

**MINUTES OF THE  
PEACE OFFICER STANDARDS  
AND TRAINING BOARD  
THE LAW ENFORCEMENT TRAINING ACADEMY (LETA)  
BISMARCK, NORTH DAKOTA  
MAY 18, 2016**

**MEMBERS PRESENT**

Paul Lies  
Steve Engen  
Danny Haugen  
John Klug  
Lyn James  
Jack Nybakken  
Sarah Warner  
Scott Thorsteinson

**MEMBERS ABSENT**

Chad Kaiser

**GUESTS**

Jasmin Teigen  
Scott Edinger  
J.R. Kerzman  
Wade Krohmer  
Richard Johnson  
Cory Poitra  
Matt Blanchard

**LEGAL COUNSEL**

Mike Mahoney

**ADMINISTRATIVE STAFF**

Duane Stanley  
Monica Sebastian

The meeting was called to order by Chairman Steve Engen at 1:00 p.m. with roll call. All members except Chad Kaiser were present.

**Secretary Report**

**Meeting Minutes**

Minutes were reviewed from the February 17, 2016, regular POST Board meeting.

**Motion**

Sarah Warner made a motion to approve the minutes from the February 17, 2016, regular POST Board meeting. John Klug 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, 2016, through May 17, 2016.

## **Motion**

Scott Thorsteinson made a motion to approve the financial report from January 1, 2016, through May 17, 2016. Paul Lies seconded the motion. All in favor, motion carried.

## **Old Business**

### **Credit Card Update**

At the February 17, 2016, regular POST Board meeting, Monica Sebastian informed the Board that she had been doing research for the POST Board on getting a credit card system set up. Ms. Sebastian informed the Board she would have information and a report at the next meeting for them. In doing research, it was found that the POST Board is not required to bank at the State Bank, however, in order to use credit card payments, the POST Board would have to go through the Bank of ND. After discussion by several board members, the consensus was to continue with the current business practices in reference to taking payments. There was no motion needed.

### **August Meeting Date Change**

The POST Board meeting over NDPOA was originally scheduled for August 9, 2016, at 9:00 a.m. at the Grand Dakota Lodge in Dickinson. Duane Stanley relayed to Board members a discussion that took place with Stark County Sheriff Terry Oestreich. The Board made a decision to re-schedule the meeting from August 9, 2016, to August 10, 2016, at 9 a.m. Mountain Time.

### **Funding Request Cancellation**

At the February 17, 2016, regular POST Board meeting, the Dunn County Sheriff's Department was approved for \$20,000.00 to host a Leadership and Mastering Performance Management Training that was to be held in Killdeer. One of the conditions was that Dunn County needed to have a minimum of 30 students enrolled in the various phases of the class. Monica Sebastian received information from Dunn County that they will not be holding this training due to the inability to fill the required student numbers.

### **Adverse License Action Update – Arnie Rummel (BCI)**

At the February 17, 2016, POST Board meeting Duane Stanley provided members of the Board a detailed overview of the circumstances surrounding the execution of a search warrant on or about May 22, 2014, which authorized the seizure of a New Holland wheel loader. Darrell Schrum, who the wheel loader was seized from, filed a complaint against Mr. Rummel for returning the wheel loader to the rightful owner without having a court order. Mr. Rummel was subsequently charged with a Class A

Misdemeanor, Misapplication of Entrusted Funds. Mr. Stanley went on to explain what had transpired to date in reference to CJIS access being reinstated along with what the current status of the case was. A motion was made to table until adjudicated.

Duane Stanley provided court documentation to the Board that the charges against Mr. Rummel were dismissed on March 14, 2016. No further action was needed.

### **Adverse License Action Update – Matthew Beland**

Secretary Duane Stanley received a call from UND Police Department stating that Matthew Beland was involved in some type of domestic violence in Minnesota. UND Police Department did not have the report or any other information but stated they would send it to Secretary Stanley before the meeting on September 9, 2015. Secretary Stanley did not receive any information regarding this issue.

