

**SPECIAL MEETING MINUTES OF THE
PEACE OFFICER STANDARDS
AND TRAINING BOARD**

**Stutsman County Law Enforcement Center
205 6th Street SE, Jamestown ND
January 10, 2018**

Members Present

Paul Lies
Chad Kaiser
Jesse Jahner

Members Absent

Legal Counsel

Mike Mahoney

Administrative Staff

Duane Stanley
Monica Sebastian

The meeting was called to order by Executive Secretary Duane Stanley at 9:09 a.m. The roll was taken. It should be noted this was a subcommittee and all members were present.

HB1221/NDCC Chapter 29-29.5 Confidential Informant Guidelines

POST Board Legal Counsel Mike Mahoney started out the meeting by providing guidance on how to best approach creating the rules and documents so they meet the requirements of statute.

The subcommittee reviewed NDCC 29-29.5 specifically 29-29.5-04 (2) regarding the fact the ND POST Board is being required to adopt rules with minimum requirements in the use of confidential informants.

At 10:02 Duane Stanley called a recess of the meeting. At 10:45 the meeting went back on record and was called to order.

After lengthy discussion, committee members had a rough framework of rules to address the minimum requirements.

Committee members reviewed NDCC 29-29.5-05 which states that a written agreement between law enforcement and a confidential informant must be utilized. The statute also lists what must be included in the agreement. Committee members reviewed Confidential Informant Agreement (SFN 10596) that is currently being utilized by the

North Dakota Bureau of Criminal Investigation. There was discussion and recommendations regarding each requirement of statute and whether or not this form met those requirements.

There was also lengthy discussion about the fact that since the POST Board has been tasked by statute to be responsible for this issue, therefore in keeping with other POST Board process' and forms that are utilized by all agencies across the state, the questions were, what agency should be responsible for a form that is to be utilized uniformly across the state by all agencies and the use of that form be held accountable by the POST Board. The consensus was that the form should be a POST Board form and be accessed on the POST Board website along with all the other current POST Board forms.

There was discussion on another meeting that was to be needed to review and make further recommendations. Legal counsel advised committee members to review the documents and send any recommended changes directly to legal counsel. Legal counsel and administrative staff would then review.

A decision was made to meet January 25, 2018 at the same location to review the proposed rules and documents.

Paul Lies made a motion to adjourn the meeting. Chad Kaiser seconded the motion. All in favor, motion carried.

The meeting was adjourned at 11:47 p.m.