

**SPECIAL MEETING MINUTES OF THE
PEACE OFFICER STANDARDS
AND TRAINING BOARD
(Reserve Officer Subcommittee)**

**LAW ENFORCEMENT TRAINING ACADEMY (LETA)
BISMARCK, NORTH DAKOTA
July 20, 2021**

Members Present

Jesse Jahner
Jason Ziegler
Paul Lies

Members Absent

Guests

Andrew Schneider
Rory Teigen
Frank Landeis

Legal Counsel

Mike Mahoney

It should be noted the guests were present through teams.

Administrative Staff

Duane Stanley
Monica Sebastian

The meeting was called to order by Jesse Jahner at 10:00 a.m. It should be noted Paul Lies joined the meeting at 10:35a.m.

Meeting Minutes

Minutes were reviewed from the June 15, 2021, special meeting.

Motion

Jason Ziegler made a motion to accept the minutes from the June 15, 2021, special meeting. Jesse Jahner seconded the motion. Jesse Jahner made the motion to approve if there were no additions to the minutes.

Executive Secretary Duane Stanley brought up the decision from the June 15, 2021, special meeting, involving the scenario regarding an individual that is licensed in another state and wants to only be a reserve officer in North Dakota. In thinking it through, it doesn't seem logical for that person to get a limited license, attend the Law Enforcement Training Academy and get a general license as decided earlier.

The following options were discussed regarding someone having a general peace officer license in another state but only wants to be a reserve in ND.

1. Take a criminal and traffic law portion of reserve training program
2. Grandfathered in because they have a general peace officer license in another state
3. Review their LE training record to see if the individual would need to take any additional training.

It was determined that anyone coming from out of state, whether a reserve peace officer or a general peace officer would need to go through the entire reserve officer training and application process.

Changes to Administrative Rules

- 109-01-01-01-01. History and functions – took out peace so it says officer under this category
- 109-01-01-02. Board membership – take out Highway Patrol and put state so it reads state law enforcement training center.
- 109-01-01-04. Inquiries – change the address to the new location of the POST Board office
- 109-02-01-01. Definitions – change the numbering throughout this section since there was a new #4 added
- 109-02-01-01. Definitions - #18 add dishonesty to the definition of “Moral Turpitude”
- 109-02-01-02. Background Investigation Required – Change the terminology and add Criminal History to Background Investigation Required and clean up the wording on how to inform the POST Board
- 109-02-01-03. Minimum License Requirements – Clean up the language in this section to make the language flow better and add theft, sexual violations to #4
- 109-02-01-03. Minimum License Requirements - #5 take out the words under state of federal law
- 109-02-01-03. Minimum License Requirements - #6 add “issued in the United States” regarding driver’s license
- 109-02-01-03. Minimum License Requirements - #8 add “Only physicians (M.D. & D.O), nurse practitioner and physician assistants are authorized to administer medical examinations for the board. The psychological examinations remain valid for one year from the examination date.”
- 109-02-01-04(2). Other license requirements – add state before law enforcement training academy
- 109-02-01-04.1 Other reserve peace officer license requirements – add the following information to the rules:
 1. In addition to other requirements of law when an agency employs or appoints an individual to be a reserve peace officer, the agency shall notify the board of the employment or appointment of the individual on a form provided by the board and verify that the individual meets the requirements of North Dakota Century Code chapter 12-63 and these rules before the individual may begin performing reserve peace officer duties. The agency shall submit on a form provided by the board verification of completion of the criminal history background investigation,

medical examination, and psychological examination. The agency shall also forward a complete record of the individual's previous training and law enforcement experience to the board.

2. An individual may only work for one criminal justice agency at a time in a reserve capacity.

3. A reserve peace officer may not be on duty more than 40 hours in any 30-day period unless a state of emergency exists.