At the February 17, 2016, POST Board meeting, information was received from the UND PD regarding Officer Matthew Beland being arrested on January 28, 2015, in Polk County, MN, for a domestic violence charge. The board reviewed the facts of the case. Mr. Beland ultimately pled guilty to a misdemeanor charge of misdemeanor disorderly conduct with a deferred imposition of sentence for one year from the date of the incident. A motion was made that this disorderly conduct charge does in fact have a direct bearing upon the individual's ability to serve as a peace officer and to move forward with adverse license action with a formal complaint and notice of hearing. The Board agreed on 12 months' probation beginning the day of the current POST Board meeting, which was February 17, 2016, and that there be no violations of law, administrative rule or code during this timeframe.

During this meeting, Mr. Beland was present and addressed the Board to discuss the consequences of Mr. Beland's actions. Mr. Beland asked the Board to reconsider the start date of his probation to begin from when he was arrested on January 28, 2015, and have his probation run 12 months from that date. After several comments from board members, it was brought up that one of the reasons the probation was to begin as previously discussed was due to the time frame in which all the information had been received by the POST Board. The Board relayed to Mr. Beland that they would be sticking with their original decision to keep the 12 month probation period which will start February 17, 2016.

Chad Kaiser called in on a conference call at 1:40 p.m.

### **POST Board Review – Chad Kaiser, Scott Edinger, Jason Falk**

Executive Secretary Duane Stanley provided the Board with an overview in reference to numerous e-mails, letters and correspondence that Attorney Joseph Larson II, Jamestown ND, sent to the POST Board, Attorney General's Office and other locations. This documentation (complaint) involved Stutsman County Sheriff Chad Kaiser, Jamestown Police Chief Scott Edinger, and Stutsman County Deputy Major Jason Falk in regards to the alleged misuse of county equipment for personal use and an alleged cover up of an incident involving Stutsman County Deputy Daniel White who was off duty, intoxicated and had walked into a citizen's home.

It should be noted that there were voluminous amounts of paper that had been received at the POST Board and sent to board members for review prior to the meeting. All three individuals named in the complaint addressed the board and provided detailed history of the incidents in question. They also provided the details of the internal investigations that were conducted.

### **Motion**

Scott Thorsteinson made a motion that there were in fact no code of conduct violations from Chad Kaiser, Scott Edinger, or Jason Falk.

Paul Lies seconded the motion. Chad Kaiser abstained from the vote. Motion carried.

### **POST Board Review – Elizabeth Kapp**

The POST Board Office received a termination form from the Stutsman county Sheriff's Office for Deputy Elizabeth Kapp on February 27, 2016, stating the Stutsman County Sheriff's Office would like a POST Board review. The Board had been provided an opportunity to review all the documents that had been received at the POST Board Office in regards to this matter. Ms. Kapp had stated in emails she felt she was being retaliated against and that Stutsman County was being ran like a communist country. Chad Kaiser and Jason Falk were able to address the Board and explain the circumstances surrounding the termination of Ms. Kapp. Major Falk had conducted an internal investigation. Board members had discussion about whether or not Ms. Kapp's behavior violated the Peace Office Code of Conduct or could involve Brady/Giglio issues in the future.

### **Motion**

Danny Haugen made a motion that Ms. Kapp has not violated the Code of Conduct and that the Board take no further action. John Klug seconded the motion. All in favor, motion carried. Chad Kaiser abstained.

