

**MINUTES OF THE
PEACE OFFICER STANDARDS
AND TRAINING BOARD
QUALITY INN
BISMARCK, NORTH DAKOTA
FEBRUARY 10, 2021**

MEMBERS PRESENT

Tom Falck
Dan Haugen
Jason Ziegler
Joe Cianni
John Klug
Erik Dietrich
Jesse Jahner
Paul Lies

GUESTS

Corey Bristol
Shayla Rodgers
David Brummett
Ryan Welsh
Steve Nelson
Nathan Gustafson
Joe Knowski

ADMINISTRATIVE STAFF

Monica Sebastian
Duane Stanley

Chairman John Klug called the meeting to order at 1:00 p.m. Duane Stanley took the roll. All members were present except Paul Lies and Lyn James. It should be noted that Tom Falck and Joe Cianni were present through Teams meeting. Paul Lies joined the meeting at 1:09 p.m. also through the Teams meeting platform. It should be noted there were numerous other individuals present as guests either through Teams or directly calling in.

Limited License - Shayla Rodgers (Mountrail County)

Mountrail County Sheriff's Office sent in paperwork to request a limited license for Shayla Rodgers. Ms. Rodgers criminal history background check showed she had a disorderly conduct charge in 2007. Due to the criminal history guidelines, the disorderly conduct issue was to be heard in front of the Board. Ms. Rodgers was present and answered questions from board members relating to the incident in question. Stark County Sheriff Corey Lee also addressed the Board regarding the incident involving Ms. Rodgers.

MEMBERS ABSENT

Lyn James

LEGAL COUNSEL

Mike Mahoney

Motion

Dan Haugen made a motion to grant Shayla Rodgers' limited license. Jesse Jahner seconded the motion. All in favor, motion carried.

POST Continuing Education at Academies

Ramsey County Sheriff Steve Nelson came in front of the Board and explained how smaller agencies have a more difficult time getting training hours for their officers. He stated for refreshers or standalone courses (Example: CPR refresher, first aid refresher, SFST refresher, etc.) it would be beneficial for the officers to attend the academies that are hosting these classes. Sheriff Nelson was in agreement with the Board that this service should not be abused by officers needing continuing education hours at the last minute to keep up their license. The Board had discussion and decided it would be up to each academy director whether they have space and would allow officers to attend for certain standalone approved courses.

Old Business

Shannon Slunecka

Shannon Slunecka was at the September academy at the LETA with a limited license. On October 27, 2020, Lt. Haugen, Director of the LETA, dismissed Slunecka from the academy for dishonesty, rule violation and cheating. On October 23, 2020, Slunecka failed her weekly exam. Lt. Haugen gave Slunecka one more chance to pass the weekly exam. The room where the exam was done was video and audio recorded. During the exam it was noticed that Slunecka had an iPhone ear bud in her ear. During this time, Slunecka began reading every question on the exam out loud, including the answers. On October 27, 2020, Lt. Haugen and the training sergeant confronted Slunecka. Slunecka had an answer that conflicted with what was on the video. When Lt. Haugen brought that up, Slunecka changed her answers to match what was on the video. Executive Secretary Stanley relayed that the Findings of Fact, Conclusions of Law and Order of Revocation for Slunecka's Limited License were mailed out February 4, 2021.

Dave Stewart

A citizen complaint had been received at the POST Board Office stating that David Stewart had been caught drinking alcohol during work hours on May 19, 2020. A hearing was held, and adverse license action was taken. A signed Stipulation and Order of Suspension was received from Stewart. The POST Board Office also received a letter of verification from Bismarck Chief Draovitch that Stuart had complied with the Order of Suspension.

Scott Warzecha

On November 18, 2020, the POST Board received a termination form for Scott Warzecha from the Mandan PD. The cause of termination stated that Warzecha was terminated after being charged with use of a minor in a sexual performance and two counts of surreptitious intrusion. An investigation was conducted by NDBCI after allegations that Warzecha hid a cell phone and video recorded a minor child undressing and showering. A POST Board hearing was held,

and adverse license action was taken. An Order of Suspension was sent out certified mail registered receipt and was received December 28, 2020.

Alex Cogdill

On or about November 26, 2019, while employed with the Carrington PD, Alex Cogdill was visiting with a coworker. During this visit, Cogdill disclosed to his coworker that Cogdill performed oral sex on "Jane Doe" who was seventeen (17) years old. Cogdill was twenty-six (26) years old. During a polygraph that was done on Cogdill, Cogdill admitted to using his fingers to digitally penetrate Jane Doe's vagina. Cogdill also admitted to performing oral sex on Jane Doe on two (2) separate occasions at his apartment in Carrington, ND. The oral sex occurred in November 2019 and December 2019. At the time of the oral sex, Jane Doe was seventeen (17) years old. Pretrial is set for July 7, 2020. Cogdill ultimately pled guilty to Fornication, a Class A Misdemeanor. On February 4, 2021, the Findings of Fact, Conclusions of Law and Order of Revocation for Cogdill's peace officer license were sent out certified mail registered receipt.

