

**ILLINOIS LAW ENFORCEMENT TRAINING
AND STANDARDS BOARD**

500 S. 9th Street, Springfield, Illinois 62701

**MINUTES OF THE WAIVER REVIEW
COMMITTEE MEETING**

Hilton Chicago/Oak Brook Hills Resort & Conference Center
3500 Midwest Road, Oak Brook, IL 60523

**December 4, 2024
3:30 p.m. – 4:30 p.m.**

I. ROLL CALL ~ ESTABLISHMENT OF QUORUM

The December 4, 2024 Waiver Review Committee Meeting was called to order at 3:31 p.m. by Committee Chairman, Director Brendan Kelly. Roll was called by Michelle Mlinar, and a quorum of voting members were established.

Members in Attendance:

Brendan Kelly
Tim Nugent
Carla Redd
Timothy Tyler
Richard Watson

Members Absent:

None

Staff in Attendance:

Keith Calloway
John Keigher
Patrick Hahn

Others in Attendance:

Derek Wilkerson
Andrew Haas

II. APPROVAL OF MINUTES

A. Waiver Review Committee - December 4, 2024

III. CONSIDERATION OF WAIVER APPEAL

Aaron D. Gibson

Staff Attorney Patrick Hahn advised that on or around November 15, 2024, he sent an email to committee members regarding Dolton Police Department's request to appeal denial of basic training waiver. Included in the email was an expungement of Gibson's criminal record. Hahn reminded members the committee hearing was not a court of law to determine guilt or innocence, but rather whether if it's illogical or unreasonable to return an officer to the academy.

Hahn presented a supplemental report prepared by staff investigator Scott Heston, at the time Gibson was hired by Maywood Police Department. Maywood's request for training waiver was denied due to the fact Gibson had intentionally obtained Texas one way permits for his salvaged Illinois vehicle. Gibson had obtained unauthorized vehicle permits four times: May 2018, August 2018, October 2018, and December 2018. Hahn stated Gibson knew or should have known the vehicle would not pass inspection and was in violation of the Illinois Vehicle Code. At the time Gibson acquired the permits he was an active officer of Dixmoor Police Department. Maywood did not appeal staff's decision to deny their request for waiver, but Dolton has sought a review of staff's most recent decision. Hahn stated Gibson's actions taken while employed as Dixmoor police officer showed either a lack of knowledge of the Illinois Vehicle Code, poor judgement or both. Therefore, Hahn stated staff believes Mr. Gibson should return to the academy to learn the Illinois Vehicle Code, ethics, and good judgement skills.

Chairperson Kelly posed questions for clarification on if the recommendation was for completion of the entire academy or specific remedial training on items relevant to the Illinois Vehicle Code and matters from Secretary of State. Attorney Hahn advised the recommendation is for a return to the full academy.

Dolton Police Commander Michelle Staples and Village Attorney Angela Lockett made statements in favor of a training waiver. Commander Staples stated the Police Department was aware of previous troubles with Gibson's background check. Staples stated Gibson completed everything requested by the court and had his record expunged. Commander Staples advised that Officer Gibson has been an exemplary employee and brings many strengths to the department. Attorney Lockett advised Mr. Gibson pled not guilty to the criminal case but was found guilty and maintains his innocence. Specifically attorney Lockett noted 625 ILCS 5/3-703 does not have a knowledge component. Chairperson Kelly asked for the committee to see a copy of the expungement.

Chairperson Kelly to asked Attorney Hahn if the Board knew about the expungement. Attorney Hahn advised Board is not disputing expungement but argued that it was not relevant to this specific administrative hearing. Chairperson Kelly asked how facts were obtained if the case had been expunged. Attorney Hahn stated an ILETSB investigator spoke with individuals who had personal knowledge.

Chairperson Kelly raised concerns about using an offense that has been expunged in light of previous appeals that were overturned, but recognized the Committee has wide latitude and granting waiver requests. Mayor Nugent stated expungement wipes away the court record but doesn't mean the facts didn't occur. Chairperson Kelly pointed out the general consensus has been that if a record was expunged that it was a factor to be considered, especially if the offense occurred prior to being in law enforcement. Gibson was in law enforcement at the time of the offense, and for some time prior to the conduct in question.

Discussion was held to move into executive session after hearing all waiver appeals.

