

MINUTES

BLEOST MEETING

March 10, 2022

Call to Order:

The meeting was called to order at 9:07 a.m. by Chairman Brad Carter.

Roll Call:

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

Officer Brad Carter
Hon. Kassie Coleman
Chief Michael Hall
Sheriff Jim Johnson
Dr. Steve Mallory
Constable Glenn McKay
Sheriff Greg Pollan
Chief Vance Rice
Hon. Lindsay Watts

Board members not present were:

Col. Randy Ginn
Mayor Gary Rhoads
Mr. Windy Swetman

Introduction of Guests, Introductory Remarks:

The guests introduced themselves and they were welcomed. Deputy Director Lindsay Watts is representing the Attorney General. She stated that she works in the Public Integrity Division. She has been a prosecutor and public defender. She has been a practicing attorney for about 17 years.

Speakers/Guests present were:

Lt. Stefon Richardson - Hattiesburg P.D.
Mr. Juan Cloy – Justice Training Institute
Major Luke Shepherd – DeSoto Co. S. O.
Deputy Jason Putt – Lee Co. S.O.
Officer Derek Felton – Marion P.D.
Lt. Mike Cowan – DeSoto Co. S.O.
Major Steve Palmer – DeSoto Co. S.O.
Officer Kevin Smiley – Aberdeen P.D.
Officer Dewayne Ealy – Aberdeen P.D.

Staff Members Present were:

Program Supervisor Robert Davis
Program Team Leader Bob Morgan
Program Specialist, Michael Nash
Program Specialist, Donna Rogers
Administrative Assistant, Mary Ann Crawford

Approval of Minutes:

A copy of the minutes from the meeting on January 20, 2022, were emailed to each member. Mr. McKay made a motion to approve the minutes as presented. Sheriff Johnson seconded the motion. The motion carried without opposition.

OLD BUSINESS

In-Service Training – Request for Approval:

1. Tactical LEO Instructor Curriculum, Officer Juan Cloy, owner of Justice Training Institute; Officer Cloy presented this program to the Board; 30 hours designed to train instructors to effectively deliver this course to increase law enforcement safety and survival. The course is designed to offer a universal awareness and understanding of threat assessment and engagement and to propose specific options for training and tactics. These instructors must recertify every 3 years.
2. Down Syndrome Association of Memphis and the Mid-South Training, 3.5 hours.
3. National Association of Drug Diversion Investigators Training Conference, 6 hours.
4. Strategic Interviewing and Interrogation, Department of Air Force, Investigations Division, 24 hours.

Sheriff Johnson made a motion to approve the training as presented by Officer Cloy. Sheriff Pollan seconded the motion and it passed without opposition. Sheriff Pollan made a motion to approve items 2, 3, and 4. Mr. McKay seconded the motion and it passed without opposition.

Discuss Recommended Policy Changes in Chapter 9 Concerning UROLA and MFFA. Vote with the Intent to Adopt:

The Board asked for an Attorney General’s opinion to determine if the Board was included in the newly passed legislation concerning the Universal Recognition of Occupational Licenses Act and the Military Family Freedom Act in July 2021. The Board’s enabling legislation was not amended to include these two Acts. The enabling legislation of other Occupational Licensing Boards were amended. This office was contacted recently and advised that the opinion was being finalized, and the opinion was going to state that the Board would be required to comply with these two Acts. It was requested that the opinion not be issued.

Based on the advice of the Attorney General’s Office the proposed policy changes have been made to be in compliance with the UROLA and MFFA. The underlined language is proposed to be

added and the language that has a strike-out is proposed to be remove from policy.

Rule 9.1 Purpose

1. This section establishes policy and procedures governing the certification of law enforcement officers' procedures to review the record of those officers whose certification has lapsed and those officers who have training and experience in another jurisdiction (i.e., out of state, military, federal service). The Board will establish procedures to verify such applicants can demonstrate an adequate degree of knowledge, skills, and abilities to perform the essential functions of the job.

