

**MINUTES OF THE
PEACE OFFICER STANDARDS
AND TRAINING BOARD
QUALITY INN
BISMARCK, NORTH DAKOTA
MAY 27, 2020**

MEMBERS PRESENT

Jesse Jahner
Lyn James
Dan Haugen
Jason Ziegler
Sarah Warner
John Klug
Erik Dietrich

MEMBERS ABSENT

Tom Falk
Paul Lies
Duane Stanley

GUESTS

Shealeen Hillerson
Lori Malafa
Shannon Wellen
Glen Ternes
Lyle Sinclair
Steven Armstrong
Jason Dvorak
John Maritato

LEGAL COUNSEL

Mike Mahoney

ADMINISTRATIVE STAFF

Monica Sebastian

Chairman John Klug called the meeting to order at 1:01 p.m. Monica Sebastian took the roll. All members were present except Tom Falck and Paul Lies. It should be noted that Jesse Jahner, Jason Ziegler, Lyn James and Sarah Warner were present through teams meeting. It should also be noted that Steven Armstrong, Jason Dvorak and John Maritato were present as guests through teams meeting.

POST Board Hearing – Shealeen Hillerson (20-004) 1:02 p.m.

On April 4, 2020, the ND POST Board received a termination form and supporting documentation from Eddy County Sheriff's Office regarding Shealeen 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. An agent of Target stopped Hillerson at the self-checkout scanners on the belief that Hillerson had not scanned all the items in Hillerson's cart. The Bismarck Police Department responded and Hillerson was transported to Bismarck PD and fingerprinted.

The Executive Team Leader of Assets Protection prepared a report stating that after watching the video surveillance of Hillerson at the self-checkout, the Executive Team Leader observed Hillerson scanning forty-three (43) items and not scanning twenty-six (26) items. His report stated that there were multiple times where video shows the scanning motion, but the items were not going over the scanner. This report characterized the incident as a fake scanning theft of \$583.

As a result of this incident, the Executive Team Leader of Assets Protection looked into possible previous incidents and was able to find two other similar incidents on February 12, 2020. The report indicated that on or about February 12, 2020, Hillerson entered the same Target store, filled her card with merchandise and at approximately 10:05 hours, Hillerson began scanning items at the self-checkout. The Executive Team Leader of Assets Protection stated in his report that Hillerson would scan an item and not scan the next or would make sure the clothes tag was either on top of the product or tucked into the product. He also observed Hillerson using her finger to cover up the tag as she scanned the item very fast over the scanner and set aside a large dry erase board valued at \$19.99 that Hillerson never scanned but put back in Hillerson's cart after she paid for the items she did scan.

On the same date, February 12, 2020, the report continues that Hillerson exited the Target store at approximately 10:26 hours with her first cart full of items. Hillerson went back into the Target store at approximately 10:28 hours and filled her cart with merchandise again. At approximately 11:23 hours Hillerson began scanning the second set of items at the self-checkout. The report indicated that Hillerson scanned ten (10) items and did not scan twelve (12) items. The report indicated that Hillerson scanned the items so they were not all the way over the scanner, scanned too fast for the machine to detect the barcode, and another box Hillerson turned over so the barcode was faceup when Hillerson moved it over the scanner.

The report identified that seventy (70) unscanned items in the three (3) transactions with proven total of items not scanned valuing \$706.54. Of those items not scanned, the Executive Team Leader of Assets Protection could not identify twenty-two (22) of the items and their values.

The report also stated that during random audits, even at busy times, there are under ten (10) items in an hour period that either got purposely unscanned or not scanned by accident.

Shealeen Hillerson was present at the hearing, was sworn in and addressed the Board.

Motion

Jesse Jahner made a motion that the Board temporarily suspend Shealeen Hillerson's license pending the outcome of the case and notification by Hillerson or Hillerson's attorney. The Board can then look at calling a special meeting to determine further disciplinary action in reference to Hillerson's license. Jason Ziegler seconded the motion. All in favor, motion carried.

POST Board Hearing – Seth Leach (20-005) 1:31 p.m.

On March 11, 2020, the ND POST Board received a termination form and supporting documentation from ND Parole & Probation regarding Seth Leach.

On the termination report it stated that Leach voluntarily resigned during an internal investigation.

