

## Follow-up to WSMV4 February 27, 2024 Investigative Report Police Commission Cards

The City of Millersville has a history of issues with purported sales and exchanges of City of Millersville Police Commission Cards. The issuance and carrying of these commission cards by unqualified individuals was previously covered by the media in 2022 and 2023 and was recently covered in greater detail in an investigative report that aired on WSMV4 on Tuesday, February 27, 2024. ( <https://www.wsmv.com/2024/02/27/millersville-warned-last-year-that-six-reserve-officers-lacked-training-documentation-that-qualifies-them-officers/> )

### ***Benefits of Holding a Police Commission Card***

There are many benefits associated with carrying a Commission Card. Some of the most valuable benefits are:

- Card holders can carry weapons anywhere, including businesses that post that guns are not allowed and gun-free zones such as schools and post offices.
- Card holders can work security jobs in downtown Nashville, and are eligible for higher pay rates as “reserve officers.”
- Card holders can present themselves as police officers.

Allegations surrounding the mishandling of Commission Cards include claims of Cards being sold for as much as \$3,000 each. Additionally, there are reports of an inordinate number of police officers and “reserve officers” at the City who lacked P.O.S.T. (Peace Officers Standards and Training Commission) certification but were seemingly provided with Cards to work for private security firms in downtown Nashville.

### ***Additional Investigation Launched by the City Regarding Commission Cards***

Around January 24, 2024, City Police Chief, Rob Richman, provided Interim City Manager, Tina Tobin, with a Police Department roster containing names and contact details for the department. At the bottom of the roster, former City Manager Avery was listed as a current “reserve officer,” despite having been terminated as City Manager.

Tobin requested that City Attorney Kroll and other officials investigate the Police Commission Card issues and determine whether Avery was properly in possession of a reserve officer Commission Card and whether there was evidence of any other Police Commissions Cards that were improperly issued.

### ***POST Commission Report Obtained by WSMV4***

A report obtained from P.O.S.T. through an open records request confirms that P.O.S.T. identified six City of Millersville reserve officers who were found to not be qualified as reserve police officers. The six individuals mentioned in the report are former City Manager, Scott Avery, Former Fire Chief, Brandon Head, Joshua Wright, Mark Loy, Kory Anderson and David Markstone. (See Appendix 1 for the document obtained from P.O.S.T.)

### ***Ongoing Investigation***

The City is continuing to work with multiple agencies to investigate additional commission cards that had been printed on a card printer located within the City's Fire Department behind a key code locked door. Multiple names were identified from the film roll of this printer, including current City Commissioner, David Gregory. The City previously issued a demand that these cards be returned, as it is unlawful to possess them. As of this update, NO cards have been returned to the City. (See Appendix 2 for a summary of TN law regarding Commission Cards) The City will release more details as this investigation continues.

## Appendix 1

### Millersville PD Reserve Files

On July 20, 2023, POST Investigator Kevin Krieb picked up 6 files from the Millersville Police Department for all the reserves that they had from January of 2020 until current. They stated they have had no part-time officers other than now former Assistant Chief Glenn Alred.

The POST rules revised in 2014 and they stated that all part-time/reserve law enforcement officers must meet the same pre-employment standards and waiver requirements that a fulltime law enforcement officer must meet. The rules also stated that the part-time/reserve officer had to complete 80 hours of training in whatever duties they are required to perform during the first calendar year of employment. During that period prior to completing the 80 hours of training, the officer must be paired with a field training officer or other certified officer.

After the initial training had been completed, all part-time/reserve officers had to complete 40 hours of in-service training each calendar year.

All records pertaining to pre-employment, initial training, and in-service training must be kept on file by the employing agency to include but not limited to dates and location of training, type of training and instructors, test and firearm scores.

Below are the results of the audit of the submitted files.

**Brandon Head**- Appears to have been a reserve officer since 2015. There is no documentation of the initial 80 hours of training. The last training in the file shows to be CPR training in 2018. In 2017 he shows that he completed 25 hours of in-service training. No records of in-service for 2018, 2019, 2020, 2021, and 2022. The last recorded firearms qualification shows 10-25-2017. The file is missing the following pre-employment records: birth certificate, proof of citizenship, high school diploma or equivalency, and medical examination.

**David Markstone**- Appears to have been a reserve officer since 2011. There is no documentation of the initial 80 hours of training. The last training shows to be Millersville PD In-service training completed on 8-12-22. It does not indicate the number of hours on the certificate. No records of in-service training for 2013, 2015, 2017, 2018, 2019, and 2021. The last firearms qualification shows 10-14-2020. The file had all pre-employment records.

**Scott Avery**- Appears to have been a reserve officer since late 2022. There are no training or firearm qualification records in Mr. Avery's file. The file is missing the

following pre-employment records: birth certificate, proof of citizenship, and background investigation report. Mr. Avery also has a DD-214 that shows an under honorable conditions discharge. There is a waiver request in the file dated from December of 2022 signed by Chief Brown. There is no record that it was ever submitted to or approved by the POST Commission.

