

**MINUTES FOR P.O.S.T. COMMISSION MEETING
July 19, 2019**

The Tennessee Peace Officer Standards and Training Commission met on Friday, July 19, at 9:30 a.m., at the Tennessee Law Enforcement Training Academy, 3025 Lebanon Road, Nashville, Tennessee.

Chair Spangler called the meeting to order.

Chair Spangler asked for a motion for adoption of the July agenda. Commissioner Waggoner made motion, seconded by Commissioner Wright. The motion carried.

Mr. Mines conducted a roll call, which reflected the presence or absence of the following commissioners: Bello - present; Forrester - present; Spangler - present; Partin - present; Faulkner - present; Dunbar - present; Waggoner - present; Birchfield - present; Wright - present; Farris - present; Hulsey - present; Russell - present; Sen. Jackson - present; General Cherry - present.

Vice-Chair Partin 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. Grisham read the recommendations given by the Informal Disciplinary Subcommittee after hearing several matters.

First, there were two court ordered surrenders. One from Candance Edwards, formerly of the Robertson County Sheriff's Office, and one from George Marsh, formerly of the Tullahoma Police Department.

In the matter of Adam Pretty, formerly of Shelby County Sheriff's Office, it was recommended to issue a default order of decertification based upon he was terminated for disciplinary reasons.

In the matter of Jonathan Page, formerly of Shelby County Sheriff's Office, it was recommended to issue a default order of decertification based upon he was terminated for disciplinary reasons.

In the matter of Ryan Pershon, formerly of Shelby County Sheriff's Office, it was recommended to dismiss the case.

In the matter of Aaron Sheppard, formerly of Shelby County Sheriff's Office, it was recommended to dismiss the case.

In the matter of Joshua Shipley, formerly of Shelby County Sheriff's Office, it was recommended to issue a default order of decertification based upon he was terminated for disciplinary reasons.

In the matter of Adam Williams, formerly of the Hamilton County Sheriff's Office, it was recommended to dismiss the case.

In the matter of William, formerly of the Tennessee Highway Patrol, it was recommended to hold that matter in abeyance pending criminal charges.

Commissioner Waggoner moved for approval, seconded by Commissioner Dunbar. 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:

BSNF Railway Police Department - Request for Robert Banks, PSID #2834-7739 (hired July 1, 2018) to be allowed to attend the P.O.S.T. Transition School at TLETA beginning on September 22, 2019. Mr. Banks graduated from the Ray Simon Regional Criminal Justice Center in Modesto, California, with 677 hours on January 12, 1990. An additional 16 hours of EVOC will be required.

Robert Banks was present, along with Deputy Chief Charles Turner.

Mr. Mines told the Commission Mr. Banks has completed his EVOC.

Commissioner Russell moved for approval, seconded by Commissioner Waggoner. The motion carried.

Eagleville Police Department - Request for Kyle James Neal, PSID #7336-9394 (hired on May 6, 2019) to be allowed to attend the P.O.S.T. Transition School at TLETA beginning on September 22, 2019. Mr. Neal graduated from the Ohio P.O.S.T. Basic Academy at the Sinclair College in Mason, Ohio, with 643 hours on November 11, 2013. An additional 16 hours of EVOC will be required.

Kyle Neal was present, along with Chief David Breniser.

Commissioner Russell asked Mr. Neal if he completed his EVOC. Mr. Neal said he has it scheduled before Transition School.

Commissioner Russell moved for approval, seconded by Commissioner Farris.

Hancock County Sheriff's Department - Request for Eric Lionel Martin Scott, PSID #9088-3306 (hired on April 18, 2019) to be allowed to attend the P.O.S.T. Transition School at TLETA beginning on September 22, 2019. Mr. Scott graduated from the Baltimore City Police Academy in Baltimore, Maryland, with 820 hours on May 19, 1992.

Eric Scott was present.

Vice-Chair Partin moved for approval, seconded by Commissioner Russell. The motion carried.

Westmoreland Police Department - Request for Elizabeth Lehner, PSID #5209-7977 (hired on April 18, 2019) to be allowed to attend the P.O.S.T. Transition School at TLETA beginning on September 22, 2019. Ms. Lehner graduated from the Ohio P.O.S.T. Academy with 576 hours on October 22, 2007. An additional 40 hours of EVOC will be required.

Elizabeth Lehner was present, along with Chief Ray Amalfitano and the training officer Ken Witte.

