

MINUTES

BLEOST MEETING
November 9, 2017

Call to Order:

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

Roll Call:

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

Chief Matt Barnett
Officer Brad Carter
Chief Don Gammage
Hon. Michael Guest
Assistant Chief Ray Hawkins
Sheriff Jim Johnson
Dr. Steve Mallory
Constable Glenn McKay
Hon. Ed Snyder
Mr. Windy Swetman
Captain Lori Travis

Board members not present were:

Sheriff Billy McGee
Mayor Gary Rhoads

Hon. James Dale, Board Counsel

Staff members present were:

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

Speakers/guests present were:

Inv. Jamie Patrick, MS Attorney General's Office
Director Dean Bearden, NMLETC
Det. Derrick Brown, Jackson P.D.
Director Jacqueline Moreno, SRPSI
Mrs. Heather Wagner, MS Attorney General's Office
Officer Preston Steele, Fulton P.D.

Introductory Remarks:

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

Approval of Minutes:

A copy of the minutes from the previous meeting was emailed to each member. Dr. Mallory made a motion to approve the minutes with a second from Sheriff Johnson. The motion carried without opposition.

Old Business

Request for Approval of In-Service Training:

1. Crisis Intervention Team (CIT) 40 hour law enforcement training; Hinds Behavioral Health Services Region 9; Crisis Intervention Team Task Force.
2. MS Association of Gang Investigators Conference “Never Backing Down”, 20-hours.
3. ALICE Instructor Training; 14 hours; Alice Training Institute.
4. IED Response Lane Training (RLT), 8 hours; Castle Defense 360 Security.
5. Active Attacker Threat Response (AATR); 8 hours; Castle Defense 360 Security.
6. Basic Rifle Marksmanship Course, 40 hours; Firearms Instructor Course (handgun & shotgun), 40 hours; Patrick Tactical Systems.
7. Mississippi Association of Chiefs of Police Winter Conference, 23 hours.
8. Mississippi Sheriffs’ Association Winter Conference, 8 hours.

Sheriff Johnson made a motion to approve all 8 items. Mr. Snyder seconded the motion and it passed without opposition.

Mrs. Heather Wagner of the Attorney General’s Office returned to present further information on the “Forensic Experiential Trauma Information (FDTI)” training program. She stated that this course dealt with the interviewing of victims of crime. She thought that the full course would be excellent training for investigators and that part of the course could be included in the Interview/Interrogation course taught in the basic program. After her presentation, Sheriff Johnson made a motion for the Curriculum Committee to examine this program for the possibility of being introduced in the basic class and to approve the stand alone 8 hour class for in-service training. Dr. Mallory seconded the motion and it passed without opposition.

Discuss Proposed Changes for Chapter 8: Certification Based on Equivalency of Training and Refresher Training - Final Vote to Adopt; Discuss Changes to Refresher Course - Final Vote to Adopt; Discuss Start Date of Changes; Discuss Reimbursement:

The Board, at the last meeting, approved with the intent to adopt, the below proposed changes:

- 101.01 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-08, Section-101, Subsection-101.03 below and meet the employment guidelines with a break in service of more than two (2) years, will be eligible to attend the 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 if they reenter law enforcement service. The skill tests and law courses The refresher course 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-08, Section-101, Subsection-101.03 below and meet the employment guidelines with a break in service of more than 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.
 - ~~2. Officers who leave full time law enforcement service (who have had basic as in Chapter-08, Section-101, Subsection-101.03 below) and return as a part-time officer will be eligible to attend the refresher course, an acceptable refresher curriculum or may elect to complete the part-time training curriculum to restore their certification. Such certification shall meet the requirements of part-time or full-time.~~
 - ~~3. Part-time officers who have a break in service of more than two years may complete the refresher curriculum to restore their part-time certification.~~
- 101.02 All transfer applicants from another state 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-08, Section-101, Subsection-101.03. Applicants who were excluded or "grand- fathered" under the provisions of another state are not eligible for any exclusion in Mississippi. All individuals applying for certification under this chapter from federal jurisdictions must have completed a law enforcement training program as defined in Chapter-08, Section-101,

Subsection-101.03. 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.

101.04 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 portions and law courses of the refresher course.

