

**MINUTES OF THE
PEACE OFFICER STANDARDS
AND TRAINING BOARD
LAW ENFORCEMENT TRAINING ACADEMY (LETA)
BISMARCK, NORTH DAKOTA
DECEMBER 8, 2021**

MEMBERS PRESENT

Jesse Jahner
Dan Haugen
Joe Cianni
Steve Armstrong
Erik Dietrich
Lyn James
Jason Ziegler
Tom Falck

MEMBERS ABSENT

Laurie Spitzer

GUESTS

Derik Zimmel
James Loken
Justin Krohmer
Larry Hagen

LEGAL COUNSEL

Mike Mahoney

ADMINISTRATIVE STAFF

Monica Sebastian
Duane Stanley

Chairman Dan Haugen called the meeting to order at 1:00 p.m. Duane Stanley took the roll. All members were present for roll call except Laurie Spitzer and Tom Falck. It should be noted Tom Falck joined the meeting online at 1:08 PM. There were numerous other individuals present as guests online through the Teams platform or call in..

POST Board Hearing – Jacob Danielson (21-009) 1:02 p.m.

Chairman Haugen opened the hearing and Executive Secretary Duane Stanley gave an overview of the case and court documents that were provided to board members,

On August 19, 2021, Jacob Danielson was charged with Driving Under the Influence with a Minor, which is a Class B Misdemeanor.

On August 2, 2021, Fargo PD was called to a crash at Custom Express Carwash possibly caused by an impaired driver. When officers got to the scene, they spoke with the individual who called 9-1-1. The individual stated that he was waiting in line to go inside the car wash in his vehicle and said he felt a bump. He realized the vehicle behind him had stuck his vehicle. He got out of the vehicle and saw a child in the backseat crying. When the officer arrived at the scene, Danielson was sitting on the curb and his wife was standing next to him.

The officer knelt down by Danielson and noticed an odor of alcohol on his breath. Officers did field sobriety testing on Danielson, which Danielson failed. Officers then arrested Danielson for DUI.

There was discussion and unanimous consent that Jesse Jahner recuse himself. All were in favor.

Motion

Jason Ziegler made a motion that Jacob Danielson did violate the Peace officer Conduct specifically 109-02-05-01(4c) and that Danielson's conduct has a direct bearing on his ability to perform peace officer duties. Erik Dietrich seconded the motion. All in favor, motion carried.

There was discussion by board members regarding a possible sanction of Danielson's limited license. Board members discussed suspension of Danielson's license and probation.

Motion

Joe Cianni made a motion for a 90 day suspension starting December 8, 2021, with probation until October 10, 2022. Jason Ziegler seconded the motion. All in favor, motion carried.

It should be noted that Tom Falck didn't vote since he was not present for the initial details and overview of the case.

OLD BUSINESS

Shealeen Hillerson

Executive Secretary Duane Stanley relayed that the office had received a fully executed Stipulation and Amended Revocation Order on November 8, 2021.

Kevin Thorson

Executive Secretary Duane Stanley relayed that the office had resent and received a signed settlement agreement November 22, 2021

Kenneth Backen

Executive Secretary Duane Stanley stated he had talked w/ Backen twice regarding the Stipulation Order and resent November 15, 2021. The office has not received a response back at this date.

Matthew Applegate

Executive Secretary Duane Stanley stated that Applegate was in default and a Findings of Fact, Conclusions of Law and Order of Revocation were mailed out November 16, 2021.

Leland Morin

Executive Secretary Duane Stanley stated that Applegate was in default and a Findings of Fact, Conclusions of Law and Order of Revocation were mailed out November 16, 2021.

Scott Warzecha

Executive Secretary Duane Stanley relayed that Warzecha was also in default and an Amended Order of Revocation was mailed out November 16, 2021 and the document had been signed for November 24, 2021.

Proposed Administrative Rule Change

In subsection 8 of Administrative Rule 109-02-01-03 Minimum License Requirements, it has stated the psychological evaluation is good for one year. After discussion, the Board agreed that the medical examination should also be added to this one-year time frame to accept as a minimum requirement for licensing.

