

MINUTES FOR COMMITTEE POST COMMISSION MEETING

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The Tennessee Peace Officer Standards and Training Commission met on Friday, October 16, 2015, at 9:30 a.m., at the Tennessee Law Enforcement Training Academy Annex, 3025 Lebanon Road, Nashville, Tennessee.

Chairman Ric Wilson called the meeting to order.

Chairman Wilson entertained a motion for adoption of the agenda. Commissioner Chrisman so moved, seconded by Commissioner Baker. The motion carried.

Chairman Wilson recognized Commissioner Kim Wallace, who read the following disclaimer: All POST 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 department or someone we know personally. Because we have already agreed to this, it should be noted on routine matters it will be assumed nonverbally that these commissioners have abstained from the 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 the vote.

Chairman Wilson turned the floor over to Mr. Ray Farris for roll call, which reflected the presence or absence of the following commissioners: Baker – present; Fanion – present; Chrisman – present; Hannon – present; Jenkins – present; Lewis – absent; Long – present; Rhoades – present; Wallace; present; Wheeler – present; Williamson – present; Wilson – present; Rept. Todd – absent; Senator Bell – present; General Cherry – present.

Mr. Farris noted a quorum was present.

There were no administrative matters to be discussed.

Chairman Wilson entertained a motion for approval of the September 18, 2015 Minutes. Commissioner Fanion moved for approval of the Minutes as submitted, seconded by Commissioner Williamson. The motion carried.

Chairman Wilson recognized Mr. Brian Grisham for the report from the Informal Hearing Committee, which met on Thursday, September 17.

Mr. Grisham reported in the matter of Matthew Ward Ainsworth, formerly of Carter County Sheriff's Office, service of notice was not able to be verified, and the matter was continued in order to attempt service of notice. In the matter of Carl William Fields, Chattanooga PD, the matter was continued in order to serve notice. In the matter of Jason Brian Poe, formerly of Grainger County SO, the matter has been continued to attempt to prove notice and to obtain proof of a conviction for which Mr. Poe is serving a sentence. In the matter of Edwin Baker, formerly of Hamilton County SO, this was continued in order to attempt service of notice. In the matter of Dwight Allen Rader, Lawrenceburg PD, notice was provided and the recommendation is a default notice of decertification on the ground that Mr. Rader resigned in lieu of termination for disciplinary reasons. In the matter of Benito G. Rubio, formerly of Martin PD, the recommendation is to accept his written surrender of his certification. Mr. Rubio had surrendered his certification in writing, although he has verbally challenged that with Inv. Murphy. Mr. Rubio had been given notice to appear. The recommendation is to accept the surrender and to issue a default order of decertification. In the matter of Brandon Demoyne Brown, formerly of Memphis PD, notice was provided. The recommendation is a default order of decertification based on his termination for disciplinary reasons. In the matter of Terrence A. Dabney, Memphis PD, the case has been continued at the request of the respondent's attorney, who asked that the matter be placed in pending status pending the underlying civil service hearing. In the matter of Marcus A. McCall, Memphis PD, the recommendation is to continue with notice to the respondent and to the department to appear as there were some questions by the committee. In the matter of James Finley Holt, Newport PD, Mr. Holt had numerous convictions and is undergoing federal prosecution currently. The DA communicated to POST that as part of the plea agreement, Mr. Holt had surrendered his certification, however, that language was not contained within the plea agreement. Legal will prepare an order of surrender and communicate that to Mr. Holt's attorney. In the matter of Michael Ray Greene Tipton County SO – Tipton County appeared and gave compelling testimony regarding Mr. Greene's conduct. The recommendation is a default order of decertification on the ground Mr. Greene was terminated for disciplinary reasons involving multiple drug use. In the matter of Nathan Clay

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Williamson, Tipton County SO; Tipton County appeared and explained Mr. Williamson's conduct. The recommendation is for a default order of decertification. Mr. Williamson was terminated for criminal convictions. In the matter of Jonathan Clay Bolden, VanBuren County SO, the recommendation is a default order of decertification for termination for disciplinary reasons.

Commissioner Williamson moved to accept the recommendations, seconded by Commissioner Jenkins. The motion carried.

APPEARING BEFORE THE COMMISSION/

WAIVERS FOR PREEMPLOYMENT REQUIREMENTS – 1110-02-.03 + 1110-9-.04

Cocke Co. Sheriff's Office – Phillips, Jason Andrew – Request waiver for an assault charge, resist or interfere with an arrest, trespassing, and disorderly conduct charge, arrest date - March 3, 2007 that occurred in Baltimore, Maryland. All four charges were misdemeanor charges, which he plead guilty on all four charges. Mr. Phillips has made two attempts to have these items expunged; however the court stated they have not received the paperwork. He contacted his attorney for the follow up to proceed with the expungement. Mr. Phillips became employed with the Cocke Co. SO on September 17, 2015. Request a waiver so that he may attend Walter State Community College basic police academy.

Mr. Phillips was present along with Sheriff Armando Fontes requesting the waiver. He explained he was charged with simple assault for a fight that he did not get into. In 2007, Mr. Phillips said he was charged with resisting arrest and interfering with arrest and trespass. Mr. Phillips said he was in the Marines at the time and was told not to abandon or split up from his partner or he would be in trouble. He explained that he and his partner went out in the evening and his partner got intoxicated. While trying to get his partner into a cab, his partner urinated in a bush. The police said Mr. Phillips' partner was going to jail. Mr. Phillips asked to put his partner in the cab to which the policeman agreed. An incident occurred with the partner and the police officer. Mr. Phillips explained that he had to go to jail with his partner. There was then an altercation between Mr. Phillips and the police officer in which Mr. Phillips ended up being tasered.

General Cherry asked what the final disposition of the charges was. Mr. Phillips answered the lawyer took care of the situation and he had to do community service. A judge never found Mr. Phillips guilty. Mr. Phillips said he did not ever appear before a judge. The incident was filed with the commanding officer and Mr. Phillips was ordered to do community service at the USO. Commissioner Jenkins noted that Mr. Phillips did plead guilty. Mr. Phillips remarked that he is in the process of getting his record expunged and has been attempting to do so since 2010. General Cherry commented he did not think that a waiver is needed for this.

