

**MINUTES OF THE  
PEACE OFFICER STANDARDS  
AND TRAINING BOARD  
Hilton Garden Inn (Iris Room)  
Fargo, North Dakota  
August 11, 2015**

**MEMBERS PRESENT**

Mike Ferguson  
Chad Kaiser  
Steve Engen  
Dan Haugen  
Scott Thorsteinson  
Sarah Warner

**GUESTS**

Greg LaHaise  
John Maritato  
Michael Mahoney  
Steven Rohrer  
Patty Laney  
Rob Neuteboom  
Kris Kevorkian  
Rick Majerus  
Dallas Carlson

**ADMINISTRATIVE STAFF**

Duane Stanley  
Monica Sebastian

The meeting was called to order by Chairman Mike Ferguson at 9:00 a.m. with roll call. All members were present except Paul Lies, Lyn James, Jack Nybakken.

**Secretary Report**

**Meeting Minutes**

Minutes were reviewed from the May 15, 2015, regular POST Board meeting.

**Motion**

Chad Kaiser made a motion to approve the minutes from the May 15, 2015, regular POST Board meeting. Scott Thorsteinson seconded the motion. All in favor, motion carried.

**MEMBERS ABSENT**

Paul Lies  
Lyn James  
Jack Nybakken

**LEGAL COUNSEL**

Ken Sorenson

## **Meeting Minutes**

Minutes were reviewed from the June 24, 2015, special POST Board meeting.

### **Motion**

Sarah Warner made a motion to approve the June 24, special POST Board meeting minutes. Dan Haugen seconded the motion. All in favor, motion carried.

## **Financial Report**

Duane Stanley provided documentation to Board members and gave a detailed financial report on POST Board activity from January 1, 2015, through August 10, 2015.

### **Motion**

Chad Kaiser made a motion to approve the financial report from January 1, 2015, through August 10, 2015. Steve Engen seconded the motion. All in favor, motion carried.

## **Justin Roberts Update**

On May 13, 2015, the POST Board received a letter from the Williams County Sheriff's Office stating that on February 28, 2015, Justin Roberts, a deputy with Williams County, was criminally charged by the Williston Police Department during an investigation into an allegation of a domestic violence altercation involving Mr. Roberts and his wife, Alecia Roberts.

The Williams County Sheriff's Office placed Mr. Roberts on administrative leave and was removed from performing law enforcement duties pending the outcome of the investigation.

Mr. Roberts was eventually charged with disorderly conduct. In their letter, it also stated the Williams County Sheriff's Office decided to keep Mr. Roberts on as a deputy but demoted and stripped Mr. Roberts of his rank and Mr. Roberts was given a 48 hour unpaid suspension during the investigation. Mr. Roberts was to seek treatment for alcohol and anger management issues.

Mr. Roberts was present and was asked by Chairman Ferguson to give an overview of the incident to the Board. Captain Verlan Kvande also addressed the Board explaining where their department stood with this incident and relayed the current status of the case in the court system in reference to the guilty plea of Disorderly Conduct and the deferred imposition of sentence. The POST Board office did in fact receive a copy of the signed accepted petition and plea of guilt.

On August 6<sup>th</sup>, 2015, Secretary Duane Stanley received a letter from Mr. Roberts dated August 3, 2015 stating he would like to waive his hearing with the ND POST Board and consent to entry of an order by the POST Board.

## **Motion**

Scott Thorsteinson made a motion to put Mr. Roberts on probation for 180 days concurrent with his criminal sentence and that he commit no other criminal acts and does not violate the code of conduct. Dan Haugen seconded the motion. All in favor, motion carried.

## **Josh Nelson Update**

Chairman Ferguson provided a lengthy overview of the incident involving Josh Nelson. At the February 18, 2015, meeting, the POST Board received a letter from Tioga Police Department that Tioga Police Department Officers Jeremy Johnson and Josh Nelson were out at a city dump shooting an AK47 while on duty. A complaint was filed from citizens on the neighboring golf course that bullets were ricocheting off of the golf course grounds. Charges were filed and both were charged with one count of Reckless Endangerment, which is a Class C Felony. Duane Stanley provided the Board with the investigative reports along with other paperwork that had been sent to the POST Board Office. Tioga Police Chief Larry Maize addressed the Board reference this incident. Chief Maize answered numerous questions posed from Board members. A motion was to table this until the next meeting and get an update from Chief Maize during that time.

At the May 13, 2015, meeting Monica Sebastian stated that she did email Chief Maize on May 11, 2015, to see if he had an update and had not received a response from Chief Maize. According to court records Mr. Johnson pled to a disorderly conduct charge and took the blame for the incident at the city dump.

