

MINUTES

**BLEOST MEETING
September 12, 2019**

Call to Order:

The meeting was called to order at 9:03 a.m. by Vice-Chair Lori Travis. Chairman Mallory is recovering from surgery. District Attorney Kassie Coleman of the 10th District introduced herself as the new Governor's DA representative. Chief Vance Rice of Mississippi State University introduced himself as the new representative of the Campus Police Association.

Roll Call:

Vice-Chair Travis called the roll and a quorum was established. Board members present were:

Officer Brad Carter
Hon. Kassie Coleman
Chief Don Gammage
Chief Vance Rice
Constable Glenn McKay
Sheriff Greg Pollan
Hon. Ed Snyder
Mr. Windy Swetman
Captain Lori Travis

Hon. Emiko Hemleben, Board Counsel

Board members not present were:

Chief Matt Barnett
Sheriff Jim Johnson
Dr. Steve Mallory
Mayor Gary Rhoads

Staff members present were:

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

Speakers/guests present were:

Lt. Tony Alves - Gulfport P.D.
Captain Tony Fontaine - Hattiesburg P.D.
Lt. Paul Podlin - Gulfport P.D.
Lt. Ricky Williamson - Grenada P.D.
Chief Garrett Hartley - Grenada P.D.
Corporal Loris D. Taylor - Jackson P.D.

Legal Counsel Paul Holley - Rankin S.O.
Lt. Col. Thomas Tuggle - MLEOTA
Inv. Jamie Patrick - Supreme Court

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. Chief Gammage made a motion to approve the minutes as presented. Mr. McKay seconded the motion. The motion carried without opposition.

Old Business

In-Service Training - Request for Approval:

1. MS Association of Drug Court Professionals (MADCP) – Conference; 11.5 hours
2. First Responders Mental Health; Pascagoula P.D.; 8 hours
3. Public Agency Remote Pilot Knowledge Course Recurrent/Refresher; 24 hours
Public Aircraft Operations Course; 16 hours
Public Agency Remote Pilot Night Training Course; 3 hours – Unmanned Systems Group
4. 2019 Crime Stoppers Annual Training Conference; 12 hours
5. 2019 Trauma Informed Care Conference; 16 hours
6. Advanced Interview (8 hrs.) and Interrogation (8 hrs.); JJN and Associates; Chris Hinkle, Retired FBI
7. Gulfport P.D. Employee Enhancement Shadowing Program; 4 hours; Presentation by Gulfport P.D.
8. Rifle Instructor Course; Ranger Academy; Presentation by Instructor Jamie Patrick

Officer Carter made a motion to approve Items 1 through 6 for in-service training. Mr. Snyder seconded the motion and it passed without opposition. After Gulfport's presentation, Mr. Swetman made a motion to approve Gulfport's request to approve their Employee Enhancement Shadowing Program for in-service training. Sheriff Pollan seconded the motion and it passed without opposition. After Investigator Patrick's presentation requesting approval of his Rifle Instructor Course, Mr. Swetman made a motion to table until more information is provided. Chief Gammage seconded the motion and it passed without opposition.

Presentation by Grenada P.D. - Request for Part-time Academy Accreditation:

Grenada P.D. has made a request to operate a part-time academy. The Grenada S.O. ran a successful part-time academy and discontinued their operation when the training requirements

were moved from 200 to 307 hours. There is a need for a training facility in this part of the state. Training Director Michael Nash reported that he visited their facilities and that everything is in place to begin the operation of a part-time academy. Chief Hartley stated that he has received calls from agencies that need the training and the other options are too far away. His department is willing to operate the academy and the SO will also assist, many of the former instructors will be utilized.

Chief Gammage made a motion to approve the accreditation of the Grenada P.D. academy, Mr. Snyder seconded the motion. The motion passed without opposition.

Discuss “Fresh Start Act of 2019”:

The Board reviewed and discussed the “Fresh Start Act of 2019” and gave their thoughts on the intent of the following phrases in this new law.

Criminal Record - Shall mean any type of felony or misdemeanor conviction. Criminal Records that are specific and directly related to the duties and responsibilities of a law enforcement officer may only be considered when evaluating applicants. Factors to determine disqualifying criminal convictions are: 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.

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 and determine the earliest date the person may reapply for a license.

New Business

Review Proposed Policy Changes; Request Vote - Intent to Adopt:

The staff presented the below recommendations to change policy to comply with the Fresh Start Act:

Part 301 Chapter 1: Definitions

8. Criminal Record - Shall mean any type of felony or misdemeanor conviction. Criminal Records that are specific and directly related to the duties and responsibilities of a law enforcement officer may only be considered when evaluating applicants. Factors to determine disqualifying criminal convictions are: 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.

89. Employment Standards -All law enforcement applicants must meet the following guidelines to be employed as a law enforcement officer. They must be at least twenty-one (21) years of age; be a high school graduate (or obtain a General Educational Development (GED) Diploma); be a United States citizen; be of good physical and mental condition, 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~~ **not having**

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.~~ 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.

~~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.~~

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

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~~ 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.

Part 301 Chapter 3: Professional Certificates

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]);

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

- 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;**
 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.

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.

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

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 13: Instructor Certification

- 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,**

The Board discussed the proposed changes and made recommendations that certain sections be worded differently. The recommendations were noted by the staff and the staff will make the changes and send to the Board and Academies for further comments at the next meeting. Mr. Snyder made a motion with the intent to adopt the changes. Chief Gammage seconded the motion and it passed without opposition.

The staff also recommended to include the Refresher Curriculum in this motion to show the changes to the Human Trafficking section. The was approved by the Board.

Certification of Officers:

Director Davis presented 5 F/T Basic classes, 25 F/T equivalency candidates, 1 P/T Basic class, and 14 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 Gammage seconded the motion. The motion carried without opposition.

Director's Report:

The Director presented certificates from the Governor to the newly appointed members. There was a short review of an incident concerning an officer that was not eligible to carry a firearm when he was off duty. The Director advised members that haven't been asking for travel expense reimbursement, that they would need to register in the State's vendor system to be eligible to receive reimbursements. This should be done at least 30 days before a meeting.

Next Scheduled Meeting:

The next meeting was set for November 14, 2019 at 9:00 a.m. at the Public Safety Planning Building.

Concluding Remarks; Adjournment:

Chief Gammage made a motion to adjourn, it was seconded by Mr. McKay, there was no opposition. The meeting was adjourned at 11:20 a.m.

Respectfully submitted,



Director, Board on Law Enforcement
Officer Standards and Training