Commissioner Baker asked Sheriff Fontes if he has confirmed the details of Mr. Phillips' story. Sheriff Fontes answered that he has confirmed. Commissioner Baker asked Mr. Phillips about the arrest he had in 2005. Mr. Phillips answered the arrest was for simple assault. He said he was working with his brother on a farm. Another individual came to the farm looking for an automotive part. Mr. Phillips said he did not know what the individual was talking about, but his brother did. The individual said Mr. Phillips and his brother jumped him. Mr. Phillips said when his brother went to court, Mr. Phillips went as a witness and was arrested at the courthouse. The warrant was written while he was there. Mr. Phillips said he had just turned eighteen. The charge was dismissed and he then went into the Marines for four years and received an honorable discharge in 2010. Mr. Phillips said he worked at Mountain View for two years and then has been with the Cocke County Sheriff's Office.

Commissioner Baker recommended to Mr. Phillips to continue the process of getting his record expunged because this charge will continue to follow him through his career and will be discoverable any time Mr. Phillips gets on the stand in court to testify. Mr. Phillips remarked he has a text from his attorney telling him it will be expunged within the next five weeks.

Commissioner Baker moved to approve the waiver, seconded by Commissioner Fanion. There being no further discussion, the motion carried.

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Tellico Plains Police Department – Newman, Greg - Request waiver of DUI charge from January 2014, so that Mr. Newman can work as part-time officer for Tellico Plains. Currently, there are no supporting documents available. Chief Parks says he will have them prior to October 2015 meeting.

There was no one present from Tellico Plains and no supporting documents available.

Commissioner Rhoades moved to deny the request, seconded by Commissioner Baker.

Ms. Shana Roberts remarked that she received an e-mail from the chief a couple of days earlier asking if he or the officer had to show up for the meeting. She said she e-mailed the chief in response and told him it was necessary that they be present. The chief responded that he had to work. Ms. Roberts said that is the last she heard from them.

The motion carried.

Tracy City Police Department – Sims, Larry Wayne – Request waiver for charge of Assault/Assault & Battery 3rd degree he received on August 29, 2015 in Myrtle Beach, SC. He plead guilty and paid \$106.00 in fines. He became POST certified on May 20, 2011 while employed with the Coffee Co. SO. Other employment included Grundy Co. SO from May 2013 to February 2014, Monteagle PD from February 2015 through September 1, 2015. He became employed with Tracy City PD on September 1, 2015. Request a waiver so his POST certification remains valid.

There was no one present on behalf of the Tracy City PD. Mr. Grisham noted that Mr. Sims has failed to maintain the preemployment standards and needs to appear.

Commissioner Rhoades moved to postpone action until the department and Mr. Sims appear, seconded by Commissioner Wheeler. 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 POST requirements:

Blount Co. Sheriff's Office – Irwin, Michelle Renee – Request is made for a waiver to allow Deputy Irwin to attend the spring 2016 POST Transition School. Deputy Irwin began employment with the department on September 8, 2015. She was last employed with the Maryville PD resigning in October, 2009. She has been out of law enforcement over the five-year rule. Request is to allow her to attend the transition school in order to become re-certified upon completion. The six-month waiver is requested to keep the department in compliance as well as grant Deputy Irwin to work alone as a School Resource Officer until the transition school begins.

Commissioner Baker moved to approve, seconded by Commissioner Rhoades. The motion carried.

Bradley Co. Sheriff's Office – Liner II, Jimmy Dale – Request is made for a waiver to allow Deputy Liner to attend the Spring, 2016 POST Transition school with a waiver of POST Rule 1110-02-.03(6). Deputy Liner was employed with the Bradley County SO until August 2010. He was rehired by the department in August 2015, but was too late for acceptance in the September Transition Class. Request is to allow him to attend the transition school in order to become re-certified upon completion.

Commissioner Baker moved to approve the waiver to attend the transition school and a waiver of the six-month rule, seconded by Commissioner Chrisman. The motion carried, with Senator Bell abstaining.

SPECIALIZED SUBSTITUTIONS FOR IN-SERVICE TRAINING – 1110-4-.09

The following items, Nos. 1 through 14, requests for approval of Specialized Training Substitution, have been reviewed and appear to meet the guidelines set forth in POST Rule 1110-04-9. T.C.A. mandated Child Sexual

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Abuse, EVOC, Mental Illness, and Firearms qualifications must be completed and documented to complete requirements for in-service training, if not included in the curriculum of these courses.

1. Bradley Co. SO - Request approval of Specialized Training Substitution for the following officers:

David B. Clayton, Chad W. Ownby, & Mario A. Santos – 2015 National Interdiction Conference & Advanced Criminal Patrol Seminar, National Criminal Enforcement Association, Virginia Beach, VA – March 8-13, 2015 – 35 Hrs.
2. Collierville PD - Request approval of Specialized Training Substitution for the following officers:

Matt L. Ledbetter & Eric K. Shirley – Homicide & Violent Crimes Investigation, St. Louis Co. Police Academy, MO - August 18-20, 2015 – 20 Hrs.
3. Columbia PD - Request approval of Specialized Training Substitution for the following officers:

Michelle Jones – CALEA, Colorado Springs Co. Police Department, July 21-24, 2015 – 9 Total Hours.

