

**MINUTES**

**BLEOST MEETING  
September 14, 2017**

**Call to Order:**

The meeting was called to order at 9:03 a.m. by Vice-Chairman Mallory.

**Roll Call:**

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

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

Hon. James Dale, Board Counsel

**Board members not present were:**

Chief Matt Barnett  
Hon. Michael Guest  
Sheriff Billy McGee  
Mayor Gary Rhoads  
Mr. Windy Swetman

**Staff members present were:**

Mrs. Bebea Boney  
Mr. Robert Davis  
Ms. Geneva Hill  
Mr. Bob Morgan  
Mrs. Tonya Tucker  
Mr. Michael Nash

**Speakers/guests present were:**

Director Clint McMurry, Columbia LE Training Academy  
Lt. Jason Putt, Lee Co. S.O.  
Officer Lynn Brown, Hernando P.D.  
Lt. Stephen Hodges, Southaven P.D.  
Trooper Corey Ott, MHP  
Mr. Buck Roberts, City of Meridian

Officer Carlton Miller, Marion P.D.  
Officer Chad E. Young, Hattiesburg P.D.  
Chief Charles Sims, Forrest General Hospital  
Director Dean Bearden, NMLETC  
Deputy Rickey Lee, Lamar Co. S.O.  
Inv. Jamie Patrick, MS Attorney General's Office  
Deputy Nick Calico, Forrest Co. S.O.  
Officer Stefon Richardson, Hattiesburg P.D.  
Lt. Tony Fontaine, Hattiesburg P.D.  
Officer Mark Hodges, Jackson P.D.  
Mrs. Heather Wagner, MS Attorney General's Office

**Introductory Remarks:**

The guests introduced themselves and they were welcomed by Vice-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 with a second from Mr. McKay. The motion carried without opposition.

**Old Business**

**Request for Approval of In-Service Training:**

1. 2017 MS Crime Stoppers Annual Training Conference; 12 hours.
2. Amber Alert Training and Technical Assistance Program; 16 hours, National Criminal Justice Training Center.
3. Ten Steps to a Graffiti Free City; 8 hours, The Graffiti Consultants.
4. K-9 Training; 10 week program, MS Law Enforcement Officers' Association.
5. Police Motorcycle Training; 40 hours, MS Law Enforcement Officers' Association.
6. LawFit Fitness Leadership Workshop; 24 hours, Dr. David Bever. Instructor Development Course.
7. Use of Force Instructor Course; 16 hours, American Council on Criminal Justice Training.

Sheriff Johnson made a motion to approve items 1 - 6 and to table item 7. Chief Gammage seconded the motion and it passed without opposition.

Mrs. Heather Wagner of the Attorney General's Office presented information on a training program, Forensic Experiential Trauma Information (FDTI). 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. The Board showed interest in this training and she agreed to bring more information at the next meeting.

Investigator Jamie Patrick, who works for the Attorney General's Office presented his Firearms Instructor Course requesting approval as an Instructor Development Course. Sheriff Johnson made a motion that Investigator Patrick supply a copy of this training for further review and table the actual vote until this training program can be compared to other approved programs. Mr. Snyder seconded the motion and it passed without opposition. Inv. Patrick stated that he would submit this for further review.

**Discuss Proposed Changes for Chapter 8: Certification Based on Equivalency of Training and Refresher Training - Request Vote with Intent to Adopt:**

The Board, at the last meeting asked the staff to make additional changes to the proposed policy changes that were discussed. The new proposed changes are as follows:

- 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;~~

~~c~~b. Defensive Driving and

~~d~~c. 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
- ~~57.~~ 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 discussion, Chief Gammage made a motion with the intent to adopt the changes to Chapter 8 and Mr. Snyder seconded the motion. The motion passed without opposition. The revision of the Refresher Course will continue to be reviewed.

## **Discuss Basic Law Enforcement Officer Training Needs Assessment from MS Association of Chiefs of Police:**

While researching information for the “Needs Assessment”, the staff discovered that the lesson plans used at SRPSI were in line with most of the suggestions in this study. Dr. Ragan Downey from the Pine Belt Mental Health Agency has developed lesson plans for three basic courses. These courses are “Conflict Management”, “Citizens with Special Needs”, and “Human Behavior and Interpersonal Communication”. He stated that his agency will allow him to offer this material to all academies. They did request that their name remain on the material. He also offered to host a 16 hour train-the-trainer session as well as helping develop more scenarios on the topics mentioned in the assessment. These plans were distributed to those involved in developing the needs assessment. We received positive feedback from those involved and Chief Gammage reported that the Chief’s Executive Board was very pleased with these lesson plans. Mr. Snyder made a motion to adopt these lesson plans for use at all academies and require instructors to attend the train-the-trainer class. Sheriff Johnson seconded the motion and it passed without opposition.

