

**MINUTES OF THE
PEACE OFFICER STANDARDS
AND TRAINING BOARD
QUALITY INN
BISMARCK, NORTH DAKOTA
AUGUST 5, 2020**

MEMBERS PRESENT

Tom Falk
Lyn James
Dan Haugen
Jason Ziegler
Sarah Warner
John Klug
Erik Dietrich
Paul Lies

GUESTS

Jenna Huibregste
Juli Nevland
Greg Lahaise
Jason Dvorak
John Maritato
Travis Stefonowicz

ADMINISTRATIVE STAFF

Monica Sebastian
Duane Stanley

Chairman John Klug called the meeting to order at 1:03 p.m. Duane Stanley took the roll. All members were present except Jesse Jahner. It should be noted that Jason Ziegler, Lyn James, Tom Falk and Paul Lies were present through Teams meeting. It should also be noted that Juli Nevland, Greg Lahaise, Jason Dvorak, John Maritato and Travis Stefonowicz were present as guests through the Teams meeting platform.

Meeting Minutes

Minutes were reviewed from the May 27, 2020, regular meeting. and the July 8, 2020, special meeting.

Motion

Sarah Warner made a motion to approve the minutes from the May 27, 2020, regular meeting. Lyn James seconded the motion. All in favor, motion carried.

MEMBERS ABSENT

Jesse Jahner

LEGAL COUNSEL

Mike Mahoney

Meeting Minutes

Minutes were reviewed from the July 8, 2020, special meeting.

Motion

Dan Haugen a motion to approve the minutes from the July 8, 2020, special meeting. Lyn James seconded the motion. All in favor, motion carried.

Financial Report

Duane Stanley provided documentation and details of the financial report from January 1, 2020, to August 4, 2020.

Motion

Dan Haugen made a motion to approve the financial report from January 1, 2020, through August 4, 2020. Sarah Warner seconded the motion. All in favor, motion carried.

Old Business

Reserve Officer Sub Committee Report

Members met on July 8, 2020 and went over the information regarding reserve officers. Please see minutes from the July 8, 2020, special meeting.

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.

Executive Secretary Duane Stanley addressed the Board and stated that to date, Mr. Langhoff had failed to comply with the Boards previous decision and that he had not signed the proposed Order or send back proof of anger management attendance. Executive Secretary Stanley went on to state that he had received an email from a vendor that stated Doug Langhoff Jr. recommended Duane Stanley take an anger management class.

Executive Secretary Stanley was directed by the Board to write a letter to Mr. Langhoff's employer, the Chief of Lisbon PD stating that Mr. Langhoff needs to comply with submitting paperwork to the POST Board within a week or the Board would be taking further action on Mr. Langhoff's license. Discussion by board members was of suspending Mr. Langhoff's peace officer license.

Adverse Action Update – Shealeen Hillerson

Executive Secretary Stanley relayed to the Board that an Order of Suspension was sent out to Shealeen Hillerson Certified Mail Registered Receipt on July 10. The document was signed for on July 17.

Adverse Action Update – Alex Cogdill

Executive Secretary Stanley relayed to the Board that an Order of Suspension was sent out to Alex Cogdill Certified Mail Registered Receipt on July 10 but was returned.

Adverse Action Update – Seth Leach

Executive Secretary Stanley relayed to the Board that a Complaint was sent out to Seth Leach Certified Mail Registered Receipt on July 14. The document was signed for on July 18. Mr. Leach replied through email to the POST Board Office stating he was waiving his right to a hearing. On July 17 a Findings of Fact, Conclusions of Law and the Order of Revocation were mailed to Mr. Leach.

New Business

Psychological Provider

Dr. Juli Nevland contacted the POST Board and asked if she could become a POST Board approved psychological provider. Dr. Nevland is a licensed psychologist and owns her own firm, Psychological Consulting, PLCC.

Dr. Nevland was on a team's meeting with the Board explaining her credentials and answering questions from board members regarding her process of testing and assessing current law enforcement personnel.

Motion

Erik Dietrich made a motion to approve Dr. Nevland as a POST approved psychological provider. Paul Lies seconded the motion. All in favor, motion carried.

New Computerized POST Testing Process

Dan Haugen went over the new computerized testing process and scoring of the POST Board tests with the Board. There was discussion by Board members on who should proctor the tests when they are not administered at the LETA or Lake Region when circumstances do not allow this. Board members agreed that it should be proctored by an independent agency. Discussion also involved when to move forward with implementing this across the state.