### **POST Board Review – Tom Nagel**

The POST Board received a termination form from the Jamestown Police Department for Tom Nagel on March 9, 2016, stating that the Jamestown Police Department would like a POST Board review. Once again Board members had been provided with the paperwork surrounding the termination of Mr. Nagel. This included but was not limited to reports reference the joint internal investigation conducted by the Stutsman County Sheriff's Office and the Jamestown Police Department. Chief Scott Edinger provided the Board with an extremely detailed history of the facts surrounding the KVLV Whistle Blower article that aired November 4th, 2015, and the facts of the subsequent investigations which ultimately led to the termination of Mr. Nagel. A brief synopsis of the facts are that Mr. Nagel failed to report what Mr. Nagel thought was a crime of an alleged misuse of government property, a jet ski thought to be owned by Stutsman County and observed being used by a Stutsman County Deputy and the Stutsman County Sheriff's son. Mr. Nagel took it upon himself to conduct the investigation himself utilizing a public website and then chose to try the case in the court of public opinion. Mr. Nagel then lied to Major Johnson during an internal investigation into the matter.

## **Motion**

Scott Thorsteinson made a motion that Mr. Nagel did in fact violate the Peace Officers Code of Conduct section e and h. (e: To willfully lie, provide false testimony, evidence or misleading information or falsely written or verbal communications in reports when the information may be relied upon by the courts, state's attorneys or other law enforcement officials.) (h: To willfully fail to report the violation of a criminal law or NDCC chapter 12-63 by a peace officer.) Dan Haugen seconded the motion. There was lengthy discussion by board members and legal counsel in reference to the interpretation and application of section e. There was also discussion and clarification on section h in reference to the fact one could say it was "reported" to the media. Board members stated that due to the great length of time that had passed it would be considered unacceptable and in fact was a violation of section h. The vote was taken. All in favor, motion carried. Chad Kaiser abstained.

## **Motion**

Dan Haugen made a motion to start adverse action in accordance with 12-63-12. Sarah Warner seconded the motion. All in favor, motion carried. Chad Kaiser abstained.

Chad Kaiser left the conference call at 2:20 p.m.

## **POST Board Review – Steve Kukowski**

From the meeting room, Duane Stanley contacted attorney Peter Welte, the legal counsel representing Steve Kukowski via telephone. Mr Welte was placed on speaker phone prior to Duane Stanley addressing the board reference Mr. Kukowski. Mr. Welte asked Duane Stanley specifically how and from whom directly Mr. Stanley had received the documentation on Mr. Kukowski. Mr. Stanley relayed that the information had been received via e-mail from Steve Engen. Mr. Welte relayed to board members the concerns of having Mr. Engen having any input in this matter or being prejudicial due to the fact Mr. Engen had conducted the investigation on Mr. Welte's client. Mr. Engen relayed to board members and Mr. Welte that Mr. Engen would be abstaining from any vote in these matters. The overview of facts that were provided to the Board were taken in part from the affidavit of probable cause and are as follows. On October 3, 2014 Dustin Irwin was arrested and held at the Ward County Correctional Center. While Mr. Irwin was being held in Ward County his health deteriorated over the three days he was held. By the time of his transport to Burleigh County, Mr. Irwin was incoherent, urinating on himself, disoriented, and had to be physically loaded into the transport vehicle. Sheriff Steve Kukowski and Captain Michael Nason ultimately transported Mr. Irwin and were to meet up with a Burleigh County Deputy for an exchange with another prisoner. Upon the Burleigh County Deputy taking custody of Mr. Irwin, Mr. Irwin was transported directly to the hospital with emergency lights flashing and passed away a short time later. On February 16, 2016, Mr. Kukowski was charged with one count of Public Servant Refusing to Perform Duty, and two counts of Reckless Endangerment. There was discussion by board members as to where this case was in the court system along with tabling this item until the next POST Board meeting.

## **Motion**

Paul Lies made a motion to table this until there is more information or the court makes a decision. Scott Thorsteinson seconded the motion. All in favor, motion carried. Steve Engen abstained.

