

MINUTES

BLEOST MEETING
November 14, 2019

Call to Order:

The meeting was called to order at 9:08 a.m. by Chairman Mallory.

Roll Call:

Chairman Mallory called the roll and a quorum was established. Board members present were:

Chief Matt Barnett
Officer Brad Carter
Chief Don Gammage
Chief Vance Rice
Sheriff Jim Johnson
Dr. Steve Mallory
Constable Glenn McKay
Sheriff Greg Pollan
Hon. Ed Snyder

Hon. Emiko Hemleben, Board Counsel

Board members not present were:

Hon. Kassie Coleman
Mayor Gary Rhoads
Mr. Windy Swetman
Captain Lori Travis

Staff members present were:

Mrs. Bebea Boney
Mr. Robert Davis
Ms. Geneva Hill
Mr. Michael Nash
Mrs. Donna Rogers

Speakers/guests present were:

Director Dean Bearden	NMLETC
Director Marco Johnson	Jackson Police Academy
Officer Derek Felton	Scooba Police Department
Officer Kevin C. Smiley	Macon Police Department
Mr. Patrick Hopkins	NSCD
Chief Davine Beck	Macon Police Department
Chief Joseph Daughtry	Pelahatchie Police Department
Capt. LeAnn Farr	Olive Branch Police Department

Introductory Remarks:

The guests introduced themselves and they were welcomed by the Board.

Approval of Minutes:

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

Old Business

In-Service Training - Request for Approval:

1. Mental Health First Aid (8 hours); Opioid Overdose Prevention and Referral Training (2.5 hours) - Communicare-Region II (grant funded)
2. New Chief Training (40 hours); Police Chief's Association
3. Tactical Combat Casualty Care-TECC for LEO (4 hours); First Aid for Gun Shot Wounds (3 hours) - US Law Shield-Tactical Medical Consulting, Rick Hammersfahr, M.D.
4. MS Association of Gang Investigators – M.A.G.I. Training Conference (11.5 hours)
5. MS Sheriffs' Association Winter Conference (9 hours)
6. MS Chiefs' Association Winter Conference (20+ hours)

Sheriff Pollan made a motion to approve Items 1 through 6 for in-service training. Chief Rice seconded the motion and it passed without opposition.

Review New Changes; Request Vote for Final Approval of Proposed Changes to Policy, Chapters 1, 2, 3, 4, 7, 9, 13:

At the last meeting the Board approved changes to policy by a vote with the intent to adopt. New amendments to Chapter 2, F and Chapter 4, E below were discussed. All policy changes were reviewed.

Chapter 1

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.

98. Code of Ethics - Shall mean the ethical mandates law enforcement officers use to perform their duties. These guidelines include: Being exemplary in obeying the laws of the land; acting impartially; exercising discretion; using only necessary force; and maintaining confidentiality, integrity, and a professional image at all times.

109.Criminal Record - Shall mean any type of felony or misdemeanor conviction.

11+0. 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.

12++. **Employment Standards** - To be qualified for employment as a law enforcement officer, the applicant must meet the following standards and requirements: Be at least twenty-one (21) years of age, a high school graduate (or obtain a General Educational Development (GED) Diploma), and a United States citizen; be of such good physical and mental condition ~~and~~ 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 have~~ no ing neither a conviction criminal record including a plea of guilty, a plea of or nolo contendere, probation, pre-trial diversion or the payment of any fine for 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. felony or a misdemeanor involving moral turpitude. 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.

~~15. — 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.~~

Chapter 2

5. ~~And be of good moral character as evidenced among other things by having not have neither a conviction criminal record including a plea of guilty, a plea of nolo contendere, probation, pre-trial diversion nor the payment of any fine for in relation to a crime that is directly related to the duties and responsibilities of a law enforcement officer; and not have been engaged in any condition, conduct or action that would greatly diminish the public trust in the competence and reliability of a law enforcement officer. felony or a misdemeanor involving moral turpitude~~ 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.
- 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.

Chapter 3

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~~ 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]);

Chapter 4

- 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 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;
- 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
- F. 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; not having a criminal record including a plea of guilty, a plea of nolo contendere, probation, pre-trial diversion nor the payment of any fine in relation to a crime that is directly related to the duties and responsibilities of a law enforcement officer; and not having engaged in any conduct or action that would greatly diminish the public trust in the competence and reliability of a law enforcement officer; and for former members of the Armed Forces must have been discharged under honorable conditions.
 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.
 4. An individual with a criminal record may petition the Board at any time for a determination of whether the individual's criminal record will disqualify the individual for certification. The Board shall inform the individual of his/her standing within thirty (30) days of receiving the petition.
- 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 that is directly related to the duties and responsibilities of a law enforcement officer.
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.
- 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.

Chapter 7

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.

Chapter 9

HOMELAND SECURITY

- | | |
|--------------------------------------------------|----------|
| 45. Introduction of Homeland Security and ICS | <u>1</u> |
| 46. Introduction of Human Trafficking | 2 |

ADMINISTRATIVE

2 1

Chapter 13

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~~ crime that is directly related to the duties and responsibilities of a law enforcement officer,

Mr. Snyder, in regards to a final vote to adopt, made a motion to accept the proposed changes including the amendments, Chief Gammage seconded the motion. The motion passed without opposition.

New Business

Present Request from the Army University:

Representatives from the Army University are asking states to consider recognizing Military Police Training as equivalent training to the law enforcement basic training from each state. They recognize that many states will require some additional training for the Military Police Trained officer.

This subject was discussed by the Board and the Board was satisfied with our training requirements at this time. The Board chose not to take up this request.

