

PEACE OFFICER STANDARDS AND TRAINING COMMISSION
Committee Meeting on 10/18/2019

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PEACE OFFICER STANDARDS AND TRAINING COMMISSION

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COMMITTEE MEETING

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FRIDAY, OCTOBER 18, 2019

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9:30 a.m. - 10:07 a.m.

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This cause came on to be heard at the time and
place aforesaid, when and where the following
proceedings were reported by:

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Cicely Moore, RPR, LCR
Huseby Global Litigation

1 APPEARANCES:
2
3 Rafael Bello, Commissioner
4 Kim Birchfield, Commissioner
5 Brent Cherry, Commissioner
6 Kat Cooper, Investigator
7 Kim Cooper
8 Mark Dunbar, Commissioner
9 Ray Farris, Commissioner
10 Deborah Faulkner, Commissioner
11 Eugene Fitzhugh, Investigator
12 William Forrester, III, Commissioner
13 Stephanie Gordon, ASA 3
14 Brian Grisham, Executive Secretary
15 Bud Hulse, Commissioner
16 Ed Jackson, Commissioner
17 Dexter Mines, Assistant Director
18 Chad Partin, Vice-Chair Commissioner
19 Lowell Russell, Commissioner
20 Tom Spangler, Chair Commissioner
21 Joseph Underwood, Chief Counsel
22 Bobby Waggoner, Commissioner
23 Brian Wright, Commissioner
24
25

1 (Thereupon, the following proceedings were had):

2 MR. GRISHAM: Good morning, everyone. I'm going
3 to call today's meeting to order, P.O.S.T. Commission.

4 MR. SPANGLER: Thank you, sir. If everyone would
5 please look at the agenda. Are there any changes that
6 need to be made to the agenda? If not, I'll entertain
7 the motion to approve the agenda.

8 MR. CHERRY: Motion.

9 MR. WAGGONER: Second.

10 MR. SPANGLER: We've got a motion and a second to
11 approve. All in favor say "aye."

12 THE COMMISSION: Aye.

13 MR. SPANGLER: Opposed. Ayes have it.

14 Any administrative matters to go over this
15 morning?

16 MR. GRISHAM: No, Mr. Chair.

17 MR. SPANGLER: And I need an approval for
18 previous minutes, if everybody has had a chance to
19 review those. I think they were e-mailed out. So I'll
20 entertain a motion to approve those.

21 MR. BELLO: I'll make a motion.

22 MS. FAULKNER: Second.

23 MR. SPANGLER: Got a motion and a second to
24 approve. All in favor say "aye."

25 THE COMMISSION: Aye.

1 MR. SPANGLER: Opposed. The ayes have it.
2 Roll call.
3 MR. MINES: Commissioner Bello.
4 MR. BELLO: Here.
5 MR. MINES: Commissioner Birchfield.
6 MR. BIRCHFIELD: Here.
7 MR. MINES: Commissioner Cherry.
8 MR. CHERRY: Here.
9 MR. MINES: Commissioner Dunbar.
10 MR. DUNBAR: Here.
11 MR. MINES: Commissioner Farris.
12 Commissioner Faulkner.
13 MS. FAULKNER: Here.
14 MR. MINES: Commissioner Forrester.
15 MR. FORRESTER: Here.
16 MR. MINES: Commissioner Hulsey.
17 Commissioner Jackson.
18 MR. JACKSON: Here.
19 MR. MINES: Commissioner Russell.
20 MR. RUSSELL: Here.
21 MR. MINES: Commissioner Waggoner.
22 MR. WAGGONER: Here.
23 MR. MINES: Commissioner Wright.
24 MR. WRIGHT: Here.
25 MR. MINES: Commission Partin.

1 And the Chair this morning.

2 MR. SPANGLER: Here. We have a forum. Thank
3 you.

4 Mr. Director, read our disclaimer, please.

5 MR. GRISHAM: Yes, Mr. Chair.

6 All P.O.S.T. have previously agreed to recuse
7 themselves from any vote that would constitute a
8 conflict of interest. The most obvious of these would
9 include issues that involve our own departments or
10 someone we know personally. Because we've already
11 agreed to this, it should be noted in all routine
12 matters it will be assumed nonverbally that these
13 commissioners have abstained from the vote. In bigger
14 more controversial issues that may have a more overt
15 conflict of interest that may have an appearance of
16 impropriety, those applicable commissioners will still
17 verbally abstain from such vote.

18 MR. SPANGLER: Thank you.

19 Let me get a statement on our new certification
20 hearing for September and October.

21 MR. GRISHAM: Yes. Chairman Spangler, we
22 convened yesterday with an informal hearing
23 subcommittee. The recommendation is to accept three
24 court ordered P.O.S.T. surrenders: One in the case of
25 Eobard Thawne, formerly of the Decatur Police

1 Department; Jackson Coleman, formerly of Kingsport
2 Police Department; and Matthew Rodriguez, formerly of
3 the Decatur County Sheriff's Office. All three of
4 those have surrendered their P.O.S.T. certification.