- 109-02-01-05. Agency's responsibility – #2 change the terminology from its to their
- Change the spelling errors throughout the administrative rules
- 109-02-02-02. Supervision of part time peace officer – leave it as part time peace officer license and take out reserve peace officer
- 109-02-02-03. Reserve officers – This section was repealed effective April 1, 2014. The members discussed if they should put information regarding the reserve license in this section or leave the information in the other sections where that has been discussed. They decided to leave the information in the other sections where it covered reserve license information.
- 109-02-02-04.1. Reserve peace officer license. Add this information:
 1. The board may issue a reserve peace officer license to an individual who has completed the educational, medical, and psychological examination licensing requirements and has been qualified to carry a sidearm. The educational component is the reserve peace officer training course set by the board.
 2. The application for the reserve peace officer license must be made by the individual's employing or appointing agency. A reserve peace officer must work under the supervision of a peace officer with a full-time peace officer license. Supervision of a reserve peace officer means the supervising officer has the ability to have direct personal contact with the reserve peace officer within a reasonable time and the reserve peace officer is able to have direct personal contact with the supervising full-time peace officer within a reasonable time.
- Duane Stanley brought up adding "in good standing" under 109-02-02-04.1. There was a conversation regarding what good standing means and who they are in good standing with. Stanley provided the members with a draft definition. Stanley thought this would give the employing agency some authority. Legal Counsel Mike Mahoney stated the Board didn't have any authority over an agency. Discussion evolved to the point where the members agreed that if an individual was under disciplinary action in another state by a licensing authority, the individual should not be able to get a reserve license.
- It was decided to add in good standing in 109-02-02-04 and in 109-02-01-01 once it was defined
- 109-02-02-05. Waiver of required training – Out-of-state and federal peace officers. Add #5 - Those peace officers currently working for an agency who wish to obtain a reserve peace officer license can be issued a reserve peace officer license upon completion of the reserve peace officer application and payment of the reserve peace officer licensing fee.
- It was decided to leave the reserve officer training as is until the new administrative rules are put in place.

- 109-02-02-05.1. Waiver of required training for reserve peace officers. It was decided to take this entire section out of the administrative rules
- 109-02-02-06.1 (3) – Discussion on existing reserve officer reserve deputy requirements They will need to meet minimum license requirements, take a use of force class and pass the use of force test, take the reserve officer criminal and traffic law training, qualify with their weapon, have been a reserve officer for one or more years and then take the reserve peace officer test. They have one chance to take the reserve peace officer test. If they pass, they can be issued a reserve license. If they fail, they will need to go through the entire reserve officer training.
- 109-02-02-07. Employment of peace officers – take out the word peace and make it applicable to all licenses.
- 109-02-02-08. Medical and psychological examination – take out board approved as it relates to the medical examination .
- 109-02-02-11. Licensing, renewal, and reinstatement fees – under #a add Non-reserve peace officer
- 109-02-02-11. Licensing, renewal, and reinstatement fees – add #j stating late instructor renewal fee – one hundred dollars
- 109-02-02-16. License renewal – take out the word peace officer and peace where applicable.
- 109-02-03-04. Sidearm qualification required annually – under #1 add North Dakota before certified shooting course
- 109-02-06-01. Confidential Informants – Add #11 a reserve peace officer shall not utilize confidential informants.

It was discussed at the September 28, 2020, special meeting regarding the blocks of instruction needed for the reserve peace officer training program. Below is the list that was created from the September 28, 2020 special meeting:

- (4hrs) Use of force
- (4hrs) Weapons proficiency written/practical
- (2hrs) Criminal law course
- (2hrs) Traffic law course
- (6hrs) CPR/AED
- (4hrs) De-escalation training
- (8hrs) Ethics\ Diversity\Anti-Bias training
- (8hrs) Basic defensive tactics course to include control holds/handcuffing
- (4hrs) Taser certification
- (2hrs) OC certification
- (2hrs) Report writing
- (2hrs) Courtroom testimony
- (2hrs) Radio communications course
- (4hrs) Traffic stops
- (4hrs) Room clearing
- (2hrs) Evidence familiarization
- (4hrs) Basic crime scene preservation

Board members decided to add the following courses to the reserve peace officer training program:

- (4hrs) Basic search and seizure
- (4hrs) Change criminal and traffic law from two hours to four hours
- (2hrs) Criminal arrest procedures
- (1hr) Traffic direction
- (2hrs) TRACS training
- (1hr) Officer/violator relations
- (4hrs) Change report writing from two hours to four hours

Board members discussed what questions to put on the reserve peace officer test. It was decided to have criminal and traffic law questions along with other questions regarding the topics that are required to be taught.

Motion

Paul Lies made a motion to adjourn. Jason Ziegler seconded the motion. All in favor, motion carried.

The meeting was adjourned at 12:17 p.m.