Chair Spangler asked if Ms. Lehner completed her EVOC training. Ms. Lehner said it was scheduled before the Transition School, but she hadn't completed it yet.

Commissioner Russell moved for approval, seconded by Commissioner Farris. 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.

Lawrence County Sheriff's Department - Request an in-service waiver for Robert Lee Denton, PSID #0370-3644. Mr. Denton did not attend any 2018 in-service training.

Lawrence County training officer, Jeff Dean was present.

Chair Spangler asked Officer Dean to explain the situation to the Commission.

Officer Dean told the Commission Mr. Denton was on suspension for almost the entire calendar year and did not complete his in-service.

Commissioner Forrester asked why this was just now coming before the Commission after the fiscal year closed. Officer Dean said he had no excuse for the late notification.

Mr. Underwood asked if Mr. Denton was still employed. Officer Dean said he was.

Mr. Mines explained to the Commission that Mr. Denton was suspended upon received a charge of DUI. It was eventually reduced to reckless driving. However, he was unable to get his in-service completed.

Commissioner Russell asked if Mr. Denton completed his 2019 in-service. Officer Dean said he had.

Commissioner Russell moved for approval, seconded by Commissioner Dunbar. 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.

City of Lebanon Police Department - Request a six-month waiver for Michael Taylor Downs, PSID #6439-7657. Mr. Downs suffered

an injury during Basic Academy at TLETA. Mr. Downs should return to TLETA in January 2020.

Michael Downs was present, along with Corporal Matt Dedman.

Corporal Dedman explained to the Commission that Mr. Downs has been doing some training. The only things he is unable to do at this time is run and jump. He has gotten his hardware removed from after his surgery, also.

Commissioner Russell moved for approval, seconded by Commissioner Bello. The motion carried.

Grundy County Sheriff's Department - Request a six-month waiver Robert Dustin Luzadder, PSID #9898-4433. Mr. Luzadder was injured during his Basic Training at TLETA and will need to return to TLETA for weeks 10-12 to complete his Basic Training.

Sheriff Clint Shrum was present.

Sheriff Shrum explained to the Commission that Mr. Luzadder just had an MRI, and so they're hopeful he can return to complete Basic in January 2020.

Commissioner Russell moved for approval, seconded by Vice-Chair Partin. The motion carried.

Hendersonville Police Department - Request a six-month waiver for Jonathan Eugene Lassiter, PSID #1612-5562. Mr. Lassiter became ill during week 7 at TLETA, and Mr. Lassiter will return to re-attend week 7 to complete his Basic Training.

Jonathan Lassiter was present, along with Lieutenant Lawrence Daniel.

Lieutenant Daniel explained to the Commission that Mr. Lassiter has completed the Academy since then and has returned to work at full duty.

Vice-Chair Partin moved for approval, seconded by Commissioner Dunbar. The motion carried.

Lawrenceburg Police Department - Request a six-month waiver for Garrett Lee Killen, PSID #3747-3476. Mr. Killen attended TLETA on March 31, 2019. Due to a knee injury, Mr. Killen was unable to complete Basic Training. At this time Mr. Killen remains under his doctor's care.

Chief Terry Beecham was present, along with GDI Dan Longs.

Chief Beecham explained to the Commission that Mr. Killen has had one surgery and is in need of another surgery. They are requesting a six-month waiver so that he may get through his medical procedures and complete Basic.

Commissioner Russell moved for approval, seconded by Commissioner Bello. The motion carried.

Mt. Juliet Police Department - Request a six-month waiver for Alecia Marie Martin, PSID #8309-1866. Ms. Martin did not pass EVOC activity week and will need to re-attend EVOC activity week at TLETA on August 11, 2019 - August 15, 2019.

Sergeant Cory Cook was present.

Sergeant Cook explained to the Commission that Ms. Martin is scheduled to go back for week 6 of this current class. She also did an additional 32 hours prior to the class to ensure she passes.

Vice-Chair Partin moved for approval, seconded by Commissioner Russell. The motion carried.

Ripley Police Department - Request a six-month waiver for Adrian Antoine Barnes, PSID #6724-8676. Mr. Barnes completed three weeks of Basic at TLETA that began on March 31, 2019. Mr. Barnes had to withdraw due to health reasons and will return to TLETA on July 7, 2019, to complete Basic.

Mr. Grisham told the Commission Mr. Barnes is currently in his second week of Basic.

Vice-Chair Partin moved for approval, seconded by Commissioner Russell. The motion carried.

