

POST COUNCIL MEETING

MINUTES

DECEMBER 4, 2014

The meeting was held at the Idaho State Police, Cafeteria Conference Room, 700 S. Stratford Dr., in Meridian, Idaho. Chairman Gary Raney called the meeting to order at 9:00 A.M.

Council Members Present:

Kevin Fuhr, Chief of Police, Rathdrum Police Department
Kevin Kempf, Director, Idaho Department of Correction
Gregory Moon, Chief of Police, Weiser Police Department
Lorin Nielsen, Sheriff, Bannock County
Paul Panther, Chief, Criminal Law Division, Attorney General's Office
Ralph Powell, Colonel, Idaho State Police
Gary Raney, Sheriff, Ada County
Wayne Rausch, Sheriff, Latah County
Karen Skow, Idaho Department of Juvenile Corrections (for Sharon Harrigfeld)
Bryan Taylor, Prosecuting Attorney, Canyon County (for Greg Bower)
Shane Turman, Chief of Police, Rexburg Police Department
Ernst Weyand, SSRA, Federal Bureau of Investigation
Greg Wooten, Enforcement Bureau Chief, Idaho Department of Fish & Game

Council Members Absent:

Dan Chadwick, Executive Director, Idaho Association of Counties
Seth Grigg, Executive Director, Association of Idaho Cities

Guests Present:

Stephanie Altig, Deputy Attorney General, Idaho State Police
Rhonda Brasher, Technical Records Specialist 2, Idaho Peace Officer Standards & Training
Trish Christy, Management Assistant, Idaho Peace Officer Standards & Training
Cathleen Curie, Assistant Dean, Health P/Human Service Prog., College of Western Idaho
Will Fanning, Dean, Professional Technical Education, College of Western Idaho
Brian Finn, Director of Corrections, Management & Training Corporation
Leroy Forsman, Faculty Member, Criminal Justice, College of Western Idaho
Will Fruehling, Idaho Department of Correction
Kevin Johnson, Interim Division Administrator, Idaho Peace Officer Standards & Training
Sharon Lamm, Administrative Support Manager, Idaho Peace Officer Standards & Training
Jeff Lavey, Chief of Police, Meridian Police Department
Victor McCraw, Division Administrator, Idaho Peace Officer Standards & Training

Jil Nichols, Region II Training Coordinator, Idaho Peace Officer Standards & Training
Rory Olsen, Deputy Division Administrator, Idaho Peace Officer Standards & Training
David Shellberg, Executive Vice President, College of Western Idaho
Doug Tangen, Basic Training Manager, Idaho Peace Officer Standards & Training
Joe Whilden, Curriculum Coordinator, Idaho Peace Officer Standards & Training

1. **Pledge of Allegiance**
2. **Welcome & Introduction of New POST Division Administrator Victor McCraw**
3. **Recognition of Kevin Johnson**
4. **Introductions of Council Members and Guests**
5. **Recognition of Chief Greg Moon**
6. **POST Council Meeting Minutes Approval – September 4, 2014**

Lorin Nielsen made a motion to approve the minutes as submitted. Greg Moon seconded, and the motion carried unanimously.

7. **Special POST Council Teleconference Meeting Minutes Approval – October 8, 2014**

Wayne Rausch made a motion to approve the minutes as submitted. Shane Turman seconded, and the motion carried unanimously.

8. **Information Update on Ronald Love, Detention Deputy, Canyon CSO**

Kevin Johnson presented a letter that had not been considered during the Hearing Board meetings.

Greg Moon made a motion to accept the Hearing Board's recommendation relative to Ronald Love. Lorin Nielsen seconded, and the motion carried with Bryan Taylor abstaining from the vote.

9. **POST Hearing Board Meeting Minutes Approval & Ratification of Actions – November 6, 2014**

Greg Moon made a motion to approve the minutes as submitted and ratify the Hearing Board's actions. Paul Panther seconded, and the motion carried unanimously.

10. **Jeremy Morgan, Former Detention Deputy, Elmore CSO – Oral Argument & Final Action Vote on Recommended Order for Denial of Waiver of Agreement to Serve**

This issue was pulled from the agenda.

11. Election of Vice Chairman for 2015

Wayne Rausch nominated Kevin Fuhr. Greg Moon seconded the nomination.

Lorin Nielsen made a motion that nominations cease.

Kevin Fuhr was elected Vice Chairman by unanimous vote.

12. Subcommittee Appointments

a. Hearing Board

Chairman Raney appointed Kevin Fuhr chairman of the Hearing Board.

b. Standards Subcommittee

Chairman Raney stated Dan Chadwick agreed to chair the Standards Subcommittee for a while, so he would check with him to see if he wants to continue as chairman.

c. Training Subcommittee

Chairman Raney appointed Lorin Nielsen chairman of the Training Subcommittee, and appointed Kevin Kempf, Jeff Lavey, and Wayne Rausch to the Training Subcommittee.

13. POST 2014 Statistical Recap

Rory Olsen presented a statistical recap of POST's workload and performance measures for calendar year 2014.

Chairman Raney requested the statistics in reference to applications received, admitted, graduated, and retained be reflected by separate graphs for each discipline.

Bryan Taylor stated he would like to know why the retention rate is in decline.

Rory Olsen responded there's no good way to capture that with the current records system. Officers transferring to different positions within an agency are reported as retained, while those moving to different agencies are not.

Bryan Taylor stated from the POST Council's point of view, the root issue is are they not being retained because of the training they're receiving at POST. It would be fascinating information to know if they're washing out in FTO, so capturing that information should become a goal.

Rory Olsen stated the reports would be prepared on a quarterly basis, and a yearly recap done at the end of every year.

Ralph Powell stated at the bottom of the top left graph on page two the word “patrol” should be changed to “waivers granted.”

Chairman Raney stated 119 officers graduated from the Patrol Academy, and yet only 52 peace officer certifications were issued. There should be a correlation between those two numbers, and yet the gap is striking.

Rory Olsen responded the academy statistics are pulled from his electronic system that runs his academies. He gets the certification statistics from his certifications staff.

Chairman Raney stated there could be some data system errors causing it to not match up.

Rory Olsen responded or it could be human error, as the number of certifications issued is tracked manually, and the certifications staff could have issued a certification they didn’t record.