James D. Shannon – Criminal Intelligence Systems Operating Policies, Bureau of Justice Assistance, On-line, August 17, 2015 – 1 Hour
4. Dyersburg PD - Request approval of Specialized Training Substitution for the following officers:

Kenneth D. Jowers – Internal Affairs Conference & Certification, PATC, Indianapolis, IN – August 24-28, 2015 – 32 Hrs.
5. Franklin Co. SO - Request approval of Specialized Training Substitution for the following officers:

Todd L. Hindman – Ethics & Fire Investigations, International Assoc. of Arson Investigations, CFI Trainer.Net – Online course, August 11, 20, 25, & 26th, 2015 – 10 Hours.
6. Hamilton Co. SO - Request approval of Specialized Training Substitution for the following officers:

Georgia Denise Short, Andrew T. Standifer, & Carl G. Young - Interview & Interrogation, RCTA, Meridian, MS – August 10-14, 2015 – 40 Hrs.
7. Henderson Co. SO - Request approval of Specialized Training Substitution for the following officers:

Michael S. Clark – Advance Narcotics Investigations, RCTA, Meridian, MS – August 31 – September 4, 2015 – 40 Hrs.
8. LaVergne PD - Request approval of Specialized Training Substitution for the following officers:

Edward V. McKenna – ROCIC Narcotics Conference, ROCIC, Springdale, AR – July 12-15, 2015 – 16 Hrs.
9. Selmer PD - Request approval of Specialized Training Substitution for the following officers:

Richard D. Fye, Jr. – Patrol Officers Response to Street Drugs, RCTA, Meridian, MS – September 14-18, 2015 – 40 Hrs.

Kimball L. Holley – Mexican Cartels & Their Violence, RCTA, Meridian, MS – September 22-23, 2015 – 16 Hrs.

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E. Neal Burks, Robert L. Heathcock, Kimball L. Holley, Tommy T. Howell, Wesley A. Moore, Ronnie E. Pilkington, Roger L. Rickman, & Teddy J. Roberts – Ethics for the Law Enforcement Officer, N.E. MS. L.E. Training Center, Corinth, MS, September 15, 2015 & September 17, 2015 – 6 Hrs.

10. Smyrna PD - Request approval of Specialized Training Substitution for the following officers:

Jason A. Anderson & James R. Scott – Cellular Triangulation & Forensics, RCTA, Meridian, MS – September 14-18, 2015 – 40 Hrs.

11. Surgoinville PD - Request approval of Specialized Training Substitution for the following officers:

James T. Hammonds – Writing Drug Search Warrants, RCTA, Meridian, MS – August 18-20, 2015 – 24 Hrs.

12. White House PD - Request approval of Specialized Training Substitution for the following officers:

Kevin W. Gillingham & David D. Segerson – Interview & Interrogation, RCTA, Meridian, MS – September 14-18, 2015 – 40 Hrs.

13. 21st J.D.D.T.F. - Request approval of Specialized Training Substitution for the following officers:

Jonathan T. Aydelott, Randall S. Jones, & Kelly S. Owens, – Commercial Vehicle Interdiction, RCTA, Meridian, MS – August 18-20, 2015 – 24 Hrs.

William R. Whitney – Emergency Narcotics Operations, RCTA, DEA – McAllen, TX – September 21-25, 2015 – 48 Hrs.

14. 25th J.D.D.T.F. - Request approval of Specialized Training Substitution for the following officers:

John B. Thompson – ROCIC Narcotics Conference, ROCIC, Springdale, ARK – July 12-15, 2015 – 16 Hrs.

Commissioner Rhoades moved to approve, seconded by Commissioner Fanion. The motion carried.

APPLICATIONS FOR TRAINING OFFICER – 1110-04-03

The following items, Nos. 1 through 7, Applications for Training Officer, have been reviewed by POST Investigators and appear to meet criteria for approval. The officers will be informed that they must complete an Instructor Development course within the next twelve months.

1. ***Bolivar Police Department**-Burkeen, Chris Wayne-Request Sgt. Burkeen to become the training officer for the department. He has 4 ½ years of law enforcement experience and will be required to attend a 40 Hour Instructor Development Course within the next twelve months.
2. **Dayton PD**- Spradling, Bruce Edward – Request for Officer Spradling to become Training Officer for the department. Officer Spradling has sixteen years law enforcement experience and has completed the required Instructor Development.
3. **Jefferson County SO** – Moyers, Perry Arnold – Request for Detective Sgt. Moyers to become Training Officer for the department. Sgt. Moyers has thirty-one years of law enforcement experience and has completed the required Instructor Development.

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4. ***McKenzie Police Department** – Weaver, Lee Andrew – Request Sergeant Weaver to become the training officer for the department. He has twelve years with the department and will be required to attend a 40 Hour Instructor Development Course within the next 12 months.
5. **Sewanee Police Department** - Layne, Christopher Stacey - Request Inv. Layne to become the training officer for the department. He has twelve years in law enforcement and has completed the required Instructor Development.
6. **TN Highway Patrol** - Stafford, Wesley Shane-Request Sgt. Stafford to become the training officer for the department. He has over 19 years in law enforcement and has completed the required Instructor Development.
7. **Vanderbilt University Police Department** - Jasper, Shaun Timothy-Request Sgt. Jasper to become the training officer for the department. He has 10 years in law enforcement and has completed the required Instructor Development.

Commissioner Baker moved to approve Items 1-7, including Nos. 1 and 4 to complete Instructor Development, seconded by Commissioner Rhoades. The motion carried.

APPLICATIONS FOR CERTIFIED INSTRUCTOR – 1110-03-.04

The following items, Nos. 1 through 11, have been reviewed by POST Investigators, and appear to be in order and meet minimum standards:

1. **Bean Station PD**-Seal, Chadwick Howard-Request Lt. Seal to become Specialized Instructor in the following area(s):

Firearms

Lt. Seal has been with the department since 2010 and has completed the required course as well as Instructor Development.
2. **Bean Station PD**-Stapleton, Matthew Corey-Request Officer Stapleton to become Specialized Instructor in the following area(s):

Firearms

Officer Stapleton has been with the department since 2012 and has completed the required course as well as Instructor Development.
3. ***Bolivar PD**-Burkeen, Chris Wayne-Request Sgt. Burkeen to become Specialized Instructor in the following area(s):

Radar / Lidar

Sgt. Burkeen has been with the department since 2011 and has completed the required course as well as Instructor Development. Sgt. Burkeen is one year short of the required five-year rule for Specialized Instructors, requesting a waiver of the five-year rule.

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4. **Bolivar PD**-Siler, Jerry Stewart - Request Officer Siler to become Specialized Instructor in the following area(s):

Taser

Officer Siler has been with the department since 2009 and has completed the required course as well as Instructor Development.