Motion

Steve Armstrong made a motion to retroactively accept the change to subsection 8. Jason Ziegler seconded the motion. A voice vote was taken. All in favor say I, all opposed say nay, motion passes.

Executive Secretary Stanley brought up an issue that was caught by Joe Cianni where the Board will need to further define in the proposed administrative rules the number of times the use of force test can be taken. This can be done at the public hearing, which is set for December 29, 2021, at the LETA.

Training Provider Certification

At the request of legal counsel, Executive Secretary Duane Stanley once again gave an overview to board members regarding a Training Provider subcommittee that had been formed back in 2014 and the initial draft forms that were presented by then Chairman Les Witkowski. A letter had been written to board members by Chairman Witkowski stating that a set of standards should be created for entities that would like to become training providers. Over the years, there had never been a resolution or decision made regarding this topic. Chairman Haugen discussed the subject, and a new subcommittee was formed consisting of Steve Armstrong, Erik Dietrich, John Maritato, and the Chair to address this issue.

POST Board Authority Regarding Hearing Reviews, Rule Interpretation, Etc.

Executive Secretary Duane Stanley brought up to the Board that in the past, he and Attorney Mike Mahoney had been given approval by board vote to go over the information regarding hearing reviews and rule interpretation regarding issues that arise during business. Specifically reviewing material sent in for potential hearings and determining if the allegations rise to the level of a POST Board hearing. Executive Secretary Stanley went into detail on the current process utilized to determine which cases move forward and those that are declined. There was lengthy discussion on the process and efficiency of the current process.

Executive Secretary Stanley asked for clarification from the Board since there have been recent members appointed if this practice was to remain as is or if the Board would like to make any changes.

Motion

Erik Dietrich made a motion for Executive Secretary Duane Stanley and Attorney Mike Mahoney to continue the current process in determining whether something needs to come in front of the Board. Lyn James seconded the motion. All in favor say I. All opposed say nay. Motion passes.

It was brought up in discussion that Executive Secretary Stanley inform the Board at the meetings on what information is sent in that does not meet the requirements to come in front of the Board for a hearing.

Bias Profiling/Hate Crime TPO Discussion

Chairman Dan Haugen brought up adding Bias Profiling/Hate Crimes TPO's into the basic training curriculum for all basic law enforcement academies. Chairman Haugen provided a document listing these TPO's and read them into the record. After discussion ,it was determined an effective date of April 1, 2022 would be the date these TPO's would need to be incorporated into the basic academy curriculum.

Motion

Joe Cianni made a motion to add the minimum TPO's to the academy curriculum. Erik Dietrich seconded the motion. All in favor, motion carried. The TPO's added in will start being taught after the April 1, 2022, academy.

MOI Instructor Waiver

Eldar Dedic – Department of Veterans Affairs

The POST Board Office received documentation from Eldar Dedic asking for a MOI waiver. Dedic attended and completed an instructor development course through the Department of Veteran's affairs June 2021 to July 2021, which was a total of eighty hours.

Motion

Jason Ziegler made a motion to approve the MOI Waiver for Eldar Dedic and that he takes the four-hour MOI refresher course. There was no second, the motion died.

Motion

Jason Ziegler made a motion to approved the MOI Waiver for Eldar Dedic as long as he takes the four hour instructor refresher online course through the LETA to learn the forms. Lyn James seconded the motion. All in favor, motion carried.

Daniel Essig – Grand Forks PD

The POST Board received documentation from Daniel Essig asking for a MOI waiver. Essig never attended any instructor development training but listed his experience while working as a law enforcement officer. There was discussion from board members regarding experience vs MOI and when the next MOI course was to be taught.. Lt. Derik Zimmel was present and provided input as well.

Motion

Jesse Jahner made a motion to deny Daniel Essig's request for the MOI waiver. Steve Armstrong seconded the motion. All in favor, motion carried.

Funding Request

The Grand Forks Police Department is asking for \$20,000 for a training titled Ivory Tower. The training date is set for March 7, 2022. Lt. Zimmel was present and answered questions from board members regarding this training.

