

**MINUTES OF THE
PEACE OFFICER STANDARDS
AND TRAINING BOARD
COMFORT INN SUITES
BISMARCK, NORTH DAKOTA
DECEMBER 11, 2019**

MEMBERS PRESENT

Jesse Jahner
Lyn James
Jason Ziegler
Sarah Warner
John Klug
Paul Lies
Tom Falck
Erik Dietrich
Dan Haugen

MEMBERS ABSENT

GUESTS

Matt Hiatt
David Todd
Mike Sanden
Eldon Mehrer
Travis Stefonowicz
Doug Langhoff
John Maritato
Jason Dvorak
Bill Macki
Joe Knowski
Bryce Masset
Fred Whittingham
Brian Boney
Mike Brost
Lyle Sinclair
Scott Warzecha
Paul Emerson

LEGAL COUNSEL

Mike Mahoney

ADMINISTRATIVE STAFF

Duane Stanley
Monica Sebastian

Chairman John Klug called the meeting to order at 1:00 p.m. Duane Stanley took the roll. All members were present. It should be noted that Tom Falck was present through conference call.

Funding Request

The Stark County Sheriff's Office is asking for \$13,900 for training titled "The Bulletproof Mindset". The course will be held in February of 2020.

Motion

Dan Haugen made a motion to approve "The Bulletproof Mindset" for \$13,900. Paul Lies seconded the motion. All in favor, motion carried.

Funding Request

The ND Highway Patrol is asking for \$25,000 for training titled "IACP Leadership in Police Organizations". The course will be held in February, March and April of 2020.

Motion

Paul Lies made a motion to approve the "IACP Leadership in Police Organizations" for \$25,000. Erik Dietrich seconded the motion. All in favor, motion carried.

Funding Request

The Mandan Police Department is asking for \$3,400 for training titled "K-9 Search and Seizure". The course will be held in March of 2020.

Motion

Jesse Jahner made a motion to approve the "K-9 Search and Seizure" training for \$3,400. Lyn James seconded the motion. All in favor, motion carried.

Funding Request

The Ward County Sheriff's Office is asking for \$7,250 for training titled "Forensic Pieces – Basic Bloodstain Pattern Analysis". The course will be held in May of 2020.

Motion

Dan Haugen made a motion to approve the "Forensic Pieces – Basic Bloodstain Pattern Analysis" for \$7,250. Paul Lies seconded the motion. All in favor, motion carried.

Funding Request

The Grand Forks Police Department is asking for \$10,900 for a training titled "Legally Justified: But was it Avoidable" and "Tactical Leadership". Both courses will be held in May of 2020.

Motion

Dan Haugen made a motion to approve both “Legally Justified: But was it Avoidable” and “Tactical Leadership” for \$10,900. Sarah Warner seconded the motion. All in favor, motion carried.

Funding Request

The West Fargo Police Department is asking for \$7,500 for a training titled “K-9 Defense Bite Building and Decoy Effects”. This course will be held in May of 2020.

Motion

Dan Haugen made a motion to approve “K-9 Defense Bite Building and Decoy Effects” for \$7,500. Jesse Jahner seconded the motion. All in favor, motion carried.

Extension of Basic Training – Grant Jaeche (UND PD)

The ND POST Board received a letter from the UND PD asking for an extension of basic training for Grant Jaeche, who was initially scheduled to attend the February 2020 academy in Bismarck. Due to department financial hardship, family burden and availability of Mr. Jaeche to the department they requested he attend basic training through Lake Region in Grand Forks.

Motion

Jesse Jahner made a motion to grant an extension of basic training for Grant Jaeche to attend the basic training through Lake Region in Grand Forks. Jason Ziegler seconded the motion. Dan Haugen voted no. All others voted yes. Motion carried.

Extension of Basic Training – Casey Joppa (Adams County SO)

The ND POST Board received a letter from the Adams County SO asking for an extension of basic training for Casey Joppa, who was initially scheduled for the February 2020 LETA. The request was for Joppa to attend basic training June 1, 2020, at the LETA due to a scheduling conflict with another Adams county deputy that is also scheduled to attend the February 2020 academy in Bismarck.

