

**MINUTES OF THE
PEACE OFFICER STANDARDS
AND TRAINING BOARD
LETA
BISMARCK, NORTH DAKOTA
November 21, 2024**

MEMBERS PRESENT

Adrian Martinez
Joe Cianni
Roger Hutchinson
Dave Stromberg
Frank Eberle
Lyn James
Steve Armstrong

MEMBERS ABSENT

Matt Odermann
Lyn James
Travis Stefonowicz

LEGAL COUNSEL

Lori Mickelson

ADMINISTRATIVE STAFF

Pat Helfrich	Executive Secretary
Jessica Linder	Administrative Officer

MEETING CALLE TO ORDER

Chairman Joe Cianni called the meeting to order at 2:02 PM. Secretary Helfrich took the roll. Members Odermann, James, and Stefonowicz absent. All other members present.

This is a special meeting for legislative changes to 12-63-04, 12-63-05, and 12-63-12 and to discuss LETA medical issues.

NEW BUSINESS

Below are the changes to be submitted to legislation.

12-63-04. Board - Powers - Duties - Authority.

The board shall administer, coordinate, and enforce the provisions of this chapter, evaluate the qualifications of applicants, and approve the examinations for licensing under this chapter.

1. The board shall:

- a. Prescribe the criteria for certification of basic, advanced, and specialized peace officer training curriculum, instructors, and schools;
- b. Certify curriculum, instructors, schools, and officers that have met the training certification criteria;
- c. Establish the curriculum for basic and advanced peace officer training; and
- d. Prescribe minimum standards of sidearm training and certification for peace officers before they may carry a sidearm.

2. The board shall keep records and minutes necessary to carry out its functions. The board may:

- a. Issue subpoenas, examine witnesses, administer oaths, and investigate allegations of practices violating the provisions of this chapter or rules adopted by the board.
- b. Require with cause, any licensed peace officer to complete a physical or psychological examination, or both, by a psychologist, physician or other qualified evaluation professional selected by the board to determine mental or physical competency, or both, if the board deems such examination to be in the best interest of public safety. The board may examine and review any medical or psychological records, or both, including test results, relative to the examination or treatment of the licensed peace officer. A written request from the board shall constitute legal authorization to release medical and psychological information pertinent to peace officer licensure. The medical or psychological information provided to the board is not a public record.
- c. Examine, under oath, any applicant for licensing.
- d. Examine, under oath, any licensed peace officer during a hearing to suspend, revoke, or to not renew a license of a peace officer.
- e. Adopt rules relating to the professional conduct of peace officers and to implement the requirements of this chapter, including rules relating to professional licensure, continuing education, and ethical standards of practice, for persons holding a license to practice peace officer duties.
- f. Expend funds to sponsor training for instruction of licensees, including up to fifty thousand dollars annually from fees collected by the board.

3. The board shall adopt rules relating to the professional conduct of licensed peace officers involved in confidential informant agreements under chapter 29-29.5, and shall receive complaints and make determinations if an officer's conduct violated the protections provided in chapter 29-29.5. Annually, the board shall conduct an audit evaluating the effectiveness of confidential informant training requirements.

4. The board shall establish penalties and enforce violations of protections provided in chapter 29-29.5. The penalties established must be formulated based on the nature, severity, gravity, and recurrence of violations. The board may deny, suspend, or revoke a license or may impose probationary conditions, including remedial training.

5. The board may issue certifications indicating whether law enforcement agencies comply with requirements for grant funding purposes.

12-63-05. Fees.

The board shall prescribe by rule the fee for application for examination, for an initial license, for renewal of a license, for suspension of a license, for reinstatement of a license after revocation, for a duplicate license, for late sidearm qualification, for late instructor renewal, and for late renewal of a license. The board shall administer fees received under this chapter in accordance with section 54-44-12.

12-63-12. Grounds for denial of licensure, revocation, or suspension of license or other action of the board - Adverse license action - Appeal.

1. The board shall deny a license, refuse to renew a license, suspend a license, revoke a license, or impose probationary conditions if the individual has been convicted or pled guilty or nolo contendere before a court of competent jurisdiction in any state, or before any court, of a felony offense.

2. The board may deny a license, refuse to renew a license, suspend a license, or revoke a license, or may impose probationary conditions if the individual:

- a. Has been convicted or pled guilty or nolo contendere before a court of competent jurisdiction in any state, or before any court, of an offense involving domestic violence or violation of a domestic violence restraining order, an offense involving child abuse or neglect, an offense involving firearms under title 12.1 or title 62.1, or another criminal offense determined by the board to have a direct bearing upon an individual's ability to serve as a peace officer, or the board determines, following a conviction or adjudication, that the individual is not rehabilitated under section 12.1-33-02.1.
- b. Has used unjustified deadly force in the performance of the duties as a peace officer as described in section 12.1-05-07.
- c. Has made a false material statement under oath to the board.
- d. Has made a false material statement to the board while obtaining or renewing a license or permit.
- e. Has a psychological or physical condition such that the individual is deemed unable to safely and competently perform [all the duties of a peace officer](#).
- f. Has violated a provision of this chapter or a rule of the board.

3. Denial, refusal to renew, suspension, revocation, or imposition of probationary condition on a license may be ordered by the board after a hearing in accordance with chapter 28-32. An application for reinstatement may be made to the board one year from the date of the refusal to renew or the revocation of the license. The board may accept or reject an application for reinstatement and may hold a hearing to consider the reinstatement. The board may require an applicant to submit to a physical or psychological examination, or both, by a psychologist, licensed physician or other qualified evaluation professional selected by the board before reinstatement. The board may examine and review any relevant medical or psychological records, or both, associated with the applicant's examination. A written request from the board shall constitute legal authorization to release medical or psychological information pertinent to officer licensure. Refusal to release information by the applicant will result in immediate denial

of licensure or reinstatement. The medical or psychological information provided to the board is not a public record. In the case of a denial of an application, the applicant may not reapply for a period of one year from the date of the order of denial.

4. An appeal from the final decision of the board to refuse to issue, to not renew, to suspend, or to revoke a license may be made to the district court. Venue is the county in which the aggrieved individual resides. The appeal must be made within thirty days from the service of the decision on the individual.

Motion

Member Hutchinson made a motion to approve the proposed changes, motion seconded by member Martinez. All in favor motion passed.

Medical concerns at LETA

Member Martinez advised the board that there have been students that have become injured and may not pass the CTA, which a TPO requirement. Member Martinez stated that if they don't pass the CTA they are dismissed from the academy and their limited license is revoked per administrative rules.

Members approved that students who are medically unable to complete the CTA, can request a medical waiver from the board. The waiver would then allow them time to get medically cleared by a doctor to complete the CTA and/or basic at the next basic class, without losing their limited license. They would not be able to complete any law enforcement duties until medically cleared by a doctor, while holding a limited license.

MEETING ADJOURNMENT

Member Martinez made a motion to adjourn the meeting, seconded by member Stromberg. All in favor motion passed.