## **POST Board Review – Michael Nason**

Duane Stanley relayed to board members that prior to the meeting, Mr. Stanley had spoken with Mike Nason's legal counsel Tom Dickson. Mr. Dickson asked if Mr. Stanley would relay to board members that they would like this matter tabled until the court process had taken its course. Mr. Stanley relayed that request. The overview of facts that were provided to the Board were taken in part from the affidavit of probable cause and are as follows. On October 3, 2014, Dustin Irwin was arrested and held at the Ward County Correctional Center. While Mr. Irwin was being held in Ward County his health deteriorated over the three days he was held. By the time of his transport to Burleigh County, Mr. Irwin was incoherent, urinating on himself, disoriented, and had to be physically loaded into the transport vehicle. Sheriff Steve Kukowski and Captain Michael Nason ultimately transported Mr. Irwin and were to meet up with a Burleigh County Deputy for an exchange with another prisoner. Upon the Burleigh County Deputy taking custody of Mr. Irwin, Mr. Irwin was transported directly to the hospital with emergency lights flashing and passed away a short time later. On February 16, 2016, Mr. Nason was charged with one count of Reckless Endangerment. There was discussion by board members as to where this case was in the court system along with tabling this item until the next POST Board meeting.

## **Motion**

Scott Thorsteinson made a motion to table this until there is more information or the court makes a decision. Dan Haugen seconded the motion. All in favor, motion carried. Steve Engen abstained.

## **Partial Waiver of Basic Training – Wade Krohmer, McLean County**

The McLean County Sheriff's Office was asking for a partial waiver of basic training for Wade Krohmer. Mr. Krohmer last worked as a licensed Peace Officer in Minnesota in 2012. Mr. Krohmer's license expired in North Dakota in 2003. McLean County had sent in a packet of information in reference to Mr. Krohmer. There was no documentation provided that Mr. Krohmer had a current Minnesota peace officers license. Mr. Krohmer addressed the Board and stated he was still licensed in Minnesota. Mr. Krohmer has been working as a correctional officer at the McLean County Sheriff's Office since 2014. Sheriff Kerzman was also present and answered questions from the Board.

ND POST Board Administrative Rule, 109-02-02-16(6) states: No partial waiver. If an individual has not been employed or appointed by an agency as a peace officer within three years after the individual's peace officer license has expired, the individual shall complete the enter basic full-time peace officer training course, successfully pass the licensing examination, and must be employed by an agency. The individual shall obtain a limited license if the individual will attend the basic full-time peace officer training course at the law enforcement training academy.

The Board stated that since the Administrative Rules cannot be waived, no motion would be needed.

### **Partial Waiver of Basic Training – Cody Poitra, Rolette County**

The Rolette County Sheriff's Office asked for a partial waiver of basic training for Cody Poitra. Mr. Poitra attended Lake Region State College Peace Officer Basic in the fall of 2011 but did not take/complete the Search and Seizure class therefore Mr. Poitra wasn't able to take the POST Board test.

Lake Region did offer to let Mr. Poitra attend the Search and Seizure portion of Basic Training in January or February of 2012 and upon successful completion of the course, take the POST Board test. Mr. Poitra did not attend the Search and Seizure portion of basic training in 2012. Mr. Poitra has been working with the Turtle Mountain BIA since 2011 but has not attended any Federal Basic Training.

ND POST Board Administrative Rule 109-02-02-05(1) states: An individual having peace officer experience or having completed an equivalent basic full-time peace officer training course conducted in another state or by a federal law enforcement agency may qualify for a partial waiver of basic full-time peace officer training requirements. The administrator of the agency employing the individual may apply to the board for a partial waiver. The board shall review all applications for a waiver and may grant a partial waiver.

There was discussion by board member Lt. Dan Haugen, the current director at the LETA Academy in Bismarck. Mr. Haugen stated that when the Search and Seizure course is taught at the Academy, Mr Poitra may attend. This course is taught during the two week ND Criminal and Traffic portion of the academy.

### **Motion**

Paul Lies made a motion to grant the partial waiver of basic training and for Mr. Poitra to attend the first available two week criminal law and traffic law portion of the academy. Lyn James seconded the motion. All in favor, motion carried.