Bryan Taylor stated he would like to see a graph of the reasons officers are decertified, but only for those reasons that reach a threshold amount of more than ten percent of the decertifications. If the Council started seeing a trend, it may be something to incorporate into the academy training. Broad categories such as sex on duty, felony offense, misdemeanor offense, etc. should be used to capture the information.

Rory Olsen stated down the road he would like to capture information on any possible correlation between waivers granted and decertifications.

Chairman Raney stated the information presented is a great start. The important thing to remember is keep it simple. If the data doesn’t tell the Council something, take it out. If something takes a lot of time to capture, make sure it’s worth it to the Council. Information on whether the number of decertification investigations and decertifications has increased or decreased under the new process would be of interest.

Kevin Johnson stated the other disciplines will be added in the future.

Chairman Raney stated there are seven levels of certification available to dispatchers, more than any other discipline, and yet dispatch certification is non-mandated. He wasn’t sure there was value in that many. Perhaps it should eventually be reduced to a maximum of three levels.

Lorin Nielsen stated dispatch certification is needed, so should be addressed in the future.

15. POST Budget Review

Sharon Lamm reported POST’s spending authority for FY 2015 is a little over 4.8 million dollars. Expenditures for the first four months of the fiscal year totaled 1.7 million dollars, or 36% of the authorized spending authority. Projected total expenditures for the fiscal year are between 4.2 and 4.3 million dollars. POST started the fiscal year with a cash balance of a little over a million dollars. Projected revenue from all sources is about 3.9 million dollars. The projected year-end cash balance is about \$600,000 with misdemeanor probation fees, and a little

over \$300,000 without misdemeanor probation fees. Canceling one patrol academy removed about \$130,000 from expenditure projections. That's just direct costs, so additional savings may be realized. \$100,000 for developing the infrastructure on the four lots was also removed, as well as \$10,000 for improvements on the firing range. With those three major adjustments, POST will hit their year-end cash balance target of \$300,000. For the first four months of the fiscal year, revenue from the \$15 fee was a little more than one million twenty-five thousand dollars, which is \$28,000 or 2.8% more than for the same time period in the previous fiscal year. Revenue from the 14% of 10% of court costs was about \$235,000, which is up a little over \$3,200 or 1.4% compared to the previous fiscal year. Revenue from misdemeanor probation fees was \$29,000, which is up about \$5,400 or 24% compared to the previous fiscal year. Total revenue from all three sources for the first four months of the fiscal year is up approximately \$37,000, or 2.9% over last year.

16. Update on Effectiveness of Decertification Process

Mike Dillon stated the new decertification process went into effect on July 1, 2012. It's a little more involved as far as POST is concerned, but it's been very successful. The turnaround time on cases is better, and it's a much more effective and efficient way to do business. He went over the new procedure in detail. He hasn't received any negative feedback from agency heads. There are times when the Notice of Separation clearly indicates misconduct, and yet the agency head does not recommend decertification. For about a year-and-a-half under the previous division administrator, he was not allowed to contact the agency and make an inquiry. Now he makes a phone call to ask if the misconduct is of interest to POST. If the agency head responds no, that's the end of it. POST doesn't want to get into departmental issues. The number of cases is down dramatically. In 2010, 2011, and 2012 POST averaged forty-five to fifty-five cases a year. Last year thirty were opened, and this year will be about the same. There is no correlation between the reduction in cases and the new procedure.

Shane Turman stated he appreciated POST making the phone calls to agency heads, as sometimes legal counsel advises agency heads to not recommend decertification.

Chairman Raney stated it's getting better, but agencies still conduct plea bargain terminations where if the officer resigns, the agency won't recommend decertification. The Council should work toward building the process to have some teeth in being honest on the separation forms.

14. Idaho Supreme Court Presentation on Vision for Centralization of Payments

Michael Henderson updated the Council on the priority of payments for the centralized collection of fines, fees, and costs. The Legislature, by statute, has given five fees and costs priority over the others. POST is ranked eleventh out of twenty-four in the order in which payments from defendants are to be applied. The Supreme Court would like input from affected groups, so any input the Council would like to provide to the Administrative Office of the Courts or to the Court itself could be sent to him. The best way to address law enforcement's concerns is through the Idaho Criminal Justice Commission. The Court will work with them in the coming year, and perhaps have the issue ready to be addressed by the Legislature in 2016. He will send the priority of payments list and a document detailing the various provisions for

waivers of fees in criminal cases to Stephanie Altig, who will distribute the information to the Council members.

17. POST Division Administrator's Update

a. Officers Decertified by Administrative Action

- i. Jeffrey Stiles, Former Patrol Officer, Boise PD**
- ii. Steven Turner, Former Patrol Deputy, Boise CSO**

b. Stipulations for Decertification

- i. Patricia Clark, Former Detention Deputy, Nez Perce CSO**
- ii. Roberto Escobedo, Former Correction Officer, Idaho Dept. of Correction**
- iii. Darrell Glick, Former Detention Deputy, Twin Falls CSO**

c. Decertified Due to Felony Conviction

- i. Daniel Howard, Former Trooper, Idaho State Police**
- ii. Seanjay Wright, Former Detention Deputy, Ada CSO**

Kevin Johnson stated in the past, the Council has voted on decertifications due to felony convictions and stipulations for decertification, but there's no need for the Council to vote since those are automatic decertifications. From now on, the Division Administrator will just present a decertification update at every Council meeting.

d. Compliance Update on Mandatory Continuing Training Requirement

Kevin Johnson stated on October 3rd, 483 officers had not completed forty hours of continuing training as required to retain their certifications. Letters were sent to them and their agency heads. As of today, that number is down to 187 officers. The continuing training mandate went into effect January 1, 2004, and yet nothing has ever been done to the certifications of those out of compliance. The IDAPA Rule reads, "After notice and an opportunity to be heard, if compliance is still not achieved, the Council may suspend the officer's certification, which shall be immediately restored as soon as compliance is achieved." On January 2nd, letters will be sent to those out of compliance and their agency heads advising them of their right to be heard before the Hearing Board on April 2nd. That gives the officers four months to get more training.

Rory Olsen stated the MTRS system allows the regional training coordinators to adjust the cycle if the agency has a good reason why an officer is not in compliance. The hours then credit back to the deficient cycle rather than the new cycle.

Chairman Raney stated the IDAPA Rule reads two calendar years, and he didn't see where it gave anyone the authority to shift that.

