

**MINUTES FOR P.O.S.T. COMMISSION MEETING
January 11, 2019**

The Tennessee Peace Officer Standards and Training Commission met on Friday, January 11, at 9:30 a.m., at the Tennessee Law Enforcement Training Academy, 3025 Lebanon Road, Nashville, Tennessee.

Chair Mike Hannon called the meeting to order.

Chair Hannon asked for a motion for adoption of the January agenda. Commissioner Baker moved for approval, seconded by Commissioner Jenkins. The motion carried.

The Commission had elections of new chair and vice-chair. Commissioner Jenkins nominated Commissioner Baker as the new chair, seconded by Commissioner Wallace. The motion carried.

Commissioner Chrisman nominated Commissioner Jenkins as the new vice-chair, seconded by Commissioner Wilson. The motion carried.

Mr. Grisham presented Mike Hannon with the J.P. Selleck Award for outstanding service as the former chair of the Commission.

Commissioner Hannon recognized Commissioner Long for being the newly appointed Commissioner of the Tennessee Department of Safety & Homeland Security.

Chair Baker asked for a motion for approval of the Commission's December 14th P.O.S.T. Commission Meeting minutes.

Commissioner Chrisman moved for approval, seconded by Commissioner Wilson. The motion carried.

Chair Baker recognized Commissioner Long, who read the following disclaimer: All P.O.S.T. Commissioners have previously agreed to recuse themselves from any vote that would constitute a conflict of interest. The most obvious of these would include issues that involve our own departments or someone we know personally. Because we have already agreed to this, it should be noted that on routine matters, it will be assumed nonverbally that these commissioners have abstained from that vote. In bigger more controversial issues that may have a more overt conflict of interest or may have an appearance of impropriety applicable commissioners will still verbally abstain from those votes.

Mr. Wrather conducted a roll call, which reflected the presence or absence of the following commissioners: Baker - present; Chrisman - present; Hannon - present; Hulsey - absent; Jenkins - present; Long - present; Wallace - present; Wilson - present; General Cherry - present; Forrester - present; Russell - absent; Swain - absent.

No decertification hearings were held this month.

**APPEARING BEFORE THE COMMISSION/WAIVERS FOR PRE-EMPLOYMENT
REQUIRMENTS - 1110-02.03 + 1110-9-.04**

Maryville Police Department - Request an arrest waiver for Reid G. Walker. Mr. Walker was arrested by Kentucky State Police in April 2013 for a DUI and pled guilty. All court ordered restitution has been satisfied.

Reid Walker was present, along with Captain Moore, GDI and Training Officer.

Chair Baker asked if Mr. Walker wanted to explain a little bit about his situation to the Commission. Mr. Walker explained that he made a mistake five years ago when he drove while intoxicated in Kentucky. He was stopped by a Kentucky State Patrol officer and given a field sobriety test, which he failed. His BAC was .10.

Commissioner Long asked Mr. Walker what his drinking habits were to this day. Mr. Walker said he doesn't drink anymore.

Commissioner Long reminded Mr. Walker that one day if he makes a DUI arrest, he may be questioned about his past behavior in court by the opposing counsel. Mr. Walker said he understood.

Commissioner Hannon moved to approve, seconded by Commissioner Cherry. Commissioner Forrester voted no. The motion carried.

Memphis Police Department - Request an arrest waiver for Cooper G. Redding who was arrested for an open container violation by West Chester Boro VA PD in June 2014 and pled guilty. All court ordered restitution has been satisfied.

Cooper Redding was present, along with Lieutenant Colonel Anthony Rudolph.

Chair Baker asked Mr. Redding if he had anything to tell the Commission regarding his arrest.

Mr. Redding explained to the Commission that a month after he turned 21, he was in Virginia with some friends drinking. He accidentally walked out of a bar still holding a beer. A friend of his drew it to his attention and he threw it away. However, an officer had already seen him with it and fined him.

Commissioner Jenkins moved for approval, seconded by Commissioner Wilson. Commissioner Forrester abstained from the vote. The motion carried.

Memphis Police Department - Request an arrest waiver for Cary A. Taylor, Jr., who was arrested for an open contained violation by Memphis PD in July 2012 and pled guilty. All court ordered restitution has been satisfied.

Cary Taylor was present, along with Lieutenant Colonel Anthony Rudolph.

Chair Baker asked Mr. Taylor to explain the situation to the Commission.