Derek Wilkerson

Staff Attorney Patrick Hahn stated Derek Wilkerson on or about July 7, 2022, initiated a vehicle pursuit that ended with the in-pursuit vehicle hitting another vehicle with three juveniles injured; one ejected and critically injured. Wilkerson did not stop to render aide and left the scene. Wilkerson did not report the accident and denied to a superior officer he was at the scene. Hahn Stated Wilkerson showed lack of judgement as a law enforcement officer and therefore, staff believed it would not be illogical or unreasonable to send Officer Wilkerson back to the academy for proper pursuit techniques, learn the importance of rendering aide, and reporting requirements. Attorney Hahn presented the professional

conduct reports from Springfield Police Department and reminded committee members Professional Conduct Reports are confidential.

Petersburg Assistant Police Chief Shamhart spoke on behalf of Wilkerson's character while working with him at Springfield Police Department. Wilkerson was forthcoming about the incident during their interview process.

Shamhart stated he completed Wilkerson's background check and reached out to three different individuals: Sergeant Ryan Bakely on the local PA Board, Sergeant Michael Vogel supervisor on scene of crash, Assistant Chief Joseph Biel and their consensus was Mr. Wilkerson made a terrible mistake but believe he deserved a second chance and would flourish in a small department. Petersburg City Counsel interviewed Mr. Wilkerson and they recommended a second chance. During Wilkerson's five months on the street, there have been no issues reported. Shamhart stated sending him back to academy will not change the past but allowing him to work the streets would give him a second chance.

Andrew Haas

Attorney Hahn discussed the waiver appeal from Rushville Police Department for Andrew Haas. Hahn reminded all that in June 2022 the Board adopted the Ten Shared Principles including treating all people with dignity and respect as foundational value. In 2023 Haas sent unwanted and pictures of his genital area to various co-workers, telecommunicators and citizens. Hahn stated that given Haas' lack of professional judgement sending him back to academy to learn about professionalism and shared principles is neither unreasonable nor illogical. Hahn shared Haas' professional conduct reports received from Jacksonville Police Department with committee members, and reminded the members the reports were confidential, and would need to be collected after review.

Next, Chief Richard Wright from Rushville Police Department spoke in support of Officer Haas.

Chief Wright stated Mr. Haas was forthright about his reported conduct. Haas' conduct occurred while off duty and intoxicated, but he had received counseling to correct his behavior. Chief Wright did not believe academy training would help, but rather sexual harassment or ethics classes would be a better alternative. Sending Haas back to academy would be detrimental to the small Rushville Police Department and the community. Chief Wright stated Mr. Haas has, on his own accord, been working on fixing the past and continues to do so. Officer Haas has received praise from the community, and performed tremendously, professionally, and knowledgeably.

Next, Chairperson Kelly asked for any questions, none.

At this time, the committee entered a closed session to deliberate on the presentations.

Motion was made by Redd, seconded by Watson, and carried by all members present via roll call to move into closed session at 3:54 p.m. to discuss the waiver appeals of Gibson, Wilkerson, and Haas for prior criminal offences pursuant to 5 ILCS 120 4-2(c)(37) of the Open Meetings Act.

(Closed Session)

Motion was made by Nugent, seconded by Watson, and carried by all members present via roll call to move out of closed session at 4:17 p.m.

IV. CLOSING REMARKS

Chairperson Kelly advised that the committee members are sympathetic to how desperate Law Enforcements needs are for people to do the job and appreciate the time and effort agencies spend to hire new officers.

Next, Chairperson Kelly requested for Board Staff to review the reactivation request for Haas and Wilkerson to determine if reactivation of their certification is appropriate.

Officer Haas was in attendance and asked for clarification on the issue of reactivation; if he finished academy, would he be allowed to work as a police officer. Chairperson Kelly advised that it is still possible if he completed the academy, he may not meet requirements for reactivation, which is a separate issue from the training waiver. Chairperson Kelly stated he may or may not to be eligible for reactivation, and the specifics can be found in the Statue Police Training Act, and related administrative rules concerning police conduct. Haas expressed concern of Rushville paying for academy, him completing it, and still be refused reactivation. Chairperson Kelly advised that this committee could not state one way or the other as that decision would be up to a different panel.

Motion was made by Redd, seconded by Watson, and carried by all members present via roll call to Deny the waiver appeal for Dolton Police Department, Gibson.

Motion was made by Redd, seconded by Nugent, and carried by all members present via roll call to Deny the waiver appeal for Petersburg Police Department, Wilkerson.

Motion was made by Nugent, seconded by Watson, and carried by all members present via roll call to Deny the waiver appeal for Rushville Police Department, Haas.

V. ADJOURNMENT

Motion was made by Watson, seconded by Redd, and carried by all members present via roll to adjourn the meeting at 4:28 p.m.

