

MINUTES

BLEOST MEETING
November 8, 2018

Call to Order:

The meeting was called to order at 9:05 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 Ray Hawkins
Sheriff Jim Johnson
Dr. Steve Mallory
Sheriff Billy McGee
Constable Glenn McKay
Hon. Ed Snyder

Hon. Emiko Hemleben - Board Counsel

Board members not present were:

Hon. Michael Guest
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:

Chief Patrick Hopkins, Noxubee County School District
Officer Tedrick Liddell, Noxubee County School District
Director Clint McMurry, CLETA
Mr. Jimmy Sherman, Leland
Director Anthony Fontaine, Hattiesburg Police Academy
Mr. Jim Brown, Delta Precision Shooting
Mr. Marty Puckett, Delta Precision Shooting

Ms. Jacquelyn Posey, Adams Co. S.O.
Chief Billy Barber, Washington Co. S.O.

Introductory Remarks:

The guests introduced themselves and they were welcomed by Chairman Mallory. Chief Barnett was reappointed to the Board.

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. Mr. McKay seconded the motion. The motion carried without opposition.

Old Business

In-Service Training - Request for Approval:

1. "New Chief Training"; MS Association of Chief's of Police; 40 hours; 1/7/19 – 1/11/19; Location – Standards and Training Conference Room.
2. "2018 Winter Chief's Conference"; 22 hours; 12/11/18 – 12/14/18; Location – Natchez.
3. "Elder Abuse and Silver Alert"; 2 hours; MS Gerontological Society (MGS).
4. "It Could Be Epilepsy: Epilepsy and Seizure Response for Law Enforcement Personnel"; 1 hour; Epilepsy Foundation of MS.
5. "2018 Winter Sheriff's Conference"; 9 hours; 12/4/18 – 12/6/18; Location – Oxford.
6. "Police Sniper Course"; 40 hours; Delta Precision Shooting; Presentation by Detective Jim Brown, Pearl P.D.
7. "Law Enforcement Firearms Instructor Handgun/Shotgun Course"; "Patrol Rifle Instructor Course"; 44-46 hours; Columbia Law Enforcement Training Academy; Presentation by Director Clint McMurry.

Chief Gammage made a motion to approve the courses numbered 1 through 5 for in-service training. Chief Hawkins seconded the motion and it passed without opposition.

Jim Brown and Marty Puckett made a presentation for approval of their Police Sniper Course. After the presentation and discussion, Sheriff Johnson made a motion to approve this course, Mr. McKay seconded the motion and it passed without opposition.

Director McMurry made a presentation for approval of an instructor certification handgun/shotgun and patrol rifle course. After the presentation and discussion, Chief Barnett made a motion to approve these courses, Officer Carter seconded the motion and it passed

without opposition.

Review Full -Time Basic Academy Curriculum; Recommendation on “Mental Health First Aid” Course:

The Board adopted a proposal to add “Mental Health First Aid” to the curriculum. The Board made some adjustments to the current curriculum in order to add the eight-hour course without adding additional hours to the total of 480 hours.

At the last meeting, instructors and Lt. Col. Tuggle made presentations with concerns about this course being part of the basic curriculum. They recommended that the course be taught as in-service training for experienced officers.

After hearing all proposals, Sheriff Johnson made a motion to reverse the decision of the Board to include this course in the basic curriculum and not make any changes to the curriculum. It was noted that the course be available to experienced officers. Mr. Snyder seconded the motion and it passed without opposition.

Review Proposed Policy and Procedures Recommended Changes, Final Vote for Adoption:

At the last meeting, the staff presented a proposal for consideration by the Board. The Board reviewed and discussed the following proposed policy revisions and voted with the intent to adopt these changes to the current policy and procedures:

a. New Policy and Procedures Format

It is proposed to change the numbering system as recommended by the Secretary of State’s guidelines as published in their Administrative Procedures. The Board was presented the policy and procedures with the new numbering format. The Board was advised that policy and procedures from the beginning was placed in a manual form and this manual contained many documents that were informational only. The new format will only include Board policy and procedures. The other documents will be placed online for the public’s access, such as forms, contact numbers, academy listings, and enabling legislation.

