

**MINUTES OF THE
PEACE OFFICER STANDARDS
AND TRAINING BOARD
COMFORT INN SUITES
BISMARCK, NORTH DAKOTA
FEBRUARY 13, 2019**

MEMBERS PRESENT

Jesse Jahner
Dan Haugen
Jason Ziegler
Sarah Warner
John Klug
Erik Dietrich
Paul Lies

MEMBERS ABSENT

Tom Falk
Lyn James

GUESTS

Cassy Larson
Randy Haugenoe
Tanner Farstveet
Claudette Reno

LEGAL COUNSEL

Mike Mahoney

ADMINISTRATIVE STAFF

Duane Stanley
Monica Sebastian

The meeting was called to order by Chairman John Klug at 1:01 p.m. Duane Stanley took the roll. All members except Tom Falck and Lyn James were present. It should be noted that due to technical difficulties, the audio recording did not start until 1:07 p.m.

Psychological Provider

Dr. Karli Ghering contacted the POST Board and asked if Dr. Claudette Reno could also become a POST Board approved psychological provider and what that process would entail. Dr. Ghering and Dr. Reno are currently licensed psychologists at Bismarck Psychological Associates.

Dr. Reno addressed the Board explaining her credentials and answered questions from board members regarding her process of testing and assessing current law enforcement personnel and prospective employees in that career field.

Motion

Paul Lies made a motion to approve Dr. Reno as a POST approved psychological provider. Sarah Warner seconded the motion. All in favor, motion carried.

Limited License – Tanner Farstveet (Williston PD)

Williston PD sent in limited license paperwork for Tanner Farstveet. Due to Mr. Farstveet being convicted of “Endanger Welfare of Child” in Montana in 2011, Mr. Farstveet needed to come before the Board to explain the circumstances of this event. In the police report from Montana, it stated that Mr. Farstveet had provided alcohol to minors. Mr. Farstveet was present and the Board asked him questions regarding this incident.

Motion

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

POST Board Hearing – Cassy Larson (19-001) 1:34 p.m.

The POST Board received a termination form from the Department of Corrections for Cassy Larson on December 18, 2018.

Ms. Larson was charged with Actual Physical Control of a Motor Vehicle While Under the Influence of Alcohol with a BAC of .08 or greater, on or about November 21, 2018, in Burleigh County. Ms. Larson submitted to a chemical breath test with the reported result being 0.197. Ms. Larson subsequently pled guilty in Burleigh County District Court in Case No. BI-2018-CR-05107/001 to Actual Physical control, a Class B Misdemeanor.

Mr. Larson came in front of the Board to answer any questions they had for her regarding her arrest and conviction.

Motion

Dan Haugen made a motion that Cassy Larson did violate the Peace Officer Code of Conduct specifically 109-02-05-01(4c) and that Ms. Larson’s conduct has a direct bearing on her ability to perform peace officer duties. Jason Ziegler seconded the motion. All in favor, motion carried.

Motion

Dan Haugen made a motion to start adverse action in accordance with NDCC 12-63-12. Paul Lies seconded the motion. All in favor, motion carried.

There was discussion by board members regarding a possible sanction of Ms. Larson’s Peace Officer License.

Motion

Dan Haugen made a motion to suspend Ms. Larson’s Peace Officer License for ten days followed by one year probation all starting February 13, 2019, along with providing documentation to the Board that she completed the recommendations made from the court ordered evaluation and that there are no other criminal violations or violations of the Peace Officer Code of Conduct. Jesse Jahner seconded the motion. All in favor, motion carried.

Meeting Minutes

Minutes were reviewed from the December 6, 2018, regular POST Board meeting. Eric Dietrich brought up the fact that Jason Ziegler's name was not in the minutes but Chad Kaiser's was.

Motion

Sarah Warner made a motion to approve the minutes from the December 6, 2018, regular POST Board meeting with the correction mentioned. Paul Lies 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, 2019, through February 12, 2019.

Motion

Paul Lies made a motion to approve the financial report from January 1, 2019, through February 12, 2019. Sarah Warner seconded the motion. All in favor, motion carried.

Old Business

Adverse License Action Updates – Bryton Dahl

On December 14, 2017, there was a POST Board hearing regarding Bryton Dahl. North Dakota court records show that Mr. Dahl had been charged in Williams County District Court with Corruption/Solicitation of a Minor, a Class C Felony, in Case No. 53-2017-CR-01165.

A motion was made that Bryton Dahl did violate the Peace Officer Code of Conduct, specifically 109-02-05-01(4c), and that Mr. Dahl's conduct has a direct bearing on his ability to perform peace officer duties.

A motion was made to start adverse action in accordance with NDCC 12-63-12.

The POST Board suspended Mr. Dahl's license until the criminal process is complete and at that time revisit the matter.

Mr. Dahl was found guilty by jury and a motion was filed to retry the case.

Mr. Dahl is being sentenced at the end of this month.