1. Applicants must have: completed the basic course as in Chapter-08, Section 101, Subsection-101.03 ~~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 to the satisfaction of a certified instructor 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.

a. Firearms,

~~b. First Aid and CPR;~~

~~cb. Defensive Driving and~~

~~dc. Mechanics of Arrest~~

2. Applicants must have served in a full-time capacity in one of the following positions (or other position as approved by the Board):

a. as an instructor in a Board-approved academy, instructor or student in criminal justice (or related subject area) at an institution of higher learning,

b. or as an investigator for a district attorney, or investigator for a state level agency responsible for enforcing criminal statutes,

c. or in a part-time law enforcement status in this state.

101.05 Any officer, certified in this state, whose break in service was due to serving as a law enforcement officer in another state or federal jurisdiction may restore their certification. Eligible officers need ~~only to~~ complete the hands-on skill tests portions and law courses of the refresher course, 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, provided that the break in service is not more than ~~four~~ five (5) years. 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. Applicants must have not had a break in service of more than ~~four~~ five (5) years.

101.07 Standards for successful completion of the Refresher Course are:

1. an average academic score of 70%
2. a firearms qualifying score of 75%
3. a defensive driving score of 80%
4. a mechanics of arrest score of 80%
5. a physical fitness entrance score of 50%
6. provide verification of First Aid/CPR certification
- ~~5~~7. financial obligations paid in full by self-sponsored cadets

102.02 Any student who does not achieve a score of at least seventy-five percent (75%) on the firearms portion of training will not graduate from the course. The skill areas of defensive driving, and mechanics of arrest require scores of eighty percent (80%) to graduate. An entry physical fitness test will be administered upon reporting for training and will determine whether a student can remain in the program. This test is an eligibility requirement. A passing score of fifty (50%) must be achieved. Those students who fail the examination must leave the academy. They may, however, resubmit their application to attend a future training class. The test is comprised of three components: agility run, push-ups, and a 1 ½ mile run.

After reviewing these changes, Mr. Snyder made a motion to finally adopt the changes to Chapter 8 and Chief Gammage seconded the motion. The motion passed without opposition.

The revision of the Refresher Course will continue to be reviewed.

It was noted that a new law created a commission that will reviews all changes to policy made by the Board before the new policy becomes final. The Commission is called the Occupational Licensing Review Commission.

Discuss Training for Instructors of Human Behavior/Interpersonal Communications; Law Enforcement & Citizens with Special Needs; and Conflict Management; Part-Time Curriculum:

The dates have been set for the train the trainer course for the three courses that were approved in connection with the “Needs Assessment” provided by the Chiefs Association. So far, there hasn’t been much response from the academies in registering their instructors. Efforts will continue to help enroll trainers from each academy.

New Business

Review and Discuss Educational Requirements and Academy Dismissal Policies:

The staff reviewed with the Board the policy concerning the accreditation of schools. The staff received a request to certify a part-time officer to full-time based on the points system. This officer received a doctorate degree from an online college that was not accredited according to Board policy. The staff stated that based on policy this officer did not qualify for the points

system and wanted to make the Board aware of the actions that were taken. The Board agreed that the staff was in line with policy by making this decision. The Board discussed other issues with the point system and Sheriff Johnson made a motion to discontinue the point system. Chief Barnett seconded the motion. The motion died with a vote of 5 to 6. The members voting against the motion were Carter, Guest, Hawkins, McKay, Snyder, and Swetman.

The Board asked the staff to provide numbers of point system certified officers and asked to get current feedback from the Sheriffs and Chiefs association. Sheriff Johnson stated that he would get the information from the Sheriffs and Chief Gammage stated that he would get the information from the Chiefs.

The staff discussed an issue with the Board concerning a cadet being dismissed from the academy after his sponsorship was withdrawn. The consensus of the Board was the academy director should make the decision on whether to continue the cadet as a self-sponsor.

Certification of Officers:

Director Davis presented 3 F/T basic academy classes and 3 P/T basic academy classes for certification pending completion of all requirements. A list of 32 F/T equivalency candidates, and 11 P/T equivalency candidates was presented for certification pending completion of all requirements. Chief Gammage made a motion to approve the academy classes and equivalency candidates for certification subject to meeting all requirements and Dr. Mallory seconded the motion. The motion carried without opposition.

Certification Review Hearing on Officer Preston Steele:

The Fulton Police Department hired Officer Preston Steele. The staff determined that he was not eligible for certification based on information received from the Itawamba County Sheriff's Department.