Prior to the June 24, 2015, meeting, administrative staff obtained court records that indicated Mr. Johnson pled to a disorderly conduct charge and the other charge was dismissed on Mr. Nelson.

## **Motion**

Steve Engen made a motion to discontinue any adverse action by the POST Board regarding legal issues on Josh Nelson. Chad Kaiser seconded the motion. All in favor, motion carried.

## **Kelly Janke Update**

Secretary Duane Stanley provided an overview in regards to Kelly Janke. The POST Board Office received paperwork from the Killdeer Police Department hiring Kelly Janke. Several days later, the office received an open records request from the Killdeer City Council in reference to Mr. Janke's file that is kept at the POST Board office. A short while later the POST Board Office received a PFN 5 Termination Form for Mr. Janke.

## **Weapons Instructor Waiver for James Johns**

At the May 15, 2015, regular meeting, James Johns, New Town Police Department, attended a NRA Weapons Instructor Course. Mr. Johns asked that a weapons waiver be granted to him. Mr. Johns had never taken a MOI course and is not a police subject's instructor.

Paul Lies made a motion to grant the sidearm qualification waiver to Mr. Johns as long as he takes the weapons instructor refresher within 30 days. Mr. Johns would only be able to conduct sidearm annual qualifications but would not be able to conduct classroom instruction until he took an approved MOI training. Scott Thorsteinson seconded the motion. Monica Sebastian emailed Mr. Johns on May 16, 2015, explaining what the Board's decision was and informed Mr. Johns that he needed to take the weapons instructor refresher within 30 days from the day of the email.

Ms. Sebastian did not get a response from Mr. Johns. Mr. Johns called the POST Board on August 5, 2015, asking what the Board's decision was on May 15, 2015. Ms. Sebastian explained that she had emailed him immediately after the meeting. He remembered the email but did not take the refresher or submit the paperwork for his instructor certification. Mr. Johns had submitted a letter to the POST Board requesting an extension to take the firearms refresher.

## **Motion**

Dan Haugen made a motion to deny James Johns request for an extension to get his instructor certification. Scott Thorsteinson seconded the motion. All in favor, motion carried.

## **CAWS Training**

The POST Board received a funding request from Grant County on June 6, 2015, requesting funding in the amount of \$1,623.76 for a ND Sexual Assault Evidence Collection Protocol and Investigations Training that had been conducted on May 20, 2015, in Elgin ND. A motion was made to grant the funding request in the amount of \$1,623.76.

After the training was completed Monica Sebastian received the roster and realized the roster had a different course name and number than the one that was granted funding. Ms. Sebastian contacted Dana Mees at CAWS and she stated that when the request was sent in to request funding, the incorrect name was on the request. The correct title of training that was funded should be: Multidisciplinary Training on Sexual Assault. After Board discussion, legal counsel Ken Sorenson stated it was ok to strike out the name on the original contract and write in the correct name.

## **POST Psychological Provider**

At the June 24, 2015, special meeting, C/A Mark Saylor sent a letter requesting that Dr. Karli Ghering be accepted as a POST Board approved psychological provider. There were no credentials or supporting documentation attached with the letter. There was discussion on whether or not the Board should approve Dr. Ghering as a provider without any credentials attached. A motion was made to approve Dr. Ghering as a POST Board approved provider contingent on receiving documentation of her educational training and past experience. The Board did receive and review a Curriculum Vitae of Dr. Ghering's credentials and she is now listed as a POST Board approved psychological provider.

## **Instructor Revocation**

At the December 10, 2014, meeting Chairman Witkowski provided the Board a brief overview reference the "Use of Force Study Guide". Mike Ferguson and Dan Haugen provided additional information and concerns about the use of this guide as it is verbatim to the Use of Force test that is administered to all new law enforcement officers. S/A Jeramie Quam, BCI, initially contacted POST Board member Mike Ferguson about a use of force study guide that a female individual had. The female had indicated she had gotten the guide from Lake Region. Due to the fact the guide was verbatim and had all the answers on it, the concern was that of cheating. Steve Engen relayed to board members how this is an integrity issue and should be followed up on if possible. Duane Stanley explained the process the office uses for sending out the use of force test when a weapons instructor requests one. Haugen also expressed concerns about the use of this "study guide." Board members requested administrative staff create a statement for weapons instructors indicating it is a violation of the administrative rules to disseminate the test when they administer the test. Chairman Witkowski explained to board members the options available as stated in the administrative rules and century code. At this meeting, the POST Board requested that the BCI be contacted for a follow up investigation.