### **Funding Request – Billings County**

The Billings County Sheriff's Office is asking for \$6,000.00 for a Street Cops Training that is scheduled for September 12-13, 2016. The training can be for up to 50 attendees.

### **Motion**

Scott Thorsteinson made a motion to fund \$6,000.00 for the Street Cops Training to be hosted by the Billings County Sheriff's Office. Jack Nybakken seconded the motion. All in favor, motion carried.

### **Funding Request – Billings County**

The Billings County Sheriff's Office is asking for \$7,500.00 to host PATC Legal Issues for Arrest, Search & Seizure course that is scheduled for October 11 & 12, 2016. This training can be for up to 50 attendees.

### **Motion**

Lyn James made a motion to fund \$7,500.00 for PATC Legal Issues for Arrest, Search & Seizure training to be hosted by the Billings County. Sarah Warner seconded the motion. All in favor, motion carried.

### **Adverse License Update – Jason Lux**

At the August 11, 2015, regular POST Board meeting, BCI Director and CJIS Board member Dallas Carlson provided the Board with an overview regarding Jason Lux and the reason Mr. Lux's CJIS access had been denied at the June 2, 2015, CJIS Board meeting. Mr. Lux, who works for the LaMoure County Sheriff's Office, was denied CJIS access based on his past criminal history. Mr. Lux had attended Lake Region State College in 2013. Mr. Lux then went to work for the Ruby Police Department in May of 2013 through November 2013, the Pierce County Sheriff's Office from December 2013 to February 2015, and then the LaMoure County Sheriff's Office in February of 2015. It should be noted that on May 12, 2016. The POST Board Office received a letter from State Radio Director Mike Lynk in reference to Mr. Lux being denied NCIC access. At the time Mr. Lux was hired, the POST Board's Administrative Rules stating "Must not be prohibited from access to national crime information center and criminal justice information sharing databases" were not in place. These came into effect in April of 2014. There was discussion by board members in reference to the fact that Mr. Lux doesn't meet the current minimum standards to be a licensed peace officer. Mike Lynk also addressed the Board and relayed how they were in the process of developing software for an automated process to communicate and share information.

### **Motion**

Dan Haugen made a motion that Jason Lux does not meet the license requirements regarding POST Board Rule 109-02-01-03(3): Must not have pled guilty to, pled nolo contendere to, or have been found guilty, in any state or federal court, of a felony

offense. This motion was amended to POST Board Rule 109-02-01-03(10): Must not be prohibited from access to national crime information center and criminal justice information sharing databases. Paul Lies seconded the motion. All in favor, motion carried.

### **Adverse License Update – Mark Wallevand**

Mark Wallevand was charged with the following felony crimes: Promoting a Sexual Performance by a Minor (one count), Possession of Certain Materials Prohibited (five counts). Mr. Wallevand is not currently working for an agency but his peace officer license is current until December 31, 2016. A letter, along with a Complaint, and Notice of Hearing from Executive Secretary Duane Stanley were sent certified mail, restricted delivery to the address listed on the search warrant that had been executed at Mr. Wallevand's residence. There was no response from Mr. Wallevand. If the POST Board does not hear back from the Post Officer regarding Mr. Wallevand's whereabouts, the process will start for notification of adverse license action through publication in the newspapers.

On January 11, 2016, a Complaint and Notice of Hearing from the ND POST Board was sent to Mr. Wallevand stating that adverse action has been taken against him. As of the February 17, 2016, meeting, Mr. Wallevand has not responded or received the paperwork. The postal service documentation indicated that the letter was not served or received by Mr. Wallevand. There was discussion to have Mr. Stanley coordinate with the Fargo probation office to possibly work out service of the documents.

A Complaint and Notice of Hearing was ultimately served by Fargo Probation Supervisor Dan Seymour to Mr. Wallevand on February 25, 2016.