In the attached report it stated that on February 8, 2020, while off duty, Leach consumed alcohol. During that time, Leach contacted another parole officer (PO) via Leach's personal cell phone. Leach text messaged the other PO asking what the PO's plans were for the evening. The PO stated they were going to the Esquire Bar in Dickinson, ND, with some friends and had a back room reserved for a surprise birthday party. A former PO approached the current PO and told the current PO that Leach was inside the bar drinking with a current probationer. After the current PO went back into the reserved room, Leach entered the same reserved room. While in the reserved room, an unknown male approached the current PO's significant other and said there is a guy crushing up pills over at the table, which was Leach. The current PO went to where Leach was and confiscated the unknown pills from Leach. The pills were later determined to be Nicorette lozenges. The current PO decided to contact both Leach's and the current PO's supervisor. The supervisor arrived and gave Leach a ride home where Leach stated he was "fucked up."

Later that evening the supervisor received another text from the current PO that Leach was back at the Esquire club. Leach explained to the supervisor that Leach went back to get his wallet and wanted to apologize to the bartenders for his behavior.

Video surveillance shows Leach and the probationer sitting at a bar next to each other and at 7:35 p.m. Leach hand gestured to the bartender and appeared to order drinks. The bartender filled up two shot glasses. Leach is seen paying for the shots. Leach and the probationer picked up the filled shot glasses and appeared to make a toast by touching the shot glasses and drinking the shots. Shortly after that the bartender filled your cup with beer and video shows the probationer paying for Leach's beer.

Lori Malafa with the Department of Corrections was present for the hearing. Ms. Malafa was sworn in an provided testimony and answered questions to the Board regarding the internal investigation that was conducted by the department.

Motion

Dan Haugen made a motion that Seth Leach did violate the Peace Officer Code of Conduct specifically 109-02-05-01(4c) and that Leach's conduct has a direct bearing on his ability to perform peace officer duties. Erik Dietrich seconded the motion. Motion carried.

Motion

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

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

Motion

Lyn James made a motion to revoke Seth Leach's Peace Officer License. Dan Haugen seconded the motion. All in favor, motion carried.

Funding Request

The McKenzie County Sheriff's Office sent in a request asking for \$6,250 (the request was changed to \$5324.08 during the meeting) for a training titled "Kaminski Field Training Officer Course." The training will be held June 1-5, 2020.

Motion

Dan Haugen made a motion to approve the "Kaminski Field Training Officer Course" for \$5,324.08. Jason Ziegler seconded the motion. All in favor, motion carried.

Funding Request

The Bismarck Police Department is asking for \$5,000 for a training titled "Advanced K9 Vehicle Deployment Training." The course will be held in October 20, 2020.

Motion

Jesse Jahner made a motion to approve the "Advanced K9 Vehicle Deployment Training" for \$2,500. Dan Haugen seconded the motion. All in favor, motion carried.

Funding Request

The Bismarck Police Department is asking for \$10,000 for a training titled "The Marjory Stoneman Douglas High School Shooting." The course will be held October 21, 2020.

Motion

Jesse Jahner made a motion to approve the "The Marjory Stoneman Douglas High School Shooting" for \$5,000 with the stipulation that the class can be revisited again if other funding doesn't come through. Dan Haugen seconded the motion. All in favor, motion carried.

MOI and Firearms Instructor Waiver – Derek Schipferling (Williston PD)

The Williston PD sent a letter to the ND POST Board asking if a MOI and Firearms Instructor waiver would be granted to Derek Schipferling. Schipferling is a Firearms and Active Shooter Instructor through U.S. Customs and Border Protection. Schipferling and Steven Armstrong were on the phone to answer any questions.

Motion

Dan Haugen made a motion to grant the Firearms Instructor waiver for Derek Schipferling after he participates in the firearms instructor course put on by Williston PD. Dan Haugen also made a motion to deny Schipferling's request to become a MOI Instructor and that Schipferling must take the full MOI Instructor Training Course. Sarah Warner seconded the motion. All in favor, motion carried.

MOI Instructor Waiver – Jeffrey Bumgarner (LaMoure County SO)

The LaMoure County SO sent a letter to the ND POST Board asking if a MOI Instructor waiver would be granted to Jeffrey Bumgarner. Bumgarner works part-time for LaMoure County SO and has a full-time position as a Professor of Criminal Justice with North Dakota State University.