Adverse License Action Update – Richard Anderson

On August 15, 2018, there was a POST Board hearing regarding Richard Anderson. Mr. Anderson was charged in McLean County with Corruption of a Minor, a Class C Felony; Luring of a Minor by Computer or Other Electronic Means, a Class C Felony; Sexual Assault, a Class C Felony; and Indecent Exposure, a Class A Misdemeanor.

A motion was made that Richard Anderson did violate the Peace Officer Code of Conduct, specifically 109-02-05-01(4c), and that Mr. Anderson's conduct has a direct bearing on his ability to perform peace officer duties.

A motion was made to start adverse action in accordance with NDCC 12-63-12.

A motion was made to suspend Mr. Anderson's license until after the criminal process is complete and then revisit the case.

Mr. Anderson's case is moving forward with a pre-sentence investigation having been ordered.

2019 IADLEST Conference

The 2019 IADLEST Conference will be held in Milwaukee, Wisconsin, June 9-12, 2019. It was discussed what Board members wanted to go. Executive Secretary Duane Stanley brought up paying mileage for members that would like to drive instead of fly as the cost was similar.

Motion

Paul Lies made a motion to approve attendance at the 2019 IADLEST Conference June 9-12, 2019, in Milwaukee, Wisconsin, for up to six Board members plus support staff to attend the conference and pay for mileage for those that would like to drive. Jesse Jahner seconded the motion. All in favor, motion carried.

Reserve Officers Proposed HB1459

Mark Friese, a defense attorney from Cass County, wrote a blog regarding reserve officers in ND. He stated that ND Law Enforcement agencies routinely use unlicensed, unregulated officers and that the Legislature must stop it. Jesse Jahner, Sheriff of Cass County, replied to the blog. In his response, Sheriff Jahner explained that Cass County selection process for reserve officers is very rigorous. They conduct a criminal record pre-screening before any applicant would be eligible for an interview. If they pass the interview process, they would then have a full background, polygraph examination, psychological evaluation, drug screening, credit history check, and they would check references. Sheriff Jahner went on to explain how many hours are required to be a reserve deputy and what other hours are required after they are a reserve deputy.

Sheriff Jahner explained Cass County's position regarding reserve officers and asked the Board if they would be in support of the ND POST Board overseeing the regulation of reserve officers. Sheriff Jahner also explained the interaction Sheriff Jahner had with a legislator regarding this issue and educating them on some of the concerns and perceptions they had regarding reserve officers.

There was further discussion by board members regarding the issue of training reserve officers in other jurisdictions around the state.

Motion

Dan Haugen made a motion to allow Sheriff Jahner to vote in the upcoming motion. Eric Dietrich seconded the motion. All in favor, motion carried.

Motion

Paul Lies made a motion that POST Board support legislation for the oversight of reserve deputies and officers. Sarah Warner seconded the motion. All in favor, motion carried.

Chairman Klug called for a short recess at 2:47p.m.

Chairman Klug called the meeting back to order and went on the record at 2:57p.m.

It should be noted, Erik Dietrich was not present for the remainder of the meeting once it was called to order after the break.

POST Board Role Regarding Correctional Officer Basic Academy and Corrections Training

Executive Secretary Duane Stanley addressed the Board providing some history and background regarding the POST Boards current role approving correctional officer basic curriculum as defined in the POST Board Administrative rules. Executive Secretary Stanley went on to explain the numerous calls the office had been receiving regarding “waivers” for correctional officer basic training. Executive Secretary Stanley relayed that the office had received statutes and administrative rules documentation specific to DOCR and in those statutes and rules, there was specific language referring back to the POST Board and its role in corrections. Some of the language mirrored the language in the POST Board Administrative Rules regarding correctional officer basic training waivers etc. The POST Board Office was unaware these statutes and administrative rules relating to the POST Board even existed. These documents were included in the items sent out to board members for their knowledge and review prior to the meeting. Executive Secretary Stanley and Legal Counsel Mike Mahoney gave an overview of the meeting they had at the state penitentiary with the Warden, DOCR legal counsel and their staff in regards to the POST Boards role in correctional training. The POST Boards position at the meeting was that the Board would not be granting any correctional basic training waivers as our statutes and administrative rules do not grant that authority. There was discussion with DOCR is regards to the possibility of utilizing someone from there staff to be a subject matter expert to assist the POST Board in reviewing and approving correctional officer basic curriculum since the Board no longer had a member from DOCR appointed as a Board member. There was no commitment from DOCR regarding this issue.

Mike Mahoney stated he will do some research on this topic.

Use of POST Board Logo Regarding DOCR Online Training

Maren Arbach, Director of Training at DOCR, emailed Monica Sebastian and Executive Secretary Duane Stanley asking if DOCR can use the POST Board logo as an indicator on their online classes for DOCR employees.

The Board had discussion regarding DOCR using the POST Board logo.

Motion

Paul Lies made a motion to deny DOCR using the POST Board logo on their online classes. Jason Ziegler seconded the motion. All in favor, motion carried.

Motion

At 3:18 p.m., Paul Lies made a motion to adjourn. Sarah Warner seconded the motion. All in favor, meeting adjourned.