

MINUTES

BLEOST MEETING

May 9, 2019

Call to Order:

The meeting was called to order at 9:10 a.m. by Chairman Mallory.

Roll Call:

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

Officer Brad Carter
Chief Don Gammage
Chief Ray Hawkins
Sheriff Jim Johnson
Dr. Steve Mallory
Constable Glenn McKay
Hon. Ed Snyder

Board members not present were:

Chief Matt Barnett
Vacant - DA
Sheriff Billy McGee
Mayor Gary Rhoads
Mr. Windy Swetman
Captain Lori Travis

Staff members present were:

Mrs. Mary L. Bailey
Mrs. Bebea Boney
Mr. Robert Davis
Mrs. Lydia Edwards
Ms. Geneva Hill
Mr. Bob Morgan
Mr. Michael Nash
Mrs. Donna Rogers

Speakers/guests present were:

Attorney Jacob Jenkins, Abraham and Associates
Chief Sammy Shumaker, Starkville Schools
Officer Nicholas Shumaker, Starkville P.D.
Director Clint McMurry, CLETA
Chief R. Frank Nichols, Starkville P.D.
Superintendent Billy Joe Ferguson, Carroll Co. Schools
Sheriff Ricky Banks, LeFlore Co.
Officer Anjuan Brown, Carroll Co. Schools
Officer Wesley Koehn, Starkville P.D.

Attorney Lee Abraham, Abraham and Associates
Ellis Ruston, Abraham and Associates
Captain Darryl Russell, Hancock Co. S.O.
Agent Casey Piazza, Hancock Co. S.O.

Introductory Remarks:

The guests introduced themselves and they were welcomed by Chairman Mallory.

Approval of Minutes:

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

Old Business

In-Service Training - Request for Approval:

1. Working K9 Care for Law Enforcement, MS State University College of Veterinary Medicine, 8 hours
2. MS Sheriff's Association Summer Conference, 10.5 hours
3. 2019 Aging and Adult Services, The Three C's of Aging, "Connect, Create, Contribute, MDHS, 16 hours
4. The ALEC Program, Autism Awareness Training for First Responders, The Arc, 3.5 hours
5. "Pharmaceutical, Drug Diversion, Investigation, Prosecution and Prevention", NADDI Chapter of MS Conference, 6.5 hours
6. MS Law Enforcement First-Line Supervisor Training on Violence Against Women, IACP, 24 hours
7. Opioid Summit, AG's Office, (First Responders - class 9 hours) Summit – 20 hours, First Responders attending both – 24 hours
8. Sheepdog Seminar, The Bulletproof Mind, LT. Col. Dave Grossman, 10.5 hours
9. MS Chief's Association Summer Conference, 21 hours

Mr. McKay made a motion to approve the 9 courses for in-service training. Sheriff Johnson seconded the motion and it passed without opposition.

Discuss Self-Sponsor Training Time Limits - Military Documentation:

The Board discussed time limitations on self-sponsor trainees that have not received law

enforcement certification. Over the years there have been many self-sponsored individuals that haven't gained employment as law enforcement officers. The staff asked how long a self-sponsored person had to gain employment and obtain certification. After discussion, Sheriff Johnson made a motion to set a 2 year time period for a self-sponsored trainee to achieve certification and there be no retroactive or grace period for those already over the 2 year period. Chief Gammage seconded the motion and it passed without opposition.

The staff will check with the State retention rules concerning how long records should be kept in our files concerning military requests for certification, before the policy changed to not recognize military training as equivalent training, as well as old self-sponsored records.

New Business

Review Proposed Changes to Chapter 9; Consider Vote with Intent to Adopt:

The staff proposed changes to clarify the responsibilities of academies when dealing with students needing skill tests/law courses and the Refresher Course. The changes are underlined below.

- D. Any officer, certified in this state, whose break in service was due to service in a closely related criminal justice position may restore their certification by completing the hands-on skill tests and law courses portions of the refresher course. Once an officer has been deemed eligible for the skill tests and law courses, the department head will be notified by the Board.
 - 1. 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.