Lorin Nielsen stated no officer can say they weren't warned. He's received at least four and possibly six different written reminders from POST. In addition, his regional training coordinator has visited and sent reminders. POST has done exactly what they need to do, and have bent over backwards. Forty hours in two years is not unrealistic, especially given the fact that the type of training accepted is very broad.

Kevin Fuhr suggested holding a special Hearing Board meeting in January and telling agency heads they have until mid-January to get their officers compliant or they will need to appear before the Board.

Chairman Raney stated an officer out of compliance for 2013-2014 has the opportunity to be heard in April 2015. Prior to the hearing in April 2015, they would have to complete forty hours minus whatever hours they completed in 2014, which would bring them into compliance for a 2014-2015 cycle. The rule says two calendar years, so if a shift is made, it has to be by a calendar year.

Ralph Powell stated they'd still be out of compliance.

Chairman Raney stated by the time of the hearing, 2013-2014 would be moot. The officer would bring in proof of having met the forty hours for 2014-2015. By having the opportunity to be heard, they're granted a grace period for the cycle they were out of compliance.

Ralph Powell stated the hearing in April 2015 is only their opportunity to explain why they didn't complete the required training. Depending on the circumstances, exceptions could be granted for some people. Training taken in 2015 can't be credited back to the 2013-2014 cycle.

Lorin Nielsen stated the time for the agency head to get with their regional coordinator and request an exception due to extenuating circumstances is in September when they receive the first letter from POST. Although POST's practice has been to extend those cycles, it sounds like the Council doesn't have the authority to do that.

Chairman Raney stated the IDAPA Rule says the Council may suspend the officer's certification which shall be immediately restored as soon as compliance is achieved.

Greg Moon stated it sounds like the Council doesn't have the option to waive the requirement based on extenuating circumstances. The non-compliant officers should be sent a notice January 1st that they're suspended, and that they have the option of appearing before the Hearing Board in April to present evidence of their extenuating circumstances. If an officer presents evidence of being in compliance prior to the hearing, it should be handled administratively. The Board would then only have to hear those with extenuating circumstances. It needs to be handled administratively as much as possible so as to not be overly burdensome to the Hearing Board. If the non-compliant officers choose not to appear, the suspension stands.

Chairman Raney stated the Council doesn't have the authority to let them make up the hours.

Kevin Fuhr stated the IDAPA Rule says the suspended certification shall be immediately restored as soon as compliance is achieved, which implies they can make up the hours.

Ralph Powell stated there's no time limit, so the officer could take ten years to make up the hours.

Kevin Fuhr stated if the officers come into compliance after January 1, the POST staff could attach the hours to the 2013-2014 cycle, and then the new two-year cycle could begin, although the new cycle wouldn't be a full two years long.

Bryan Taylor stated although there are contradictions between IDAPA Rule 362.02 and 362.03, the spirit of the rule seems to be that during that grace period leading up to the hearing, if the officer can complete the amount of hours they are deficient, those hours can be backdated to the previous cycle.

Ralph Powell stated training can't be backdated. The officer is out of compliance, and will never be in compliance for those two years. However, if they complete forty hours prior to the hearing, they've met the training requirement and that's part of their next two years.

Victor McCraw stated the officer could not receive double training credit by applying the same training to two different training cycles. The IDAPA Rule says as soon as compliance is achieved. If 2015 training can't be counted toward the 2013-2014 cycle, it would be impossible for compliance to ever be achieved.

Chairman Raney stated making the training up in 2015 would shift the training cycle to 2014-2015.

Bryan Taylor stated that would allow an officer to remain compliant by completing forty hours of training in four years, which goes completely against the intent of the rule.

Shane Turman stated forty hours of training in two years is a very reasonable, minimal amount of training. There shouldn't be an officer in the state that can't meet the requirement, no matter how small the agency is. The Council's standard is forty hours in two years, and they should enforce it except in those rare documented cases of major extenuating circumstances.

Ralph Powell stated if the Council can figure out how they're going to implement and enforce the continuing training requirement, perhaps a POST procedure could be written to clarify application of the IDAPA Rule.

Kevin Fuhr stated every agency head knows what the requirement is. On December 31st at midnight, non-compliant officers' certifications should be suspended. If it takes them six months to become compliant, their next cycle is eighteen months long instead of two years.

Chairman Raney stated the word "calendar" should be stricken from 362.02.

Rory Olsen stated there's no mechanism in the rule to unsuspend certifications once they're suspended.

Greg Moon stated agency heads should notify POST in writing of extenuating circumstances preventing someone from meeting the requirement. That should be handled administratively, and not brought to the POST Council.

Lorin Nielsen stated according to the rule, the Council may suspend an officer's certification, but not until the officer has had an opportunity to be heard. There is no automatic suspension on January 1. A final letter needs to be sent out in January telling the officers and agency heads to get it done or plan on appearing before the Hearing Board. The rule also says the certification will be immediately restored as soon as compliance is achieved, so there is a mechanism to unsuspend.

Chairman Raney stated the letter should tell them they have to present evidence to the Hearing Board in April, and if the Board doesn't find them in compliance, their certification will then be suspended.

Victor McCraw stated although no action was taken against officers out of compliance in earlier cycles, it does create a liability for the officers, their agencies, and POST in the same way an uncertified officer taking enforcement action does.

Stephanie Altig stated the IDAPA Rule needs to be reworded, and suggested the Council look at how the State Bar handles the issue with attorneys.

Wayne Rausch stated POST's on-line training makes him start over every time he is interrupted, which makes it nearly impossible for him to ever complete any training and achieve compliance.

Rory Olsen responded Joe Whilden will take a look at that.

Greg Moon stated the only officers appearing before the Hearing Board should be the ones still not in compliance by the Hearing Board meeting date.

Ralph Powell stated it's pretty easy to achieve compliance. POST has a lot of on-line resources available.

Kevin Fuhr stated there are about forty-two hours of on-line training available on POST's website.

Chairman Raney stated a Special Hearing Board meeting could be held on December 30th or 31st. If they get their hours in prior to the Hearing Board meeting, it's a moot point and they don't have a hearing.

Jeff Lavey stated the training does not have to be POST-certified. It only has to be law enforcement-related. POST-certified training would go onto the officer's POST training record.

MTRS is a separate database for agencies to input any training that's available to law enforcement. There's no excuse for anyone not to get the required training done.