### **Motion**

Scott Thorsteinson made a motion to revoke Mr. Wallevand's Peace Officer License and not allow him to renew his license. Dan Haugen seconded the motion. All in favor, motion carried.

### **Adverse License Update - Michael T. Schmitz**

At the September 9, 2015, POST Board meeting, documentation was sent to Secretary Stanley from S/A Dale Maixner stating that Michael T. Schmitz was charged with two counts of False Information to Law Enforcement, which are both Class A Misdemeanors. POST Board records show that Mr. Schmitz is still working for McKenzie County. McKenzie County did not contact the POST Board regarding this situation. There was discussion by Board members that the Board needs "some teeth" in reference to reporting these types of incidents to the Board. Although in the administrative rules to report there is no consequence. Board members reviewed and discussed the complaint and Affidavit of Probable Cause.

There was a motion that there was a violation of the Code of Conduct, section 4, subsection e (To willfully lie, provide false testimony, provide misleading information, or

falsify written or verbal communications in reports when the information may be relied upon by the courts, state's attorneys, or other law enforcement officials).

POST Board Legal Counsel Mike Mahoney relayed to board members that the criminal case had been continued and the POST Board matter has been referred to the Office of Administrative Hearings and been postponed until November 2016.

### **Adverse License Update – Travis Bateman**

At the February 17, 2016, POST Board, Lt. Dan Haugen utilized a white board to provide a visual representation to Board members in regards to McKenzie County Deputy Travis Bateman being charged with Class C Felony Reckless Endangerment. On August 31, 2015, ND Highway Patrol Trooper Austin Hilzendeger was involved in a pursuit when a motorcycle failed to stop for Trooper Hilzendeger. Trooper Hilzendeger activated his lights and sirens and was heading south on Highway 85 after the motorcycle. Trooper Hilzendeger notified units of the Watford City Police Department and the McKenzie County Sheriff's Office. Mr. Bateman responded to the request of Trooper Hilzendeger. Mr. Bateman was heading towards Trooper Hilzendeger and the motorcycle on the same road. Upon review of the patrol car video it was clear that Mr. Bateman, upon observing Trooper Hilzendeger's vehicle, entered the opposite lane of traffic's shoulder so Mr. Bateman's patrol vehicle and Trooper Hilzendeger patrol vehicle were heading head on. It can be seen from another patrol vehicle behind Mr. Bateman's patrol vehicle that Trooper Hilzendeger was still following the motorcycle.

As Mr. Bateman's patrol vehicle and Trooper Hilzendeger's patrol vehicle got near one another, the motorcycle, still in between the two vehicles, began to turn left to likely avoid a head on collision with Mr. Bateman's patrol vehicle. As the motorcycle turned left, Mr. Bateman also turned in the direction the motorcycle was turning until Mr. Bateman struck the motorcycle with his patrol vehicle, at which point both passengers were ejected from the motorcycle.

After medical attention was provided to the occupants of the motorcycle, Mr. Bateman was recorded via a body cam video shrugging his shoulders while making the statement "f\*cking idiot," referring to the occupant of the motorcycle.

A motion was made that Mr. Bateman violated the code of conduct, section c (To engage in conduct that is in violation of the criminal laws of the state or federal government or ordinances of a political subdivision of the state of North Dakota, whether or not the officer has been charged with or convicted of an offense) and his actions in fact have a direct bearing on his ability to perform peace officer duties.

A Complaint and Notice of Hearing was sent out May 9, 2016. Mr. Bateman did receive the notice but at this time, the POST Board has not heard back from Mr. Bateman.