5 Several matters were heard in the matter of Jared
6 Bailey, formerly of the Bristol Police Department.
7 That matter -- the recommendation is to refer that case
8 to the full commission for a disciplinary hearing.

9 In the matter of Jeffrey Crossley, formerly of
10 the Shelby County Sheriff's Office, the recommendation
11 is a default order of decertification based on his
12 termination for disciplinary reasons and his plea of
13 guilty to narcotics charges. Also, he failed to
14 maintain his preemployment standards.

15 Then for Galloway, formerly of the Shelby County
16 Sheriff's Office, the recommendation is default order
17 of decertification based on his conviction of felony
18 charges, his termination for disciplinary reasons, and
19 his failure to maintain his preemployment background
20 standards.

21 Rodney Diggons, formerly of the Shelby County
22 Sheriff's Office, the recommendation is a default order
23 of termination for -- default order based on his
24 termination for disciplinary reasons and his failure to
25 maintain his preemployment background standards.

1 The matter of Jody Simmons, formerly of the
2 Hickman County Sheriff's Office is referred to the full
3 commission, and the matter is tolled pending court
4 jurisdiction in a criminal matter.

5 Joseph Guinn, formerly of the Tipton County
6 Sheriff's Office, and Joshua Lewis, formerly of the
7 Tipton County Sheriff's Office, both matters are
8 referred to the full commission for full disciplinary
9 hearing.

10 The matter of James Tucker, formerly of the Metro
11 Nashville Police Department, the recommendation is a
12 default order of decertification based on his
13 termination for disciplinary reasons and his failure to
14 maintain his preemployment background standard.

15 And finally, Ashley Tharp, formerly of the Algood
16 Police Department, legal counsel is going to proceed
17 with final revocation. That matter has been postponed
18 by agreement, and Miss Tharp was to submit
19 documentation to the P.O.S.T. Commission, has failed to
20 do so, and the prior agreement was revocation should
21 she fail to do so.

22 That's our recommendations.

23 MR. SPANGLER: On those with the orders, Joe, do
24 we need to have a full board approval for --

25 MR. UNDERWOOD: It should be a motion and

1 approval of that. Then I'd like to recognize that
2 vice-chair is now joining the meeting.

3 MR. PARTIN: I apologize for my tardiness.

4 MR. UNDERWOOD: Just want to make sure it's on
5 the record.

6 MR. SPANGLER: And I'll entertain a motion to --
7 to approve those orders on decertification that we have
8 and also on the ones that we'll be hearing in full --
9 in front of the full body.

10 MR. WAGGONER: I'll make a motion to approve.

11 MR. BELLO: Second.

12 MR. SPANGLER: Got a motion and a second. Any
13 further discussion?

14 All in favor say "aye."

15 THE COMMISSION: Aye.

16 MR. SPANGLER: Opposed. The ayes have it. Thank
17 you.

18 We have no waivers before the Commission for
19 October.

20 And on to waiver of basic training, waiver to
21 attend another academy. Johnson County Sheriff's
22 Office, are you here? Request that Justin H. Arnold,
23 hired October 6, 2019, be allowed to attend Walters
24 State Community College -- Community Basic Police
25 Academy College in January 2020. Mr. Arnold previously

1 attended the THP Basic Academy on February 1 of '14.
2 Mr. Arnold was injured and withdrew from THP Basic
3 Academy the following day. Mr. Arnold has been a
4 reserve deputy for some time while also working
5 full-time as a Critical Care Paramedic in Johnson
6 County, Tennessee.

7 Good morning, gentlemen.

8 MR. BROWN: Good morning, sir.

9 MR. ARNOLD: Good morning.

10 MR. SPANGLER: Will you introduce yourself for
11 the Commission, please.

12 MR. BROWN: Shawn Brown, investigator with the
13 Sheriff's Office representing the agency, and Justin
14 Arnold.

15 MR. SPANGLER: Thank you. Will tell us a little
16 bit more about your situation here.

17 MR. BROWN: Go ahead and explain to him.

18 MR. ARNOLD: I had started the Highway Patrol
19 Academy. I come in with an ankle injury, and I
20 attempted to do it, but I just couldn't do all of the
21 physical requirements at that time a hundred percent
22 with my ankle injury. So I decided to leave on that
23 second day because I couldn't give it a hundred
24 percent.

25 MR. SPANGLER: Any questions from the

1 commissioners?

2 MR. FORRESTER: Motion to approve.

3 MR. HULSEY: Second.

4 MR. SPANGLER: We've got a motion and a second.

5 All in favor say "aye."

6 THE COMMISSION: Aye.

7 MR. SPANGLER: Opposed. The ayes have it.

8 Gentlemen, thank you.

9 MR. BROWN: Thank you.

10 MR. ARNOLD: Thank you.

11 MR. SPANGLER: Waiver of basic training,
12 University of Tennessee Campus Police Department.
13 Request that Derrick D. Times, hired September 16,
14 2019, be allowed to attend the P.O.S.T. Transition at
15 TLETA in March 2020. Mr. Times graduated from the
16 Arkansas Law Enforcement Training Academy on August 4,
17 2017. Mr. Times was a full-time officer for the Helena
18 Police Department and the Clarendon Police Department
19 in Arkansas. Mr. Times will need a six-month
20 In-Service Waiver. In addition, Mr. Times will also
21 need to complete an additional sixteen hours of EVOC
22 training and an additional eight hours of Defensive
23 Tactics.

