

**MINUTES OF THE
PEACE OFFICER STANDARDS
AND TRAINING BOARD
QUALITY INN
BISMARCK, NORTH DAKOTA
MAY 10, 2023**

MEMBERS PRESENT

Jesse Jahner
Dan Haugen
Joe Cianni
Steve Armstrong
Erik Dietrich
Jason Ziegler
Matt Odermann
Roger Hutchinson

GUESTS

Trey Skager
DeWayne Johnston
Derrick Johnston
Amber Koehn
Rodney Dickerson
Bill Macki
Elliot Carvell
Kelly Leben
Andrew Tunheim
Mitch Wardzinski
Loren Grensteiner
Harold Rochester
Michael Szalek
Kurt Schwind
Tyler Williams
Caisee Sandusky
Travis Self
Joe Knowski

ADMINISTRATIVE STAFF

Duane Stanley
Monica Sebastian

MEMBERS ABSENT

Lyn James

LEGAL COUNSEL

Lori Mickelson

Chairman Dan Haugen called the meeting to order at 1:00 p.m. Duane Stanley took the roll. All members were present except for Lyn James. It should be noted that Matt Oderman appeared through the Teams platform. There were other individuals present as guests online through the Teams platform or call in.

POST Board Hearing – Derrick Johnston (23-006) 1:01 p.m.

Executive Secretary Duane Stanley provided documentation of the case to board members prior to the hearing. Chairman Haugen opened the hearing and provided an overview. Derrick Johnston was initially arrested for DWI on March 1, 2023, in Roseau County, Minnesota. Johnston and subsequently plead guilty to 4th Degree DWI. Along with Johnston’s criminal judgement, the Grand Forks PD gave Johnston a 30-day suspension without pay and he has not returned to work since his arrest. Johnston was present at the hearing with an attorney and answered questions from POST legal counsel Lori Mickelson.

Motion

Jesse Jahner made the motion that Derrick Johnston did violate the Officer Code of Conduct specifically 109-02-05-01(4c) and that Johnston’s conduct has a direct bearing on his ability to perform peace officer duties. Jason Ziegler seconded the motion. All in favor motion carried.

Motion

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

There was discussion by board members regarding a possible sanction of Johnston’s Peace Officer License. Board members discussed various times of suspension followed by probation.

Motion

Joe Cianni made a motion to suspend Johnston’s peace officer license from May 10, 2023, through June 25, 2023, and probation until March 27, 2024, and that Johnston have no other violations of administrative rule or criminal law during this time. Jesse Jahner seconded the motion. All in favor, motion carried.

POST Board Hearing – Harold Rochester (23-003) 1:21 p.m.

Executive Secretary Duane Stanley provided documentation of the case to board members prior to the hearing. Chairman Haugen opened the hearing and provided an overview. On November 5, 2022, Harold Rochester was issued a citation for failing to immediately tag big game in Sioux County, which is a Class B Misdemeanor. Based on a pre-charge diversion agreement, Rochester received one year of unsupervised probation and was required to make a donation of \$500. The agency issued a letter of reprimand, gave an eight-hour suspension, extended probation to nine months, and placed Rochester in bad standing with the department for one year. Rochester was present and answered questions from the Board.

Motion

Jesse Jahner made the motion that Harold Rochester did violate the Officer Code of Conduct specifically 109-02-05-01(4c) and that Rochester’s conduct has a direct bearing on his ability to perform peace officer duties. Jason Ziegler seconded the motion. All in favor motion carried.

Motion

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

There was discussion by board members regarding a possible sanction of Rochester's Peace Officer License. Board members discussed a period of suspension followed by probation.

Motion

Steve Armstrong made a motion to suspend Rochester's Peace Officer License for one day concurrent with his agency's suspension and probation until January 14, 2024, and that Rochester have no other violations of administrative rule or criminal law during this time. Jason Ziegler seconded the motion. All in favor, motion carried.

POST Board Hearing – Michael Szalek (23-004) 1:35 p.m.

Executive Secretary Duane Stanley provided documentation of the case to board members prior to the hearing. Chairman Haugen opened the hearing and provided an overview. On November 5, 2022, Michael Szalek was issued a citation for failing to immediately tag big game in Sioux County, which is a Class B Misdemeanor. Based on a pre-charge diversion agreement, Szalek received one year of unsupervised probation and was required to make a donation of \$500. The agency issued a letter of reprimand, gave an eight-hour suspension, extended probation to nine months, and placed Rochester in bad standing with the department for one year. Szalek was present and answered questions from the Board.

Motion

Jesse Jahner made the motion that Michael Szalek did violate the Officer Code of Conduct specifically 109-02-05-01(4c) and that Szalek's conduct has a direct bearing on his ability to perform peace officer duties. Jason Ziegler seconded the motion. All in favor motion carried.