b. Chapter 2: Graduation Requirements

It is proposed to make changes to graduation requirements to help identify accredited schools and include official forms.

c. Chapter 6: Reimbursement of Training Cost

A revised example of computing transfer training costs was proposed to be added to the policy. The paragraph requiring the staff to contact agencies when an officer leaves and is hired by another agency within 30 days regarding transfer reimbursements was proposed to be deleted because this requirement is almost impossible for the staff and it has been determined that the transfer reimbursement is between agencies only and not the Board.

d. Chapter 11: Constable Training Requirements

It is proposed to update the Constable training requirements as mandated by law.

e. Chapter 12: Constable Identification

It is proposed to update the Constable Identification policy as mandated by law.

f. Old Chapter 12: Criminal Investigators Employed by District Attorney

It is proposed to delete the policy concerning criminal investigators employed by a District Attorney due to a change in the law.

g. Old Chapter 16: Law Enforcement Officers Training Program Enabling Legislation

It is proposed to delete the policy concerning enabling legislation due to a change in the law and no need to be in policy.

h. Chapter 15: BLEOST Forms – Refresher Training Packet

It is proposed to add information concerning the refresher training packet in the BLEOST forms policy.

After review, Mr. Snyder made a motion for final adoption of the proposed changes, it received a second from Mr. McKay, and passed without opposition.

New Business

Discuss Recommendation to Update Goals and Objectives for “Older Adults, Dementia, Elder Abuse and Silver Alert” Basic Course:

The instructors for this course recommended a few changes to the goals and objectives. After review, Sheriff Johnson made a motion to approve the changes, Mr. Snyder seconded the motion and it passed without opposition.

Certification Review Hearing for Officer Tedrick D. Liddell:

The Board on Law Enforcement Officer Standards and Training recalled Officer Liddell’s law enforcement certification on January 9, 2014. According to Mississippi Code Ann. § 45-6-11 (3) (c), “No person shall serve as a law enforcement officer in any full-time, part-time, reserve or auxiliary capacity during a period when that person’s certification has been suspended, cancelled or recalled pursuant to the provisions of this chapter.” Mississippi Code Ann. § 45-6-11 (10) states that “Any full- or part-time law enforcement officer whose certification has been cancelled pursuant to this chapter may reapply for certification, but not sooner than two (2) years after the date on which the order of the board cancelling such certification becomes final.”

On February 29, 2016, the Board on Law Enforcement Officer Standards and Training received from the Noxubee County Sheriff’s Department an application requesting Officer Liddell’s law enforcement certification. Since his certification was cancelled, he was given a second hearing

before the Board on September 8, 2016. At that hearing, the Board declined to reinstate his certification.

On September 13, 2018, the Board received from the Noxubee County State School Police Department an application reapplying for his law enforcement certification. This department and Officer Liddell requested a hearing before the Board to request his certification.

The Board on Law Enforcement Officer Standards and Training (BLEOST) has been provided information that he engaged in conduct that would breach the established minimum standards, violate the *Law Enforcement Code of Ethics*, or would greatly diminish the public trust in his competence and reliability as a law enforcement officer. According to the records, he was arrested on or about March 26, 2010 on a felony charge of Receiving Stolen Property (Count 1) and Possession of Stolen Property (Count 2). On August 27, 2010, the Court executed an Order of Sentencing (Non-Adjudication) concerning this case. In the Sentencing order pertaining to Count 1, the Court withheld acceptance of his plea of guilt and Count 2 was retired to the files. The Court ordered him to pay a fine in the amount of \$250.00 and costs of the Court. On October 6, 2011, the Court expunged the records regarding his case.

Officer Liddell's BLEOST file indicates that he was hired as a law enforcement officer by the Brooksville Police Department on March 16, 2010. On the background investigation review form that he signed on April 14, 2010, he answered that he had not been arrested or charged with a crime. His signature was notarized on April 14, 2010. The Order of Expungement stated that he was arrested on or about March 26, 2010.