- F. The Board shall establish the acceptable curriculum and training delivery methods for the refresher course.
 - 1. Any Board accredited training academy may present the refresher course curriculum. With prior Board approval, academies may tailor the curriculum delivery to that method best suited for their service area. Training standards shall also include certified instructors, record keeping and testing. Academies must review the Board's notice that the student is eligible for the refresher course.
 - 2. Should agencies decide to integrate refresher course students into existing basic course classes, the refresher student shall be expected to complete the entire module to obtain credit for the refresher curriculum.

3. The academy shall provide the Board staff a preliminary roster, class schedules with planned instructors, and any new instructor applications not later than 10 working days prior to the class start date.
4. The academy shall provide the Board staff an updated entrance roster (if applicable), the student's graded entrance fitness score sheet, and the original completed training packets not later than five working days after the class report date. The candidate's NCIC report, certificate of high school/GED completion and verification of First Aid/CPR certification must be attached. All conflicts or missing information in these packets must be resolved.
5. Within ten (10) working days of the completion of the class, the academy must send a copy of the certificate, and the student's final grades to their department and to the Board. The final roster of students completing the class, written documentation of any student failure, dismissal, or withdrawal with reason from the academy must be submitted to the Board within ten (10) working days after completion of the class.
6. Any schedule changes must be reported in writing to the Board at the earliest opportunity (fax or e-mail), documented and maintained with the records of that course. A final schedule as amended with changes will be submitted with the final class roster and other end of course documents.

Mr. Snyder made a motion to give notice with the intent to adopt these changes. Sheriff Johnson seconded the motion and it passed without opposition.

Review House Bill 571; Consider Mandated Curriculum Changes:

House Bill 571 will become law on July 1, 2019. This will require adding 2 hours of training related to the identification of and support for victims of human trafficking and commercial sexual exploitation and will require the officer to contact the Department of Child Protection Services when these crimes are suspected.

At the current time there is a 2 hour block of instruction in the basic course on Homeland Security which includes an introduction of Human Trafficking. The staff proposed to add an additional hour to this section and give 1 hour for Homeland Security and 2 hours for Human Trafficking. The proposal would take away 1 hour of administrative time from the curriculum for full-time and part-time basic. A new Human Trafficking coordinator has been hired by DPS as required by this bill. She will assist with the goals and objectives of this course.

14. **HOMELAND SECURITY (Full-Time Curriculum)**

45. Introduction of Homeland Security ~~Introduction of Human Trafficking~~ 2 ~~3~~
~~and Introduction of ICS (1 hour)~~ Human Trafficking (2 hours)

15. **ADMINISTRATIVE**

18 ~~17~~

Total **480**

14. **HOMELAND SECURITY (Part-Time Curriculum)**

45. Introduction of Homeland Security ~~Introduction of Human Trafficking~~ 2 3
and Introduction of ICS (1hour) Human Trafficking (2 hours)

15. **ADMINISTRATIVE**

8 7

Total

307

Sheriff Johnson made a motion to give notice with the intent to adopt these changes. Mr. Snyder seconded the motion and it passed without opposition.

Certification of Officers:

Director Davis presented a list of 6 F/T Basic classes, 24 F/T equivalency candidates, 2 P/T Basic classes, and 10 P/T equivalency candidates for certification pending completion of all requirements. Chief Gammage made a motion to approve the classes and equivalency candidates for certification subject to meeting all requirements and Chief Hawkins seconded the motion. The motion carried without opposition.

Director's Report:

The Director presented to the Board, Senate Bill 2781. This Bill is known as the "Fresh Start Act of 2019. The Board reviewed this bill and it will be researched to see if policy will need to be changed to comply when it becomes law on July 1st. It deals with the criminal record of an applicant.

Certification Review Hearing for Officer Nicholas A. Shumaker:

The Board on Law Enforcement Officer Standards and Training's Certification Section determined that Officer Nicholas A. Shumaker is not eligible for law enforcement certification. He was hired by the Starkville Police Department. He requested a hearing before the Board.

The Board on Law Enforcement Officer Standards & Training (BLEOST) has been provided information that he engaged in conduct or actions 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. According to the record, he was certified by the BLEOST as a law enforcement officer, certificate number 26040. While he was employed as an officer with the MS Highway Patrol, an investigation revealed that he committed acts of domestic violence against his girlfriend while she was removing her belongings from the residence they shared. An Ackerman Police Officer recorded the incident on his body camera. Officer Shumaker made statements that if she came back to the residence that he would kill her. He was terminated from the MS Highway Patrol for violation of policies and procedures.

