

POST COUNCIL TELECONFERENCE CALL MEETING

MINUTES

FEBRUARY 24, 2014

Chairman Gary Raney called the meeting to order at 1:00 P.M.

Council Members Present:

Greg Bower, Prosecuting Attorney, Ada County
Dan Chadwick, Executive Director, Idaho Association of Counties
Gary Charland, Idaho Department of Correction (representing Brent Reinke)
Kevin Fuhr, Chief of Police, Rathdrum Police Department
Sharon Harrigfeld, Director, Idaho Department of Juvenile Corrections
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
Shane Turman, Chief of Police, Rexburg Police Department
Ernst Weyand, SSA, Federal Bureau of Investigation
Chris Wright, Acting Enforcement Bureau Chief, Idaho Department of Fish & Game

Council Members Absent:

Ken Harward, Executive Director, Association of Idaho Cities

Guests Present:

Rhonda Brasher, Technical Records Specialist 2, Idaho Peace Officer Standards & Training
Stephen Bywater, Contract Project Manager
Trish Christy, Management Assistant, Idaho Peace Officer Standards & Training
William L. Flink, Division Administrator, Idaho Peace Officer Standards & Training
Lavon Goodrich, Technical Records Specialist 1, Idaho Peace Officer Standards & Training
Sharon Lamm, Business Operations Manager, Idaho Peace Officer Standards & Training
Rory Olsen, Deputy Division Administrator, Idaho Peace Officer Standards & Training

2. Proposed Legislation Regarding POST Funding

Chairman Raney stated Senator Goedde has printed a bill that would virtually eviscerate POST. It would essentially take the fees per academy attendee, including the college programs, and disperse them regionally across the state. He's asked the Sheriffs' Association, Chiefs of Police Association, and the Prosecutors Association for a vote of opposition. The Sheriffs' Association

is close to having enough votes to oppose it. He hasn't heard of a single sheriff who supports it. There's a little bit of banter going on about whether to oppose it or support it with the Chiefs, mostly driven by Chief Scot Haug in north Idaho, but it appears they will vote to oppose it as well.

Greg Moon stated the central Idaho chiefs are unilaterally opposed.

Kevin Fuhr stated most of the chiefs are in favor of opposing the bill. The issue revolves around two things. One is the POST fees and the other is the testing issue. The testing issue has been resolved, so it's basically the fee issue. That will hopefully get resolved in the future, but probably not through this bill.

Shane Turman stated the eastern Idaho chiefs are opposed to it.

Chairman Raney stated he continues to be in contact with Lila Burns, who is the Vice President of Instruction at North Idaho College. On March 14th, he and Kevin Fuhr will meet with all of the college program administrators. At the POST Council meeting on March 13th, he will be presenting his vision for the future of POST. The Chiefs' Association and the Sheriffs' Association are in support of it. If the Council buys off on it, he will present it to the college programs on March 14th and talk about how they fit into it. Representatives from CSI and ISU were in attendance when he presented it to the Chiefs' Association, and both gave their wholehearted support to it.

1. Determine Mission and Direction of POST

a. Which Disciplines Will Be Trained and Certified

b. One Set of Standards for All or Separate Standards for Each Discipline

Chairman Raney stated POST has contracted with Stephen Bywater to be the Project Manager on the Idaho Code/IDAPA Rules Rewrite Project. Before the project can progress any further, the Council needs to decide if they want one set of minimum standards for all disciplines or two sets of standards. He recommended having two sets of standards, one for law enforcement and one for specialists. The law enforcement standard would be for those who have the legal authority to take somebody's life or liberty, such as patrol officers and detention deputies. It would be up to Director Reinke which standard the correction officers and probation and parole officers fall under. The specialist standard would be for those disciplines such as juvenile and misdemeanor probation whose functions might be better served by people who have a somewhat different history than that of a law enforcement officer.

Sharon Harrigfeld stated she talked with her staff, some juvenile probation officers, and some juvenile detention officers. They were not supportive of having two different sets of standards.

Chairman Raney stated one of his goals is to all but eliminate waivers and waiver hearings. Over the last several years, a number of waivers have been granted for juvenile corrections and misdemeanor probation. He wanted to be sure they wanted to be held to the current peace officer standards, which include not only criminal and traffic, but also hearing and vision.