Shaeleen Hillerson

On April 4, 2020, the ND POST Board received a termination form and supporting documentation from Eddy County Sheriff's Office regarding Shaeleen Hillerson. On the termination report it stated that Hillerson was arrested for shoplifting at the Bismarck Target Store. In the report it stated that Hillerson, on or about March 8, 2020, was involved in an interaction with the Bismarck Police Department in the Kirkwood Mall at the Target store in Bismarck, ND. As of this meeting date, is currently suspended and the criminal case had not yet concluded.

David Christensen

Executive Secretary Stanley relayed that there are multiple misdemeanors warrants in the system for David Christensen and that the court case for Christensen is listed as inactive. The word is that Christensen is at an unknown location in Montana and the warrants are not extraditable. Christensen's license is currently suspended

Alixandria Brumitt

On August 6, 2020, the ND POST Board received a termination form and supporting documentation from the UND Police Department regarding Alexandria Brumitt. On the termination report it stated that Brumitt was terminated for violation of department policy 340, standards of conduct. Brumitt was attending Lake Region State College Law Enforcement (LE) Academy on a limited license through UND PD. While in the LE Academy allegations of misconduct were made against Brumitt, which included multiple incidents involving driving under the influence and delivering alcohol to an individual under twenty-one years of age. She also showed her UND PD identification card where they ordered food and drinks and identified herself as law enforcement and requested a law enforcement discount.

During the investigation and interviews with Brumitt, it was determined that Brumitt lied during the investigation regarding her driving under the influence. A hearing was held, adverse license action was taken and on December 4, 2020, a Findings of Fact, Conclusions of Law

and Order of Revocation for Brumitt's limited license was mailed certified mail registered receipt.

Ryan Welsh

The ND POST Board received communication from Sheriff Trey Skager that on July 10, 2020, Ryan Welsh was accused of committing the offenses of domestic violence, bodily injury, and unlawful imprisonment. On July 29, 2020, Welsh, the victim (Jane Doe) and two other individuals were at a house in Douglas, ND, which is in Ward County. Doe and Welsh previously dated making Doe a family or household member of Welsh. Doe stated that approximately around 1 a.m. on July 10, 2020, she was tired and went to lay down in the bedroom. Someone came into the room and laid down next to her. She discovered that it was Welsh laying next to her. Doe tried to get up off the bed and Welsh grabbed her, keeping her from getting up. Welsh stated he wanted to talk to her. Doe stated she tried getting up off the bed for approximately five minutes.

Devils Lake Chief Joe Knowski addressed the Board wanting to find out the status of Mr. Welsh's license with regards to potentially hiring him. The Board had discussion and decided to stay with their initial recommendation to make a decision regarding Mr. Welsh's license and revisit the matter after the court case has concluded.

Statewide Standardized Shooting Course

Chief Charles Headley sent a letter to the POST Board regarding having a statewide standardized shooting course for annual qualifications. The Board had discussion regarding this suggestion and decided to leave it up to each agency on what type of shooting course they would like for annual qualifications. Each agency carries a different weapon with different amounts of ammunition, and they train for different scenarios that match what their policies dictate.

IADLEST Conference 2021

Executive Secretary Duane Stanley stated the 2021 IADLEST Conference is scheduled to be held May 23-26, 2021. Stanley asked who would be interested in attending. Jason Ziegler Paul Lies and Tom Falck stated they would be interested.

Instructor Reinstatement – Jesse Wellen

Jesse Wellen sent in a letter requesting reinstatement for his instructor certification. Wellen's instructor certification expired December 31, 2019. Wellen had called in and answered questions from the Board regarding this issue.

Motion

Erik Dietrich made a motion to deny the reinstatement of Jesse Wellen's instructor certification and he will need to attend MOI and a firearms class. Jason Ziegler seconded the motion. All in favor, motion carried.

Funding Request

The West Fargo PD is asking for \$5,500 for a training titled APTAC FTO Training. The training date is set for June 21-25, 2021.

Motion

Jesse Jahner made a motion to approve funding the APTAC FTO Training for \$5,500. Jason Ziegler seconded the motion. All in favor, motion carried.

POST Board Hearing – Nicole Shahin (21-002) 2:10 p.m.

Executive Secretary Stanley provided the Board with a brief overview of charges Nicole Shahin is currently facing in three separate counties.

On September 22, 2020, a report was submitted to the Manan Police Department from D.G. regarding a theft of her daughter's (C.G.) credit card and \$20 cash. This card was used to make a \$224.95 purchase at a local store in Mandan. This purchase was not made by D.G. or C.G.

It was reported that D.G. suspected her friend, Nicole Shahin, that had been staying with them, was the person that made this charge. D.G. explained that she had looked through Shahin's phone and observed a text message from Shahin to some other person regarding Shahin purchasing a pre-paid gift card.

On October 2, 2020, another report was taken from D.G. regarding a theft of her credit card. This credit card was used on August 18, 2020, at a hotel in Mandan for \$88.