### **Adverse License Update – Gary Schwartzenberger**

At the February 17, 2016, POST Board meeting, Duane Stanley provided members of the Board an overview of the circumstances surrounding a trip that McKenzie County Sheriff Gary Schwartzenberger had taken to Las Vegas, Nevada, in March of 2015 and

credit card activity that took place on or about January 2015 to May 2015. The information was taken in part from the affidavit in support of the criminal complaint dated October 26, 2015. Mr. Schwarzenberger made various personal purchases on the county credit card without prior approval. Mr. Schwarzenberger should have made these purchases with his personal credit card and sought reimbursement. These charges were not repaid for several months by Mr. Schwarzenberger and resulted in the credit card being shut down by the bank. Mr. Schwarzenberger only paid the money back to McKenzie County several months later and after numerous attempts by the auditor's office to seek repayment. Mr. Schwarzenberger was charged with a Class A Misdemeanor Misapplication of Entrusted Funds. There was a motion to table until adjudicated.

Mr. Stanley updated the POST Board members that this incident may not go to court until sometime in 2017.

### **Adverse License Update – Jeremie Meisel**

At the August 11, 2015, POST Board meeting the POST Board received a termination form from the ND Highway Patrol for Jeremie Meisel. The termination form stated that Mr. Meisel resigned during an internal investigation and the ND Highway Patrol would like a POST Board review. Board member Lt. Dan Haugen provided an overview of the circumstances surrounding the resignation of Mr. Meisel and the fact the Burleigh County States Attorney Office had declined prosecution of the case after reviewing the BCI investigative reports. There was discussion by board members that what Mr. Meisel had done, was outright dishonest. It was noted that Mr. Meisel's license is active until December 13, 2015. There was a motion made that there was a code of conduct violation specifically "e" regarding this incident. Another motion was made to initiate adverse action due to the code of conduct violations.

Mr. Stanley informed the Board that Mr. Meisel had requested a hearing and the case was moving forward and will be set for a hearing in the very near future.

### **Adverse License Update - Weston Christianson**

At the February 17, 2016, POST Board meeting, Duane Stanley provided an overview of the circumstances involving West Fargo PD Officer Weston Christianson. Mr. Christianson was arrested for DUI on January 1, 2016. The DUI charge has since been reduced by the Cass County States Attorney's Office to a Class B Misdemeanor Reckless Driving. From the department, Mr. Christianson has since served a five day unpaid suspension. Mr. Christianson will receive his work permit on February 21, 2016, and return to work February 22, 2016.

A motion was made that Mr. Christianson in fact has violated the code of conduct, specifically section c (To engage in conduct that is in violation of the criminal laws of the state or federal government or ordinances of a political subdivision of the state of North Dakota, whether or not the officer has been charged with or convicted of an offense) and his actions in fact have a direct bearing on his ability to perform peace officer duties.

Another motion was made to start adverse action in accordance with 12-63-12 against Mr. Christianson. There was discussion that Mr. Christianson should receive probation for a year.

Mr. Stanley received a letter from Mr. Christianson waiving his rights to a hearing and accepting whatever consequence the Board handed down.

### **Motion**

Dan Haugen made a motion to put Mr. Christianson on probation starting today (May 18, 2016) for twelve months as long as there are no more criminal or code of ethics violations. All in favor, motion carried.

### **Firearms Instructor Waiver – Damon Bradshaw**

Damon Bradshaw, who works for Veteran's Affairs in Fargo and part-time for the Northwood Police Department, had attended a Veteran's Affairs Firearms Instructor Course October 2015. Mr. Bradshaw asked if a waiver would be granted to become a firearms instructor in North Dakota. POST board records showed a history of Mr. Bradshaw failing to qualify in a timely manner during the year as stated in 109-02-03-04. Mr. Bradshaw failed to qualify with his duty weapon during 2014 and ultimately made up this qualification in 2015 to include paying a late fee.. Mr. Bradshaw has failed to qualify for 2015 and has yet to make up that shoot or qualify for 2016 at the time of this meeting.

### **Motion**

Dan Haugen made a motion to deny Mr. Bradshaw's request for a waiver to become a firearms instructor due to his inability to follow POST Board rules. Scott Thorsteinson seconded the motion. All in favor, motion carried.