24 Good morning.

25 MR. KNIGHT: Good morning.

1 MR. SPANGLER: Will you introduce yourself for
2 the commissioners, please.

3 MR. KNIGHT: I'm Arley Knight. I'm the assistant
4 chief with the UT Health Science Center in Memphis.

5 MR. TIMES: I'm officer Derrick Times.

6 MR. SPANGLER: Thank you. Anything else you need
7 to add to what I just read off?

8 MR. KNIGHT: No, sir. We -- other than we
9 have -- I've spoken to Memphis PD as far as getting his
10 training that he's going to need for the EVOC and the
11 Defensive Tactics.

12 MR. SPANGLER: Okay. So he's not done any of the
13 EVOC or Defensive Tactics, correct?

14 MR. KNIGHT: Yes, sir.

15 MR. SPANGLER: Any questions?

16 MR. FORRESTER: Motion to approve.

17 MR. RUSSELL: Second.

18 MR. SPANGLER: We've got a motion and a second to
19 approve. Any further discussion?

20 All in favor say "aye."

21 THE COMMISSION: Aye.

22 MR. SPANGLER: Opposed. Ayes have it.

23 Thank you, gentlemen.

24 MR. KNIGHT: Thank you all.

25 MR. SPANGLER: Vanderbilt University Public

1 Safety request that Phillip A. VanGessel -- I hope I
2 pronounced that correct -- hired September 16, 2019, be
3 allowed to attend the P.O.S.T. transition school in
4 TLETA in March 2020. Mr. VanGessel graduated from the
5 Louisiana State Police Basic Law Enforcement Academy in
6 April 6, 2015. He worked as a full-time Louisiana
7 State Trooper from his graduation until September 13,
8 2019. He will need a six-month waiver. In-Service
9 Waiver, I'm sorry.

10 Good morning, Gentlemen.

11 MR. LANIER: Good morning.

12 MR. VANGESSEL: Good morning.

13 MR. SPANGLER: Would you introduce yourself to
14 the commissioners, please.

15 MR. GRISHAM: Captain Horace Lanier, GDI
16 Vanderbilt University Police Department.

17 MR. VANGESSEL: Phillip Anthony VanGessel.

18 MR. SPANGLER: Good morning. Anything you need
19 to -- would like to add?

20 MR. LANIER: We're just asking that Mr. VanGessel
21 be allowed to go to transition school in the next March
22 class of 2020. He's been working now as a security
23 officer until we can get him through the academy.

24 MR. SPANGLER: Any questions from the
25 commissioners?

1 MR. UNDERWOOD: You also need a six-month waiver
2 from the Commission, I believe. Is that correct?

3 MR. GRISHAM: Yes.

4 MR. LANIER: I submitted it.

5 MR. WAGNER: I'll make a motion to approve.

6 MR. RUSSELL: Second.

7 MR. SPANGLER: We've got a motion and a second to
8 approve. Any further discussion?

9 All in favor say "aye."

10 THE COMMISSION: Aye.

11 MR. SPANGLER: Opposed. Ayes have it.

12 Thank you, gentlemen.

13 MR. LANIER: Thank you.

14 MR. SPANGLER: There's no waivers for the waiver
15 of in-service rule from October.

16 Moving on, waiver six-month rule. Dyersburg
17 Police Department request a six-month waiver for
18 Katelyn -- help me out here.

19 MR. JOWERS: Katelyn Shifflett.

20 MR. SPANGLER: Katelyn, okay. Katelyn Shifflett.
21 Miss Shifflett was hired by this agency on March 11,
22 2019, and is currently attending TLETA. Miss Shifflett
23 is unable to complete the Defensive Tactics training
24 due to a medical condition but has been approved to
25 return to TLETA at a later date to complete that

1 portion of her training. In addition, the agency will
2 have to request an additional six-month waiver to
3 ensure that the agency and she remain in P.O.S.T.
4 compliance.

5 Good morning.

6 MR. JOWERS: Good morning.

7 MR. SPANGLER: Will you introduce yourself,
8 please.

9 MR. JOWERS: Yes. Lieutenant Kenny Jowers,
10 Dyersburg Police Department.

11 MR. SPANGLER: Anything you'd like to add to
12 that?

13 MR. JOWERS: No, sir. She -- I spoke with
14 Officer Shifflett. Her medical condition will require
15 us to extend another six-month waiver about February.
16 At that time she should be completed with her pregnancy
17 at that time.

18 MR. GRISHAM: It's a mom medical waiver.

19 MR. FORRESTER: Motion to approve.

20 MR. WAGGONER: Second.

21 MR. SPANGLER: We've got a motion, second to
22 approve. Any further discussion?

23 All in favor say "aye."

24 THE COMMISSION: Aye.

25 MR. SPANGLER: Opposed. The ayes have it. Thank

1 you.