Kevin Fuhr suggested having the Special Hearing Board meeting on January 2nd. Those out of compliance can appear telephonically if they choose.

Lorin Nielsen stated the rule says any officer out of compliance will be notified in writing, along with his agency head. POST won't know who's out of compliance until January 1st. No matter how small the agency, it's not hard to complete forty hours of training in two years.

Chairman Raney stated POST could start sending out e-mails today advising people the Special Hearing Board will take place on January 3rd. On January 2nd, e-mail notices could be sent to the non-compliant officers telling them their hearing is tomorrow. That keeps the Council within its own rules.

Bryan Taylor stated it also doesn't allow for non-compliant officers to abuse the system.

Kevin Johnson stated there is a one-to-two week administrative lag time for POST to get training recorded.

Chairman Raney stated the Council should indicate what they want done, and then let the POST Administrator and staff work out the details.

Rory Olsen suggested that after the first of the year, the POST staff send out a letter saying, "As of right now, Officer so-and-so is not compliant in their training hours. They have the opportunity to be heard by the Hearing Board on such-and-such a date. If they make up the hours prior to the date of the Hearing Board, they will not need to appear." The only people who would appear before the Board are those remaining non-compliant.

Chairman Raney stated the POST staff can figure out the appropriate date for the hearing. Two weeks after the cut-off date is pretty reasonable. Only those officers remaining non-compliant would have to appear.

Lorin Nielsen stated the issue could be brought up at the Sheriffs' meeting next week.

Shane Turman stated the next Chiefs' meeting isn't until February, but they have a list serve and can certainly send it out.

Lorin Nielsen made a motion to hold fast to the December 31st cut-off date, that pursuant to IDAPA Rules a notice be sent to the officer and agency head advising them the officer is out of compliance, that pursuant to IDAPA Rules a special Hearing Board will be held, and that if the officer is not in compliance by the date of the Hearing Board, the Board may vote to recommend to the POST Council that the officer's certification be suspended. Kevin Fuhr seconded the motion.

Wayne Rausch stated a special Hearing Board meeting should not be scheduled. The non-compliant officers should appear at the next regularly scheduled Hearing Board meeting.

Chairman Raney stated the date of the Hearing Board will be left up to the POST Administrator and the Hearing Board chairman.

The motion carried unanimously.

Chairman Raney stated this issue points out again the need to fix the IDAPA Rules so the Council's standards really are its standards. This issue should not be dropped here.

18. Proposed Dates for Future POST Council Meetings

Chairman Raney stated the proposed dates for 2015 POST Council meetings are March 5th, June 4th, September 3rd, and December 3rd. He's eighty percent sure he's going to have a conflict on June 4th, so will need to pass that meeting off to the vice chairman.

Wayne Rausch requested the POST Council meetings be scheduled consecutively with the Idaho Sheriffs' Association conferences so travel time can be reduced.

Chairman Raney stated they should know the December ISA dates by the June POST Council meeting, so they can look at changing the date then.

The Council agreed on March 5th for the next meeting.

Lorin Nielsen stated ISA ends right around the June 4th Council meeting, so both could be attended in one trip.

Chairman Raney suggested leaving it on June 4th for now. He will pass it to the vice chairman if he can't be there.

19. Proposed Date for Future POST Hearing Board Meetings

Chairman Raney stated the proposed dates for 2015 Hearing Board meetings are April 2nd, August 6th, and November 5th.

20. College of Western Idaho's Law Enforcement Program Proposal

Will Fanning presented a proposal for a new law enforcement program to be launched in the fall of 2015 at the College of Western Idaho. They would offer a two-year associate degree in law enforcement, as well as a one-year intermediate technical certificate encompassing all of the training received at POST. He requested the Council's approval to proceed with the certification process so their program would be recognized by the Council and would allow graduates to take the POST certification exam upon completion of the one-year program.

Chairman Raney stated POST Council's role is to focus more on the end product, which is whether the graduates meet the Council's standards for character, criminal conduct, training, and education. It should be left up to the colleges as to how to get there. In the past, POST has been more deeply involved in process than it should have been, becoming part of the process and micromanaging it as well, which has stifled some of the innovation. The Council should welcome new programs, make sure the standards are high, but not get too involved in the process.

Rory Olsen stated IDAPA Rule 11.11.01.324.01. reads, "An entity seeking vocational law enforcement program certification must receive permission to proceed from the Peace Officer Standards and Training Council prior to beginning the certification process." What CWI is seeking is permission to begin the certification process. If permission is granted, once CWI completes the certification process, they will come back before the Council and request certification of their program.

Lorin Nielsen made a motion to approve CWI's request to proceed. Kevin Fuhr seconded, and the motion carried unanimously.

21. Training Subcommittee Report

a. POST Basic Patrol Academy Curriculum

- i. Move Health & Fitness Course from Online to Academy**
- ii. Discontinue Pre-Academy Online Courses Covered During Academy**

Kevin Fuhr stated the Training Subcommittee met on November 3rd. They recommend the Council approve moving the online Health & Fitness class to a four-hour block in the academy. The only caveat was the subcommittee wanted the POST staff to let them know where it fit, as they didn't want to increase overtime. The second recommendation is to discontinue the pre-academy online courses that are covered during the academy. This would reduce the online training from eighty-one hours to seven. The remaining online courses are Brand Law (1 hour), U.S. Constitution (2 hours), Fish & Game (2 hours), and Liquor Law (2 hours). **He made a motion to approve the recommended changes to the Basic Patrol Academy curriculum. Lorin Nielsen seconded, and the motion carried unanimously.**

b. POST Basic Juvenile Probation Academy Curriculum

- i. Legal & Liability Objective Changes**

Kevin Fuhr stated some slight modifications were made to the objectives. **He made a motion to approve the proposed changes to the Basic Juvenile Probation Academy curriculum. Shane Turman seconded, and the motion carried with Karen Skow abstaining from the vote.**

c. POST Basic Correction Academy

i. Shotgun Requirement for MTC Correction Officers

Kevin Fuhr stated in 2005, handgun, shotgun, and rifle training were part of the POST Basic Correction Academy curriculum. In 2007, the Idaho Department of Correction requested rifle training be eliminated, but handgun and shotgun continue. In 2010, MTC began operations. In 2011, all firearms training was eliminated from the curriculum. In 2014, handgun training was put back into the curriculum, but MTC didn't add it to their academy. Now the Idaho Department of Correction wants shotgun training added back into the POST Basic Correction Academy curriculum, but wants to exempt MTC officers from that training. The issue is how can POST require employees of one agency to complete firearms training and another one not.