Officer Liddell and his Chief, Patrick Hopkins made presentations to the Board asking for the certification to be reinstated. Officer Liddell stated that this act occurred before he became a law enforcement officer and he takes full responsibility and since that time, he has been a law abiding citizen. He works as the Transportation Director/Safety Coordinator for the school system and has worked with the Chief on many occasions. Chief Hopkins presented a letter from the Superintendent with high praises for Officer Liddell. Chief stated that Officer Liddell was looked up to in the community and he would like for him to be reinstated.

The Board asked many questions concerning his actions and his life after the charges. Mr. McKay made a motion to go into closed session and Chief Barnett seconded the motion. It passed without opposition. In closed session, Sheriff Johnson made a motion to go into executive session to consider the allegations of misconduct and evidence produced during the open proceeding, and to consider the possible issuance of an appealable order. The motion was seconded by Chief Barnett and passed without opposition.

At the conclusion of executive session, Mr. McKay made a motion to exit executive session, it was seconded by Mr. Snyder and was passed without opposition.

The Chairman announced that after deliberating in executive session, the Board voted unanimously to reinstate the certification of Officer Liddell and he would need to complete the refresher course. Sheriff McGee had to leave the meeting before the vote.

Certification Review Hearing for Officer John Adam Auger:

The Board on Law Enforcement Officer Standards and Training (BLEOST) received an application from the Washington County Sheriff's Department on January 31, 2018 requesting Officer Auger's law enforcement certification. The Board's Certification Section determined that he was not eligible for law enforcement certification.

The Board on Law Enforcement Officer Standards & Training has been provided a Court Record indicating a Non Adjudicated Judgment for the charge of Shoplifting, a Petition for Expungement and an Order of Expungement documenting that he admitted that he committed the crime of Shoplifting. This criminal conduct occurred while he was serving as a law enforcement officer with the Leland Police Department. This conduct 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.

Officer Auger stated that he was arrested for shoplifting, but he was not guilty. He stated that the scan checkout system did not correctly record his purchases. He said that he agreed to a non-adjudication to keep the arrest off his record. Attorney Jimmy Sherman, Leland City Prosecutor, spoke on the Officer's account and stated that he talked to the Judge and advised the Officer to take the plea. He didn't realize that this would affect his certification. He stated that he came to the hearing not as his attorney, but as a character reference. He stated that he is a good officer and believes that he gave him bad advise by having him take the plea. Chief Billy Barber of Washington Co. S.O. stated that the Officer has high standards and he wanted to come and stand for him.

The Chairman entertained a motion. Mr. Snyder made a motion to enter into closed session, with a second from Mr. McKay. The motion passed without opposition. In closed session, Sheriff Johnson made a motion to go into executive session to consider the allegations of misconduct and evidence produced during the open proceeding, and to consider the possible issuance of an appealable order. The motion was seconded by Chief Barnett and passed without opposition.

At the conclusion of executive session, Chief Gammage made a motion to exit executive session, it was seconded by Mr. Snyder and was passed without opposition.

The Chairman announced that in executive session, after considering the facts presented, the Board voted (6-2) to reprimand Officer Auger and made the finding that he engaged in conduct, while serving as a law enforcement officer with the Leland Police Department 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. Sheriff Johnson and Officer Carter cast the negative votes.

Certification of Officers:

Director Davis presented a list of 3 F/T Basic classes, 44 F/T equivalency candidates, 2 P/T Basic class and 14 P/T equivalency candidate for certification pending completion of all requirements. Mr. Snyder made a motion to approve the basic classes and equivalency candidates for certification subject to meeting all requirements and Sheriff Johnson seconded the motion. The motion carried without opposition.

Director's Report:

Director Davis stated that one of the biggest problems the staff has is improperly completed paperwork by agencies. Director Davis asked the Board about certification issues dealing with morality and use of force. Code enforcement officers and transfer reimbursements were also discussed. Director Davis stated that the staff received 279 terminations and 186 applications in October.

Next Scheduled Meeting:

The next meeting was set for January 10, 2019 at 9:00 a.m. at the Public Safety Planning Building.

Concluding Remarks; Adjournment:

Sheriff Johnson made a motion to adjourn, the motion was seconded by Chief Barnett and it passed without opposition.

Respectfully submitted,



Director, Board on Law Enforcement
Officer Standards and Training