2 MR. JOWERS: Thank you.

3 MR. SPANGLER: Moving along, new business or
4 items for discussion. No waivers for October 2019.

5 Applications for training officer. P.O.S.T.
6 investigators have reviewed five applications for
7 training officers, and they appear to meet the criteria
8 for approval. The officers listed: William Crawford,
9 William Dickey, William Moorehead, Justus Perigo, and
10 Jerry Wildes.

11 MR. RUSSELL: Motion to approve.

12 MR. WRIGHT: Second.

13 MR. SPANGLER: Okay. Those officers will need a
14 one-year waiver for that to be completed. So we still
15 have a motion for that?

16 MR. RUSSELL: Motion.

17 MR. WRIGHT: Second.

18 MR. SPANGLER: We've got a motion and second to
19 approve. All in favor say "aye."

20 THE COMMISSION: Aye.

21 MR. SPANGLER: Opposed. The ayes have it.

22 Curriculum and tests, specialized training
23 curriculum. P.O.S.T. investigators have reviewed 140
24 in-service and specialized training classes this month,
25 and they appear to be in order, meet, or exceed minimum

1 standards set forth by the P.O.S.T. training
2 requirements. They have made note if these training
3 offerings meet the P.O.S.T. requirements for Firearms,
4 EVOC, Mental Illness, and CSA.

5 MR. WRIGHT: Motion to approve.

6 MR. JACKSON: Second.

7 MR. SPANGLER: Got a motion and a second to
8 approve. Any further discussion?

9 All in favor say "aye."

10 THE COMMISSION: Aye.

11 MR. SPANGLER: Opposed. The ayes have it.

12 Applications for certified instructor. P.O.S.T.
13 Investigators have reviewed 13 applications for
14 certified instructor, and they appear to be in order
15 and meet the minimum standards, and they have complete
16 the minimum hours in attendance of required courses.
17 The instructors listed below, if any, will be informed
18 they have one year to complete Instructor Development
19 or approved substitute. Officers listed request a
20 waiver of one-year training officer requirement. Any
21 request a waiver of the five-year training officer
22 requirements, please see the supporting documents. We
23 have those on file, I think.

24 MR. MINES: Yes, sir.

25 MR. SPANGLER: I'll entertain a motion.

1 MR. WRIGHT: Motion to approve.

2 MR. PARTIN: Second.

3 MR. SPANGLER: We've got a motion to approve.

4 Any further discussion?

5 All in favor say "aye."

6 THE COMMISSION: Aye.

7 MR. SPANGLER: Opposed. The ayes have it.

8 Waiver of the eight month rule. No waiver.

9 Moving along. Waiver for medical. No waivers,
10 no requests.

11 Waiver -- there's no waivers for military leave.

12 Old business. Bluff City Police Department
13 request that Kimmie Birchfield, hired September 4th,
14 2019, be allowed to attend P.O.S.T. transition school
15 at TLETA in March 2020. Mr. Birchfield attended TLETA
16 and graduated in February 1979. Mr. Birchfield worked
17 for the Elizabethton Police Department from 1978
18 through 1982; Carter County Sheriff's Department from
19 1982 through 1984; Johnson City Police Department from
20 1984 to 2008; and Gate City Virginia Police Department
21 from 2011 to 2014. Mr. Birchfield will need a
22 six-month in-service waiver. And it's not -- I don't
23 know if it's on your-all's or not, but he's out of the
24 five year by six and a half months.

25 Good morning, gentlemen.

1 MR. DEPEW: Good morning, sir. I'm Chief Greg
2 Depew at the Bluff City Police Department, and I
3 appreciate the opportunity and honor to be before you
4 today to ask for Mr. Birchfield, Officer Birchfield, to
5 get a waiver based on his experience, 33 years of total
6 law enforcement, and what he can bring to our
7 department would be a real asset to us. We're an
8 eight-man department. It's been a struggle over the
9 last couple of years. At times we've been down to
10 three people. We just sent three through the academy,
11 had one come back and resign. I've hired another guy
12 who's in the process now. He goes through the academy
13 class next coming up. And we've kind of been in a
14 really tough situation. So we had the opportunity to
15 bring Mr. Birchfield on, and we were needing a waiver
16 to where he could go and certified and help us out.

17 MR. SPANGLER: Mr. Mines, you got something you
18 to add to that also?

19 MR. MINES: I'm not sure, Chief, is this a waiver
20 to ask him not to attend transition --

21 MR. DEPEW: What I would like, sir, if that's
22 possible, I would request that we could do that based
23 on his experience. And -- and, two, you know, what our
24 department's been through here over the last year and a
25 half, it's been extremely hard and difficult. I know

1 every department suffers the same thing trying to hire
2 people and what we go through, but in a small town
3 we've -- like I said, we've put three through the
4 academy, and we're going to have to send another one
5 now because we had one just resign. So that's a total
6 of four. And we just got back to eight people. And it
7 would be an asset to us if we could get him a waiver to
8 where we could be -- you know, he wouldn't have to go
9 for the three weeks, if that's possible.