Kevin Kempf stated he would appreciate hearing POST Council's philosophy as it relates to this issue. He hoped all agencies went back and forth like that.

Chairman Raney stated this is exactly what he was talking about previously. It's not POST Council's business to get into MTC's or IDOC's operations. POST Council's responsibility is to determine what a correction officer should have for skills and education. The question is should a POST-certified correction officer in the state of Idaho be trained on the shotgun.

Rory Olsen stated just for clarification, in December 2013 shotgun was added back into the correction officer curriculum, so successful completion of that training is currently mandatory in order to be POST-certified as a correction officer in the state of Idaho.

Chairman Raney asked if the Department of Correction wants correction officers trained on shotgun.

Kevin Kempf responded yes.

Ralph Powell stated if it's part of the curriculum, they all have to satisfactorily complete it. MTC officers just won't use the shotgun in the performance of their duties.

Gary Charland stated one of the reasons IDOC requested firearms be taken out of the POST Basic Correction Academy curriculum to begin with is because MTC came on board. According to MTC's contract, they cannot have lethal force in their treatment facility and cannot train on it. Firearms became an optional class at the academy, and IDOC required their employees to take it. Whether MTC officers have attended their own academy or POST, they have not participated in the firearms training. An MTC officer could not be hired at IDOC and go into a facility without first being trained on firearms. If no exception is granted by the POST Council, MTC's contract will have to be modified.

Chairman Raney stated the Council has to stop making episodic, circumstantial decisions. Either a correction officer should be shotgun trained and that's the standard for certification or they don't have to be. Firearms could still be offered as an optional class, but it wouldn't be required for certification. POST certification is for the position, not the agency the officer works for.

Kevin Kempf stated prior to making a decision, he'd like to consult with others at his agency to determine the impact of removing shotgun training from the POST curriculum.

Brian Finn stated MTC has an academy scheduled to start January 5th, so he needs to know whether firearms is included because he will have to work quickly to make it happen if it is. Five years ago, firearms was included in the POST curriculum. At that time, he presented a different curriculum for MTC, and it was approved by the Council.

Paul Panther stated a certified correction officer in Idaho can only work at IDOC or one of its contractors. Shotgun should be removed from the curriculum, but offered as an optional class. Then IDOC could make the choice internally about who was required to take it and it wouldn't be imposed on everyone.

Kevin Kempf stated IDOC and POST were putting a lot of resources into training all correction officers on firearms when the vast majority of them will never see a firearm in their career. Only specific posts in each prison have firearms responsibility, so it was decided to have each facility train up the people going into that post. If shotgun were pulled from the curriculum, IDOC could do something similar once again.

ii. Proposed Curriculum Changes

Kevin Fuhr stated IDOC has requested the Gang class in the Basic Correction Academy be reduced from four hours to two hours. **He made a motion to approve the proposed change to the Basic Correction Academy curriculum. Bryan Taylor seconded, and the motion carried unanimously.**

d. POST Basic Probation & Parole Academy

i. Proposed Curriculum Changes

Kevin Fuhr stated due to the Justice Reinvestment Act, IDOC has proposed moving forty hours of soft skills training from the Probation & Parole Academy curriculum to in-house training. In addition, they would like to reduce Legal Issues from 4 hours to 2.5 hours, reduce Gangs from 4 hours to 2 hours, add 2 hours for PO Duties, and add 2 hours for PTO Program. Some of the soft skills training may be added back into the academy curriculum in 2016.

Gary Charland stated the soft skills training will be evaluated and restructured. After one year, a portion may be put back into the academy as an introduction. Part of the POST 2020 vision is to take out what's not needed in the academy, so this change fits with that vision. It will reduce the academy from six weeks to five weeks.

Kevin Fuhr made a motion to approve the proposed changes to the Basic Probation & Parole Academy curriculum. Greg Moon seconded, and the motion carried unanimously.

e. Curriculum Changes & Justice Reinvestment Act

Kevin Kempf stated a piece of legislation called the Justice Reinvestment Act Initiative was passed by all 105 legislators last year. There's a lot required of the Department of Correction, but the legislation is going to have a significant impact on the entire state of Idaho. IDOC is to move low-risk offenders from current caseloads to a web-based offender reporting system. Upwards to five thousand are going to report in through the internet and not have contact with a probation officer. At the same time, there's a lot of pressure to submit discharges on offenders both on probation and parole. That is happening as we speak. Prosecutors are astounded at who is being discharged, and providing evidence they shouldn't be discharged. Currently there are fourteen thousand offenders and two hundred probation officers to watch them.

Chairman Raney stated in the long term, parole officers will become more professional, and there will be a shift in responsibility for felony probation from the State to the local community level.

Lorin Nielsen stated the local officials are extremely concerned. The counties don't have beds, in fact they have a cap on how much they can raise taxes in order to be able to take care of this.

Chairman Raney stated discretionary jail time is a big part of this.

Lorin Nielsen stated the State has multiple sources of revenue and can raise taxes whenever they need to. The counties only have one revenue source, and there's a limit on how much it can go up. City and county services will drop.

c. POST Basic Correction Academy

i. Shotgun Requirement for MTC Correction Officers (continued)

Kevin Kempf stated his recommendation is to keep shotgun training as a required course in the basic correction officer curriculum, and that MTC meet that same standard.

Brian Finn stated with a memo agreement and then a formal contract change, they can make that happen.

Ralph Powell stated there is a large fiscal impact in keeping shotgun training as a certification requirement. It doesn't make sense to include it if the vast majority of all correction officers won't ever be exposed to a firearm.

Kevin Kempf responded one of the things he was reminded of is that currently a lot of the transports are not necessarily done by the transport team. An offender might need transported to the hospital at 11:30 at night, and it has to be done by someone on shift. Therefore, his recommendation is that in order to be certified as a correction officer, regardless of where a person works, they have to be trained on shotgun.

22. 2014 Review of POST Basic Correction Academies

Rory Olsen stated it hasn't been easy, but POST has been able to accommodate the increased number of Correction Academies. The template, curriculum, and flow of the academy needs to be more standardized, so IDOC and POST should continue to work toward that goal.