Motion

Jesse Jahner made a motion to approve funding the Ivory Tower training for \$10,000. Jason Ziegler seconded the motion. All in favor, motion carried.

Funding Request

ND Parks & Rec. is asking for \$6,200 for a training titled De-Escalation, Intervention & Force Mitigation. The training date is set for March 1, 2022. James Lokken and Larry Hagen were present and answered questions surrounding this funding request.

Motion

Jesse Jahner made a motion to approve funding De-Escalation, Intervention & Force Mitigation training for \$6,200. Joe Cianni seconded the motion. All in favor, motion carried.

MOI Instructor Waiver

Devin Greywater – Devils Lake PD

The POST Board received documentation from Devin Greywater asking for reinstatement of his MOI. Greywater's instructor certification expired 12/31/2020.

Motion

Joe Cianni made a motion to deny Devin Greywater's request for reinstatement of his MOI. Jesse Jahner seconded the motion. All in favor, motion carried. Jason Ziegler was absent for this vote.

MOI/Firearms Instructor Waiver

The POST Board received documentation from Scott Stromsodt, Mandan PD, asking for a MOI/Firearms Instructor waiver for Craig Calkins. Mandan PD hired Calkins after retiring from the Colorado Springs PD. In the letter, it stated Calkins attended a firearms instructor training at the LETA in ND in 1998 and MOI at the LETA in 2000. He stated he attended a handgun and carbine instructor training in Colorado and was not required to attend any refresher training in Colorado. There was no documentation on the instructor classes, only certificates.

Motion

Jesse Jahner made a motion to deny the MOI/Firearms instructor waiver for Craig Calkins and resubmit his documentation when there is more information. Tom Falck seconded the motion. All in favor, motion carried.

Waiver of Basic Training

The POST Board received a letter from McLean County SO stating they will be hiring five new deputies. They are asking for approval to send three of their new recruits to the January 2022 academy and then two of their new recruits to the June 2022 academy since it would be a hardship for their agency to send all five recruits to one academy.

Motion

Jesse Jahner made a motion to grant the waiver of basic training for the two new recruits. Erik Dietrich seconded the motion. All in favor, motion carried.

Waiver of Basic Training

The POST Board received a letter from UND PD asking for a waiver for their two new hires (Hernandez Jr. , Ertle) to attend the summer training academy at Lake Region in Grand Forks in the summer of 2022 because of hardship on their agency.

Motion

Jesse Jahner made a motion to grant the waiver of basic training. Tom Falck seconded the motion. Joe Cianni, Dan Haugen voted no. Steve Armstrong, Tom Falck, Lyn James, Jason Ziegler, Erik Dietrich, Jesse Jahner voted yes. Motion carried.

Chairman Dan Haugen brought up the fact that the LETA is a State Law Enforcement Training Academy and Lake Region is a college to receive college credits and if someone has a limited license they should attend the LETA.

Training Certification Request

Executive Secretary Stanley provided correspondence and an overview from ND CAWS North Dakota who conducted a sexual assault and domestic violence training in July 2021 and did not have the course approved and were requesting training credit.

Motion

Steve Armstrong made a motion to deny the request. Erik Dietrich seconded the motion. All in favor, motion carried.

Chair Report

Chairman Dan Haugen stated that he and Executive Secretary Duane Stanley have a standing meeting every two weeks to go over POST related issues.

Meeting Minutes

Minutes were reviewed from the August 11, 2021, regular meeting and October 6, 2021, 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.

Financial Report

Executive Secretary Stanley went over the details and explained the financial report from January 1, 2021, to December 7, 2021.

Motion

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

2022 Budget

Executive Secretary Duane Stanley went over in detail the proposed budget for 2022.

Motion

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

Meeting dates for 2022

Duane Stanley suggested the following dates for the 2022 regular POST Board meetings: February 16, May 11, August 17, and November 9. Board members agreed to those dates.

Special Meeting Dates for 2022

Duane Stanley recommended dates for the 2022 special meetings if needed: March 30, June 15 and October 5 were discussed. Board members were agreed upon those dates.

Motion

Chairman Haugen made a motion to adjourn at 3:44 p.m.