10 MR. SPANGLER: Any questions from the
11 commissioners?

12 MR. RUSSELL: So he's not enforced any laws in
13 the state of Tennessee since 2008; is that correct?

14 MR. DEPEW: Yeah. He -- when we hired him he
15 started doing code enforcement for us, and that's what
16 he's been doing for our department, but no. He was a
17 chief of police in Gate City for three years.

18 MR. RUSSELL: Okay. So the last time he actually
19 worked in law enforcement in the state of Tennessee was
20 in 2008.

21 MR. DEPEW: That's correct.

22 MR. RUSSELL: Okay.

23 MR. SPANGLER: Any other questions?

24 MR. WAGGONER: He's still certified? You're just
25 inactive; is that right?

1 MR. DEPEW: Go ahead.

2 MR. GRISHAM: He's attempting to reactivate his
3 certification. He's a little bit over the five-year
4 rule.

5 MR. WAGGONER: Barely outside.

6 MR. DEPEW: He's about six months, if I'm
7 correct.

8 MR. BIRCHFIELD: That's correct.

9 MR. GRISHAM: And he has obviously served on the
10 P.O.S.T. Commission for that six months if you want
11 to --

12 MR. WAGGONER: I'll make a motion to approve.

13 MR. RUSSELL: I'll second it.

14 MR. SPANGLER: Okay. We've got a motion and
15 second. And Commissioner Waggoner, clarify your
16 motion, what it is.

17 MR. WAGGONER: That he be granted a waiver to
18 bypass the transition school. I mean, he's got 33
19 years. He's got six months on the P.O.S.T. So he's
20 really --

21 MR. SPANGLER: So he doesn't have to attend.

22 MR. WAGGONER: Right. That's my feeling about
23 it.

24 MR. UNDERWOOD: I think we're giving credit --
25 what you're saying is you're giving him credit for

1 service for the P.O.S.T. Commission --

2 MR. WAGGONER: Right.

3 MR. UNDERWOOD: -- to help fill that six-month
4 gap regarding the lapse with his activation of
5 certification, which I know -- I know this difference
6 is apples and oranges. In Firefighting Commission we
7 give credit for working in the fire service. Working
8 in the Commission would be considered service to that
9 profession. So there are other professions that do
10 this. I think that would be acceptable.

11 MR. FORRESTER: If that's the case then he
12 wouldn't need a waiver for transition school.

13 MR. SPANGLER: Correct. I think that's what
14 they're just -- they're doing a waiver asking for the
15 request on the transition, asking for the request of
16 the recertification.

17 MR. UNDERWOOD: Recertification.

18 MR. GRISHAM: Have you done in-service? Have you
19 done your in-service?

20 MR. BIRCHFIELD: I have not this year, no.

21 MR. DEPEW: We can take care of that asap.

22 MR. BIRCHFIELD: When we get back.

23 MR. UNDERWOOD: And that could be part of the
24 condition of the motion.

25 MR. SPANGLER: You want to add that?

1 MR. WAGGONER: Yeah, we'll add that. If he does
2 his in-service as soon as possible.

3 MR. DEPEW: We did the V academy, so I can take
4 that as soon as we get back to the department. And
5 we're doing our Firearms coming up soon, so all of that
6 will be taken care of.

7 MR. WAGGONER: So I'll amend my motion to include
8 that.

9 MR. SPANGLER: And Commissioner, your second, you
10 go along with that?

11 MR. RUSSELL: I'm good with that.

12 MR. SPANGLER: We have a motion and second. Any
13 further discussion?

14 All in favor say "aye."

15 THE COMMISSION: Aye.

16 MR. SPANGLER: Opposed. The ayes have it. Thank
17 you.

18 MR. DEPEW: On behalf of myself and the police
19 department, we thank you guys. Thanks.

20 MR. SPANGLER: Thank you.

21 Well, I'm sorry, that's the last we have on our
22 agenda unless anybody has anything else.

23 MR. UNDERWOOD: Well, we do have some
24 administration stuff.

25 MR. SPANGLER: Okay.

1 MR. UNDERWOOD: I'm sorry.

2 MR. SPANGLER: No, you're fine.

3 MR. UNDERWOOD: Director Grisham, you're first.

4 MR. GRISHAM: First of all, and I probably should
5 have mentioned this under new business, but while we
6 were on the topic of the Vanderbilt officer coming to
7 transition school, it's a long practice. Just to
8 explain to you-all, and we'll go over this in our class
9 in November, but I've been working a long time under
10 the previous commission's knowledge with Belmont
11 University that there was a special statute in
12 Tennessee attached to the state university and college
13 that you -- that allows certain private universities to
14 develop P.O.S.T. certified law enforcement agencies
15 with the cooperation of their local executive.

16 So Vanderbilt was the first with cooperation of
17 Metro Nashville Police Department. There are three
18 others. There are about six universities eligible for
19 this that aren't taking advantage of it. There will --
20 I think Belmont is seeking an alteration of the statute
21 to include their campus population in the enabling
22 statute.