Mr. Taylor explained that the day of the occurrence was just an average day. He got off work and was asked to walk to the store with his brother. It was about a quarter of a mile from his house to the store. He agreed.

While at the store, his brother purchased a beer and started talking with someone in the store. Mr. Taylor said he ended up getting impatient waiting and decided to go outside. He took the beer with him. While standing outside, he decided to open it and have a few sips. He was stopped by a passing officer who observed him drinking outside of the store. He was given a citation.

Commissioner Chrisman moved for approval, seconded by Commissioner Jenkins. Commissioner Forrester abstained from the vote. The motion carried.

WAIVER TO ATTEND ANOTHER ACADEMY - POST RULE 1110-02-.03(3)

Vanderbilt University PD - Request Harlan C. Jones be allowed to attend Walter State CC in January. Mr. Jones previously attended Memphis PD Academy in 2009 and failed the law portion.

Harlan Jones was present, along with Captain Horace Lanier, Vanderbilt University Training Coordinator.

Captain Lanier explained to the Commission that he was notified by P.O.S.T. that Mr. Jones was rejected due to his prior attendance at a different academy. He called Mr. Jones in to talk about the situation. At which time Mr. Jones explained to Captain Lanier that he failed the law portion of his examination early on.

After discussing the situation with Mr. Jones, Captain Lanier felt he was being truthful and thought he was excited and didn't intend to mislead them in any way.

Chair Baker asked Mr. Jones if he put on his application that he had attended another academy. Mr. Jones said he had not due to him misunderstanding the question.

Commissioner Forrester said this situation is actually in the rules, that a person attends the same academy due to academic failure.

Commissioner Jenkins moved for approval, seconded by Commissioner Wilson. Commissioner Forrester abstained from the vote. The motion carried.

WAIVER OF BASIC TRAINING - 1110-02-.03 + 1110-9-.02

The following requests for waiver/substitution of basic training have been reviewed and appear to meet P.O.S.T. requirements:

Cookeville Police Department - Request Stephanie N. Howick (hired November 25, 2018) be allowed to attend March 2019 P.O.S.T. Transition class at TLETA. Ms. Howick graduated from Region V Academy 838-hour Basic Law Enforcement in January 2013 and worked for Jacksonville FL Sheriff Office until November 2018.

Nobody was present from Cookeville. Commissioner Jenkins motioned to move the matter to the heel of the agenda, seconded by Commissioner Chrisman. The motion carried.

Decatur County Sheriff Office - Request Donnell Kirkland (hired November 29, 2018) be allowed to attend March 2019 P.O.S.T. Transition class at TLETA. Mr. Kirkland graduated from Federal Air Marshall Training in March 2003. P.O.S.T. has been unable to verify equivalency.

Donnell Kirkland was present, along with Sheriff Keith Byrd and Kyle Belew.

Mr. Wrather explained to the Commission Mr. Kirkland went through a Basic School in 1988 in Arkansas. After service in Arkansas for a number of years, he had over a ten-year break. Mr. Kirkland then attended Federal Air Marshall school. And he worked as a Federal Air Marshall until he retired.

Mr. Wrather went on to say he can't calculate any hours beyond 240 hours in his Air Marshall school because he can't verify without records.

Mr. Kirkland said he went to training for eight weeks in basic police training. He also did some driving, along with firearms and the basic legal. He said they had a week of legal.

Chair Baker asked Mr. Kirkland if he had any particulars on how many hours were spent doing what training. Mr. Kirkland said it was a long eight weeks of training. He said the second part was basically tactical training and a lot of it was classified. And that's the situation with getting particulars from the school.

Commissioner Wilson asked if he had a certificate. Mr. Kirkland said he has a certificate of completion, but there's no hours or curriculum listed.

Mr. Wrather said Mr. Kirkland actually has two certificates. the first one is easy to process as it lists out the curriculum and hours taken. The second part is where the issue comes up of not knowing what exactly was taken and for how long.

Mr. Wrather did say that he notes that Mr. Kirkland had plenty of firearms training and defensive training. However, the second portion does not list out what he did. And there's no way to verify what training he had on the second part.

Commissioner Wilson asked how short will Mr. Kirkland be. Mr. Wrather said about four weeks short, which is how long the second part was.

Mr. Underwood said he would be surprised if Mr. Kirkland didn't have EVOC training. Commissioner Jenkins said the Air Marshalls have things that TLETA doesn't. The problem is there is no way to verify what training was completed.