Gary Charland stated in 104 correction officers were trained in 2010, 116 in 2011, 145 in 2012, and 159 in 2013. 218 were trained in 2014. IDOC has picked up an additional 250 officers due to taking over ISCC. Their turnover rate of between twenty and twenty-six percent drives them to have more academies. Fifty-three officers started the last academy, and forty-seven graduated. Fifty-one officers are scheduled to attend the next academy. The need is there, so they would like to continue with the increased number of academies.

Lorin Nielsen stated the increased number was to be short-term, just until IDOC caught up.

Gary Charland stated the turnover rate has dropped from twenty-six down to twenty. If that continues, they may be able to cancel an academy.

The Council was in support of continuing with the increased number of academies.

Chairman Raney stated he likes what is happening with the Probation & Parole Academy. Basic training only should be provided at the academy, and advanced training given later on when the officers can retain it.

Kevin Kempf stated he would like to explore the idea of hiring all probation & parole officers from the correction officer ranks. That would create a career ladder and hopefully reduce the turnover rate among correction officers. The turnover rate among probation & parole officers is very small. Perhaps the Probation & Parole Academies could be eliminated if an innovative way to cover the material in the Correction Academy could be developed.

23. POST Basic Probation & Parole Academy - Minimum Attendance Requirement & Number of Academies Per Year

Rory Olsen stated the overall average number of students in the Probation & Parole Academy is 12.56, and the direct costs average to run an academy is about \$10,753. The POST staff's recommendation is to go to one Probation & Parole Academy a year with no minimum attendance requirement.

Kevin Kempf stated it would be problematic for IDOC to just have one Probation & Parole Academy a year. An officer could be hired and have to wait ten months to go to the academy. All the while, they have caseloads to watch and weapons to carry.

Gary Charland stated the average caseload is seventy-five to eighty. If one officer is out due to not being able to go to the academy, the workload has to be divided among the rest. That's a substantial amount over the course of a year, and has a drastic effect upon a very small district.

IDOC just reduced the length of the academy by moving forty hours of soft skills to in-house training.

Greg Moon stated there's not a law enforcement administrator who doesn't hire someone and have to wait to get them into an academy, and in some cases they wait an extensive period of time. In the interim, they put the new hire in with the staff and begin the training process through FTO before they go to the academy. There's no reason IDOC can't start the training process. Given the numbers, the recommendation for one academy a year makes sense.

Gary Charland stated it's anticipated ten to fifteen officers will attend the next academy, and the same for the July academy.

Rory Olsen stated if they went to one academy a year, perhaps a plan could be developed to get the new hires whatever skills they need to be able to operate until they can get into the academy. Then only the remaining subjects would be taught at the academy.

Gary Charland stated they could very easily partner with a Patrol Academy, as the hard skills probation & parole officers need are the same.

Chairman Raney requested IDOC and POST continue to work together on the current path and bring a recommendation back to the next Council meeting.

24. Report on Trial Non-Mandatory Physical Fitness in Patrol Academy

Doug Tangen stated as requested, he implemented a voluntary physical fitness program in the Patrol Academy. The Fit for Duty Challenge was reinstated, which is the current fitness program with additional workouts on a voluntary basis each week. It culminates with a fitness challenge run or something similar. Initially it was structured as an OIC-led fitness program on Mondays, when they don't have PT, but only four students showed up. Then it was changed to voluntarily completing one additional workout on their own, and a little more than half did that, but not as a group. Thirteen out of twenty-three completed everything required for Fit for Duty. He spoke to a lot of officers that have been on the job for awhile as well as some new officers, and asked them if they would participate in a fitness program at POST if it was strictly voluntary. Most replied they would not, but that they learned a lot while participating in the mandatory program and were in great shape when they graduated. The POST mandatory fitness program is making an impact, and in some cases a lifestyle change. Starting with the last academy, he developed a fitness schedule that emphasizes tactics practice. That extra repetition greatly enhances psychomotor skill acquisition, that automaticity that helps them perform at the level expected of them when the devil jumps up. When heart rate, physical exertion, and stress levels go up, decision-making ability goes down and psychomotor skills deteriorate. The students experienced this by having to respond to a "call" in the middle of their workout. So that one hour a day mandatory workout is used to practice tactics that directly relate to their response on the street, and at the same time they're getting in shape and developing a fitness plan to take home with them. He recommended the physical training remain mandatory, and that the POST staff be allowed to continue developing it to further enhance tactics practice.

Chairman Raney stated the POST staff have embraced the POST 2020 vision and have added value to the physical fitness program. That's exactly what should be happening, constant quality improvement. If something doesn't have value, it should be gotten rid of.

Victor McCraw stated he's had officers with firearms awards hanging off their uniforms waddle up to the firing line, draw their gun around their roll of fat, and shoot a perfect score every time. That is until he had them do pushups, sit-ups, run, and then shoot. Then those same officers couldn't shoot worth a darn, and complained that it wasn't fair. Officers have to be able to perform skills in the field with an elevated heart rate. Another effective method was immediately after a defensive tactics scenario where the student used force, the instructor was in the student's face asking them why they escalated, why they deescalated, and what their justification was for what they just did. The student was forced to give their legal justification for their use of force while they were still jacked up. Then they had to write a use of force report within ten minutes of using the force, which built in the legal aspect. Physical training goes into skills, legal, thought process, everything. The recruits who went through that program were more confident out the door. They didn't just know how to do the skills because the instructors saw them do them and the boxes were checked. They knew how to do them, and they knew they knew how to do them. That makes a huge difference. Officers going into a situation with a Plan A, Plan B, and Plan C are well equipped for the situation.

Doug Tangen stated the science and research to support this is there. If a Training Coordinator wants to add something, he makes them show him the science, research, and practical application to support that it will work.

Sheriff Rausch stated POST needs to continue what they're doing and stay with what the officers are hired to do.

25. Detention Reserve Training & Certification

This issue was pulled from the agenda.

26. Idaho Department of Correction Special Investigations Unit Investigators Attending Patrol Academy

Kevin Kempf stated IDOC created a Special Investigative Unit and put all of their investigators under one roof. They would like to send a select few of those investigators to the POST Basic Patrol Academy and get them POST-certified as patrol officers.

