

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

**BCI CONFERENCE ROOM/CONFERENCE CALL
BISMARCK, NORTH DAKOTA
June 24, 2015**

Members Present

Sarah Warner
Jack Nybakken
Paul Lies
Mike Ferguson
Scott Thorsteinson
Steve Engen
Lyn James
Dan Haugen

Members Absent

Chad Kaiser

Guests

Jeremy Johnson
Verlan Kvande
Justin Roberts
Tim Erickson

Legal Counsel

Ken Sorenson

Administrative Staff

Duane Stanley
Monica Sebastian

The meeting was called to order by Chairman Mike Ferguson at 1:30 p.m. with roll call. All members were present except Chad Kaiser. Jack Nybakken was present through conference call.

Extension of Basic Training

Medora Police Chief John Bay is asking for an extension of basic training for Frank Lukowski to attend the November 30, 2015, two week basic training. Frank Lukowski is scheduled to attend the August 3, 2015, two week basic training. The request is out of the hardship that would be created for the Medora Police Department due to the extension of the tourist season in Medora. There was discussion by Board members reference concerns of timely training for new police officers and the concern this individual would not be attending the academy as the letter indicated Mr. Lukowski would be placed on administrative leave October 17 once the tourist season was over.

Motion

Scott Thorsteinson made a motion to deny the two week extension of basic training for Frank Lukowski. Paul Lies seconded the motion. All in favor, motion carried.

Adverse License Action (Jeremiah Johnson)

Chairman Ferguson started out by providing an overview to Board members of the incident where officers Jeremiah Johnson and Josh Nelson were out at a city dump shooting an AK47 while on duty. A complaint was filed from citizens that while on the neighboring golf course, bullets were ricocheting off of the golf course grounds in their presence. Charges were filed and both were charged with one count of Reckless Endangerment, which is a Class C Felony. Duane Stanley provided the Board with the investigative reports along with other paperwork that had been sent to the POST Board Office. Tioga Police Chief Larry Maize had addressed the Board reference this incident at a prior meeting. Chief Maize answered numerous questions posed from Board members. A motion was made to table this until the May 13th meeting and get an update from Chief Maize during that time.

At the May 13, 2015, meeting Monica Sebastian stated that she did email Chief Maize on May 11, 2015, to see if he had an update. The office had not received a response from Chief Maize.

Prior to the June 24th meeting, according to court records obtained by administrative staff, Jeremiah Johnson pled to a disorderly conduct charge. The other charge was dismissed on Josh Nelson.

Jeremiah Johnson was present and questioned at great length by Board members and staff. When Mr. Johnson was asked if he had been in front of the Board for any other action, Mr. Johnson replied "I don't believe so". This led to further discussion in reference to a game violation that Mr. Johnson had been charged with several years prior.

Motion

Paul Lies made a motion that there was in fact a code of conduct violation and the plea of guilty to disorderly conduct does have a direct bearing on Jeremiah Johnson's ability to serve as a police officer. Steve Engen seconded the motion. All in favor motion carried.

Motion

Paul Lies made a motion that adverse action and issuance of a complaint be started. Dan Haugen seconded the motion. All in favor, motion carried.

There was discussion amongst the Board members as to what consequences the Board might recommend imposing on Mr. Johnson's peace officer license. The various options were discussed with the Board leaning towards some term of probation.

Adverse License Action (Justin Roberts)

On May 13, 2015, the POST Board received a letter from the Williams County Sheriff's Office stating that on February 28, 2015, Justin Roberts, a deputy with Williams County, was criminally charged by the Williston Police Department during an investigation into an allegation of a domestic violence altercation involving Justin Roberts and his wife, Alecia Roberts.

The Williams County Sheriff's Office placed Justin Roberts on administrative leave and was removed from performing law enforcement duties pending the outcome of the investigation.

Justin Roberts was eventually charged with disorderly conduct. In their letter, it also stated the Williams County Sheriff's Office decided to keep Justin Roberts on as a deputy but demoted and stripped Mr. Roberts of his rank and Mr. Roberts was given a 48 hour unpaid suspension during the investigation. Justin Roberts was to seek treatment for alcohol and anger management issues.