5. **Columbia Police Department** - Ehret, Thomas Joseph-Request Sgt. Ehret to become Specialized Instructor in the following area(s):

Taser

Sgt. Ehret has been with the department since 1988 and has completed the required course as well as Instructor Development.

6. **Hawkins County Sheriff's Office** - Larkin, Greg Edward-Request Lt. Larkin to become Specialized Instructor in the following area(s):

Baton Instructor

Lt. Larkin has been with the department since 1998 and has completed the required course as well as Instructor Development.

7. **Medina Police Department** – Owen, Daniel Grant – Request Sgt. Owen to become Specialized Instructor in the following area(s):

ASP Tactical Weapons – Baton & Handcuffing

Sgt. Owen has been with the department since 2010 and has completed the required course as well as Instructor Development.

8. **Monterey Police Department** - Phillips, Mike Jacob - Request Detective Sgt. Phillips to become Specialized Instructor in the following area(s):

Criminal Investigation

Sgt. Phillips has been with the department since 2010 and has completed the required course as well as Instructor Development.

9. **Rhea Co SO** - Rose, Robert Matthew- Request Sgt. Rose to become the General Departmental Instructor for Rhea Co SO. Sgt. Rose has 6 years law enforcement experience has completed the required Instructor Development course. He has been classified as a training officer for approximately two years.

10. **Shelby Co SO** - Pulliam, Terrance Perez-Request Deputy Pulliam to become a General Instructor for the Shelby County Sheriff's Office Training Academy. Deputy Pulliam has been with the department since 2009 and has completed Instructor Development.

11. **TN. Tech. University Police Department** – Hillis, Mark Houston-Request Officer Hillis to become the General Departmental Instructor for the department. Officer Hillis has been with the department since 2013 and has previously been the Training Officer for the department for over 1 year.

Commissioner Baker moved to approve Items 1-11, including No. 3 with a waiver of the five-year rule, seconded by Commissioner Wheeler. The motion carried.

CURRICULUM AND TESTS – 1110-04

The following items, Nos. 1 through 27, have been reviewed by POST Investigators and appear to be in order and meet or exceed minimum standards for POST requirements:

1. **21st Judicial Drug Task Force** – In-service, 8 hours F/A, 2015 Training Year
2. **Anderson County SO** – Supervisor In-Service – 40 Hours, September 14-18th & September 21-25, 2015. Includes CSA, MI, Firearms, EVOC
3. **Anderson County SO** – Patrol In-Service – 40 Hours, October 26-30 and November 2-5, 2015. Includes CSA, MI, Firearms, EVOC
4. **Baileyton PD** - In-Service, 8 hours F/A- 2015 Training Year
5. **Bledsoe County SO** - In-service-8 hours F/A – November 17, 2015
6. **Church Hill PD**- In-service – 8 hours F/A- October 27, 2015
7. **Germantown PD** – Annual In-Service – 40 Hours, September 28 - October 2, 2015, November 2-6, 2015 and November 30 - December 4, 2015. Includes CSA, MI, Firearms, EVOC
8. **Germantown PD**-In-Service, 32 Hours, CSA/EVOC/MI/, October 13,15,20 & 22, 2015 and November 3,5,10 & 12, 2015
9. **Gibson Co SO**-In-Service, 16 Hours, FA, Training Year 2015
10. **Hardeman Co SO**-In-Service, 40 Hours, CSA/EVOC/MI/FA, August 5 - September 2, 2015
11. **Hardin Co SO**-In-Service, 40 Hours, CSA/EVOC/MI/FA, Training Year 2015
12. **Hawkins County SO** – Annual In-Service – 40 Hours, December 7-11, 2015
Includes CSA, MI, Firearms, EVOC
13. **Jamestown PD** – Annual In-Service – 40 Hours, October 26-30, 2015
14. **LaFollette PD** - In-Service -40 hours -October 12-16, 2015 -CSA/EVOC/MI/FA
15. **Madison County SO** – Annual In-Service – 40 Hours, September 14-October 23, 2015
Includes CSA, MI, Firearms, EVOC

16. **Metro Nashville PD** – Basic Police Officer Class, Session 78
July 16 - December 17, 2015 - 868.5 hours
17. **Millington PD** – In-Service, 40 Hours, CSA/EVOC/MI/FA, August 14, 28 & Sept. 8 and 22, August 21 and Sept. 4,15,29, November 3,10,17 and 24, 2015
18. **Monroe County SO** – Annual In-Service – 40 Hours, Various Dates TBD.
Includes CSA, MI, Firearms, EVOC
19. **Obion County SO** – Annual In-Service – 40 Hours, September 14, 21, 28, October 19 & 26, 2015. Includes CSA, MI, Firearms, EVOC
20. **Pigeon Forge PD**- In-Service – 12 hours- Includes CSA/EVOC/FA/MI
2015 Training Year
21. **Putnam County SO** – Reserve In-Service – 40 Hours, Various Dates. Includes EVOC
22. **Rogersville PD** – In-Service – 40 hours – Includes mandatory CSA/MI/EVOC/FA – November 16-20, 2015
23. **Selmer PD** – In-Service, 16 Hours, CSA/EVOC/MI/ FA
October 28th & November 4, 2015
24. **Sevierville PD**- In-Service- 27 hours – Includes CSA/EVOC/FA/MI -2015 Training Year
25. **TLETA** – Update to Basic Police School Sessions for the remainder of 2015 and will be added to the 2016 sessions, “Explosives & Bomb Threats”. This subject will be taught by the Bomb & Arson Section by Commerce & Insurance.
26. **Tusculum Police Department** - Mandated Topics, 14 Hours, Training Year 2015
27. **Winchester PD** - In-Service, 8 Hours, F/A, Training Year 2015

Commissioner Rhoades moved to approve Items 1-27, seconded by Commissioner Williamson. The motion carried.

SPECIALIZED TRAINING CURRICULUM – 1110-04-.09

The following items, Nos. 1 through 48, have been reviewed by POST Investigators and appear to be in order and meet minimum standards for Specialized Training Substitution. Child Sexual Abuse, EVOC, Mental Illness, and Firearms must be completed and documented to complete requirements for In-service training.