Motion

Paul Lies made a motion to grant an extension of basic training for Casey Joppa to attend the June 1, 2020, basic training in Bismarck. Sarah Warner seconded the motion. All in favor, motion carried.

Limited License (criminal history)– Brian Boney (Dunn County SO)

The Dunn County Sheriff's Office sent in paperwork to request a limited license for Brian Boney. Mr. Boney's criminal history background check indicated he had an aggravated assault with a firearm and simple assault charge back in 1995. Due to the criminal history guidelines, this issue was to be heard in front of the Board. Mr. Boney was present and answered questions from board members relating to the incident in question.

Motion

Paul Lies made a motion to grant a limited license for Brian Boney. Dan Haugen seconded the motion. All in favor, motion carried.

POST Board Hearing – Bryce Masset (19-013) 1:47 p.m.

On August 7, 2019, the POST Board received an email from Devils Lake Police Chief Joe Knowski stating that one of his officers, Bryce Masset, had been arrested for DUI on July 25, 2019. Mr. Masset was on his day off and went to a local bar. Mr. Masset drove from the bar to a gravel road where he lost control and rolled his vehicle. Mr. Masset left his vehicle and the Devils Lake PD responded to a call of a man walking and bleeding. Masset told Devils Lake PD that his vehicle had been stolen.

The POST Board reviewed the criminal judgement dated 8-19-2019 where Mr. Masset plead guilty to DUI, a Class B Misdemeanor.

Mr. Masset was present, sworn in and provided testimony to the Board regarding the incident. Mr. Masset answered questions from board members and admitted that he was driving, that his vehicle was not stolen and he was the one who crashed his vehicle.

Chief Knowski was present and also addressed the Board explaining the sanctions that had already been put on Mr. Masset. The Chief did suspend Mr. Masset for fifteen (15) days without pay.

Motion

Jesse Jahner made a motion that Bryce Masset did violate the Peace Officer Code of Conduct specifically 109-02-05-01(4c) (4e) and that Mr. Masset's conduct has a direct bearing on his ability to perform peace officer duties. Erik Dietrich seconded the motion. Paul Lies voted no. All others voted yes. Motion carried.

Motion

Jesse Jahner made a motion to start adverse action in accordance with NDCC 12-63-12. Sarah Warner seconded the motion. All in favor, motion carried.

There was discussion by board members regarding a possible sanction of Mr. Masset's peace officer license. Board members discussed an additional period of suspension to be imposed above what the chief had already done and then followed by a period of probation.

Motion

Dan Haugen made a motion to suspend Mr. Masset's Peace Officer License for one hundred (100) hours to be served by February 1, 2020, followed by probation to run concurrent with the criminal charge until August 20, 2020 and that there be no other criminal violations or violations of the Peace Officer Code of Conduct during that time. Paul Lies seconded the motion. All in favor, motion carried.

POST Board Hearing – Douglas Langhoff Jr. (19-015) 2:20 p.m.

On July 22, 2019, the POST Board received a termination form from Bowman County Sheriff Frank Eberle regarding Douglas Langhoff Jr. In the termination form, the box was checked for POST Board review and for the cause of termination, it was written that Mr. Langhoff "had the choice of being fired for violation of NDCC disorderly conduct and violation of the Sherriff's Office policies or chose to resign, he chose to resign".

S/A Nickel was present at the hearing, sworn in and provided testimony to the Board regarding his investigation of the incident.

S/A Nickel met with Bowman County Sheriff Frank Eberle in Bowman ND. Sheriff Eberle stated that on July 15, 2019, Mr. Langhoff and Mr. Langhoff's wife, Beth Langhoff, went to the Bowman Lodge and caused a scene in response to their daughter allegedly having rocks thrown at her and a male employee of the Bowman Lodge by another employee of the Bowman Lodge.

Mr. Langhoff was in uniform when he entered the Bowman Lodge. Video showed Mr. Langhoff walk into the lobby of the Bowman Lodge, approach the front desk and motion for someone behind the desk to come towards him. Mr. Langhoff took his handcuffs out of his vest and held the cuffs in his hand. Mr. Langhoff grabbed another Bowman Lodge employees left arm and pulled her towards him to handcuff her.