**Joshua Wright**- Appears to have been a reserve officer since 2017. There is no documentation of the initial 80 hours of training. The last training in the file was a 24-hour interview and interrogation course completed 10-14-2022. In 2018 he completed 4 hours of hazmat training. In 2021 he completed a 75-hour fire investigator course. In 2022 he completed the 40-hour Millersville PD in-service on 8-12-22. There are no records of in-service training for 2018, 2019, and 2020. The last firearms qualification shows 7-7-2017. The file is missing the following pre-employment records: high school diploma, and fingerprint report.

**Kory Anderson**- Appears to have been a reserve officer since mid-2022. There are no training or firearm qualification records in Mr. Wright's file. The file is missing the following pre-employment records: birth certificate, proof of citizenship, high school diploma or equivalency, background investigation report, fingerprint report, and medical examination.

**Mark Loy**- Appears to have been a reserve officer since 2017. There is no documentation of the initial 80 hours of training. The last training in the file shows that he completed Millersville PD 40-hour in-service training on 7-15-2022. There are no records of in-service training for 2018, 2019, 2020, and 2021. The last firearms qualification shows 10-25-2017. The file is missing the following pre-employment records: birth certificate, high school diploma or equivalency, and fingerprint report.

## Appendix 2

### ***The law regarding issuance and possession of Commission Cards***

Although part-time/temporary/reserve/auxiliary officers are not “certified,” they are still required to meet the same pre-employment requirements as P.O.S.T. certified officers. Under T.C.A. § 38-8-106, any person employed or utilized as a temporary, reserve, or auxiliary police officer shall be:

- (1) 18 years old,
- (2) a citizen of the U.S.,
- (3) possess a high school diploma or a GED,
- (4) not have been convicted of any felony or a violation of any laws or ordinances regarding force, violence, theft, dishonesty, gambling, liquor, controlled substances,
- (5) not been released or discharged from the military under any other than honorable discharge from the military,
- (6) have their fingerprints on file with the TBI,
- (7) have passed a physical medical examination,
- (8) have good moral character according to the background investigation conducted by the employing agency and
- (9) have passed a psychological evaluation.

The obligation of an agency to maintain the standards for the employment and training of police officers is enforceable through criminal sanctions:

Any person who shall appoint any applicant, who, to the knowledge of the appointor, fails to meet the minimum standards as set forth herein or required by the commission, and any person who signs the warrant or check for the payment of the salary of any person who, to the knowledge of the signer, fails to meet the qualifications as a police officer as provided herein or required by the commission, commits a misdemeanor and upon conviction shall be subject to a fine not exceeding one thousand dollars (\$1,000).

T.C.A. § 38-8-105(b)

### **According to Attorney General Opinion No. 05-131 (Aug. 24, 2005):**

“An agency’s employment of a part-time/temporary/reserve/auxiliary law enforcement officer who fails to meet pre-employment requirements is in violation of Tennessee law unless an appropriate waiver is obtained. Although the POST Commission does not certify agencies, the failure of any agency to maintain standards of employment and training “may result in an agency’s being declared out of compliance with state standards and thereby not eligible to participate in the commission’s training programs at no cost.”

T.C.A. § 38-8-107(b).

Commission Cards are only valid when the Police Chief who issued the Cards is in office. Cards must be re-issued after a change in this office. Therefore, all issued Commission Cards should be rescinded and reissued by the newly appointed Police Chief

Other file irregularities were discovered in employee files. For example, Jack Byrd’s employee file was found in the File Room. The file has limited certifications, a resignation letter, and a statement from Chief Melvin Brown that Byrd left the department in good standing. However, there are no background or psychological reports, and the file lacks

information required to lawfully possess a Commission Card. David Gregory's file also lacks similar required documentation.

**T.C.A. § 39-16-303. Using a false identification.**

(a) A person commits the offense of using a false identification who, for the purpose of obtaining goods, services or privileges to which the person is not otherwise entitled or eligible, uses a false identification.

(b) A violation of this section is a Class C misdemeanor; however, if a violation of [§ 57-5-301\(d\)\(3\)](#) or [§ 57-3-412\(c\)](#) also constitutes a violation of this section, the offender shall be punished in accordance with those sections.

**T.C.A. § 39-16-302. Impersonation of licensed professional.**

(a) It is unlawful for any person who is not licensed to do so, to practice or pretend to be licensed to practice a profession for which a license certifying the qualifications of the licensee to practice the profession is required.

(b) A violation of this section is a Class E felony.

T.C.A. § 39-16-302 (Lexis Advance through the 2023 First Extraordinary Session)

**T.C.A. § 39-16-301. Criminal impersonation.**

(a) A person commits criminal impersonation who, with intent to injure or defraud another person:

(1) Assumes a false identity;

(2) Pretends to be a representative of some person or organization;

(3) Pretends to be an officer or employee of the government; or

(4) Pretends to have a disability.

(b) A person commits criminal impersonation who pretends to be a law enforcement officer for the purpose of:

(1) Engaging in an activity that is ordinarily and customarily an activity established by law as a law enforcement activity; and

(2) Causing another to believe that the person is a law enforcement officer.