Source: Miss Code Ann. § 45-6-7

Rule 9.2 Policy

1. The Board shall evaluate each applicant's documented record of experience, education, and training. The accomplishments in each area shall be weighed to compare the applicant's credentials with the current standards for professional certification.
 - A. The certification status of any law enforcement officer shall lapse after a break in service of more than two years. Time of Service will be determined by official Board records (applications, rosters).
 1. Officers, certified in this state, who have had basic as in Chapter 9, Rule 9.2, Subsection-C and meet the employment guidelines, with a break in service of more than two (2) years, are required to complete the hands-on skill tests and law courses of the refresher course and provide verification of First Aid/CPR certification to restore their certification. The skill tests and law courses must be completed 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.
 2. Officers, certified in this state, who have had basic as in Chapter 9, Rule 9.2, Subsection-C and meet the employment guidelines with a break in service of five (5) years or more are required to complete the refresher course and provide verification of First Aid/CPR certification to restore their certification. The refresher course must be conducted at a Board accredited academy within one year for full-time status and two years for part-time status of their date of hire.
 - B. All transfer applicants from another state, military or federal jurisdiction that meet the employment guidelines applying for certification under Equivalency of Training must have completed training and the required on the job training as defined in Chapter-9, Rule 9.2, Subsection-C. Applicants who were excluded or "grand-fathered" under the provisions of another state are not eligible for any exclusion in Mississippi.

1. The Board shall issue certification to applicants who establishes residence in this state if the following conditions are satisfied:
 - a. The applicant holds a current and valid law enforcement license in good standing in another state, and has held this license from the occupational licensing board in the other state for at least one (1) year; and
 - b. There were minimum education requirements and, if applicable, work experience, examination and clinical supervision requirements in effect, and the other state verifies that the applicant met those requirements in order to be licensed in that state; and
 - c. The applicant has not committed any act in the other state that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in Mississippi at the time the act was committed, and the applicant does not have a disqualifying criminal record as determined by the BLEOST in Mississippi under Mississippi law; and
 - d. The applicant did not surrender a license because of negligence or intentional misconduct related to the applicant's work in the occupation in another state; and
 - e. The applicant does not have a complaint, allegation or investigation pending before an occupational licensing board or other board in another state that relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation or investigation pending, the occupational licensing board in Mississippi shall not issue or deny a license to the applicant until the complaint, allegation or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in Mississippi to the satisfaction of the BLEOST in Mississippi; and
 - f. The applicant pays all applicable fees in Mississippi.
 - g. The applicant passes a jurisprudential examination specific to relevant state laws and administrative rules in Mississippi administered by the Board.
2. The Board shall issue certification to applicants who establishes residence in this state based on work experience in another state, if all the following apply:
 - a. The applicant worked in a state that does not issue law enforcement license/certification to regulate the occupation;
 - b. The applicant worked for at least three (3) years in law enforcement as determined by the BLEOST; and
 - c. The applicant satisfies the provisions of paragraphs (c) through (f) of subsection B (1) of this section.

- d. The applicant passes a jurisprudential examination specific to relevant state laws and administrative rules in Mississippi administered by the Board.
3. The Board shall issue certification to an applicant who is a member of the military, or an applicant who is married to or is a dependent of a member of the military, if, upon application to the Board, the applicant satisfies the following conditions:
- a. The applicant has been awarded a military occupational specialty, completed a military program of training, completed testing or equivalent training and experience, and performed in the occupational specialty; or
 - b. The applicant holds a current and valid law enforcement license in good standing in another state, and has held this license from the occupational licensing board in the other state for at least one (1) year; and
 - c. The applicant has not committed any act in the other state that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in Mississippi at the time the act was committed, the occupational licensing board in the other state holds the applicant in good standing, and the applicant does not have a disqualifying criminal record as determined by the BLEOST in Mississippi under Mississippi law; and
 - d. The applicant did not surrender a license because of negligence or intentional misconduct related to the applicant's work in the occupation in another state; and
 - e. The applicant does not have a complaint, allegation or investigation pending before an occupational licensing board or other board in another state that relates to unprofessional conduct or an alleged crime. If the applicant has a complaint, allegation or investigation pending, the occupational licensing board in Mississippi shall not issue or deny a license to the applicant until the complaint, allegation or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in Mississippi to the satisfaction of the occupational licensing board in Mississippi; and
 - f. The applicant pays all applicable fees in Mississippi.
 - g. The applicant passes a jurisprudential examination specific to relevant state laws and administrative rules in Mississippi administered by the Board.
4. The Board shall issue a license to an applicant who is a member of the military, or an applicant who is married to or is a dependent of a member of the military, upon application based on work experience in another state, if all the following apply:

- a. The applicant worked in a state that does not issue law enforcement license/certification to regulate the occupation;
- b. The applicant worked for at least three (3) years in the lawful occupation; and
- c. The applicant satisfies the provisions of paragraphs (c) through (f) of subsection B (3) of this section.
- d. The applicant passes a jurisprudential examination specific to relevant state laws and administrative rules in Mississippi administered by the Board.