Officer Steele requested this hearing before the Board. The Court Reporter issued the oath to Officer Steele and Director Davis.

Chairman Barnett asked Officer Steele to confirm that he received notice of the procedures for this hearing and understood the contents of the notice and that he understood the potential outcome of the hearing. Officer Steele stated that he understood and was ready to proceed.

Director Davis stated that the Board on Law Enforcement Officer Standards & Training (BLEOST) has been provided information that Officer Steele engaged in conduct that would breach the established minimum standards, violate the law enforcement code of ethics and would diminish the public trust in his competence and reliability. According to the record, he was dismissed from the Itawamba County Sheriff's Department, while serving as a deputy on November 18, 2013. He was accused of inappropriately touching a female while performing a traffic stop. It was reported that he performed a search on this female and placed his hand inside her pants and shirt and touched her inappropriately. It was reported that he was given a polygraph test and failed this examination. An 18 page document was presented to the Board from Officer Steele's file.

Officer Steele stated that he did not touch the female in any manner. He stated that he did stop her for a traffic violation, but the information that she provided was false. He admitted that he didn't follow protocol during the stop, but did not conduct himself inappropriately. He stated that he didn't remember all the questions that were on the polygraph test and does not know why he would have

failed the test. He stated that he later learned that his ex-wife and the female were together on a later traffic stop and he believes now that the ex-wife encouraged the female to make the false claims in order to make him look bad because he had gained custody of their children.

After Officer Steele completed his presentation, Chairman Barnett entertained a motion to enter into closed session to consider whether to declare an executive session. Chief Gammage made a motion to enter into closed session and it was seconded by Dr. Mallory. The vote was unanimous to enter into closed session. In closed session, Mr. Snyder made a motion to declare an executive session to consider the allegations of misconduct made, and evidence produced during the open proceeding, and to consider the possible issuance of an appealable order. It received a second from Mr. McKay. The vote was unanimous to enter into executive session.

At the conclusion of the executive session, everyone was invited back to the meeting. Mr. Snyder made a motion to come out of executive session and the motion was seconded by Dr. Mallory. The vote was unanimous to exit executive session.

The Chairman announced the Board's finding, conclusions, and decision, all of which were concurred by unanimous vote:

After deliberations in executive session, on a vote of 7 to 3 with 1 abstention, the Board made the finding that no action will be taken against the certificate of Preston Steele and that action is effective on Thursday, November, 9, 2017. Sheriff Johnson, Mr. Guest and Captain Travis were the negative votes and Dr. Mallory abstained.

Election of Board Officers - Chairman - Vice Chairman:

Chief Barnett thanked the Board for allowing him to serve as chairman, but he did not want to be considered for the next year, since his term on the Board was expiring and he was not sure about his reappointment.

Dr. Mallory was nominated for chairman and was elected to serve for the next year. Captain Travis was nominated for Vice Chairman and was elected to serve for the next year. The vote was unanimous for both positions.

Director's Report:

MLEOTA is promoting a bill to require the Board to pay the academies the tuition cost for sponsored cadets rather than the agencies pay the academies and the Board reimburse the agencies. This will cut down on the required paperwork on the staff and it will ensure that the academies are paid in a timely manner.

Many chiefs that request reimbursement for chiefs training are not fulfilling their obligations of compliance with policy or are not providing the necessary documents.

The members were advised that if they want to be reimbursed for travel expenses for attending meeting, they have to be set up as a vendor well in advance of the meeting and must complete travel forms at least 2 weeks in advance of the meeting.

A town has filed a law suit against the Auditor's Office because the Auditor has made a claim against the town for paying part-time officers more than state law allows.

Mrs. Tonya Tucker has announced her retirement. She has been with Standards and Training since 1999 and has 27 years with the State. She has been a great asset to the State and Standards and Training. She will be missed.

Next Scheduled Meeting:

The next meeting was set for January 11, 2018 at 9:00 a.m. at the Public Safety Planning Building.

Concluding Remarks; Adjournment:

The meeting was adjourned at 12:46 p.m. Sheriff Johnson made a motion to adjourn, it was seconded by Dr. Mallory, no opposition.

Respectfully submitted,



Director, Board on Law Enforcement

Officer Standards and Training