Will Fruehling stated IDOC is only talking about the two fugitive unit investigators who are out on the street every day capturing those who have absconded from probation and parole. They are performing the functions of a peace officer, so it's important for them to have the same training as the police officers on the street. The other reason for the request is to expand those investigators' authority. Currently they basically function under the role of a probation officer. They have also just been deputized by the U.S. Marshal to serve on an ad hoc basis on the U.S. Marshal's fugitive task force. Having peace officer certification would lend credibility and level the playing field with their peers since they're working on the street with other agencies every

day. Since they are functioning under the Idaho Code that gives them the authority to function as peace officers, they can sometimes have that limited authority unless they're working with another police agency. Idaho Code supports this request.

Chairman Raney stated in thinking about what IDOC investigators do, he wasn't sure they met the statutory definition of peace officer. Additionally, he was concerned about how they would stay up-to-date on all the law changes, and all of the on-going training required.

Will Fruehling responded their intention would be to make it mandatory that they comply with those training requirements. They have training opportunities at POST just like other agencies.

Chairman Raney stated a Supreme Court decision just came out affecting search and seizure. Frankly, POST doesn't supply that type of training very well. He asked how IDOC would get the information and then update their people on it.

Will Fruehling responded IDOC would have to develop an annual training to address such things. Their unit has a very good training budget, so he would seek out those trainings and make sure the investigators attended. The foundation has already been laid, as he and one other IDOC investigator are already POST certified. In 2011, POST Council approved that request after reviewing their job duties and determining they met the definition of peace officer.

Kevin Kempf stated the FTO requirement will be a challenge. If the Council approves the request, IDOC will look to maybe partner with the Ada County Sheriff's Office, Garden City PD, or another local agency. A natural progression would be to make sure IDOC is getting involved in their block training and things like that. Again, it's only two investigators.

Lorin Nielsen stated the POST Basic Patrol Academy does not teach investigative skills. No one can remain proficient if they're not performing the tasks on a daily basis. His detectives all have street experience, but he has to send them to special training to learn how to investigate. As detectives, they call a patrol officer if a tactical response is needed.

Kevin Kempf stated the main reason they are making the request is not to get training, but to expand the authority of the two investigators. They are seasoned parole officers who've made a ton of arrests. They've been through the U.S. Marshal's sixteen-day Fugitive Investigators training. The problem is they operate under probation & parole authority. The statute says they have peace officer authority when they're transporting or if they're present with and at the request of a law enforcement officer. There are times when they're not in the presence of a law enforcement officer, they're in contact with Joe Citizen whom they have no authority over, and yet they're in an environment they need to control. It makes it very difficult and creates a lot of gray area. Getting POST peace officer certification would reduce some of that gray area about what authority they have over that person.

Lorin Nielsen stated that authority comes from POST, but it also comes from the agency head.

Chairman Raney stated this is not a circumstantial discussion about two people. The question is should IDOC investigators be certified as peace officers.

Jeff Lavey stated all POST is going to do is make the person certified in that level of training. It doesn't grant authority to someone because of statutes that say you're a peace officer. It's the role the person serves in that agency that gives them that authority, and then they just become certified by attending the training. Someone graduating from POST doesn't have arrest powers. There are other specific statutes that grant that authority.

Kevin Fuhr stated according to Idaho Code 20-209C, IDOC employees' authority comes from the State Board of Correction and is limited to specific situations.

Paul Panther stated the first sentence of Idaho Code 20-209C reads, "All employees of the state board of correction who receive peace officer certification from the Idaho peace officer standards and training council shall have the authority given by statute to peace officers of the state of Idaho in accordance with the provisions of section 19-5109, Idaho Code." Therefore, peace officer certified IDOC employees have general peace officer authority.

Kevin Kempf stated there's a lot of confusion about that authority. Some read it to say they have full peace officer authority. Others think it's limited as to what they can and can't do.

Paul Panther stated as Chief Lavey pointed out, their authority is still limited by what their boss tells them they can and can't do. Idaho Code 20-209 gives the director of IDOC the authority to investigate crimes dealing with the prison.

Bryan Taylor stated the e-mail on page 201 of the agenda makes him think that with the collaborative projects of probation & parole with police departments and prosecutors' offices, a much larger pool of probation officers housed out of law enforcement agencies would now begin conducting investigations. He has a probation officer housed in his office that assists his investigators and the sheriff's office. He asked if that probation officer would now have the authority to become a full-time investigator and start conducting interviews on his own.

Paul Panther responded unless they were certified as peace officers, probation & parole officers wouldn't have peace officer authority except in those specific situations identified in statute, such as engaging in the apprehension of prisoners who have escaped or persons suspected of violating their probation or parole, or when in the presence of another law enforcement officer who is POST-certified. Idaho Code 20-209C makes it pretty clear that if you work for IDOC, you're not a peace officer unless you're POST-certified as a peace officer, which is the patrol academy.

Chairman Raney suggested the issue be referred to the Standards Subcommittee, particularly some of the legal analysis.

Will Fruehling stated he hired an investigator from Utah in 2011, and she was allowed to challenge to obtain peace officer certification in Idaho. One of the reasons they're coming back before the Council now is because they felt the precedent had been set, although these two need to attend the academy. They are in an investigative law enforcement classification, which

separates them from a probation officer, so a probation officer wouldn't be allowed to go through the same process.

Chairman Raney stated POST went through a lot of growth and transition in a fairly short amount of time. During that time, some of the decision-making was not as systematic as it should have been. The Council's focus needs to be on making long-term systematic decisions rather than on making circumstantial decisions.