At the May 13, 2015 meeting, Duane Stanley provided the reports of the investigation that S/A Quam had conducted and informed the Board Members that the test had been forwarded by Northwood Police Chief Stan Baker. Board Members were also informed that a statement in red was placed at the top of the use of force test explaining one could not disseminate the test.

There was discussion on revoking Chief Baker's instructor certification for a year and questions regarding the process when and if Chief Baker made a request to get his instructor certification back after a year.

## **Motion**

Steve Engen made a motion to revoke Chief Stan Baker's instructor certification for a year and that Chief Stan Baker would need to make a personal appearance before the Board to get his instructor certification reinstated after a year. Chad Kaiser seconded the motion. All in favor, motion carried.

## **Dickinson PD Funding Clarification**

At the May 15, 2015, POST Board meeting, the Dickinson Police Department sent in a request asking for \$75,000.00 for the Northwestern School of Police Staff and Command. Tuition would be \$7,500.00 per student. The Board discussed approving the \$75,000.00 if the funding would be applied equally between all students. The Board decided to table the request until the August meeting when they would have a breakdown on meals, lodging, classroom rental from Dickinson State University, and instructor fees.

Captain Joe Cianni, Dickinson Police Department, sent in the breakdown that was requested by the Board at the May 15, 2015, meeting.

It was recommended by the funding committee to table the request again until the December 9, 2015, meeting and a representative from the Dickinson Police Department would be asked to be present at the meeting. The Board decided if there was a timeline that needed to be met a special meeting may have to be called.

## **Motion**

Chad Kaiser made a motion to table the funding request again so a representative from the Dickinson Police Department could be present at the meeting. Scott Thorsteinson seconded the motion. All in favor, motion carried.

## **Training Provider Subcommittee Update**

At the May 14, 2014, meeting, Chairman Witkowski handed out to board members a packet of information regarding the application process and guidelines as it relates to training provider guidelines. Chairman Witkowski asked that board members review these documents and provide feedback at the next board meeting. Chairman Witkowski asked for three POST Board members to create a subcommittee and go through the information he provided at the May 14, 2014, meeting to see if there were any changes needed. Steve Engen, Dan Haugen, and Chad Kaiser volunteered for the subcommittee

Chad Kaiser, Steve Engen, and Dan Haugen met to discuss the training provider requirements. There was discussion about having each course in the ND Law Enforcement Basic approved separately and then also having the Basic Training Curriculum approved as a whole course. It was also discussed that each instructor needed to be MOI certified or a subject matter expert. Board action would be needed to determine if the ND Law Enforcement Basic Training would need each course approved separately and then as a whole. It was decided this topic would be tabled until the December 9, 2015, meeting and the committee would meet again and come back with suggestions. They would also look at the curriculum and TPO's for the ND Law Enforcement Basic Training.

Chairman Ferguson called for a break at 10:07 a.m. The meeting was reconvened at 10:25 a.m.

## **New Business**

### **Rasmussen College Correctional Officer Update**

Patty Laney, Rasmussen College, updated the Board on the status of the Correctional Officer Basic Training. Rasmussen College had completed their 4<sup>th</sup> class with the 5<sup>th</sup> one starting on September 28<sup>th</sup>. Ms. Laney went into detail about the objectives and content of the course curriculum and they partner with Cass County for instructors for the Correctional Officer Basic Training. Steve Engen relayed how it is a phenomenal program and reaching out to the counties is great.

### **Partial Waiver of Basic Training (Grand Forks PD Eric Edwardson)**

The Grand Forks Police Department is requesting a partial waiver of basic training for Eric Edwardson. Lt. Greg LaHaise from the Grand Forks Police Department addressed members of the Board and answered questions. Mr. Edwardson attended Lake Region State College and became license eligible on August 17, 2011, when he took and passed the ND POST Board test. Mr. Edwardson has never been hired by an agency as a peace officer since he took the Law Enforcement Basic Training at Lake Region in 2011. Mr. Edwardson has been employed since 2013 as a correctional officer for Grand Forks county. Duane Stanley provided board members with the current administrative rule dealing with this issue.

ND POST Board Administrative Rules, 109-02-02-01(5) states: An individual who has never been employed or appointed by an agency as a peace officer for more than three years after successfully completing the basic full-time peace officer training course and licensing examination shall obtain a limited license, complete the entire basic full-time peace officer training course, successfully pass the licensing examination, and be employed by an agency in order to receive a peace officer license.