Sheriff Byrd has spoken to the school several times about getting verification, and they have told him they don't have documentation that far back or it's classified information and they cannot send it.

Mr. Grisham said before people are even allowed to enroll in Transition School, they have to have 400 hours completed. If they could somehow verify that second four weeks, then he would come up to the 400-hour threshold.

Mr. Grisham asked Mr. Kirkland if he was P.O.S.T. certified in Arkansas. Mr. Kirkland said he was, but he had a ten-year break.

Sheriff Byrd explained that Mr. Kirkland has had a good amount of training with Decatur County as far as firearms, EVOC, and hands-on stuff as a part-time officer with them. He said that training was about 120 hours and that they could show P.O.S.T. the record of that training, if need be.

Sheriff Byrd went on to say that Mr. Kirkland has been a topnotch officer and considers him to be an asset to the department.

Mr. Underwood said since Mr. Kirkland has taken the 120 hours of training with Decatur, if they added that to his training at Air Marshall school, he would only be short 40 hours. Then he could stay an extra week to complete his training.

Commissioner Jenkins said the only problem is they still wouldn't know what he needs as far as training goes.

Mr. Wrather explained to the Commission they have never taken in-service hours or departmental training as part of base hours for Transition. And he worried that if they did that this time it would start a new precedent.

Commissioner Cherry said they should be able to take what he has already done and add it into the departmental training he has done to give him the hours.

Commissioner Forrester moved for approval if the training could be verified, seconded by Commissioner Wilson.

Chair Baker said there's a good chance the training is not going to be verified due to them trying for over a year and still are unable to verify it.

Mr. Wrather said he really believes the only thing that Mr. Kirkland is lacking is the EVOC. He just needs to somehow verify that. Normally there is a week-long course that can be taken before Transition School.

Commissioner Chrisman said what happens is it puts Decatur County Sheriff's Office at a disadvantage if Mr. Kirkland is not adequately trained. It's a liability issue.

Commissioner Long abstained from the vote. The motion carried.

Chair Baker explained that unless they could go back and verify the training and the hours that Mr. Kirkland had received, he would be required to attend a full Basic Academy.

Montgomery County Sheriff Office - Request Bradley D. Elkins (hired November 19, 2018) be allowed to attend March 2019 P.O.S.T. Transition class at TLETA. Mr. Elkins graduated from FLETC September 2014 and Air Marshall Academy in November 2014 and worked for several federal departments since. Additional EVOC will be required.

Bradley Elkins was present, along with Captain John Stone.

Chair Baker asked how they were on proving his training. Mr. Wrather said Mr. Elkins went to the United States Marshall Academy and was a deputy with the United States Marshalls rather than the Air Marshalls. Everything matched up.

Commissioner Jenkins moved for approval, seconded by Commissioner Chrisman. The motion carried.

THP - Request Shane B. Ratliff (hired September 23, 2018) receive his P.O.S.T. certification. Mr. Ratliff graduated from Walter State CC in November 2002 and worked for Morristown PD until April 2007 and then for Tennessee Department of Agriculture as Enforcement Officer from August 2009 until September 2018.

Shane Ratliff was present, along with Rick Shipowski, Commissioner of the Department of Safety & Homeland Security.

Chair Baker asked if the paperwork was in order, and it was.

Commissioner Chrisman moved for approval, seconded by Commissioner Hannon. The motion carried.

NEW BUSINESS/ITEMS FOR DISCUSSION

Blount County Training Academy - Request their 2018 Annual Report be approved.

Commissioner Chrisman moved for approval, seconded by Commissioner Wilson.

Cleveland State CC - Request their 2018 Annual Report be approved.

Commissioner Wilson moved for approval, seconded by Commissioner Hannon. The motion carried.

Walter Sate CC - Request their 2018 Annual Report be approved.

Commissioner Wilson moved for approval, seconded by Commissioner Hannon. The motion carried.

Erwin Police Department - Are requested to appear before the Commission regarding late paperwork submission.

Chief Regan Tilson was present.

Chief Tilson explained to the Commission that he has been chief for the last ten years. He said he really doesn't have a whole lot of turnover, so the last time he sent in a submission was 2014. In that time frame they moved to ACADIS. He thought the button "Add Personnel" was all he needed to do. However, when he went to do his 2018 in-service, he saw there was a rejection. That's when he realized there was a problem. He called Ms. Breeden to fix it.