~~5.—All individuals applying for certification under this chapter from federal jurisdictions must have completed a law enforcement training program as defined in Chapter 9, Rule 9.2, and Subsection C. Transfer Applicants are required to complete the refresher course and provide verification of First Aid/CPR certification to receive certification. The refresher course must be conducted at a Board accredited academy within one year for full-time status and two years for part-time status of their date of hire.~~

In reference to the MFFA, the current policy based on the law and the new language states that military training should be equivalent to Mississippi's training. The Board was presented with two Military Basic Police Training comparison requests for certification. One military trained applicant that was trained in 2015 listed that he had taken 21 subjects of the 46 subjects required by Mississippi. After discussion, Sheriff Johnson made a motion to deny this application based on it not being equivalent. Mrs. Coleman seconded the motion and it passed without opposition. The next military trained applicant that was trained in 2008 listed that he had taken only 7 subjects of the 46 required subjects. Chief Rice made a motion to deny this application based on it not being equivalent. Sheriff Pollan seconded the motion and it passed without opposition.

The Board discussed the proposed policy changes. Many questions were asked, and options were discussed. Sheriff Pollan made a motion to amend paragraph 5, that has been proposed to be removed from policy, if legal counsel would agree that an agency could have the option to send an applicant to training rather than taking the test. If this is allowable, then paragraph 5 would remain in policy. Sheriff Johnson seconded the motion and it passed without opposition. Mrs. Coleman made a motion to approve with the intent to adopt the policy change as amended. Dr. Mallory seconded the motion and it passed without opposition.

The staff will begin working on the test and will solicit the assistance of Board members.

NEW BUSINESS

Discuss Academy Tuition Payments:

A list of the approved reimbursement rates for training was passed out to the Board. The staff requested the Board to require the part-time academies to list the amount of tuition that they charge

each student completing training. This will assist the staff when issuing reimbursements.

Sheriff Pollan made a motion to require the part-time academies to provide the amount of tuition charged for each graduate. Mrs. Coleman seconded the motion and it passed without opposition.

Election of Officers:

Sheriff Johnson made a motion to elect Sheriff Pollan as the Vice-Chairman of the Board. Mrs. Coleman seconded the motion and it passed without opposition.

Certification of Officers:

Director Davis presented seven full-time academy classes and five part-time academy classes for certification pending completion of all requirements. The Chair entertained a motion. Sheriff Johnson made a motion to approve the academy classes for certification subject to meeting all requirements. Mr. McKay seconded the motion. The motion was adopted without opposition.

Sixteen full-time and four part-time equivalency of training candidates were presented for certification pending completion of all requirements. The Chair entertained a motion. Sheriff Pollan made a motion to approve the equivalency candidates for certification subject to meeting all requirements. Dr. Mallory seconded the motion. The motion was adopted without opposition.

Certification Review Hearing – Officer Derek Felton:

The Board was provided information that Officer Derek Felton 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 and 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.

Officer Felton requested that the Board give him a second chance and reinstate him. He said that he had learned from his mistakes. He said he was embarrassed and ashamed of what he did. He has been working with an ambulance company working as an EMS driver and also in security.

The Board asked him several questions about the domestic violence charge. He explained his actions that led to his arrest. He denied assaulting the female involved. She was out and when she came home, she wanted him to leave. He said that he slammed his cellphone on the floor. He said that the female involved is also in law enforcement and she didn't want to press charges. They still communicate but are no longer together. He provided the Board a document showing the charge

was non adjudicated and expunged. The State has no record of an expungement.

The Chair entertained a motion. Mr. McKay made a motion to enter into closed session to consider entering into executive session. Chief Rice seconded the motion and it pass without opposition. Sheriff Pollan made a motion to enter into executive session to consider the allegations of misconduct and evidence produced during open proceedings, and the possible issuance of an appealable order. Mr. McKay seconded the motion and it passed without opposition.

Everyone was called back into the meeting room and the Chair announced that all members of the Board who were present before deliberations are present now. The Chair did invite a motion to come out of executive session. Sheriff Pollan made the motion, Mrs. Coleman seconded the motion and it passed without opposition.