### **Motion**

Steve Engen made a motion to grant the waiver of the full academy requirements based on Mr. Edwardson's education and requirements specific for the Grand Forks Police Department and that Mr. Edwardson complete the ND Criminal and Traffic Law portions of the Basic Academy. Scott Thorsteinson seconded the motion. Chad Kaiser voted no, all others voted yes. Mike Ferguson abstained. Motion carried.

### **Funding Request**

The Grand Forks Police Department sent in a request asking for \$15,000.00 for "The Bullet Proof Warrior" training which would be held in Grand Forks December of 2015.

### **Motion**

Scott Thorsteinson made a motion to fund \$7,500.00 for "The Bullet Proof Warrior". Steve Engen seconded the motion. All in favor, motion carried.

### **Funding Request**

The Grand Forks Police Department also sent in a request asking for \$6,000.00 for "The Tactical Leader" training, which would be held in Grand Forks the first quarter in 2016.

### **Motion**

Chad Kaiser made a motion to fund \$3,000.00 for "The Tactical Leader". Steve Engen seconded the motion. All in favor, motion carried.

### **CJIS Access Denial**

BCI Director and CJIS Board member Dallas Carlson provided the Board with an overview regarding Jason Lux and the reason Mr. Lux's CJIS access had been denied at the June 2, 2015 CJIS Board meeting.. Mr. Lux, who works for the LaMoure County Sheriff's Office, was denied CJIS and NCIC access based on his past criminal history. Mr. Lux had attended Lake Region State College in 2013. Mr. Lux then went to work for the Ruby Police Department in May of 2013 through November 2013, the Pierce County Sheriff's Office from December 2013 to February 2015, and then the LaMoure County Sheriff's Office in February of 2015. At the time Mr. Lux was hired, the POST Board's Administrative Rules stating "Must not be prohibited from access to national crime information center and criminal justice information sharing databases" were not in place.

### **Motion**

Dan Haugen made a motion to initiate adverse license action against Mr. Lux due to a violation of the Administrative Rule being denied CJIS and NCIC access, which is a minimum license requirement and therefore prohibits Mr. Lux from being a licensed peace officer. Chad Kaiser seconded the motion. All in favor, motion carried.

### **Training Certification Request**

Dunn County Sheriff Clay Coker sent a letter to the POST Board asking for approval for hours for Dunn county Deputies Timothy Sul and Danielle Sigloh who attended a SWAT training in Montana. Sheriff Coker in his letter to the POST Board indicated he had forgotten to send in the proper information prior to his deputies attendance and therefore did not get the course pre-approved.

### **Motion**

Dan Haugen made a motion to deny the training hours for Timothy Sul and Danielle Sigloh. Scott Thorsteinson seconded the motion. All in favor, motion carried.

### **Instructor Certification Reinstatement Request**

Duane Stanley provided the Board with a letter from Christopher Messer, ND Highway Patrol, requesting his instructor certification be reinstated. Mr. Messer's instructor certification expired December 2014. Mr. Messer took the instructor refresher and filled out the appropriate paperwork and turned the paperwork into his supervisor. The paperwork was not received by the POST Board. Mr. Stanley reminded the Board of the previous decisions by the Board denying instructor reinstatement requests.

### **Motion**

Chad Kaiser made a motion to grant the MOI waiver. Steve Engen seconded the motion. There was further discussion as Duane Stanley once again relayed to the Board how they have ruled on past instructor issues. The vote was taken. Chad Kaiser, Steve Engen, and Sarah Warner voted yes. Scott Thorsteinson, Chairman Ferguson voted no. Dan Haugen abstained. The motion passed 3-2.

### **Firearms Instructor Waiver**

Duane Stanley provided the Board a letter received by Darcy Klimpel asking for a firearms instructor waiver based on a Smith and Wesson Instructor training Mr. Klimpel attended in February 2015. The instructor training that Mr. Klimpel attended was not POST Board approved.

### **Motion**

Scott Thorsteinson made a motion to deny the firearms instructor waiver for Mr. Klimpel. Steve Engen seconded the motion. All in favor, motion carried.

### **Extension of Basic Training**

Duane Stanley provided the Board with a letter from Sheriff Ken Halvorson requesting an extension of basic training for Brandon Maloney and Ryder Uran because of department hardship.

At the May 13, 2015, POST Board meeting Mountrail County asked for an extension of basic training for Ryder Uran to attend the September 2015 basic training. Ms. Uran was scheduled to attend the June 1, 2015, basic training in Bismarck. The request was out of hardship that would be created for the Mountrail County Sheriff's Office due to oil activity, the large amount of activity at recreational areas along the lake and the increased workload for the month due to weddings and dances. A motion was made to grant the extension of basic training for Ms. Uran based on good cause that a hardship would be created for their department.