Motion

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

There was discussion by board members regarding a possible sanction of Szalek's Peace Officer License. Board members discussed a period of suspension followed by probation.

Motion

Steve Armstrong made a motion to suspend Szalek's Peace Officer License for one day concurrent with his agency's suspension and probation until January 14, 2024, and that Szalek have no other violations of administrative rule or criminal law during this time. Jason Ziegler seconded the motion. All in favor, motion carried.

POST Board Hearing – Michael Hull (23-005) 1:44 p.m.

Executive Secretary Duane Stanley provided court documents of the case to board members prior to the hearing. Chairman Haugen opened the hearing. Hull was not present and had waived his appearance. Legal Counsel Mickelson provided an overview giving a factual basis for the case. On November 14, 2022, Michael Hull uploaded sixteen images of child pornography to Google Drive. A search warrant to Google returned two hundred forty-nine images that depicted child pornography. Hull has subsequently been charged with Possession of Certain Materials Prohibited, a Class C Felony.

Motion

Erik Dietrich made the motion that Michael Hull did violate the Officer Code of Conduct specifically 109-02-05-01(4c) and that Hull's conduct has a direct bearing on his ability to perform peace officer duties. Steve Armstrong seconded the motion. All in favor motion carried.

Motion

Erik Dietrich 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 Hull's Peace Officer License. Board members discussed suspension until after the court process.

Motion

Jesse Jahner made a motion to suspend Hull's Peace Officer License until the end of the court process and revisit the matter. Jason Ziegler seconded the motion. All in favor, motion carried.

New Business

Psychological Providers

Dr. Nathaniel R. Stephenson works at Public Safety Psychological Services and requested to become a ND POST Board approved Psychological Provider. Dr. Stephenson was present through the Teams platform and answered questions from the Board.

Motion

Jesse Jahner made a motion to accept Dr. Nathaniel R. Stephenson as a ND POST Board Psychological Provider contingent upon maintaining ND Board Licensure. Erik Dietrich seconded the motion. All in favor, motion carried.

Dr. Ryan M. Roberts works at Public Safety Psychological Services and requested to become a ND POST Board approved Psychological Provider. Dr. Roberts was present through the Teams platform as well and answered questions from the Board.

Motion

Jesse Jahner made a motion to accept Dr. Ryan M. Roberts as a ND POST Board Psychological Provider contingent upon maintaining ND Board Licensure. Jason Ziegler seconded the motion. All in favor, motion carried.

License Application Review – Criminal History

McHenry County sent a limited license application in for Matthew Petersen. Petersen had multiple charges of alcohol related offenses; a charge of fleeing, disorderly conduct, failure to appear and resisting arrest from 2004 to 2013. Based on the Criminal History Guidelines, the type and frequency of the charges, Self was required to make a personal appearance before the Board. Sheriff Trey Skager was present and answered questions from the Board. Petersen was present through the Teams platform and also answered questions.

Motion

Jason Ziegler made a motion to close the hearing with a recommendation to the sheriff not to hire Petersen. Joe Cianni seconded the motion. All in favor, motion carried.

License Application Review – Criminal History

Williston PD sent a limited license application in for Travis Self. Based on the criminal history guidelines, Self had a charge of Battery from 2012 and was required to make a personal appearance in front of the Board. Self also had charges of criminal trespassing and vandalism that were dismissed. Self had previous DUI convictions from 2014 through 2019. The Williston PD had provided Executive Secretary Stanley with numerous letters of support for Self prior to the meeting. These documents were given to board members. Agency personnel were also present to answer questions. Self was present and answered questions from the Board regarding the offenses.

Motion

Jason Ziegler made a motion to close the hearing with a neutral recommendation to the Chief for hiring Petersen. Erik Dietrich seconded the motion. All in favor, motion carried.

Waiver of Basic Training

Chief of Police Andrew Tunheim, Wishek PD, sent a letter to the POST Board asking for a waiver of basic training for Tabitha Kinzer due to hardship. He asked that she be allowed to go to the September academy instead of the June academy at the LETA. Chief Tunheim was present and answered questions from the Board.

Motion

Erik Dietrich made the motion to accept the waiver of basic training to send Tabitha Kinzer to the September academy. Steve Armstrong seconded the motion. All in favor, motion carried.

Waiver of Basic Training

Sheriff Kurt Schwind, Nelson County Sheriff, sent a letter to the POST Board asking for a waiver of basic training for Kevin McPherson to attend the fall Lake Region State College academy. Sheriff Schwind was present to answer questions from the Board.

Motion

Jesse Jahner made a motion to grant the waiver of basic training to Kevin McPherson. Jason Ziegler seconded the motion. All in favor, motion carried.

Motion

Steve Armstrong made a motion that Kevin McPherson attend the LETA fall academy. Joe Cianni seconded the motion. All in favor, motion carried.