23 But what I'm getting at is they have two formally
24 P.O.S.T. certified command staff there. In fact, both
25 of them worked at Vanderbilt University, their chief

1 and assistant chief. If it's okay with you, I'm --
2 we're going to, if we have space available, let them
3 come to transition school in anticipation of them
4 becoming a P.O.S.T. certified entity. It has to be
5 worked out with Chief Anderson at Metro Nashville as to
6 whether he's going to go along with it, but he has with
7 Vanderbilt so long as they have the same training as
8 any other P.O.S.T. certified entity.

9 So I'm just informing you I'm trying to work with
10 them to get them in the next transition school because
11 they're right at the ten-year level in their service,
12 Miss Marlene Hall and -- Cunningham?

13 MS. FAULKNER: Cunningham.

14 MR. GRISHAM: Cunningham. I think Commissioner
15 Faulkner would be familiar with them. So just letting
16 you know that's out there, and I may present that to
17 you next month.

18 MS. FAULKNER. Excuse me.

19 MR. GRISHAM: Yes.

20 MS. FAULKNER: I don't know how to work this
21 thing. They have a campus in Franklin, and so they'll
22 be covered there as well, right?

23 MR. GRISHAM: Yes.

24 MS. FAULKNER: Okay.

25 MR. GRISHAM: And I think their intention is just

1 to have the command staff, the top three P.O.S.T.
2 certified right now. And there's been -- they have a
3 major crime that they've been investigating along with
4 Metro Nashville and it would have been a lot easier if
5 they had a liaison ongoing.

6 And for those of you that aren't familiar, they
7 are almost contiguous with Vanderbilt's campus in
8 downtown Nashville in a very high crime area, and I've
9 worked with them for years thinking that they should
10 probably have a campus law enforcement agency that's
11 more than just private security. That's what that's
12 all about.

13 In November, we will be -- as you know, we'll be
14 convening in Gatlinburg at the Edgewater Hotel. We're
15 doing a GDI school there, and we will have about a
16 hundred training officers from all over the state, and
17 all of you are welcome and encouraged to attend the
18 morning session of the GDI school. We're going to go
19 through P.O.S.T. rules from A to Z, you know, the
20 history and the practice. It should be informative to
21 you. And that afternoon there will be a formal --

22 MR. UNDERWOOD: There's the afternoon 1 o'clock
23 there will be a formal hearing before the full
24 commission.

25 MR. GRISHAM: The GDI school will continue on

1 going into the computer work and all of the things you
2 don't need to know about, but the morning will be quite
3 beneficial to you. Formal hearing in the afternoon.
4 You're invited to attend the training officers banquet
5 that night if you want to or it's on your own. And
6 we'll have a business meeting Friday morning right
7 there in downtown Gatlinburg.

8 It's a pretty good venue. If you hadn't gotten
9 your reservations, they've remodeled the rooms, and
10 it's walking distance to everything you want to do
11 downtown. We have a room block if you haven't gotten
12 your reservations.

13 Also, we will soon publish -- I know a couple of
14 you have asked me. We will soon publish the meeting
15 dates for next year. There are three dates that will
16 be altered from the normal -- is it third Friday of
17 each month due to graduations at the -- at the TLETA,
18 and if you want me in the March meeting you'll have to
19 move that. If you don't want me that's fine, but I
20 usually don't miss these. So we'll -- we'll publish
21 those shortly. But with the exception of March, June,
22 and December, it's the third Friday of each month, if
23 you want to go and start penciling those in.

24 MR. UNDERWOOD: The Department of Commerce and
25 Insurance has a new commissioner, Hodgen Mainda. He is

1 coming from Chattanooga. He previously worked in
2 economic development there and has moved over to take
3 over as commissioner. There's been some reorganization
4 within the department a little bit, but we were
5 still -- P.O.S.T. Commission is still assigned to the
6 department and it will representing you, providing
7 legal services and other administrative functions for
8 all fiscal and administrative and otherwise.

9 I have spoken with the Governor's office
10 regarding the notice of hearing for rule updates. They
11 have -- they had some questions. I've answered those.
12 I hope to hear soon. Unless I'm able to file the rules
13 with the Secretary of State on Tuesday, we will not be
14 able to meet the 52-day deadline for the December
15 meeting. So it likely looks like the rulemaking
16 hearing will be in January. And we're trying to -- you
17 can see this agenda was kind of slow today. We were
18 hoping to have a rulemaking hearing. I will try to
19 find a day. If it's not January, it will be February,
20 but one of those day it's not full with waivers and
21 everything that we sit through so you won't have to be
22 here for 10 hours. But we'll work to get to that
23 process. I will provide an update in November, I hope,
24 regarding the deadline of that.