1. **Chattanooga PD** – FTO School – 40 Hours, September 21-25 and October 19-23, 2015
2. **Clarksville PD** – POST Rules Workshop – 8 Hours, October 15, 2015
3. **Columbia Police Department** – LEOSA, 8 Hours, September 1, - December 31, 2015
4. **Dyersburg PD** - Aerosol Chemical Instructor- 16 Hours, November 9 -10, 2015

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5. **Franklin PD** - Leading at the Speed of Trust-8 Hours, July 22, 2015
6. **Franklin PD** - Everybody Needs a Life Coach – 5 Hours, July 30, 2015
7. **Gallatin PD** – Instructor Development, 40 Hours, Training Year 2015
8. **Hamilton County SO** – Supervision & Management of School-Based Policing Programs – 24 Hours, October 26 – 28, 2015
9. **Hendersonville PD** – Police Motorcycle Certification – 80 hours – October 19-30, 2015 -TLETA
10. **Johnson City PD** – Field Training Officer Course – 32 Hours, September 8-11, 2015
11. **Kingston PD** – Firearms Training – 12 Hours – August 29 & December 12, 2015
12. **LaVergne PD** – IPMBA Police Cyclist Course – 40 Hours, October 12-16, 2015
13. **Madison County SO** – Chemical Weapon Instructor Course – 16 Hours
August 24-25, 2015
14. **Memphis PD** – Less Lethal and Chemical Munition- 16 Hours, June 24 – 25, 2015
15. **Memphis PD** – NRA Handgun/Shotgun Instructor School, 40 Hours
September 21 – 25, 2015
16. **Metro Nashville PD** - 2016 RedMan Instructor - 24 Hours - November 11-13, 2015
17. **Morristown PD** – At-Scene Basic Traffic Crash Investigation, 40 Hours
September 14 – 18, 2015
18. **Mt. Juliet PD** – LEOSA Firearms – 8 Hours – Training Year 2015
19. **Murfreesboro PD** – Shooting Incident Reconstruction -40 Hours – August 24-28, 2015
20. **Murfreesboro PD** – Sirchie –General Latent Print Processing – 24 Hours
September 8-10, 2015
21. **Rhea Co SO** - Active Shooter Training, 24 Hours, October 21,22 & 23, 2015
22. **ROCIC** - 24th Annual Homicide Conference- 16 Hours –October 4-7, 2015 – Chattanooga, TN
23. **Rutherford County SO** – Smartphone Forensics & Cellular Technology Certification – 36 Hours,
November 30-December 4, 2015
24. **Rutherford County SO** – Field Training Officers Course – 40 Hours
December 7-11, 2015

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25. **Rutherford County SO** – Leadership and Team Building Course – 36 Hours
December 14-18, 2015 Includes CSA, MI, EVOC
26. **Sevier Co SO** – Courtroom Security Training-36 Hours – November 16-20, 2015 –Includes mandatory topics MI/CSA/EVOC
27. **Sevierville PD** – Annual K-9 Seminar – 40 Hours – December 7-11, 2015 –Sevierville, TN – Includes mandatory topics EVOC/CSA/MI
28. **Shelby Co SO** - Lock Picking and Specialized Entry Techniques, 16 Hours,
September 14-15 & 16-17, 2015
29. **Shelby Co Sheriff's Office** - Transition Recruit Class #1510 – 280 Hours,
October 1, 2015 – November 20, 2015
30. **TLETA - Smoky Mountain Criminal Justice Conference-** 32 Hours- November 2-6, 2015- Gatlinburg,
TN - Includes mandatory EVOC/CSA/MI
31. **Sullivan County SO** - Dignitary Protection-Mitigating the Terrorist Threat – Holston
International Training and Consulting (HITAC) - 40 Hours – November 2-6, 2015-
Blountville, TN
32. **Sumner County SO** – Civil Process Class – 32 Hours, November 30-December 3, 2015
33. **TBI** - Human Sex Trafficking , 4 Hours, Various Dates 2015
34. **Tennessee Association of Chief of Police** – October Meeting – 10.5 Hours
September 30-October 2, 2015 - Includes EVOC
35. **Tennessee Chapter of the Children's Advocacy Center** – 12th Annual Connecting for Children's Justice
Conference – 13 Hours. November 22-24, 2015
36. **TLETA/CTAS** – Courtroom Security – 4 Hours – August 11, 12, 18, 19, 26 & October 22, 2015
37. **Tennessee Law Enforcement Training Officers' Association-** TLETOA Annual Fall Conference- 40
Hours - November 16-20, 2015- Gatlinburg, TN.
38. **Tn. Methamphetamine & Pharmaceutical Task Force** Clan Lab Recertification Course – 8 Hours,

June 23, 2015, Memphis, Tn.
June 24, 2015, Cookeville, Tn.
August 4, 2015, Jackson, Tn.
August 5, 2015, Manchester, Tn.
August 12, 2015, Pulaski, Tn.
September 29, 2015, Chattanooga, Tn.
October 1, 2015, Rogersville, Tn.

39. **Tn. Methamphetamine & Pharmaceutical Task Force** Tn. - Basic Clandestine Laboratory Certification Course, 38.5 Hours, September 14-18, 2015
40. **TN-Office of the Medical Examiner - Death Investigations**, 16 Hours, 2015 Training Year
41. **TN Narcotic Officers Association (TNOA)** - 36 Hours, CSA, EVOC,MI
November 9 -13, 2015
42. **University of TN/ LEIC – Crime Scene Management – 40 Hours – Training Year 2015**
43. **University of TN/ LEIC - First Line Supervision and Management**, 16 Hours – Training Year 2015
44. **University of TN/ LEIC – Advanced Leadership and Supervision – 24 Hours – Training Year 2015**
45. **UT Martin Institute for Professional Development – Intelligence Led Policing – 16 Hours – October 12-13, 2015**
46. **UT Law Enforcement Innovation – FBINAA TN Annual Training Conference**, W/CSA/EVOC/MI, 21 Hours, June 21-25, 2015 - Paris Landing State Park
47. **Williamson Co SO - Court Security Basic Training**, 32 Hours, Training Year 2015
48. **Wilson Co SO - Vehicle Identification-24 Hours**, October 19-21, 2015, CSA,EVOC,MI or FA not included

Commissioner Baker moved to approve Items 1-48, seconded by Commissioner Chrisman. The motion carried.