The Board reviewed the body camera video and an 18 page document from his file dealing with the

investigation by the Highway Patrol.

Officer Shumaker stated that he never struck his girlfriend, but admitted that things didn't go the way they should have concerning their break up and separation. The statement that he made concerning harming her was not directed at her, she also made the same statement to him and she struck him in the head with a bottle. He is sorry for his actions of that night and he only grabbed her to stop her from tearing up the apartment. He asked the Board to give him another chance. He had other witnesses to speak on his behalf.

The Chair entertained a motion. Mr. Snyder made a motion to enter closed session to consider an executive session. Chief Gammage seconded the motion and it passed without opposition.

In closed session, the Chair entertained a motion to declare an executive session to consider the allegations of misconduct and evidence produced during open proceedings, and the possible issuance of an appealable order. Mr. Snyder made a motion to enter executive session with a second from Chief Hawkins, the vote was unanimous.

After executive session, everyone was called back into the meeting room. Mr. Snyder made a motion to come out of executive session with a second from Chief Gammage, the vote was unanimous.

The Chair announced that clear and convincing evidence was placed before the Board to show that Nicholas Shumaker had breached the established minimum standards, violated the Law Enforcement Code of Ethics, which would greatly diminish the public trust in the competence and reliability of a law enforcement officer.

The Board on Law Enforcement Officer Standards and Training issued professional certificate number 26040 in the name of Nicholas A. Shumaker.

In Executive Session, after considering the facts presented, the Board voted 4-3 to issue a reprimand to Nicholas A. Shumaker and made the finding that Nicholas A. Shumaker engaged in conduct that: would breach the established minimum standards; violate the Law Enforcement Code of Ethics and would greatly diminish the public trust in the competence and reliability of a law enforcement officer. This action is effective on Thursday, May 9, 2019. The negative votes were cast by Sheriff Johnson, Officer Carter, and Dr. Mallory.

Certification Review Hearing for Officer Anjuan Brown:

The Board on Law Enforcement Officer Standards and Training's (BLEOST) Certification Section determined that Officer Anjuan Brown is not eligible for certification. He was hired by Carroll County Schools. Officer Brown requested this hearing before the Board.

The Board on Law Enforcement Officer Standards & Training (BLEOST) has been provided information that he engaged in conduct or actions 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. According to the record, he was certified by the BLEOST as a law enforcement officer, certificate number 9437. While he was employed as an agent with the Mississippi Gaming Enforcement Division, he was accused of

falsifying mileage claims and work hour reports in the amount of \$6,426.33. He was indicted by a Hinds County Grand Jury in 2006 on four counts of Making False Statements. The case was conditionally remanded pending his payment of \$9,095.17. He did make full payment as ordered by the Court. All records were expunged on January 25, 2007.

The Board reviewed a 19 page document from Officer Brown's file. These documents concerned his certification and the investigation into his conduct.

Officer Brown was represented by Attorney Abraham. He called several witnesses to speak on Officer Brown's behalf. Mr. Abraham stated that these charges were brought out of a misunderstanding of his expense records. The charges were expunged and he repaid the amount that was in dispute.

The Chair entertained a motion. Mr. McKay made a motion to enter closed session to consider an executive session. Mr. Snyder seconded the motion and it passed without opposition.

In closed session, the Chair entertained a motion to declare an executive session to consider the allegations of misconduct and evidence produced during open proceedings, and the possible issuance of an appealable order. Mr. Snyder made a motion to enter executive session with a second from Mr. McKay, the vote was unanimous.

After executive session, everyone was called back into the meeting room. Mr. Snyder made a motion to come out of executive session with a second from Chief Gammage, the vote was unanimous.

In Executive Session, after considering the facts presented, the Board voted unanimously to take no action. The certificate in the name of Anjuan Brown is valid. Training will be determined. This action is effective on Thursday, May 9, 2019.

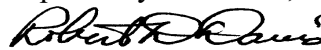
Next Scheduled Meeting:

The next meeting was set for July 11, 2019 at 9:00 a.m. at the Public Safety Planning Building.

Concluding Remarks; Adjournment:

The Chairman adjourned the meeting at 1:14 p.m.

Respectfully submitted,



Director, Board on Law Enforcement
Officer Standards and Training