## **New Business**

### **Certification of Officers:**

Director Davis presented 3 F/T basic academy classes and 2 P/T basic academy classes for certification pending completion of all requirements. A list of 29 F/T equivalency candidates, and 13 P/T equivalency candidates was presented for certification pending completion of all requirements. Sheriff Johnson made a motion to approve the academy classes and equivalency candidates for certification subject to meeting all requirements and Mr. McKay seconded the motion. The motion carried without opposition.

### **Certification Review Hearing on Officer Carlton Wallace Miller, Jr.:**

The City of Marion hired Officer Carlton Wallace Miller. The staff determined that he was not eligible for certification based on information received from the Meridian Police Department.

Officer Miller requested this hearing before the Board.

Dr. Mallory asked Officer Miller 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 Miller stated that he understood and was ready to proceed. The Court Reporter issued the oath to Officer Miller, Buck Roberts and Director Davis.

Director Davis stated that the Board on Law Enforcement Officer Standards & Training (BLEOST) has been provided information that Officer Miller 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, while he was serving as a Meridian Police Officer, he tested positive for cocaine twice in four (4) days. The second time being a higher quantity. The record indicates that he admitted to the use of cocaine on at least two occasions. He resigned from the Meridian Police Department on June 1, 2011. The record also indicates that he was arrested on April 25, 2012 for possession of .1 gram of cocaine. He entered a plea of guilty to the felony offense on February 19, 2013 and was sentenced to probation. The charge was later dismissed and expunged. A 22 page document was presented to the Board from Officer Miller’s file.

Officer Miller stated that he never used while on duty and this whole thing played out in a week's time. He started drinking heavy, had a loss in the family and split up with his fiancée, and made some bad decisions. He stated that he was guilty for what he was accused of, but he did get married to his fiancée and things are much better now. He always obeyed the code of conduct while on duty. He asked the Board to make him eligible for his certificate. He said that a small piece of cocaine was found in his car and he had no choice but to plead guilty. He said that the cocaine was not his. Buck Roberts, a former Meridian officer, asked the Board to consider allowing Officer Miller to keep his certification.

After Officer Miller completed his presentation, Dr. Mallory entertained a motion to enter into closed session to consider whether to declare an executive session. Mr. McKay made a motion to enter into closed session and it was seconded by Mr. Snyder. 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. The Chair announced that all members that are present now were involved in executive session. Sheriff Johnson made a motion to come out of executive session and the motion was seconded by Chief Gammage. 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, the Board made the finding that Carlton Wallace Miller Jr. admitted to the use of an illegal substance (cocaine) while serving as a law enforcement officer and engaged in conduct that: breached the established minimum standards; violated the Law Enforcement Code of Ethics, and greatly diminished the public trust in his competence and reliability as a law enforcement officer. The Board voted unanimously (8-0) to cancel and recall the professional certificate in the name of Carlton Wallace Miller Jr., numbered 17137, and that action is effective on Thursday, September, 14, 2017.

### **Director's Report - Certification Issues:**

Mr. Davis presented several scenarios of officer conduct to the Board for their discussion and asked for recommendations of how to address this conduct with hiring agencies. Many agencies are not cooperating with the release of information that could affect an officer's certificate. Many agencies will hire officers without completing a proper background investigation. Many agencies will hire officers with conduct that should prevent them from being a law enforcement officer.

The Board discussed the policy dealing with "closely related" occupations and the importance of instructors signing off on the goals and objectives set for the courses that they teach.

### **Next Scheduled Meeting:**

The next meeting was set for November 9, 2017 at 9:00 a.m. at the Public Safety Planning Building .



**Concluding Remarks; Adjournment:**

The meeting was adjourned at 12:35 p.m. Chief Hawkins made a motion to adjourn, it was seconded by Mr. McKay, no opposition.

Respectfully submitted,



Director, Board on Law Enforcement

Officer Standards and Training