OLD BUSINESS

Grundy Co. Sheriff's Office – Davis Jr., Alton Ray – Request waiver of POST Rule 1110-02-.03. Deputy Davis began employment with the department on June 19, 2013. The department has requested for him to attend the POST Transition School so that he may be re-certified upon completion; this request was approved on March 21, 2014. *He was scheduled to attend the Fall 2014 session, due to manpower shortage the department requested for him to attend the Spring 2015 session. A third approval at the department's request for Deputy Davis to attend the Fall 2015 session due to budget issues and manpower shortage. The department has notified the POST Commission Office that he will not be attending the Fall 2015 session due to him filing for FMLA.

Commissioner Jenkins asked how long Mr. Davis has been out of law enforcement without the transition school. Mr. Farris answered Mr. Davis has been out of law enforcement for approximately eight years.

Commissioner Jenkins moved to deny the waiver request and Mr. Davis not be allowed to work on the streets alone until he attends transition school. Ms. Roberts commented that she was told by the sheriff and the chief deputy that they were embarrassed to ask for the waiver. The department has been trying to accommodate Mr. Davis because he is one of the older men who has been working at the department for a long while, but they would not come and ask for another waiver and Mr. Davis could go back to work in the jail.

The motion failed for lack of a second.

Commissioner Jenkins moved to deny the request, seconded by Commissioner Williamson.

Chairman Wilson called for questions or discussion. Commissioner Wallace remarked her only concern is with Mr. Davis being of FMLA and asked if that is something POST should recognize and be concerned about. Mr. Underwood asked if POST has any documentation to show that Mr. Davis is actually on FMLA.

Ms. Roberts responded Mr. Davis asked for FMLA leave three days prior to the transition school which began three weeks ago. Chairman Wilson asked if there is any rule concerning how many times a person can be granted a waiver. Commissioner Jenkins responded that it is up to the commission and added if the town cannot afford a police department, they need to get out of the business.

Mr. Underwood remarked that with POST not knowing how FMLA works, would they be running contrary to federal law in that regard and suggested they might wait until there is verification of Mr. Davis being on FMLA and take no action at this time. Commissioner Baker asked if FMLA protects a person from a job that they really do not have and noted that Mr. Davis does not have the job at this time. Mr. Grisham said that FMLA is between the employer and employee and preserves his job at the department and that is all. The sheriff indicates he will not be present and indicates the FMLA request is diabetes related. Commissioner Williamson noted that POST is not punishing Mr. Davis and he will not lose his job. The sheriff has said that Mr. Davis can go back to work in the jail.

Mr. Underwood noted that the current motion on the floor is to deny Mr. Davis attending transition school. Commissioner Baker clarified to say the motion should be that Mr. Davis can attend the transition school but to deny the waiver to work alone. Mr. Farris remarked that Mr. Davis still falls under the ten-year rule, so he will need to reapply to the transition school.

Commissioner Jenkins amended the motion to deny the waiver request to work the streets alone until Mr. Davis attends transition school. Commissioner Williamson seconded. The motion carried.

NEW BUSINESS/ITEMS FOR DISCUSSION

METRO NASHVILLE PD UPDATE

Mr. Farris reported of the ninety-one documents submitted to POST from Metro Nashville PD, POST investigators have been diligent in their investigation and have determined that nine of those individuals have criminal matters, either pending or convictions. Those nine would have required Metro Nashville to notify POST within ten days of those matters, which did not happen. Sixty-seven of the ninety-one one fall within one of two POST rules which would have required suspensions and notice to the POST Commission within ten days as well. That did not happen. Mr. Farris said there are a total of seventy-six which should have been reported to POST within ten days of the Metro Nashville PD either issuing the suspensions or becoming aware of the criminal matters of these submitted. Thirty-eight of these individuals have resigned. It appears a status change should have been submitted on those. Mr. Farris noted there are roughly forty of these ninety-one that appear to rise to the level of decertification under the rules of POST.

Commissioner Chrisman asked if there have been any requests for decertification of any of these officers. Mr. Farris answered there have been some requests for decertification, which appears to be four requests. Mr. Grisham added that the mission was to see if there were any matters where the POST Commission wanted to proceed on their own. He said Metro may be obligated not to seek decertification in whatever settlement was had with the employment cases. Mr. Grisham said the recommendation is for the chairman to appoint a subcommittee to work through the files with the staff to see which files rise to the level of referral to the disciplinary subcommittee. Mr. Grisham noted that some of these were thirty-day suspensions and should have been reported, but the underlying issue was a policy violation and not necessarily something that would rise to the level of disciplinary action. He said the criminal matters clearly can be referred to the subcommittee if there is documentation of the convictions. Mr. Grisham suggested that a different subcommittee perform this duty rather than tasking it to the disciplinary committee.

Senator Bell remarked he understands there is an issue with looking at the individual officers and determining whether they should be decertified. He asked about the issue of the Metro Nashville PD not reporting these individuals in a timely fashion and if there is any action that can be taken against the department for not getting the information to POST in a timely fashion as they should have. Mr. Grisham answered there is not a sanction in the notice rule regarding the change of status form. He added that a

procedure has been worked out with Metro to be able to electronically file in the future. Mr. Underwood commented that the disciplinary rules do not apply to a department except perhaps to perform an audit of the department. If an audit is conducted of a small department and there are found to be violations, a small department in effect can be shut down if all the officers are decertified and no one left to run the department. Mr. Grisham explained in the past, the agencies have been decertified by decertifying all the officers within the agency or the chief. Mr. Underwood added that Metro is a large agency and there would be sufficient number of officers to remain who are certified. Commissioner Wheeler asked if POST is treating this matter differently because of the size of the agency. Mr. Underwood responded that the departments would have to have more serious violations other than just failing to file paperwork. Mr. Grisham added that if the entire department had a criminal record, this could in effect shut down an agency. Mr. Underwood noted the Metro Nashville PD has been working with POST and, going forward, the department will be submitting their paperwork electronically. Internally, the department was doing the paperwork but failing to meet the requirements of submitting the paperwork to POST. Mr. Grisham remarked that the chief has pledged to fix the problem and there is communication between POST and Metro Nashville PD.