He made a mistake with Officer Josh Hollis. Mr. Hollis attended the Chief's in-service in the first week in December. The Chief did submit the paperwork in late.

To rectify the issue, he did hire two officers last week. He felt it was time to expand a bit. Chief Tilson said he is going to continue doing the GDI duties for the next two years. Hopefully, at the end of that time he will be able to hand it over to another officer so that he can concentrate on being Chief.

Commissioner Chrisman asked if the Chief was able to attend any P.O.S.T. rule workshops. Chief Tilson said he did attend a workshop in Gatlinburg.

Mr. Grisham said they will be doing one in the spring.

Commissioner Chrisman moved for approval with a waiver to keep the department in compliance, seconded by Commissioner Wallace. The motion carried.

Commissioner Hannon moved to roll Cookeville Police Department to the February agenda, seconded by Commissioner Chrisman. The motion carried.

OLD BUSINESS

None this month.

Mr. Grisham did mention to the Commission that they were informed of the Sunset Audit of the P.O.S.T. And they survived the sunseting and were approved for six years this time. Commissioner Hannon and Mr. Grisham went to the committee. There was a finding that P.O.S.T. lost their investigative log. With the change of personnel, they lost the log. Which they were not happy about.

WAIVERS OF EIGHT (8) MONTH RULE:

The following officer(s) are requesting a waiver of the eight-month rule. They will receive 2018 salary supplement payment if they completed 2018 in-service requirements.

Claiborne County Sheriff Office - Request an eight-month waiver for Joshua L. Russell who separated from agency August 22, 2018, because of administration change. All in-service completed.

Commissioner Hannon moved for approval, seconded by Commissioner Wilson. The motion carried.

Marion County Sheriff Office - Request an eight-month waiver for Ben K. Canales who has completed all in-service but not eight months because of military deployment.

Commissioner Forrester moved for approval, seconded by Commissioner Wilson. The motion carried.

WAIVER FOR MEDICAL - RULE 1110-09-.06

The following departments are requesting a waiver for medical reasons for the 2018 calendar so that the departments will also remain in compliance. Officers did not complete in-service training and are not eligible for salary supplement.

MTSU Police Department - Request a medical waiver for Angela D. Todd who has been on medical leave since September 26, 2018, and unable to complete 2018 in-service.

Commissioner Jenkins moved for approval, seconded by Commissioner Wilson. The motion carried.

UT Chattanooga Police Department - Request a medical waiver Steven M. Everett who went on medical leave October 16th and only completed 16 hours of 2018 in-service training.

Commissioner Wilson moved for approval, seconded by Commissioner Hannon. The motion carried.

UT Chattanooga Police Department - Request a medical waiver for Thomas S. Spurlock who went on medical leave November 28th and only completed 19 hours of 2018 in-service training.

Commissioner Hannon moved for approval, seconded by Commissioner Wilson. The motion carried.

WAIVERS OF SIX-MONTH RULE:

The following departments are requesting a waiver of the six-month rule to keep their officers and the department in compliance.

Bedford County Sheriff Office - Request a second six-month waiver for Sharron R. Smith (hired November 21, 2017) she failed EVOC at TLETA and is returning February 2019 to retake.

Commissioner Chrisman moved for approval, seconded by Commissioner Wilson. The motion carried.

Crossville Police Department - Request a six-month waiver for Samantha A. Seay (hired June 17, 2018) she failed EVOC at TLETA and is returning in 2019 to retake.

Commissioner Forrester moved for approval, seconded by Commissioner Chrisman. The motion carried.

Dickson Police Department - Request a six-month waiver for Jessica G. Choate (hired June 21, 2018) she failed FA at TLETA and is returning in 2019 to retake.

Commissioner Jenkins moved for approval, seconded by Commissioner Hannon. The motion carried.

Germantown Police Department - Request a six-month waiver for Demario D. Toler (hired July 1, 2018) he failed part of TLETA and is returning in January 2019 to complete.

Commissioner Forrester moved for approval, seconded by Commissioner Wilson. The motion carried.

Gibson County Sheriff Office - Request a six-month waiver for Cooper B.J. Jones (hired September 25, 2018) and will not be able to start TLETA until March 31, 2019, because of family medical issues.

Commissioner Jenkins moved for approval, seconded by Commissioner Wallace. The motion carried.

Haywood County Sheriff Office - Request a six-month waiver for LeAndrea V. Scott (hired April 1, 2018) missed 1st week at TLETA and is returning in January 2019 to complete.