Shelbyville Police Department - Request a six-month waiver for Darrian Ladd Lanier, PSID #3376-7313. Mr. Lanier was unable to complete Basic due to an injury. This agency is requesting that Mr. Lanier be able to return to TLETA on July 28, 2019, to complete EVOC training and any other training missed during his absence.

Chief Jan Phillips was present, along with Lieutenant Michael Davis.

Commissioner Russell moved for approval, seconded by Commissioner Farris. The motion carried.

White County Sheriff's Department - Request a six-month waiver for Andrew Christian Corso, III, PSID #3848-8052. Mr. Corso failed the firearms portion of Basic. Mr. Corso will return to Basic on July 28, 2019 - August 1, 2019, to retake the firearms portion and complete Basic Training.

Commissioner Hulsey moved for approval, seconded by Commissioner Russell. The motion carried.

NEW BUSINESS/ITEMS FOR DISCUSSION

Chattanooga Police Department - approve the 2018 Chattanooga Police Department Annual Report.

Commissioner Waggoner moved for approval, seconded by Commissioner Birchfield. The motion carried.

City of Gibson Police Department - Agency failed to provide the 2018 Salary Supplement to P.O.S.T.

Commissioner Russell asked Mr. Mines if it means that P.O.S.T. didn't receive paperwork or what it meant. Mr. Mines said P.O.S.T. did not receive any salary supplement paperwork for 2018 at all.

Mr. Grisham asked Mr. Mines if they proved they completed in-service. Mr. Mines said that the Chief was at P.O.S.T. last month, and they asked him to turn the paperwork in. However, he still didn't turn it in

Commissioner Forrester moved to declare the department out of compliance and wants P.O.S.T. to do an audit of the agency, seconded by Commissioner Russell. The motion carried.

Cross Plains Police Department - Agency failed to provide the 2018 Salary Supplement to P.O.S.T.

Chief Max Tate was present.

Chief Tate explained to the Commission that he is currently the only officer in Cross Plains and is not a full-time salaried officer, so he didn't know he needed to submit the paperwork.

Chief Tate doesn't meet the requirements for salary supplement since he cannot work more 100 hours a month.

Commissioner Hulsey asked what the Commission was being asked to waive. Chair Spangler said they need to waive the fact that Chief Tate didn't submit his salary supplement paperwork, although he doesn't qualify to receive it.

Commissioner Forrester said the only issue may be the fact that the definition of a part-time/reserve officer means that the officer is in support of a full-time officer. If there are no full-time officers how can Chief Tate be the only officer and be part-time.

Mr. Underwood explained that Chief Tate would be in response to the sheriff's department, which do have full-time officers.

Commissioner Russell moved for approval, seconded by Commissioner Bello. The motion carried.

Ethridge Police Department - Agency failed to provide the 2018 Salary Supplement to P.O.S.T.

Chief Vance Jack was present.

Chief Jack explained to the Commission that he was unaware he needed to send in paperwork since they are a very small department as well and nobody met the requirements to receive their salary supplement for 2018. He explained that they did complete their in-service training, however.

Commissioner Waggoner moved for approval, seconded by Vice-Chair Partin. The motion carried.

Metro Nashville Police Department - Approve the 2018 Metro Nashville Police Training Academy annual report.

Vice-Chair Partin moved for approval, seconded by Commissioner Waggoner. The motion carried.

Rocky Top Police Department - Agency failed to provide the 2018 Salary Supplement to P.O.S.T. In addition, this agency attended a firearm class that was not P.O.S.T. certified; therefore, the following officers will also require in-service waivers:

David F. Campbell, IV,
Richard A. Foschino

PSID #13020
PSID #13037

Todd C. Johnston	PSID #13043
James M. Shelton	PSID #13068
James W. Shetterly, Jr.	PSID #13069
Stanley M. Wade	PSID #13073
Gregory L. Woods	PSID #13077

Chief Jim Shetterly was present.

Chief Shetterly explained to the Commission that their salary supplement was submitted to P.O.S.T.; however, their training was never approved. He said P.O.S.T. did request a schedule from them concerning the training, but Chief Shetterly had never submitted a schedule before and was uneasy about creating a document to submit. Chief Shetterly went on to say they now have their own firearms instructor. They are simply waiting for him to complete his instructor development.

Commissioner Farris asked who did their firearms training. Chief Shetterly said they used Mark Morgan, who had done their firearms training for the last 15 years with no issue.

Mr. Mines explained that they did submit paperwork without a lesson plan. They did submit the paperwork in January, and it was denied in February. P.O.S.T. did not see where they resubmitted their paperwork so they could approve it.