Senator Bell moved to give the chairman authority to appoint a subcommittee to look at the list of officers regarding Metro Nashville PD, seconded by Commissioner Rhoades. The motion carried.

Commissioner Williamson asked Mr. Farris if there are any of those officers who are currently working for other departments. Mr. Farris answered he believes it to be less than five who are working for other departments.

Chairman Wilson noted he would appoint a committee later in the meeting.

Mr. Grisham asked the chairman to also appoint an alternate to the disciplinary hearing committee in the event one of the current members cannot attend. Commissioner Rhoades volunteered to be the alternate.

P.O.S.T. Commission – Mr. Farris – Requesting an amendment to P.O.S.T. Rule 1110-02-.04, wherein POST will be able to use whatever means available to effect service upon said officers.

Mr. Farris informed the commission that POST is having difficulty serving notice on officers as many will deny service. They deny service month after month and POST takes no action. He said there are some alternatives where POST will work internally to give these officers proper notice. Mr. Farris said the office receives several notices back each month from the post office. These notices are expensive and cost \$6 per letter because there has to be a signed receipt and the time noted. The postman will make two attempts and leave a notice on the door telling the recipient to come to the post office within the next ten days to pick up their package. When the officer refuses to do that, POST gets the letter back, and resends the letter the next month and so on, each time paying the \$6. Mr. Farris said he would like to recommend that it is constructive notice when a sticker is left on the door that there is a package and they refuse to pick it up. He said he would like to move forward on those cases and noted there is a large docket of officers that should be decertified, but POST cannot get them served. Mr. Farris said an alternative is to take the two investigators and have them sit in neighborhoods across the state and wait and try to find the persons in order to serve the notice, which is not practical. Mr. Farris acknowledged the backlog has bogged POST down in that the officers realize if they never sign for the package, then they can say they have never been notified and their case will never appear before the informal hearing committee and, therefore, never make it before the POST Commission.

Commissioner Chrisman asked Mr. Underwood if the method Mr. Farris is proposing is defensible. Mr. Underwood replied that he and Attorney Scott Wilder had talked earlier concerning methods that could be used and what would be required under state law. The POST rule requires certified mail of certain things. Mr. Underwood said he feels that could be amended and suggested that UPS or FedEx could be a possible alternative and more affordable than certified mail. Also, if an agency is requesting decertification, they may know where the officers are and they could be utilized in making service upon the officers. Mr. Underwood acknowledged this is a severe problem that POST has been facing for many years. Mr. Grisham added that the committee can default those who do not respond but if the decision is appealed, POST may be on shaky ground. POST had the postal service's

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assertion that they had attempted delivery three times, left a paper notice, and the individuals never showed at the post office to pick up. Commissioner Baker asked if a regular letter is also sent so that they take it into their house and will at least have an opportunity to read it, whether they ignore it or not. Mr. Grisham answered on this round of letters sent, POST did not send a regular letter, but they have routinely done that in the past. Mr. Underwood said it is the standard procedure of the department to send one regular mail and one certified mail. He said that State mail is not forwarded. It is either delivered or returned. If the mail does not get sent back, they know it was delivered. Attorney Scott Wilder added that another method of notice would be by publication. Mr. Wilder said he would do some research on exactly how POST can comply within those rules, which means an ad can be taken out in the paper in the county in which the individuals live and put it in for a specific time. Mr. Underwood remarked there may be internet resources that are now allowable under the law in which they can use publications online.

Mr. Grisham remarked that in egregious cases where the department is really wanting decertification, a return of service can be placed on the bottom of the notice letter and ask the department to try to serve it. Chairman Wilson said he feels that method is the best idea because the agencies are wanting the decertification and will make an effort to find them. Mr. Wilder said he believes that if anyone tried to appeal or to take a case to chancery court, if POST can show that under the totality the department was served, certified mail was sent, regular mail, publication in the paper, he feels that would stand the challenge as a whole.

Commissioner Chrisman noted the language says "wherein POST will be able to use whatever means available to effect service upon said officers" and asked Mr. Farris if he wants the broad discretion and in each individual case Mr. Farris would come to the commission and tell them what he did to try to obtain service. Mr. Farris answered he would come in and give a rundown. Mr. Wilder said the information can be maintained in the decertification record and added that once a decertification comes to his office and he starts the notice of a hearing, he creates his own separate file at Commerce & Insurance which has all the filings in it, so a trail can be created of how service was effected.

Commissioner Chrisman moved to approve the amendment and move forward, seconded by Commissioner Fanion.

In discussion, General Cherry asked concerning the defaults that have been issued if they come to the full commission or if they go to chancery court if the individuals wish to appeal. Mr. Underwood answered if the individuals do not show up for their hearing, a default order is issued and they are sent a letter notifying them they have thirty days after receipt of that letter to appeal back to the commission and the commission will then hear it. If the individual does not appeal within that time, they then have sixty days to appeal to chancery court. General Cherry responded in that case, the individual still has avenues open to them to appeal a decision by the POST Commission, however, the rule does need to be amended. Mr. Underwood stated the problem they face is with the individuals who never come forward. Mr. Grisham responded that with the first four individuals who were on the agenda for the informal hearing committee the day prior, there was no proof of anything. Mr. Farris added that some of these people have been in the process for a year or more and are just being continued. General Cherry replied that POST can definitely take action and if the individual knows they have been decertified, then they can come and appeal.

There being no further discussion, the motion passed.

Cleveland PD - Millan, Edwin Orlando- The department is requesting that Mr. Millan's certification be placed in a suspended status pending the outcome of several felony charges pending against him. He is currently on administrative leave awaiting trial. Mr. Millan is out on bond from charges in Georgia for Arson and Conspiracy to Commit Arson. He is also out on bond from charges in Tennessee for Filing a False Report, Insurance Fraud over \$10,000, and Conspiracy to Commit Insurance Fraud over \$10,000.