Commissioner Forrester moved for approval, seconded by Commissioner Wilson. The motion carried.

Lebanon Police Department - Request a six-month waiver for Michael T. Downs (hired July 9, 2018) injured week 2 at TLETA and will be returning in 2019 to complete when released.

Commissioner Chrisman moved for approval, seconded by Commissioner Wilson. The motion carried.

Smith County Sheriff Office - Request a six-month waiver for Buford R. Biggs, Jr. (hired July 10, 2018) he is currently under doctor's care and will attend TLETA when released.

Commissioner Wilson moved for approval, seconded by Commissioner Chrisman. The motion carried.

WAIVER OF IN-SERVICE - RULE 1110-09-.05

Requests for a waiver have been received for the following officers so that they will remain in compliance with P.O.S.T. guidelines as well as the department. They are not eligible for salary supplement.

Madison County Sheriff Office - Request an in-service waiver for William S. Cagle who was put on administrative leave September 20th and did not complete any 2018 in-service training.

Commissioner Hannon moved for approval, seconded by Commissioner Jenkins. The motion carried.

Madison County Sheriff Office - Request an in-service waiver for Shane O. Paar who was on administrative leave January 22nd - December 16th and did not complete any 2018 in-service training.

Commissioner Hannon moved for approval, seconded by Commissioner Wilson. The motion carried.

WAIVERS FOR MILITARY LEAVE - RULE 1110-09-.06(5)

The following departments are requesting a waiver for military service for the 2018 calendar. Military orders are included along with change of status. These officers will be eligible to receive salary supplement, and the departments will remain in compliance.

Bedford County Sheriff Office - Request a military waiver for Tommie L. Boleyn who has been deployed since August 2018 and completed 2018 in-service.

Commissioner Hannon moved for approval, seconded by Commissioner Forrester. The motion carried.

Germantown Police Department - Request a military waiver for Kwoka J. Mathew who has been deployed since July 2018 and unable to complete 2018 in-service.

Commissioner Chrisman moved for approval, seconded by Commissioner Forrester. The motion carried.

Loudon County Sheriff Office - Request a military waiver for Zachary R. Frye who has been deployed since July 2018 and unable to complete 2018 in-service.

Commissioner Jenkins moved for approval, seconded by Commissioner Wilson. The motion carried.

Commissioner Forrester mentioned that they did not do the committee nominations today. Mr. Underwood said they need to hold off because they will be getting some appointments.

Commissioner Chrisman moved rolling the committee nominations until the February meeting, seconded by Commissioner Forrester. The motion carried.

Commissioner Chrisman announced his resignation from the Commission effective February 28th. He explained that he feels an active chief needs to be the Commission.

Mr. Underwood said there are still issues regarding the Shelby County psychological issues. Staff has made contacts to the Department of Health to get the requirements.

Mr. Mines said on the 4th of January he went to Shelby County Sheriff Office. In that visit talking with the HR director it was determined that they did not have a copy of the confidential statement from any of the officers that were examined by the Dr. Johnson or Dr. Kenny.

Mr. Mines did speak with the licensure. The director of the division stated she didn't know how the mix up on the license numbers occurred. The director did have great concerns about how they were performing the examinations. Also, Dr. Johnson does not have authorization to supervise Dr. Kenny. He is only allowed to supervise students.

Mr. Underwood said they need a motion by the Commission to allow them to refer this matter to the Board of Licensed Professionals at the Department of Health.

Commissioner Forrester moved for approval, seconded by Commissioner Chrisman.

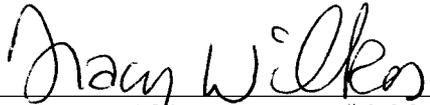
Commissioner Wallace told the Commission that she, too, will be stepping down from the Commission. Commissioner Wallace said she had previously told Mr. Grisham her plans.

Commissioner Long then told the Commission he has enjoyed being on the Commission as he is about to step down, also. He was appointed as the next Commissioner of Department of Safety & Homeland Security.

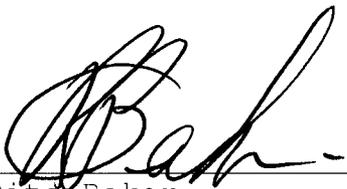
The next meeting is February 15, 2019.

The meeting was adjourned.

RESPECTFULLY SUBMITTED:



Tracy Wilkes, LCR #366

APPROVED: 

Rita Baker
Chairwoman

DATE: 2-15-19