Mr. Langhoff was also present and sworn in. During testimony, Mr. Langhoff stated that he was going to handcuff the Bowman Lodge employee but his wife came in and he decided he may need to handcuff his wife. There were numerous questions from board members regarding this incident. Based on Mr. Langhoff's answers and demeanor, the question was posed as to whether or not the Board could request testing for fitness for duty for Mr. Langhoff. Board members also relayed to Mr. Langhoff that he maybe shouldn't be in the law enforcement field based on his answers and how he stated this incident has affected him.

Motion

Paul Lies made a motion that Douglas Langhoff did violate the Peace Officer Code of Conduct specifically 109-02-05-01(4c) and that Mr. Langhoff's conduct has a direct bearing on his ability to perform peace officer duties. Dan Haugen seconded the motion. Jesse Jahner, Erik Dietrich, Jason Ziegler and Sarah Warner voted no. Paul Lies, Dan Haugen, Lyn James, Tom Falck and John Klug voted yes. Motion carried 5-4.

Motion

Paul Lies made a motion to start adverse action in accordance with NDCC 12-63-12. Tom Falck seconded the motion. Jesse Jahner, Erik Dietrich, Jason Ziegler and Sarah Warner voted no. Paul Lies, Dan Haugen, Lyn James, Tom Falck and John Klug voted yes. Motion carried 5-4.

There was discussion by board members regarding a possible sanction of Mr. Langhoff's peace officer license. Board members wanted Mr. Langhoff to attend anger management classes and complete any required follow up within 90 days to keep his peace officer license.

Motion

Paul Lies made a motion that Mr. Langhoff attend anger management classes and complete any required follow up within 90 days to keep his peace officer license. Dan Haugen seconded the motion. All in favor, motion carried.

At 3:37 PM, Chairman Klug called for a short recess. The meeting was called back to order at 3:48PM. Due to technical difficulties, Tom Falck was not on the phone for a short period of time but was back on for the next agenda item.

Fargo PD Peace Officer Training Academy

Prior to the meeting, the Fargo PD provided the POST Board Office with the course curriculum/agenda/instructor information regarding a proposed basic academy to be held in Fargo.

Members from the Fargo PD came in front of the Board asking for approval to have their own Peace Officer Basic Training program. Chief Dave Todd, Lt. Travis Stefanowowicz, and Sgt. Mike Sanden all addressed the Board at various times answering questions from board members. This academy would be held once a year and will need to meet the requirements as defined by the POST Board.

Motion

Dan Haugen made a motion that Fargo PD be granted provisional certification until the Board meets and discusses administrative rule 109-02-04-07, certification of training providers. Paul Lies seconded the motion. All in favor, motion carried.

Cass County Correctional Officer Basic Training

Cass County SO sent in a request for their Correctional Officer Basic Training to be approved. Duane Stanley submitted the information on the basic training to Board members and relayed how the course content, curriculum and instructor information was in line with what had been previously approved.

Motion

Lyn James made a motion to approve the Cass County Correctional Officer Basic Training. Sarah Warner seconded the motion. All in favor, motion carried.

POST Board Hearing – Brandon Lawson (19-014) 4:25 p.m.

On July 19, 2019, the POST Board received a termination form from the Williston PD regarding Brandon Lawson. In the cause of termination it stated that during a criminal and internal investigation, Mr. Lawson was untruthful. S/A Matt Hiatt from BCI was assigned to this case.

On June 7, 2019, Mr. Lawson made a traffic stop on a vehicle for a cracked windshield and license plate violation. The female driver was arrested for outstanding warrants through a separate jurisdiction. During the traffic stop there was a body camera on Mr. Lawson. Mr. Lawson asked for the individuals name and Mr. Lawson acted like he did not know this person. The driver seemed to be agitated and confused with Mr. Lawson. Once in the vehicle, while being transported to jail, Mr. Lawson could be heard saying “I didn’t think you had them still” and “I thought you turned yourself in.”