27. Agreements to Serve

Rory Olsen stated as a result of the August 7th Hearing Board meeting, a decision was made that goes against how POST has operated since it began. The staff asked that the decision be put in writing. Stephanie Altig wrote a memorandum outlining the decision, and that memorandum is in the Council's agenda materials. Almost immediately upon putting the memo out to staff, there was a lineup of employees at his office door expressing many different concerns with the decision. That prompted a meeting with Stephanie which resulted in an impasse, and the decision was made to bring the issue to the Council. At that Hearing Board meeting, two former officers who transferred to civilian positions within their law enforcement agencies were granted waivers of their agreements to serve. Rather than basing their decisions on the rule that allows them to consider positions on a case-by-case basis, the Hearing Board determined the former officers had not violated their agreements to serve since they were still working for a law enforcement agency. Idaho Code 19-5112 reads, "...officer promises to remain within the law enforcement profession in the state of Idaho in a position approved by rules and regulations of the Council..." IDAPA Rule 11.11.01.010.27 identifies the approved positions that fulfill the agreement to serve. It reads, "Law Enforcement Profession. As used in agreements authorized pursuant to Section 19-5112, Idaho Code, means an employee of a police or law enforcement agency that is a part of or administered by the state or any political subdivision thereof and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or any political subdivision; an employee in a county jail who is responsible for the safety, care, protection, and monitoring of county jail inmates; an employee of a juvenile detention center that is part of or administered by the county or any political subdivision thereof and who is responsible for the safety, care, protection, and monitoring of juvenile offenders held in the detention center; an employee of a county juvenile probation department who is responsible for preparing social history reports to the court, making recommendations regarding conditions of probation, and the supervision of juvenile offenders' compliance with court orders; an employee of an Idaho Department of Correction facility or private prison contractor of the State Board of Correction who is responsible for the first-line supervision, security, protection, and risk reduction of offenders housed in the correction facility; or an employee of the Idaho Department of Correction who is responsible for the supervision of offenders on probation or parole." When that rule was initially drafted, rather than using the names of the positions, the definitions of the positions from statute and the "Definitions" section of the rules were used. Initially only peace officer and county detention officer were listed, but in 2006 and again in 2007 the rule was updated to reflect the new disciplines POST took on. Per the rule, the acceptable positions are peace officer, county detention officer, juvenile detention officer, juvenile probation officer, correction officer, and adult probation and parole officer. The Hearing Board chose to cite Idaho Code 19-5101(c),

which reads, “‘Law enforcement’ means any and all activities pertaining to crime prevention or reduction and law enforcement, including police, courts, prosecution, corrections, probation, rehabilitation, and juvenile delinquency.” In statute and rule, “‘peace officer’ means any employee of a police or law enforcement agency which is a part of or administered by the state or any political subdivision thereof and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or any political subdivision.” The Hearing Board concluded the phrase, “and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or any political subdivision” was describing the agency’s duties rather than the officer’s. If that is true, every employee of such an agency is a peace officer, and peace officers have to be trained and certified within one year of employment. In just looking at POST, that would mean Trish, Rhonda, Cassandra, Lavon, etc. would all need to attend the academy and become certified. Again, the language is identical in the statute and the rules, and should be interpreted the same way no matter where it appears. The effects of this decision are far-reaching on POST’s entire operations, so that’s why the issue was brought to the Council. In 2011, the Council determined that an individual’s certification should not remain active if they transferred to a different discipline, other than between a patrol and county detention officer position. For example, a peace officer’s certification should not remain active if they resigned and went to work as a juvenile detention officer. With this recent decision, the individual could serve as a juvenile detention officer for fifteen years, resign and go back to work as a patrol officer, and his peace officer certification from fifteen years before would still be valid as long as he completed forty hours of training every two years. Prior to this decision, that certification would lapse after three years.

Paul Panther stated the two employees work for the Ada County Sheriff’s Office, and had gone through the patrol academy. They didn’t pass probation, as they weren’t a good fit for their positions, but the agency wanted to keep them and didn’t want them subject to the reimbursement. The Hearing Board would appreciate guidance from the Council on this issue. The second issue is that there’s a difference between the statute and the rule. The definition of peace officer isn’t that much different. The problem is the definition of law enforcement in 19-5101(c) reads, “Any and all activities pertaining to crime prevention or reduction and law enforcement, including police, courts, prosecution, correction, probation, rehabilitation, and juvenile delinquency.” The agreement to serve says if someone remains in the law enforcement profession, they don’t have to pay back the reimbursement. The rule basically defines law enforcement profession as being a peace officer, but the statute is quite a bit broader than that, and says any and all activities. There’s a technical problem with the rule and the statute being different and the vagaries in the definition of peace officer.

Greg Moon stated the Hearing Board made the decisions they did because both individuals had medical problems. There is some convoluted confusion in the rule, but sometimes the situations go far beyond what the rule says. The Hearing Board has to have some latitude to look at the facts as they exist.

Stephanie Altig stated the statutory definition of peace officer defines a person. The rule related to waivers of the agreement to serve defines the law enforcement profession. For purposes of waivers of the agreement to serve, law enforcement profession is different than a peace officer,

who is a person. The fact that the language of the peace officer definition is used doesn't mean that it's the individual. It definitely can mean something else because it's defining the profession, which focuses more on the type of agency the person is employed by.

Rory Olsen stated he preferred the Council stick with the practice that was instituted a few years ago where the Hearing Board makes the determination whether someone is subject to the reimbursement rather than the POST staff. The rule says the Council will approve or disapprove positions on a case-by-case basis. As far as the other issue where an individual changes disciplines, the staff requests to continue making the certifications inactive, except for officers transferring back and forth between patrol and detention.

Chairman Raney stated the best guidance would be to eliminate reimbursements. It costs a lot more in staff time than it brings in, and it's just not worth it. In the meantime, if the person is in good standing and still serving the citizens of Idaho in a public law enforcement-related agency, they should not be subject to the reimbursement.

Bryan Taylor made a motion that if a person is in good standing and still serving the citizens of Idaho in a public law enforcement agency as defined in Idaho Code 19-5101(c), they not be subject to the reimbursement requirement. Lorin Nielsen seconded, and the motion carried unanimously.

28. Standards Subcommittee Report: Update on Proposed Revision to Definition of "Peace Officer"

Rory Olsen stated he was asked to develop some comparisons of language for definitions of the different disciplines. He worked on the project, and took the staff's recommendation for "peace officer" to the Standards Subcommittee. The Subcommittee Chairman asked Paul Panther to further develop the definition, so the project is moving forward, but not to the point of presenting anything to the Council just yet. POST's statutes really need cleaned up so the IDAPA Rules can be cleaned up, but the statute has to be done first.

29. Felix Gayton, Former Detention Deputy, Kootenai CSO – Final Action Vote on Recommended Order for Decertification

This issue was pulled from the agenda.

Kevin Fuhr made a motion to adjourn. Lorin Nielsen seconded, and the motion carried unanimously.

The meeting adjourned at 2:57 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'VRM', with a long horizontal flourish extending to the right.

Victor R. McCraw
Division Administrator
Idaho Peace Officer Standards & Training

VRM:pac