for the skill tests and law courses. The skill tests are:

- a. Firearms,
- b. Defensive Driving and
- c. Mechanics of Arrest

3. e. ~~Or~~ Applicants must have served in a part-time law enforcement status position in this state.

E. Any officer, certified in this state, whose break in service was due to serving as a law enforcement officer in another state or federal jurisdiction may restore their certification. Eligible officers need only complete the hands-on skill tests and law courses of the refresher course and provide verification of First Aid/CPR certification within one year for full-time status and two years for part-time status of their date of hire, ~~provided that the break in service is not more than five (5) years.~~ The skill tests must be conducted by a certified instructor or at a Board accredited academy. The law courses must be conducted at a Board accredited academy.

1. Applicants must have completed the basic course as in Chapter-9, Rule 9.2, Subsection-C above and met the current employment guidelines.
- ~~2. Applicants must have not had a break in service of more than five (5) years.~~
- ~~2.3.~~ Applicants must have served in a full-time capacity as a law enforcement officer in one of the following positions (or other position as approved by the Board):

- b. ~~An agent, police officer or other law enforcement officer~~ Any person currently or formerly classified under the GS-1811 series or any uniformed federal law enforcement officer who is: appointed or employed full-time by; the United States Department of Justice or its law enforcement subdivisions, the Department of Defense or its recognized military service branches, the Department of the Interior, the Department of the Treasury or its law enforcement subdivisions, ~~or~~ the District of Columbia; and/or who is vested with the authority to bear arms, make arrests, and has as their primary duty the prevention and detection of crime, the apprehension of criminals, and the enforcement of criminal and traffic laws of the United States of America.

Rule 9.4 Refresher Training Curriculum

1. This document describes the 200-hour Refresher Training Curriculum for all Mississippi Law Enforcement Officers.

LAW ENFORCEMENT REFRESHER TRAINING CURRICULUM

	<u>HOURS</u>
11. <u>HOMELAND SECURITY</u>	
45. Introduction of Homeland Security and ICS	1
46. Introduction of Human Trafficking	2
12. <u>HUMAN RELATIONS</u>	

17. Human Behavior/Interpersonal Communications	4
18. Law Enforcement and Citizens with Special Needs	4
19. Conflict Management	4
13. <u>ADMINISTRATIVE</u>	21
Total	200

History - adopted - 10/1984; rev - 12/1989, 11/2015, 11/2017, 01/2018, 07/2019

Source: Miss Code Ann. § 45-6-7

Part 301 Chapter 13: Instructor Certification

Rule 13.1 Purpose

1. This section establishes policy and procedures governing the standards and qualifications to be used to certify instructors for Board-approved training.
2. As with the professional certificate the instructor certificate remains the property of the Board. The possession and stewardship of the certificate is the responsibility of the sponsoring agency. The Board may revoke any instructor certificate upon a showing of just cause, which includes, but is not limited to:
 - a. Administrative error in issuance.
 - b. Falsification of any information on the application,
 - c. Failure to complete the prescribed internship,
 - d. Conviction or the entering of a plea of either guilty or nolo contendere, being fined, ordered into probation or pre-trial diversion in relation to a felony or a misdemeanor involving moral turpitude or a crime that is directly related to the duties and responsibilities of a law enforcement officer,

The Chair entertained a motion after the changes were reviewed and Sheriff Johnson made a motion for final approval. Officer Carter seconded the motion and it was approved without opposition.

NEW BUSINESS

Presentation by Sheriff Sims, Forrest County – Academy Attendance:

Sheriff Sims made a request to the Board to reconsider their previous decision concerning allowing a cadet to return to the next academy class if the cadet had to leave for circumstances

out of his control. He had a cadet that contracted Covid 19 in the eighth week of the SRPSI basic class. The academy will have the same schedule in their next class, so the cadet would pick up where he left off. He stated to force the cadet to repeat the first 8 weeks of another academy class would affect his department financially and his work force.

Investigator Rutledge with the Woodville Police Department stated that they had a cadet in the same class that had to leave because of Covid 19 after 7 weeks. If this cadet had to repeat the entire class this would burden their department.

Board members and academy directors discussed this issue at length. The request does not require the changing of policy, it only applies due to the Pandemic.

Mr. Snyder made a motion to allow these two cadets to return to the next academy class to take up where they left off, providing that the academy could accommodate their needed courses. Chief Rice seconded the motion. The motion passed 5 to 3. Chief Gammage, Sheriff Johnson, and Mr. McKay opposed the motion.

Virtual Training Proposal from Lafayette County Training Academy:

Director Jenkins with the Lafayette County Training Academy requested that the Board consider allowing part-time academies to teach certain subjects virtually to allow cadets the opportunity to attend certain classes in that format. Many part-time cadets work other jobs and, in some cases, have to travel long distances after work to attend training. He stated that this would help these cadets to attend training and reduce hardships that travel may causes. He stated that during the Pandemic, this teaching method will help the students.

He has proposed to teach 29 of the basic courses in a virtual format. The total amount of hours would be 117, leaving 190 hours to be taught in person. He stated that his academy would use the Web-ex system to deliver the training. A live instructor would be teaching at the academy and another person would be monitoring the students. The students can ask questions and respond to the instructor by typing in messages to the monitor. The tests for these courses would be in person at the academy at a later time. Students who want to attend in person may do so. The students would be given passwords to log in to the system to take the course.

The Board was presented with the results of a survey of the Academy Directors giving their opinions of virtual training. The survey also included their opinions on what courses should not be taught virtually. The Board and guests discussed the pros and cons of virtual learning.

The Chair entertained a motion. Mr. Snyder made a motion to allow virtual (instructor lead) training at part-time academies with the subjects to be taught to be determined at a later date. Mr. Swetman seconded the motion. The motion passed without opposition.

The matter will be brought up at the next meeting for the Board, after having time to consider the surveys and subject matter, to discuss which subjects should be allowed to be taught in the virtual format.

Request to Change the Name of Sandersville Part-Time Officers Training Academy to Jones County Law Enforcement Training Academy:

Sheriff Berlin of Jones County and Director Eddy Ingram of the Sandersville Part-Time Officers Training Academy has requested that the name of the academy be changed to the Jones County Law Enforcement Training Academy. Sheriff Berlin has the approval from the Town of Sandersville to sponsor the part-time academy. The same facilities will be used except the main classroom will be the Jones County Training Center. Director Ingram, who is now an employee of Jones County S.O. will remain as the Director.

Mr. Swetman made a motion to change the name of the academy. Dr. Mallory seconded the motion and it was approved without opposition.

Director's Report:

The Sgt. Roderick Brown appeal of the Board's decision is back in Chancery Court. The revised final order of the Board has been returned to Brown, his attorney and former chief.

The New Chief's Training will be held in January 2021.

Our office is working with the Department of Justice to advise all agencies, that ask for federal grants, that their use of force policy must be in compliance with the President's Executive Order.

The Chair, Captain Travis announced that she will be retiring from the Highway Patrol after 28 and a half years of service. She also announced that she will become the Director of Human Services for DPS and the Colonel wants her to stay as his representative to the Board.

Next Scheduled Meeting:

The next meeting will be scheduled in January 2021.

Concluding Remarks; Adjournment:

Chief Gammage made a motion to adjourn. Mr. Snyder seconded the motion. There was no opposition. The meeting was adjourned at 10:55 a.m.

Respectfully submitted,



Director, Board on Law Enforcement Officer Standards and Training