S/A Hiatt was present, sworn in and provided testimony to the Board regarding his investigation. During the investigation it was learned that the driver of the vehicle and Mr. Lawson had a sexual relationship. There were also snapchat pictures of Mr. Lawson at the female residence, a photo of Mr. Lawson’s badge and a photo of Mr. Lawson and a bottle of alleged alcohol on a counter top. It should be noted that the female was under 21 years of age and had alleged smoking marijuana and drinking alcohol with Mr. Lawson. S/A Hiatt relayed to Board members he did not have enough evidence for criminal charges but stated he believed Mr. Lawson was not honest with him during the investigation. This was based on Mr. Lawson’s statements during the internal investigation that had been conducted by the Williston PD, Lawson’s statements on his body camera, in car video statements along with S/A Hiatt’s interview with Mr. Lawson.

Motion

Jesse Jahner made a motion that Brandon Lawson did violate the Peace Officer Code of Conduct specifically 109-02-05-01(4e) and that Mr. Lawson’s conduct has a direct bearing on his ability to perform peace officer duties. Jason Zeigler seconded the motion. All in favor, motion carried.

Motion

Jesse Jahner made a motion to start adverse action in accordance with NDCC 12-63-12. Jason Ziegler seconded the motion. All in favor, motion carried.

There was discussion by board members regarding a possible sanction of Mr. Lawson’s peace officer license. Board members discussed revoking Mr. Lawson’s license.

Motion

Dan Haugen made a motion to revoke Mr. Lawson’s Peace Officer License. Jason Zeigler seconded the motion. All in favor, motion carried.

Meeting Minutes

Minutes were reviewed from the August 21, 2019, regular POST Board meeting.

Motion

Sarah Wanner made a motion to approve the minutes from the August 21, 2019, regular POST Board meeting. Paul Lies seconded the motion. All in favor, motion carried.

Meeting Minutes

Minutes were reviewed from the October 2, 2019, special meeting. Erik Dietrich stated his name was misspelled.

Motion

Paul Lies made a motion to approve the minutes from the October 2, 2019, special meeting with the correction in the spelling of Erik Dietrich's name. Jesse Jahner seconded the motion. All in favor, motion carried.

Financial Report

Duane Stanley provided documentation and details of the financial report from January 1, 2019, to December 4, 2019 regarding the account at BNC Bank and the account at BND.

Motion

Paul Lies made a motion to approve the financial report from January 1, 2019, through December 4, 2019. Sarah Warner seconded the motion. All in favor, motion carried.

2020 Proposed Budget

Duane Stanley went over the proposed budget for 2020.

Motion

Paul Lies made a motion to approve the 2020 budget. Sarah Warner seconded the motion. All in favor, motion carried.

Meeting Dates for 2020

Duane Stanley suggested the following dates for the 2020 regular POST Board meetings: February 19, May 13, August 5, and December 9. Board members agreed to those dates.

Special Meeting Dates for 2020

Duane Stanley recommended dates for the 2020 special meetings if needed. April 1, June 17, and October 7 were agreed upon by the Board.

Old Business

Adverse License Action Updates – Richard Anderson

Duane Stanley relayed that an Amended Findings of Fact, Conclusions of Law and Revocation Order went out on 9-25-2019 and Mr. Anderson took delivery on 9-30-2019.

Adverse License Update – Cassy Larson

Duane Stanley relayed to the Board the Ms. Larson had not complied with the initial order from the Board and therefore an Amended Findings of Fact, Conclusions of Law and Suspension Order went out 9-4-2019. The POST Board Office received the required paperwork from Ms. Larson on 9-5-2019 in reference to her initial order. It should be noted that Ms. Larson needs to make a personal appearance in front of the Board to officially reinstate her license if and when she is rehired by an agency.

Training Provider Certification Request

There was discussion regarding training provider certification and the regulations involving a training provider. A subcommittee was formed to go over the regulations regarding this issue. Dan Haugen, Tom Falck, Jesse Jahner and Paul Lies were assigned to the subcommittee. Dan Haugen will be chairman.

POST Board legal counsel Mike Mahoney provided board members with documentation and an overview of the recent professional board training. Mr. Mahoney went into detail regarding conflicts of interest and what is required to abstain from voting and the procedures the Board needs to follow.

Lyn James and Tom Falck left the meeting at this time.