### **Physical Fitness Requirement**

At the December 9, 2015 meeting, LETA Academy Director Lt. Dan Haugen and Lake Region Police Academy Director John Maritato addressed the Board relaying that the LETA in Bismarck and Lake Region State College have been having issues with individuals "academy shopping" since the physical fitness requirements vary or are administered differently from basic academy to basic academy. The physical fitness requirements for Lake Region State College are different than the requirements through the POST Board. Both academies are in agreement and asking that the CTA (Critical Task Assessment Obstacle Course) be utilized for all law enforcement academies to address the current and future issues of "academy shopping." There was discussion on providing more information at the February Board meeting.

At the February 17, 2016, POST Board meeting LETA Academy Director Lt. Dan Haugen addressed the Board and provided a video for Board members to watch regarding the CTA Obstacle Course.

Lt. Dan Haugen once again addressed the Board and provided further information regarding the physical fitness requirements and required equipment. Lt. Haugen presented the idea of the POST Board buying the equipment needed for the physical fitness requirements and renting or lending the equipment to Lake Region due to the current financial picture in the state reference budget reductions and the fact Lake Region may not be able to buy the equipment needed. There was discussion amongst POST Board members that this would not be a good idea to purchase equipment for a college that charges tuition to its police basic students and is ran similar to a private business entity.

It was asked that this be topic be placed on the August agenda for the Board to make a final decision on whether to move forward with this physical fitness issue.

### **POST Board Rules**

Duane Stanley asked the Board for input reference getting together to make changes/updates to the administrative rules. Board members relayed that a subcommittee would not have to be formalized but that several board members had the recommended changes noted and could get together and pass on those changes to Mr. Stanley.

### **Funding Request – DOCR**

The DOCR is asking a total of \$9,250.00 for three courses put on by Gordon Graham (Ethical Decision Making, Top 10 Ways Cops get into Trouble, and Why Things go Right-Why Things go Wrong) which would be held October 13, 2016. Each course would be approximately two hours back to back and would be able to hold up to 265 people.

### **Motion**

Scott Thorsteinson made a motion to approve the funding request for the Gordon Graham training for DOCR as long as they stay within the guideline in the POST Board Contract that states not more than 25% of the hosting agency may attend the training. Lyn James seconded the motion. All in favor, motion carried.

### **Funding Request – Minot PD**

The Minot Police Department is asking for \$13,000.00 to host Shooting Incident Reconstruction training that would be held in the summer/fall of 2016. The course would be able to hold 20 people. John Klug addressed the board and answered questions pertaining to this training.

There was lengthy discussion among Board members on the issue of large city departments vs. rural departments in reference to the geographical locations that should hold or host training that is supported by POST board funding. There was also discussion on class size, expense, the rate at which the class will fill and numbers of slots per agency.

## **Motion**

Paul Lies made a motion to fund \$15,000.00 for up to 25 students with the provision one person signs up per agency up to 30 days prior to the training. After 30 days, the Minot Police Department can fill the remaining spots with whoever else would like to get enrolled in the class. This motion was amended from 30 days to 45 days. Sarah Warner seconded the motion. All in favor, motion carried. John Klug abstained.

## **Funding Request – Bismarck PD**

The Bismarck Police Department is asking for \$4,900.00 to host Report Writing for Law Enforcement. This training would be in two sessions with 25 students per session.

There was once again lengthy discussion among board members on what the funding should be applied to and what type of training would be the most beneficial and cost effective.

## **Motion**

John Klug made a motion to deny the funding to the Bismarck Police Department in the amount of \$4,900.00 for the Report Writing for Law Enforcement training. Paul Lies seconded the motion. Scott Thorsteinson voted no, all others voted yes. Motion carried.

At 4:35 p.m., John Klug made a motion to adjourn. Scott Thorsteinson seconded the motion. All in favor, motion carried.