### **Motion**

Chad Kaiser made a motion to deny the extension of basic training for Ryder Uran but to grant the extension of basic training for Brandon Maloney. Steve Engen seconded the motion. All in favor, motion carried.

### **Extension of Basic Training**

Duane Stanley provided the Board with a letter from the Bismarck Police Department requesting an extension of basic training for five officers they are hiring. There was no paperwork for limited licenses on the five officers that were hired.

## **Motion**

Steve Engen made a motion to table the request for extension of basic training for the Bismarck Police Department until they received their limited licenses. Sarah Warner seconded the motion. All in favor, motion carried.

At 11:45 Chairman Ferguson called for a short break. At 12:01 the meeting reconvened.

## **POST Board Review**

The POST Board received a termination form from the ND Highway Patrol for Jeremie Meisel. The termination form stated that Mr. Meisel resigned during an internal investigation and the ND Highway Patrol would like a POST Board review. Board member Lt. Dan Haugen provided an overview of the circumstances surrounding the resignation of Mr. Meisel and the fact the Burleigh County States Attorney Office had declined prosecution of the case after reviewing the BCI investigative reports. There was discussion by board members that what Mr. Meisel had done, was outright dishonest. It was noted that Mr. Meisel's license is active until December 13, 2015.

## **Motion**

Scott Thorsteinson made a motion that there was a code of conduct violation specifically "e" regarding this incident. Sarah Warner seconded the motion. All in favor, motion carried.

## **Motion**

Scott Thorsteinson made a motion to initiate adverse action because of a code of conduct violation on Mr. Meisel's license. Dan Haugen seconded the motion. All in favor, motion carried. Ken Sorenson will start the adverse action against Mr. Meisel.

## **Chairman Topics**

Chairman Ferguson brought up topics for the Board to think about and give their opinions about at the next POST Board meeting schedule for December 9, 2015.

The first topic Chairman Ferguson brought up was the criteria for psychological testing, medical, and background checks. Should this be left up to the physicians/doctors or should a job description be sent to the providers and attached to the license. Lake Region Director John Maritato addressed the Board explaining the two page form, the duties and the essential functions that Lake Region utilizes. There was lengthy discussion from Board members and legal counsel reference this issue.

The second topic Chairman Ferguson brought up was the course approval criteria for Methods of Instruction (MOI), Firearms Instruction, and Correctional Officer Basic. A subcommittee was created to go over these minimum requirements. The subcommittee consists of Dan Haugen, Chad Kaiser, and Steve Engen. Lt. Dan Haugen discussed setting curriculums for minimum requirements for MOI and Firearms.

The third topic brought up was the Law Enforcement and Correctional Officer Basic Training courses. The subcommittee was requested to take a look at the TPO's for the physical fitness requirements for consistency among academies.

The fourth topic was the POST Board Exam and whether it should be reviewed and updated since new administrative rules had come into effect. Board members indicated it in fact needed to be reviewed and that Dan Haugen would reach out to John Maritato in reference to this issue. There was continued discussion as to when this topic had last been addressed and what those outcomes were. Included below are minutes from past meetings that dealt with this issue.

At the April 29, 2009, POST Board meeting, the Exam Committee (Greg LaHaise, Lloyd Halvorson, and Mark Gilbertson) met on how to revise the licensing exam. It was decided by the committee that there should be three phases to revising the licensing exam. Phase 1 – Hire Mark Gilbertson to collect, gather, and analyze exam questions. Phase 2 - Take questions and revise them utilizing new questions to reflect the updated terminal performance objectives and construct three separate exams. Phase 3 – Validation of the exams through testing. The committee decided the exam revision should be finished by August 1, 2010.

At the May 12, 2010, POST Board meeting, Mark Gilbertson explained the history of the Job Task Analysis approved in 2008. The curriculum was written according to importance of the Terminal Performance Objectives for Basic Training as identified by the Job Task Analysis. According to Mark Gilbertson, only 43% of the Terminal Performance Objectives are being tested in Basic Training. Mike Gerhart feels that Terminal Performance Objectives are being covered in basic training but not necessarily are all tested. Mark Gilbertson felt that 100% of the Terminal Performance Objectives need a test question.

Nothing further was brought up after the meeting on May 12, 2010.

At 1:14 p.m. Chad Kaiser made a motion to adjourn. Steve Engen seconded the motion. All in favor, motion carried.