New Business

Criminal and Traffic Law – one week vs two weeks

Duane Stanley brought up the issue of the “two week waiver” regarding the criminal and traffic portions of the academy, the training hour differential, and the scheduling changes that are made at the last minute when academy seats are already spoken for in one location and then are moved to a different academy location at the last minute. There was discussion amongst Board members and Lake Region Police Basic Academy Director John Maritato regarding the criminal and traffic portions of the basic training and the hour difference between Lake Region and the LETA in Bismarck. There was also discussion of calling the two week traffic and criminal law portion of the academy the “reciprocity course” instead of the two week criminal and traffic law and that the reciprocity course only be attended at the LETA in Bismarck.

Motion

Paul Lies made a motion that the two week criminal and traffic law now be called the “Reciprocity Course” and that the reciprocity course may only be attended at the LETA in Bismarck. Erik Dietrich seconded the motion. All in favor, motion carried.

Continuing Education

There was discussion regarding the end of year license renewals and how individuals that need to renew their licenses do not have enough hours so they go to the LETA or Lake Region and sit in on the basic class just to get hours to renew their license. It was discussed that officers should be getting continuing education outside of attending the basic academy as the purpose of that was to initially get their peace officer certification and not sit in on a basic training program just to keep up a license. The intent of continuing education is to advance ones learning and not to take the same thing over and over.

Motion

Dan Haugen made a motion that as of January 1, 2020, continuing education hours may not be obtained from the ND Basic curriculum that is taught at LETA and Lake Region. Paul Lies seconded the motion. All in favor, motion carried.

Military Law Enforcement Training

Dan Haugen brought up that currently the Army and Marines law enforcement training has been accepted to qualify for a police basic waiver. Mr. Haugen relayed that he had reviewed the curriculum for the Air Force and suggested that the Air Force Military Police Training taught at Lackland AFB also qualify and be accepted for the waiver.

Motion

Dan Haugen made a motion to accept Air Force military police training and that it be eligible to receive the police basic waiver. Paul Lies seconded the motion. All in favor, motion carried.

New Licensing Process

There was discussion regarding the new online licensing process through the Attorney General's website and some issues with the learning curve. There was discussion about not charging a late renewal for the first thirty days of 2020.

Motion

Dan Haugen made a motion that because of the learning curve with the new process that P.O.S.T. waive the late fees until February 1, 2020. Sarah Warner seconded the motion. All in favor, motion carried.

Out of State Conferences

Dan Haugen brought up the issue regarding having the main out of state conferences automatically approved and just submitting the information when the attendee returns. The administrative rules state any training needs to be approved 15 days in advance. There was also discussion that if we do this there will be no way of keeping track and assigning course numbers for approval along with the issue of dealing with what actually defines a main or

standard conference. How to reconcile individuals that attend conferences that feel their specific conference should be on the list when it isn't etc. It was decided to leave everything as is and submit the paperwork and request beforehand as the administrative rules require.

ND Law Enforcement Database

Kylan Klauzer, Dickinson PD, sent a letter to the Board regarding the concept of a ND Law Enforcement Applicant Database to track applicants that have applied at various departments across the state and have had conditional offers rescinded or terminated. The concept of this would be to develop and make an easily accessible online database viewable to law enforcement agencies across ND. In talking with legal counsel, this does not fit the POST Board's legal authority.

Reserve Officer Discussion

There had been discussion at previous board meetings about regulating reserve deputies and this task falling under the ND POST Board. At one of those meetings, an overview of the Cass County Sheriffs Reserve Unit and how their program operates had been relayed to the Board. Jesse Jahner brought up that the Board needs to begin to formulate the training parameters and other issues that the Board deems necessary to regulate reserve officers in order to be proactive for any legislative issues that may come up in the future regarding this topic. A subcommittee was set up to discuss this. The subcommittee will consist of Jesse Jahner, Paul Lies and Jason Zeigler. Jesse Jahner will be chairman.

It was explained to board members that these subcommittee meetings need to follow the rules that apply to open meetings law.

Funding Requests

There was discussion amongst the Board members regarding funding requests. In the past there have been some agencies that attend the Board meeting when requesting funds and some agencies that have not attended. The Board requested a statement be added on the funding request form that mandates a personnel appearance of a representative from the agency in case the Board has any questions regarding the request.

Motion

At 6:31 p.m., Paul Lies made a motion to adjourn. Jason Ziegler seconded the motion. All in favor, meeting adjourned.