The Chair announced that in closed session the Board entered into executive session without opposition for the following reasons: to consider the allegations of misconduct and evidence produced during open proceedings, and the possible issuance of an appealable order. The Chair announced that after deliberations in executive session, the Board on a 9 to 0 vote made the following findings and took the following action:

The Board has promulgated policy and procedure whereby: the Board may reject any unqualified applicant for certification by a classification of not eligible for certification, and reserves the right to reprimand, suspend or cancel and recall any certificate when any condition, conduct or action violate the Law Enforcement Code of Ethics or would greatly diminish the public trust in the competence and reliability of a law enforcement officer.

Clear and convincing evidence was placed before the Board on a previous occasion, that you, Derek Felton had committed actions that violated the Law Enforcement Code of Ethics, and that these actions would greatly diminish the public trust in your competence and reliability as a law enforcement officer.

The Board on Law Enforcement Officer Standards and Training had previously issued the professional certificate and recalled that certificate number 25360 in the name of Derek Felton.

Upon consideration of the testimony presented today, and pursuant to Mississippi Code, Section 45-6-7, the Board on Law Enforcement Officer Standards and Training has promulgated policy for the administration of the Law Enforcement Officers Training Program (LEOTP) allowing the Board the authority to reject any unqualified applicant for certification by a classification of not eligible for certification. 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, recall or cancellation of a certificate.

Having previously cancelled the certificate of Derek Felton, in Executive Session, after considering the facts presented, the Board voted unanimously (9-0) to cancel certificate number 25360 in the name of Derek Felton. The Board further found that there had been no change in circumstances, no testimony presented today that would warrant any change in the action that the Board had

previously taken. Accordingly, that action is effective today March 10, 2022, to uphold the previous Board action. Mr. Felton your certificate will continue to be cancelled and the Board action taken previously is being upheld.

Certification Eligibility Hearing – Officer Kevin Smiley:

The Board on Law Enforcement Officer Standards & Training has been provided information that Kevin Smiley engaged in conduct or action that is a breach of the established minimum standards, violates the law enforcement code of ethics, or would diminish the public trust in his competence and reliability as a law enforcement officer.

Records indicate that he was a certified officer in Alabama and in 2003 he was arrested for impersonating a peace officer and also charged with a misdemeanor for writing a worthless check. He was placed on probation for two years and fined, and he was unable to serve as a police officer. In Mississippi, in 2015, he pled guilty to felony false pretense, the court did not accept his plea and placed him on probation for three years. He was ordered to pay \$2860.00 for restitution and fined.

Officer Smiley admitted that he made some mistakes and bad decisions, and he has now corrected them. He explained what happened with all of the situations that he has gotten into. The Board questioned him for clarity. Officer Smiley said that it has been almost 20 years since the first offense and over 6 years since the second offense. He said that he loves law enforcement and wants to do the job.

The Chair entertained a motion. Mrs. Coleman made a motion to enter into closed session to consider entering into executive session. Mr. McKay seconded the motion and it pass without opposition. Mrs. Coleman made a motion to enter into executive session to consider the allegations of misconduct and evidence produced during open proceedings, and the possible issuance of an appealable order. Mr. McKay seconded the motion and it passed without opposition.

Everyone was called back into the meeting room and the Chair announced that all members of the Board who were present before deliberations are present now. The Chair did invite a motion to come out of executive session. Sheriff Johnson made the motion; Mrs. Coleman seconded the motion and it passed without opposition.

The Chair announced that in closed session the Board entered into executive session without opposition for the following reasons: to determine whether you Mr. Smiley are eligible for certification in Mississippi in that your certification has been denied on a previous occasion. After consideration of the testimony, the Board voted unanimously, on a vote of 9 to 0 to declare that you are eligible for certification on the condition that you complete the Refresher Course set up by this Board.

Director's Report:

Director Davis stated that he wanted to recognize Donna Rogers and Bob Morgan for stepping up and assisting our office with the certification of those graduating from the academies during this

time when we are so shorthanded.

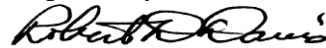
Next Scheduled Meeting:

The next regular meeting is scheduled for May 12, 2022.

Concluding Remarks; Adjournment:

The Chair entertained a motion to adjourn. Mrs. Coleman made a motion to adjourn. Sheriff Johnson seconded the motion and it passed without opposition. The meeting adjourned at 1:00 p.m.

Respectfully submitted,



Director, Board on Law Enforcement Officer Standards and Training