25 MR. GRISHAM: And the last thing, I met with the

1 Governor's policy people. Probably next year -- we'll
2 talk a lot about this at the training session, but one
3 of the things we're not tracking that is a detriment to
4 the citizens of the state, we're not tracking
5 adequately part-time temporary reserve auxiliary
6 officers. Our best estimation, there's six or seven
7 thousand of those out there. They do fall under
8 P.O.S.T. guidance. All of the rules apply to them.
9 But unless we have additional personnel, we can't
10 adequately have them report like full-time officers.
11 It's my desire to make that happen soon. So we may
12 float legislation to add to our staff and then require
13 each agency to submit those just like a new full-time
14 officer so we know the population, we know that they're
15 getting their training, and we enforce it. So that's
16 all I have.

17 MR. SPANGLER: For the formal hearing for next
18 month will be on that Thursday, correct?

19 MR. UNDERWOOD: That is correct. At 1 o'clock
20 that Thursday. So the full commission -- it would not
21 be the informal. It would be the whole commission
22 would be invited. It would be a quorum for the
23 hearing.

24 It will be in front of a, ALJ. We will be -- as
25 part of the reorganization process, we will be using

1 ALJs for hearings going forward, I believe, is the
2 intent. We're still working our that process. But
3 they're judges from the Secretary of State's office
4 that will sit and make determinations regarding
5 evidence and witnesses and swearing and so forth. They
6 are the umpire of calling balls and strikes, but the
7 Commission is still the ultimate determinator of facts
8 in determination of policy and any disciplinary action
9 to be taken.

10 MR. WAGGONER: What time is the earlier meeting?

11 MR. GRISHAM: 8:30.

12 MR. WAGGONER: 8:30. Okay.

13 MR. GRISHAM: And there's light breakfast
14 provided at that.

15 MR. WAGGONER: That's on the 14th, right?

16 MR. UNDERWOOD: Yeah. It's planned for two days.
17 Hearing planned for two days.

18 MR. GRISHAM: Wednesday night and stay Thursday
19 night. We'll start at -- well, I guess, yeah, 8:30 or
20 9:00. 9:00 is what I got down.

21 MR. UNDERWOOD: Eastern time.

22 MR. GRISHAM: Eastern, yeah.

23 MR. SPANGLER: Yeah. It will be different from
24 this time, most definitely. So we're going to -- we're
25 going to have some meetings ourselves as far as the

1 Board then also with the -- the P.O.S.T. rules and what
2 have you.

3 MR. GRISHAM: Yes.

4 MR. SPANGLER: With the GDI schooling.

5 MR. UNDERWOOD: And at that point if I'm able to
6 file the rules, I'll be able to provide you all updates
7 of the future changes and the future what's proposed.
8 You'll have a red line. You'll see where the current
9 rules have been -- what's changed in the current rules
10 versus what's going to be the proposed changes and so
11 forth.

12 MR. GRISHAM: And I'll cover them as we go by.

13 MR. SPANGLER: Does anybody have anything else?
14 I'm sorry that the meeting went so short and quick.

15 MR. RUSSELL: I've just got brief question. If
16 we start tracking the auxiliary and reserve officers,
17 is there a way to also include constables in that?

18 MR. GRISHAM: They don't fall within -- within
19 the -- within the guidelines of P.O.S.T. due to their
20 definition in not being full-time in the prevention,
21 detection, and crime act, potential defenders and
22 employee of a political subdivision or a municipality.

23 MR. RUSSELL: Would reserve officers have that
24 same definition?

25 MR. GRISHAM: No. They -- they -- they are a --

1 an employee of the -- they work in support of a
2 full-time officer in a -- in that department.
3 Constables are kind of floating around out here. Now,
4 there is -- there's new statutory guidance that
5 requires full 40-hour in-service for constables.

6 MR. RUSSELL: Yeah, my thing is we got a bunch of
7 people out there that's carrying a gun and a patrol
8 car, and I would like to see us, you know, maybe
9 grandfather the ones we got in, and the new ones coming
10 in have to be P.O.S.T. certified or something in the
11 future.

12 MR. GRISHAM: For many of my years I've gone
13 before the General Assembly and testified as to the
14 desires of the Commission. I haven't asked you-all
15 specifically, but every commission has said full
16 420-hour basic, they need to have that first before
17 they have law enforcement authority. And there's a
18 hodgepodge in the state of -- of constables, some with
19 law enforcement authority, some without.

20 MR. UNDERWOOD: Some with weapons.

21 MR. GRISHAM: Some with weapons, some without.
22 Some just civil process. Some counties have voted to
23 do away with them. They are no longer constitutional
24 officers. They were removed from the constitution in
25 the '80s. So -- but they exist out there, and they

1 have just resisted that full basic is -- is the issue.
2 The training they have to have is -- is -- there's a
3 few constables that are P.O.S.T. certified. They
4 happen to be a deputy somewhere. But the -- but their
5 statute requires them to have whatever training is
6 deemed adequate by their -- the constables association
7 or the constable council and -- but last year General
8 Assembly said they have to have full 40 hours from here
9 on, full 40-hour in-service each year.

10 MR. UNDERWOOD: But there's no bilateral
11 requirement like there would be for the sheriff's
12 office. The sheriff you have to be P.O.S.T. certified
13 prior to being on the sheriff's ballot. Council didn't
14 require it for the Constables for that.