Commissioner Russell asked if they have attended a firearms class for 2019. Chief Shetterly said not yet. They just got a new instructor and are waiting for him to be fully certified.

Commissioner Forrester moved that the agency be held in noncompliance, and also the training records be audited, seconded by Commissioner Russell. The motion carried.

The 2019 audit/inspection of the Shelby County Sheriff's Department was conducted on July 2, 2019.

Findings: none.

Recommendations: None.

Pursuant to Rule 1110-07-.06(2)(c) it is recommended the P.O.S.T. Commission issue a letter advising the Shelby County Sheriff's Department of the status of its compliance.

Commissioner Russell moved for approval, seconded by Commissioner Farris. The motion carried.

Tennessee State University Police Department - Late submission in preemployment package for Anthony Benjamin, PSID #8797-4924. Mr. Benjamin's preemployment documents were submitted to P.O.S.T. on June 1, 2019. Mr. Benjamin has been employed with the agency since October 1, 2018. All documents have been submitted to P.O.S.T.

Tennessee State University Police Department - Late submission in preemployment package for Taaron D. Timmons, PSID #3573-1990. Mr. Timmons' preemployment documents were submitted to P.O.S.T. on June 11, 2019. Mr. Timmons has been employed with the agency since October 1, 2018. All documents have been submitted to P.O.S.T.

Mr. Mines said with respect to TSU P.O.S.T. has scheduled an audit for the 7th.

Deputy Chief Anthony Carter was present.

Deputy Chief Carter explained to the Commission that they've had some staffing changes and the initial person who was to submit the information was having a hard time figuring out Acadis, so they removed him. The person who replaced him made sure to submit the paperwork. Chief Carter said they're a small agency.

Commissioner Waggoner moved for approval, seconded by Commissioner Russell. The motion carried.

Whitwell Police Department - Agency failed to provide the 2018 Salary Supplement to P.O.S.T. In addition, this agency has officers who are not listed in Acadis with this agency. P.O.S.T. has scheduled an audit with this agency for July 24, 2019.

Chief Nathan Billingsley was present.

Chief Billingsley explained to the Commission that he inherited the issues when he came on the job. He is taking the GDI class so that he can get all the paperwork, and everything situated in Acadis.

Vice-Chair Partin moved to postpone this matter until after the audit, seconded by Commissioner Waggoner. The motion carried.

APPLICATIONS FOR TRAINING OFFICER - 1110-04-.03

P.O.S.T. Investigators have reviewed and approved 12 application for training officer, and they appear to meet criteria for approval.

The officers listed below, if any, will be informed that they have one year to complete instructor development or approved substitute.

Commissioner Waggoner moved for approval, seconded by Commissioner Russell. The motion carried.

**CURRICULUM AND TESTS - 1110-04 & SPECIALIZED TRAINING
CURRICULUM - 1110-04-.09**

P.O.S.T. Investigators have reviewed and approved 401 in-service and specialized training classes this month as they appear to be in order and meet or exceed minimum standards set forth by the Peace Officers Standards and Training requirements. They have made note if these training offerings meet the P.O.S.T. requirements for firearms, EVOC, mental illness, and CSA.

Commissioner Russell moved for approval, seconded by Commissioner Bello. The motion carried.

APPLICATIONS FOR CERTIFIED INSTRUCTOR - 1110-03-.04

P.O.S.T. Investigators have reviewed and approved 30 applications for certified instructor, and they appear to be in order and meet minimum standards, and they have completed the minimum hours in attendance of required courses.

The instructors listed below, if any, will be informed they have one year to complete instructor development or approved substitute.

Officers listed below, if any, request a waiver of the one-year training officer requirement.

Officers listed below, if any, request a waiver of the five-year training officer requirement. Please see the supporting documents.

Commissioner Farris moved for approval, seconded by Commissioner Russell. The motion carried.

Dechard Police Department - Request a six-month waiver for Paul Richard Bennett, II, PSID #2754-5460. Mr. Bennett failed a portion of his academics at Basic and will need to re-attend to pass the previously failed portion.

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

Mr. Underwood told the Commission that they should be having a rulemaking hearing on October 18th.

Mr. Grisham told the Commission there will be a formal hearing after the next meeting.

Next meeting is August 16th.

The meeting was adjourned.

RESPECTFULLY SUBMITTED:

Tracy Wilkes, LCR #366

APPROVED:  _____
Tom Spangler
Chairman

DATE: _____