Prior to addressing each funding request, Chairman Haugen made a statement to the Board that the General Appropriation to the Highway Patrol for training for the 23-25 Biennium was \$225,000.00. This meeting alone had requests in excess of \$100,000.00. There was discussion as to the courses that would be coming up that were typically funded by the POST Board, for example LPO and the fact that the Board didn't want to be in the same position it found itself in the last biennium.

Funding Request – Devils Lake PD

Devils Lake PD submitted a funding request for \$12,000 to provide training at the 2023 ND Peace Officers Association Conference that will be held in Devils Lake. Chief Knowski made a presentation to the Board.

Motion

Jason Ziegler made a motion to approve \$6000. There was no second motion to the motion died.

Motion

Joe Cianni made a motion to approve \$3000. Steve Armstrong seconded the motion. Dan Haugen voted no; all others voted yes. Motion carried.

Funding Request – Jamestown PD

Jamestown PD submitted two funding requests. One is for a De-Escalation Instructor course for \$26,850 and the other was for a Patrol Rifle Instructor course for \$17,900. No one was present from the agency to answer questions.

Motion

Matt Oderman made a motion to deny the funding of both Jamestown PD requests for the fact that Jamestown PD was not here to answer questions from the Board. Erik Deitrich seconded the motion. All in favor, motion carried.

Funding Request – Minot PD

Minot PD submitted a request for \$3,500 to host a Canine Legal Issues training in October 2023.

Motion

Jesse Jahner made a motion to fund \$3,500 to host the Canine Legal Issues training. Jason Ziegler seconded the motion. All in favor, motion carried.

Funding Request – Minot PD

Minot PD submitted a request for \$14,625 to host a Minot PD Survival Spanish for Law Enforcement I & II training in October 2023.

Motion

Jason Ziegler made a motion to approve \$3,700 to host the Survival Spanish for Law Enforcement training. Matt Oderman seconded the motion. Steve Armstrong voted no; all others voted yes. Motion carried.

Funding Request – West Fargo PD

West Fargo PD submitted a request for \$8,500 to host a K-9 Bite Building and Decoy Efforts training in September 2023.

Motion

Jesse Jahner made a motion to approve \$8,500 to host the K-9 Bite Building training. Roger Hutchinson seconded the motion. Jason Ziegler, Erik Dietrich, Joe Cianni, Steve Armstrong, Matt Odermann, Dan Haugen voted no. All others voted yes. Motion failed.

Motion

Jason Ziegler made a motion to approve \$2,200 to host the K-9 Bite Building training. Matt Odermann seconded the motion. All in favor, motion carried.

Funding Request – Bismarck PD

Bismarck PD submitted a request for \$8,830 to host a Basic Peer Support, Individual Crisis Intervention & Group Crisis Intervention training after July 2023.

Motion

Steve Armstrong made a motion to approve \$8,830 to host the Crisis Intervention Training. Erik Dietrich seconded the motion. All in favor, motion carried.

OLD BUSINESS

Joseph Clower

Executive Secretary Stanley gave an update on Joseph Clower. The office received the fully executed Finding of Fact, Conclusions of Law, Stipulation, and Order of Suspension/Probation on February 17, 2023.

Cody Trom

Executive Secretary Stanley gave an update on Cody Trom. The office received the fully executed Finding of Fact, Conclusions of Law, Stipulation, and Order of Suspension/Probation on March, 9, 2023.

Meeting Minutes

Minutes were reviewed from the February 8, 2023, regular meeting and the March 17, 2023, special meeting.

Motion

Chairman Dan Haugen asked if there were any additions or corrections. Hearing none, the Chairman stated the motion stands approved as distributed.

Board Approval for Ratification of Licenses

Executive Secretary Duane Stanley provided an overview of the categories of licenses that had been issued by the office. Executive Secretary Stanley and also relayed that the office had issued a total of 59 licenses issues between February 7 and May 9 2023..

Motion

Jason Ziegler made a motion to ratify the licenses that had been issued by the POST Board Office. Steve Armstrong seconded the motion. All in favor, motion carried.

Financial Report

Executive Secretary Duane Stanley gave a detailed overview of the financial activity that occurred from February 7, 2023, to May 9, 2023.

Motion

Jason Ziegler made a motion to approve the financial report. Steve Armstrong seconded the motion. All in favor, motion carried.

Items from Members

Chairman Haugen told board members that this would be his last meeting with the POST Board and also as Chairman since he had taken a promotion and new job within the agency. Chairman Haugen said his replacement at the LETA would be Lt. Adrian Martinez. Chairman Haugen relayed to board members that the new Chair would be Joe Cianni. Executive Secretary Stanley got a count from Board members as to who would be attending the IADLEST Convention in Denver.

At 4:13 PM Chairman Haugen made a motion to adjourn the meeting.