William Flink stated some of the standards may change due to the Job Task Analysis.

Sharon Harrigfeld stated to be quite frank, it always appears that the juvenile side are second-rate citizens compared to everyone else. That would be exacerbated with two separate standards.

Chairman Raney stated he was fine upholding one set of standards, but wanted to make it clear that his push will be that once a standard is set, it is actually a standard. The Council's goal should be that very few waivers are granted.

Sharon Harrigfeld stated she discussed background with her constituents, but not hearing and vision. She didn't think they would have any additional concerns.

Chairman Raney stated the Idaho Department of Correction is about to bring on a whole bunch of people.

Gary Charland stated the Idaho Department of Correction sees all of their correction officers and probation and parole officers as daily use-of-force officers, so feel they fall very heavily on the law enforcement side.

Chairman Raney stated that answers it then. The Council will go through and refresh the standards and make sure they're solid. Once that's done, the Council should make a commitment to live by them.

Sharon Harrigfeld and Gary Charland agreed.

Lorin Nielsen asked what the preference was of the misdemeanor probation officers.

Chairman Raney stated he hadn't heard. Their original guiding committee has somewhat disbanded. If juvenile and correction are on board, the Council should stick with one standard rather than creating a second standard for just misdemeanor probation.

William Flink stated several misdemeanor probation agencies are still trying to be able to carry firearms.

Stephen Bywater stated he appreciated this guidance very much. The project workgroup recognized right away there were some gaps in the statutory framework that needed to be addressed prior to moving on with the rewrite of the IDAPA Rules. The Council has now provided the direction they needed in order to proceed. Having sat on the Hearing Board for many years, he personally witnessed the increase in waiver requests and even some pleas from agencies lamenting about how difficult it was to fill vacancies with the strict standards that were in place. Based on that, he fully expected the Council to move in the direction of two different sets of standards. It's great they're moving forward with one. It will make the process easier. However, the waiver process will be the key. If the Council adopts one standard and then starts having frequent waiver requests and waivers granted, it will completely undermine where the Council is trying to head.

Ralph Powell stated he's on board with moving forward with one standard, and hopes it works out for them. However, his memories are fresh, perhaps even raw. About a year ago, it really wasn't working to try and fit the square peg in the round hole. He thought there would be more discussion about two sets of standards.

Greg Moon stated he liked the one standard, but shared Ralph Powell's concerns. Sharon Harrigfeld stated earlier today she didn't fully flush out the issue with her staff and constituents. There are obvious differences between a law enforcement standard and a standard in terms of what a juvenile probation and juvenile detention person does. He didn't see how the Council could avoid an influx of waiver requests because at times it has been extremely difficult for juvenile to fill vacancies in the past.

Sharon Harrigfeld stated her staff is on board with one standard. She focused on the criminal history and drug usage when she talked with the juvenile detention and juvenile probation officers. She would like to send an e-mail out today to the juvenile administrators and specifically address the hearing and vision standards. She should have an answer in a week.

Chairman Raney stated the issue would be put on the agenda for the March 13th POST Council meeting and a decision made then.

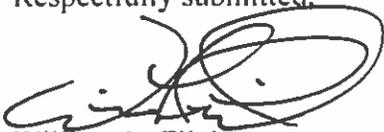
Rory Olsen stated one set of standards could also include physical fitness, so suggested Director Harrigfeld include that in her e-mail as well.

Gary Charland stated a Job Task Analysis oversees the physical fitness standard for the correction officers, which is an agility test. The POST physical readiness test is used for probation and parole officers. He asked if the correction officers would now have to pass the PRT.

Chairman Raney stated at the March 13th POST Council meeting, he plans to pose the question whether POST should be in the business of accessing physical standards at all. It's arguable that that is an agency responsibility. POST has no authority to follow up once a person graduates. It's the agencies' worker's comp claims and liability, so if the agencies don't care, the question is should POST take on that physical standards oversight role.

The meeting adjourned at 1:25 P.M.

Respectfully submitted,



William L. Flink
Division Administrator
Idaho Peace Officer Standards & Training

WLF:pac