Mr. Roberts was present and was asked by Chairman Ferguson to give an overview of the incident to the Board. Captain Verlan Kvande also addressed the Board explaining where their department stood with this incident and relayed the current status of the case in the court system in reference to the guilty plea of Disorderly Conduct and the deferred imposition of sentence.

Motion

Dan Haugen made a motion that there was in fact a code of conduct violation and to commence with adverse action against his license. Scott Thorsteinson seconded the motion. There was discussion by members that a probationary status for a period of time would be considered. All in favor, motion carried.

Funding Request

The POST Board received a funding request from Grant County on June 6th requesting funding , in the amount of \$1,623.76 for a ND Sexual Assault Evidence Collection Protocol and Investigations Training that had been conducted on May 20, 2015, in Elgin ND

Motion

Steve Engen made a motion to grant the funding request in the amount of \$1,623.76. Jack Nybakken seconded the motion.

There was lengthy debate and discussion amongst the Board members on approving funding after the fact and already held to include the issues this could cause in the future. Everyone realized the special circumstances that were created this year at the end of the biennium in reference to a small amount of money being left over due to a class at the last minute being cancelled that had been approved to receive money. The timing was such that it was impossible to allocate the funds by the fiscal end date. The

Board relayed there was a practice already in place where the sponsoring agency makes an official request in writing to the Board for their review prior to the training being conducted. The Board requested the Executive Secretary write a letter to the Grant County Sheriff's Office and CAWS of North Dakota explaining the process and that approving money for training after the fact would not be addressed in the future.

Steve Engen, Dan Haugen, Scott Thorsteinson, Jack Nybakken, and Sarah Warner voted yes. Paul Lies, Lyn James, and Mike Ferguson voted no. The vote was 5 to 3, the motion carried.

Course Curriculum Approvals

S/A Tim Erickson and S/A Jeramie Quam from the Bureau of Criminal Investigation sent in a BCI Firearms Instructor School course curriculum for POST Board review. S/A Erickson was present to answer questions from Board members.

Motion

Steve Engen made a motion to approve the BCI Firearms Instructor School. Sarah Warner seconded the motion. All in favor, motion carried.

Chairman Ferguson called for a short recess and the meeting reconvened at 3:07 p.m.

Course Curriculum Approvals

Cindi Hecker, Dakota Women's Correctional and Rehabilitation Center, sent in a curriculum for a Correctional Officer Basic Course to be taught in New England. Steve Engen answered questions from Board members reference the correctional officer curriculum being reviewed. Mr. Engen relayed that the course was verbatim to the DOCR course that is currently approved and being used.

Motion

Paul Lies made a motion to approve the Correctional Officer Basic Course. Dan Haugen seconded the motion. All in favor, motion carried.

Course Curriculum Approvals

Bret Burkholder, Grand Forks County Sheriff's Office, sent in a curriculum for a Correctional Officer Basic Course to be taught in Grand Forks. Steve Engen once again provided an overview of this curriculum and answered questions from the Board.

Motion

Lyn James made a motion to approve the Grand Forks Correctional Officer Basic Course. Sarah Warner seconded the motion. All in favor, motion carried.

Psychological Provider Approval

C/A Mark Sayler sent a letter requesting that Dr. Karli Ghering be accepted as a POST Board approved psychological provider. There were no credentials or supporting documentation attached with the letter. There was discussion on whether or not the Board should approve Dr. Ghering as a provider without any credentials attached.

Motion

Steve Engen made a motion to approve Dr. Ghering as a POST Board approved provider contingent on receiving documentation of her educational training and past experience. Jack Nybaken seconded the motion. Paul Lies, Lyn James, and Sarah Warner voted no. Steve Engen, Dan Haugen, Jack Nybakken, and Mike Ferguson, Scott Thorstienson voted yes. The vote was 5 to 3, motion was carried.

2015 POST Audit Approval

Duane Stanley provided the Board with the contract and gave an overview in reference to the audit that is scheduled to be completed this biennium.

Motion

Lyn James made a motion to approve the audit. Scott Thorsteinson seconded the motion. All in favor, motion carried.

Scott Thorsteinson made a motion to adjourn the meeting at 3:56 p.m. Sara Warner seconded the motion. Meeting was adjourned.