On October 3, 2020, a Mandan PD officer was completing a civil standby with Shahin and D.G. at a Mandan residence. D.G. stated that she wanted the truth from Shahin and Shahin stated she was the person who stole the credit card.

On December 16, 2020, Shahin knowingly failed to pay \$16 worth of gas taken from a convenience store in Underwood. There was a physical description of the vehicle at that time.

On December 21, 2020, a convenience store in Washburn reported a gas drive off with the same description of the vehicle as the drive off in Underwood.

On January 18, 2021 Shahin was stopped while driving a vehicle in Foster County and ultimately charged with DUS and possession of a controlled substance and possession and drug paraphernalia.

In Morton County, Shahin was charged with two counts of unauthorized use of personal identifying information (Class C Felony). In Mclean county, one count of theft a Class B Misdemeanor. In Foster county Shahin was charged with driving while license privilege is suspended (Class B Misdemeanor) and possession of drug paraphernalia (Class A Misdemeanor) and possession of Alprazolam (Class A Misdemeanor).

Motion

Jesse Jahner made a motion that Nicole Shahin did violate the Peace Officer Code of Conduct specifically 109-02-05-01(4c) and that Shahin'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

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

There was discussion by board members regarding a possible sanction of Shahin's peace officer license. Board members discussed suspension.

Motion

Jesse Jahner made a motion to suspend Shahin's license until the completion of Shahin's court process and then revisit the issue afterwards. Jason Ziegler seconded the motion. All in favor, motion carried.

Meeting Minutes

Minutes were reviewed from the December 9, 2020, regular meeting.

Motion

Chairman John Klug asked if there were any corrections to be made. Hearing none, Chairman Klug approved the December 9, 2020, meeting minutes as noted by the Executive Secretary.

Financial Report

Executive Secretary Stanley went over the details and explained the financial report.

Motion

Chairman John Klug asked if there were any corrections to be made. Hearing none, Chairman Klug approved the financial report as noted by the Executive Secretary.

Items from the Members

Dan Haugen brought up that the ND Safety Council had reached out to him and stated they would like to teach MOI. Haugen stated that they cannot. The individual from the ND Safety Council stated that they have had agencies reaching out to them to teach MOI. The ND Safety Council stated that a sheriff's office and the Watford City PD had asked. Haugen asked if they could remember who specifically from these agencies had asked. They relayed that Jesse Wellen from Watford City has asked. Haugen then asked if they knew what the reason behind this request was. The ND Safety Council stated they were told that the LETA only teaches MOI once a year. Haugen stated he relayed to the ND Safety Council that this is incorrect. LETA teaches MOI a minimum of three times a year. But on average, for the last six years, LETA has

taught MOI five times per year, and they do not turn people away. And now, they are incorporating the technology to teach MOI virtually.

Haugen also brought up a bill that was introduced relating to bias-crime training. Haugen wanted to get the opinion of the Board if they should add TPO's relating to bias crime training and start teaching this at the academies. Brandi Hardy was online to answer any specific questions board members had regarding this topic. After discussion, Haugen was going to create TPO's for bias crime training and present those to the Board at the next scheduled meeting.

Duane Stanley relayed that he testified in front of Senate Appropriations (HP budget) on behalf of the Board regarding the training budget that is appropriated through the HP general fund and utilized by law enforcement across the state. He explained to legislators how it had been specifically utilized and how many agencies have accessed the funds in a biennium. He went on to explain how the fund has been steadily reduced over the years and asked legislators to at least maintain the fund at the last biennium level of \$200,000.

Stanley also relayed that Jason Ziegler and he testified in front of the House Judiciary regarding the bias crime bill HB1443. Ultimately the vote was 12-2 do not pass.

Stanley addressed the Board regarding a request he had received from a pathology department asking if it was possible to give CE credit to law enforcement officers if they attend an autopsy. After discussion, it was decided this was part of the casework required for doing an officer's job and a learning experience and continuing education credit would not be given.

Jesse Jahner relayed to members that the reserve officer license bill made it through the legislative process and the POST Board would now regulate reserve officer licenses. Jahner stated that the Board needs to start working out the details of the curriculum, administrative rules and the implementation of the licensing process.

Jason Ziegler brought up psychological evaluation testing and asked if there is documentation if an individual has failed a psychological evaluation previously. Stanley relayed that if the officer takes the written psychological test, the office gets the results and then forwards those to the agency. Stanley relayed that what typically has happened in the past is when an officer applying for a job fails a written psychological evaluation, the agency will then have the applicant do a face to face evaluation with a Board approved psychologist. Stanley stated that they tell the agency to forward the results of the failed test to the psychologist that will conduct the new evaluation. Whether or not that happens is unknown. Stanley relayed that the administrative rules states that the individual just needs to pass a psychological evaluation.

Motion

Jason Ziegler made a motion to adjourn the meeting. Dan Haugen seconded the motion. The meeting was adjourned at 2:46 p.m.