15 MR. RUSSELL: I just know they're a bit help in
16 some of these rural counties and distressed counties,
17 and I think that they are valuable to the local
18 sheriff's offices and police departments for backup,
19 and hopefully I'd like to see them under some sort of
20 P.O.S.T. guidelines or something. I know it's going to
21 be a little bit of resistance, but I think we
22 grandfather the ones we got in and try to work to --

23 MR. UNDERWOOD: That's kind of what I think
24 happened with the sheriffs years ago.

25 MR. GRISHAM: Yeah. I mean, they started out not

1 needing P.O.S.T. certification, and they very much
2 wanted it, so -- and that's -- that's a true -- you
3 know, true observation that -- you know, I do a lot of
4 court assessments. One of the -- one of the
5 economically depressed counties, Fentress County,
6 wouldn't have a court officer if the constable didn't
7 do that function. So, I mean, we can look at it.

8 MR. RUSSELL: All right. Thanks.

9 MS. FAULKNER: I couldn't tell if you saw me or
10 not. Are you going to request or do you need the
11 support for this legislation from the Chief's and
12 Sheriff's Association?

13 MR. GRISHAM: We would ask them for it. I mean,
14 it certainly doesn't need to be a hardship. The prior
15 commission really wanted to take a hard look at whether
16 we were going to have them at all, and we were going to
17 poll and make sure, you know, who was utilizing them,
18 who depended on them. But the horror story is I don't
19 want Tennessee to end up like Oklahoma in that textbook
20 case of the very benevolent special deputy that gave
21 thousands of dollars to that agency, outfitted them
22 with TASERS, and then never bothered to learn how to
23 use that TASER properly, ends run killing somebody with
24 a service weapon instead of the TASER. Simply a lack
25 of training. So his great service to that department

1 ends up with millions of dollars of liability, and
2 that's -- we have people like that working in
3 Tennessee, and we only know about it if we audit. So
4 that's -- there are people who are depending on
5 part-time officers to run an entire department and, you
6 know, we need to decide whether that's right or not.

7 MR. SPANGLER: Anybody else?

8 MR. WAGGONER: I know the part-time officer thing
9 is in the northern part of the country being from the
10 railroad police, a lot of railroad police are also
11 part-time officers in the municipalities and all that,
12 but they met the standards and all of that, all of the
13 P.O.S.T. standards. It's not that way down south, but
14 it's that way --

15 MR. GRISHAM: It's a cottage industry here to
16 work special events in Nashville and with part-time
17 officers, and we've had agencies that, you know, to our
18 knowledge, have less than 10 full-time officers, but
19 they've got dozens of part-time officers that they're
20 not really serving that community there --

21 MR. WAGGONER: Yeah. We had one or two --

22 MR. GRISHAM: -- held in credentials --

23 MR. WAGGONER: Last meeting we had a couple in
24 that position.

25 MR. GRISHAM: So, I mean --

1 MR. WAGGONER: The public doesn't understand an
2 officer is an officer, part-time or otherwise.

3 MR. GRISHAM: We're not able to enforce the
4 fact -- their -- their definition is to be in support
5 of full-time officers. Does that really mean they're
6 the ones patrolling and then the full-time officer's
7 asleep? I mean, is that really the issue?

8 MR. WAGGONER: Well, the department only has one
9 active person and then they work nights usually.

10 MR. GRISHAM: Yeah. I mean, I see how if I were
11 a chief or a sheriff, if I'd use part-time officers,
12 I'd only hire full-time officers from elsewhere to work
13 for me, and that's -- that's done. I know that's done.

14 MR. UNDERWOOD: In the proposed rules, we
15 changed -- we would -- because we're increasing the
16 hours for the minimum basic training for full-time
17 officers for 400 to 480, the request is also in the
18 rules to increase the 80 hours to 120 hours for the
19 part-time, but still is that sufficient? You know,
20 that's what you're getting, 40 extra hours. What
21 they're asking is the same as the full-time officer a
22 lot of times.

23 MR. GRISHAM: And with our practice, you know, we
24 don't let full-time officers work alone. They work
25 with a certified officer until they make it through the

1 basic academy. So we're letting part-time officers go
2 through 120 hours of training and then work alone.
3 It's just there's, you know, an inherent difficulty
4 there.

5 MR. SPANGLER: Well, I think -- I think the
6 number one goal for every agency ought to be that --
7 make sure we don't get caught up in that number one
8 lawsuit in failure to train. That's where we can get
9 all of us in trouble.

10 MR. UNDERWOOD: That's probably our largest
11 public records request as far as we get requests all
12 the time on officers training, especially on events and
13 lawsuits. Plaintiffs' attorneys -- plaintiffs'
14 attorneys are always reaching out to us to find those
15 records.

16 MR. SPANGLER: Anybody else? If not, I'll
17 entertain a motion to adjourn.

18 MR. RUSSELL: Make a motion.

19 MR. WRIGHT: Second.

20 MR. SPANGLER: And we're adjourned. Thank you.

21 (This proceeding was concluded at 10:07 a.m.)

22 - - -

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