Motion

Erik Dietrich made a motion to approve the new computerized POST test with proctoring being done at a BCI office, Highway Patrol office or approved school and that the testing be implemented on or before January 1, 2021. Jason Ziegler seconded the motion. All in favor, motion carried.

Tribal Law Enforcement Authority

Trooper Jenna Clawson- Huibregtse appeared in front of the Board explaining the current language in N.D.C.C. § 12-63-02.2 and asking for the Boards support in rewriting the statute to better clarify the ability of state agencies and tribal police to assist one another across jurisdictional boundaries for mutual aid. The Board supported this idea was in favor of moving forward with a language change to clarify this issue.

Medical Examination Authority

An agency submitting paperwork for a new hire originally had noted the medical/physical examination was done by a chiropractor. This agency did redo the medical physical examination with a medical provider. Monica Sebastian and Executive Secretary Duane Stanley wanted clarification on what type of doctor can do the medical/ physicals for a new hire. The Board discussed the matter.

Motion

Lyn James made a motion that the medical/physical examination required to get a peace officer license be done only by an MD, PA or nurse practitioner. Paul Lies seconded the motion. All in favor, motion carried.

Course Credit Request

Matthew Rodke, Dunn County SO, attended a PATC Hostage/Crisis Negotiations training in Bismarck December of 2018 and did not send in the certificate. On March 5, 2020, Mr. Rodke emailed the POST Board asking if he could receive training hours. Executive Secretary Stanley provided Board with the all correspondence Mr. Rodke had sent the office

Motion

Paul Lies made a motion to deny adding training hours for the PATC Hostage/Crisis Negotiations training from December of 2018 to Matthew Rodke's training record. Erik Dietrich seconded the motion. All in favor, motion carried.

POST Board Hearing – David Christensen (20-006) 2:15 p.m.

On July 22, 2020, a Notice of Hearing was sent out to David C. Christensen. Mr. Christiansen failed to respond to the hearing notice as directed and did not show up at the scheduled time for the hearing.

A criminal complaint from McKenzie County District Court Case 27-2020-CR-00792 states in part:

On or about the months of November 2019, December 2019, January 2020 and April 2, 2020, David Christensen did commit the crimes of simple assault/domestic violence and disorderly conduct.

Count one: on or about November 2019, Christensen willfully caused bodily injury to a family or household member.

Count two: On or about December 2019 Christensen willfully caused bodily injury to a family or household member.

Count three: On or about December 2019 Christensen, with the intent to harass, annoy or alarm another person engaged in fighting or threatening behavior, spit on the family or household member.

Count four: On or about January 2020, Christensen willfully caused bodily injury to a family or household member.

Count five: On or about April 2, 2020, Christenson willfully caused bodily injury to a family or household member when he grabbed the victim and threw her to the ground.

After foundation was laid by Chairman Klug and Legal Counsel Mike Mahoney, the Board discussed the matter.

Motion

Dan Haugen made a motion that David Christensen did violate the Peace Officer Code of Conduct specifically 109-02-05-01(4c) and that Mr. Christensen's conduct has a direct bearing on his ability to perform peace officer duties. Paul Lies seconded the motion. All in favor, motion carried.

Motion

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

There was discussion by board members regarding a possible sanction of Mr. Christensen's peace officer license. Board members discussed suspension of Mr. Christensen's license until the criminal matter is adjudicated and then revisit the issue at that time.

Motion

Sarah Warner made a motion to suspend David Christensen's license until the outcome of the trial and revisit this matter at that time. Erik Dietrich seconded the motion. All in favor, motion carried.

Member Roundtable

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

Duane Stanley brought up an email he received from Major Aaron Hummel regarding the funding for the POST Board that is under the Highway Patrol's budget. Major Hummel stated they were going to request cutting the current training budget of \$200,000 to \$170,000 for the upcoming biennium. There was discussion amongst Board members regarding this cut and how based on what is taking place around the country this was not the time to be reducing police training. There was continued discussion on how this fund over the years has been continually reduced and at one time not that many years ago in was \$400,000.00. per biennium.

Board members relayed to Executive Secretary Stanley this was unacceptable and to reach out to Maj. Hummel for a request for optional funding.

Dan Haugen brought up Administrative Rule 109-02-02-06 (2) regarding the wording and interpretation of retaking the POST Board exam as defined in the rule. After Board discussion and input from legal counsel, the recommendation was to leave the wording as is.

Motion

At 2:31 p.m., Sarah Warner made motion to adjourn. Lyn James seconded the motion. All in favor, meeting adjourned.