Motion

Erik Dietrich made a motion to grant the MOI Instructor Waiver for Jeffrey Bumgarner once he completes the four-hour MOI refresher course through the LETA. Dan Haugen seconded the motion. All in favor, motion carried.

POST Board Hearing – Alex Cogdill (20-003) 3:02 p.m.

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.

Motion

Jesse Jahner made a motion that the Board suspend Alex Cogdill's license pending the outcome of the case and there is a determination made in the allegations against him where the Board can review all the information of the outcome of the court hearing. Dan Haugen seconded the motion. All in favor, motion carried.

Meeting Minutes

Minutes were reviewed from the February 19, 2020, regular meeting.

Motion

Sarah Warner made a motion to approve the minutes from the February 19, 2020, regular meeting with the change of her name from Wager to Warner and change the name of the hotel from Comfort Inn to Quality Inn. Jason Ziegler seconded the motion. All in favor, motion carried.

Financial Report

Monica Sebastian provided documentation and details of the financial report from January 1, 2020, to May 26, 2020.

Motion

Lyn James made a motion to approve the financial report from January 1, 2020, through May 26, 2020. Jesse Jahner seconded the motion. All in favor, motion carried.

Old Business

Adverse Action Update – Douglas Langhoff

At the December 11, 2019, POST Board meeting, Douglas Langhoff was required to attend anger management classes and complete any follow up within ninety (90) days to keep his peace officer license.

Langhoff completed the anger management classes and the Board will need to finish out their motion.

Adverse Action Update – Cameron McClenahan

Cameron McClenahan's Peace Officer License was suspended for two weeks followed by twelve (12) months' probation and that there be no other criminal violations or violations of the Peace Officer Code of Conduct during that time. McClenahan completed all requirements.

Adverse Action Update – Jason Meyers

Jason Meyers did not qualify in 2019. A motion was made to suspend Meyers' license indefinitely and that he meets all qualification requirements and make a personal appearance in front of the Board as a condition of reinstatement. Meyer's has not requested to come in front of the Board.

Continuing Education due to Covid 19

Questions were brought up about the Board extending the requirement for continuing education due to training being cancelled because of Covid 19. The Board decided to leave as is for now and if training is still being cancelled to revisit the subject.

Lyn James left the meeting at 4:06 p.m.

Member Roundtable

Chairman Klug asked individual members if they had any issues to bring up.

Dan Haugen brought up changing the PFN9 form so there would not have to be a signature on the form. There was some discussion on changed and it was decided to keep things as is.

Dan Haugen also brought up issues in scheduling the Law Enforcement Basic Training Academy for someone that has a limited license. There was an issue where one agency recently had scheduled with Haugen to attend the Law Enforcement Basic Training Academy at the LETA. The agency was going to send the limited licensed officer to Lake Region but didn't contact Haugen and let him know. This causes issues because if the agency would communicate with Haugen if they do not plan on attending the LETA Law Enforcement Basic Training Academy in Bismarck, Haugen could fill those spots with other agencies that are needing to attend basic training. It was decided to keep things as is and Monica Sebastian would add in the email she sends to the agency that the limited license has been issued and that they need to communicate with Haugen if they are planning on sending their officer to another academy in ND.

Ward County Correctional Officer Basic Training

Cass County Sheriff's Office looked over the Ward County's Correctional Officer Basic Training and had questions on a couple courses that Cass County saw that weren't covered in the curriculum or were in a different category. Chris Ray from Ward County called in and Jesse Jahner and Mr. Ray went over the questions that Jahner had on the correctional officer basic training.

Motion

Jesse Jahner made a motion to approve Ward County Correctional Officer Basic Training. Dan Haugen seconded the motion. All in favor, motion carried.

Member Roundtable

Sarah Warner brought up a question from the Sheriff's and Deputies Association about sending in excel spreadsheet instead of the PFN9 form for officers to receive training hours at a conference. Jesse Jahner said he would take on the responsibility to reach out to the Sheriff's and Deputies Association to make sure everything is understood on what is required to obtain training hours. Sarah Warner stated she would also reach out to the Sheriff's and Deputies Association too.

Motion

At 4:17 p.m., Dan Haugen made motion to adjourn. Erik Dietrich seconded the motion. All in favor, meeting adjourned.