Certification of Officers:

Director Davis presented 2 F/T Basic classes, 15 F/T equivalency candidates, 1 P/T Basic class, and 10 P/T equivalency candidates for certification pending completion of all requirements. Mr. McKay made a motion to approve the classes and equivalency candidates for certification subject to meeting all requirements and Chief Rice seconded the motion. The motion carried without opposition.

Director's Report:

The Director advised the Board that since July, the staff has received 411 applications for certification and 474 terminations in the Northern half of the state and 346 applications and 349 terminations in the Southern half. There have been 181 full-time graduates of the academies, 12 were self-sponsor. There have been 26 part-time graduates, 10 were self-sponsor.

Certification Review Hearing - Officer Derek Felton

The Board on Law Enforcement Officer Standards and Training's Certification Section determined that Officer Derek Felton is not eligible for law enforcement certification. Officer Felton requested a Board hearing.

The Board on Law Enforcement Officer Standards & Training (BLEOST) has been provided information that he engaged in conduct that violates the Law Enforcement Code of Ethics or would greatly diminish the public trust in the competence and reliability of a law enforcement officer. According to the record, he was certified by the BLEOST as a law enforcement officer, certificate number 25360. While he was employed as a law enforcement officer for the Meridian Police Department, he was arrested for DUI and disorderly conduct; failure to comply with requests or commands of law enforcement officers on 8/13/2018. On 8/28/2018, he resigned from the

Meridian Police Department to prevent disciplinary action or termination. On 1/3/2019, he was arrested for simple domestic violence.

According to his statement and the record, he admitted to the conduct that led to his arrest when he pled guilty to DUI and domestic violence. Both charges were non-adjudicated after he paid a fine and attended a twenty-four week domestic violence program.

The Board reviewed 22 pages of documents from Officer Felton's law enforcement file.

Officer Felton stated that he takes full responsibility for his actions but denied being guilty of DUI, failure to comply, and domestic violence. He did enter guilty pleas for a non-adjudicated sentence.

When Officer Felton finished his presentation, the Chair entertained a motion to enter into closed session to determine whether to enter into Executive Session. Chief Gammage made the motion and Sheriff Pollan seconded the motion and it passed without opposition.

A motion was made by Chief Barnett with a second from Sheriff Johnson to enter into Executive Session. The vote was unanimous. The Board reviewed the evidence presented in this hearing.

The Board invited the attendees back to the Board room and Chief Gammage made a motion to come out of Executive Session with a second from Chief Barnett.

The Chair announced that the Board with a unanimous vote determined that clear and convincing evidence was placed before the Board to show that Derek Felton had actions that violated the Law Enforcement Code of Ethics and these actions would greatly diminish the public trust in his competence and reliability as a law enforcement officer.

In Executive Session, after considering the facts presented, the Board voted unanimously (9-0) to cancel certificate number 25360 in the name of Derek J. Felton. This action is effective on Thursday, November 14, 2019.

Certification Eligibility Hearing - Officer Kevin Smiley

The Board on Law Enforcement Officer Standards and Training's Certification Section has determined that Officer Smiley is not eligible for law enforcement certification. Officer Smiley requested a hearing before the Board.

The Board on Law Enforcement Officer Standards & Training (BLEOST) has been provided information that he entered a plea of guilty, has been ordered into probation, and been fined in relation to a crime that is directly related to the duties and responsibilities of a law enforcement officer. This conduct diminishes the competence and reliability of persons to assume and discharge the responsibilities of law enforcement officers.

The Board reviewed 42 pages of documents from Officer Felton's law enforcement file. Officer Felton was certified in Alabama, he was arrested in Alabama for Impersonating a Police Officer in between law enforcement jobs and was also charged with a misdemeanor check charge. According to the record he was indicted for felony false pretense in Lowndes County and entered a plea of

guilty.

Officer Smiley explained his actions to the Board and stated that he neglected to take care of his bills which lead to the charges. He asked the Board for a chance to be certified in Mississippi. Mr. Patrick Hopkins talked about his relationship in the academy with Officer Smiley and thought he was a good person. Chief Davine Beck of Macon P.D. stated that he was not aware of some of the actions by Officer Smiley until this hearing. He said that he would have some concerns after hearing the information today.

When Officer Smiley finished his presentation, the Chair entertained a motion to enter into closed session to determine whether to enter into Executive Session. Sheriff Johnson made the motion and Sheriff Pollan seconded the motion and it passed without opposition.

A motion was made by Chief Barnett with a second from Sheriff Johnson to enter into Executive Session. The vote was unanimous. The Board reviewed the evidence presented in this hearing.

The Board invited the attendees back to the Board room and Chief Gammage made a motion to come out of Executive Session with a second from Chief Rice.

The Chairman announce that the Board finds by clear and convincing evidence that Kevin Smiley entered a plea of guilty, has been ordered into probation, and been fined in relation to a crime that is directly related to the responsibilities of a law enforcement officer. This conduct diminishes the competence and reliability of persons to assume and discharge the responsibilities of a law enforcement officer, as such, Kevin Smiley is not eligible for certification.

In Executive Session, after considering the facts presented, the Board voted unanimously (9-0) that Kevin C. Smiley is not eligible for certification. This action is effective on Thursday, November 14, 2019.

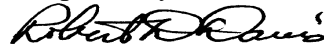
Next Scheduled Meeting:

The next meeting was set for January 9, 2020 at 9:00 a.m. at the Public Safety Planning Building.

Concluding Remarks; Adjournment:

The Chairman announce that the meeting was adjourned. The meeting was adjourned at 12:40 p.m.

Respectfully submitted,



Director, Board on Law Enforcement
Officer Standards and Training