Mr. Grisham said Mr. Millan cannot be summarily suspended. If the department wishes to proceed with decertification, that is another matter. Inv. Roberts said she has spoken with the department and Mr. Millan has been terminated within the last week and added they do want to proceed with decertification. The department does not want Mr. Millan to be hired by another agency until all the criminal charges have been resolved, at which time they will proceed with decertification. Mr. Underwood said if Mr. Millan has been terminated, Cleveland PD needs

to submit their paperwork requesting decertification. In the meantime, POST cannot do anything to keep Mr. Millan from being employed somewhere else. He added the agency hiring him should call Cleveland PD for a reference. Chairman Wilson commented there are many departments who do not call for a reference.

Mr. Grisham remarked that, hopefully, with help coming to the investigative staff, he intends to reach out to departments and tell them they need to do background checks with POST also and not just with the former departments. Mr. Underwood suggested that POST contact Cleveland PD and tell them they are required to file paperwork if they have terminated Mr. Millan. Inv. Murphy commented that if the information has been submitted through the portal, POST may already have it. Mr. Underwood said he did not think action needed to be taken by POST at this time. Mr. Farris added POST can look to see if a change of status has been submitted.

General Cherry said POST can take action on their own and does not have to wait for the department to initiate a request for decertification. Mr. Underwood agreed and added that POST cannot summarily suspend. Mr. Millan will be provided a hearing. However, once he was terminated, Mr. Millan's certification is no longer tied to an agency. Commissioner Jenkins remarked that Mr. Millan can go to another department and with his certification intact, that department would hire him without any qualms or without doing a background check. Ms. Breeden commented if she sees a department doing that and they make notification, she said she usually calls the hiring agency and asks them if they have contacted the previous employer. Commissioner Jenkins asked if the previous employer can tell everything under the new HIPAA laws. Mr. Underwood said the department can explain why the person was terminated. Commissioner Baker remarked there are lots of agencies that will not give any information and are not forthcoming with the information.

Mr. Underwood suggested that no action be taken and let Cleveland PD know they can submit their paperwork on Mr. Millan.

Commissioner Chrisman moved to defer action on this matter and to contact the department to file their paperwork, and POST to revisit the matter in the following months. Commissioner Baker seconded. The motion passed.

Greene County SO - Request Salary Supplement pay for Burns, Jeffery Steven for 2014. An oversight was made by the department, Sheriff Burns did complete the required 40 hours of in-service training, and documentation is attached.

Commissioner Long moved to approve, seconded by Commissioner Rhoades. The motion carried.

Memphis PD - Requesting Salary Supplement pay for Aufdenkamp, Ned for 2014. He was inadvertently left off the roster because of an error made with the reporting from their database. Officer Aufdenkamp did complete the required 40 hours of in-service training, documentation is attached.

Commissioner Fanion moved to approve, seconded by Commissioner Wheeler. The motion carried.

WAIVERS OF SIX (6) MONTH RULE:

Lauderdale Co. SO – Dickerson, DeAndre Ryshawn – Request a wavier for the department to remain in compliance. Deputy Dickerson started with the department on August 18, 2015. The department has requested for him to attend the TLETA basic starting January, 2016, which he will be over the six-month rule for gaining P.O.S.T. certification upon graduation.

Commissioner Jenkins moved to approve, seconded by Commissioner Williamson. The motion carried.

Lauderdale Co. SO – Ferguson, Michael Blake – Request a wavier for the department to remain in compliance. Deputy Ferguson began employment with the department on August 1, 2015. The department has requested for him to attend the TLETA basic starting January, 2016, which will be over the six-month rule for gaining P.O.S.T. certification upon graduation.

Commissioner Rhoades moved to approve, seconded by Commissioner Chrisman, which motion carried.

Marion Co. SO – Anderson, Jessica Lain – Request a waiver of the six-month rule. Deputy Anderson started with the department on August 29, 2015. The department has requested to her to attend the first available basic session at TLETA, and to remain in compliance with P.O.S.T. standards.

Commissioner Baker moved to approve, seconded by Commissioner Chrisman. The motion carried.

Unicoi Co. SO – Berry, William J. – Request a wavier for the department to remain in compliance. Deputy Berry began employment with the department on June 23, 2015. Due to personal issues and wife’s pregnancy, he has requested to attend the February, 2016 basic session at Walter State Community College. A waiver of the six-month rule is requested.

Commissioner Baker moved to approve, seconded by Commissioner Hannon. The motion carried.

WAIVER OF EIGHT (8) MONTH RULE:

The following officer(s) are requesting a waiver of the eight month rule. They completed IST and will be eligible for salary supplement.

Washington Co. SO – Cunningham, Louis Wayne – Request for the department and the officer to remain in compliance due to military activation. Deputy Cunningham is on military leave effective October 1, 2015 with orders to return on June 1, 2016. He has completed the required in-service for the 2015 training year. A waiver of the eight-month rule for 2016, to remain in compliance with P.O.S.T. Commission standards.

Commissioner Baker moved to approve, seconded by Commissioner Rhoades. The motion carried.

Chairman Wilson called for volunteers to serve on the subcommittee to go through the Metro Nashville PD files. Commissioners Wallace, Hannon and Jenkins agreed to serve. The committee will meet on Thursday, November 12 at 1:00 p.m.

Chairman Wilson noted the next regular meeting will be on Friday, November 13, 2015, at 9:30 a.m.

There being no further business, Commissioner Rhoades moved to adjourn, seconded by Commissioner Baker. The motion carried.

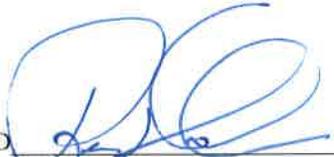
The meeting adjourned.

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Respectfully Submitted



Patsy Norman
Licensed Court Reporter #410
State of Tennessee



APPROVED

RIC WILSON
Chairman

DATE: 11-13-15