

## POST COUNCIL MEETING

### MINUTES

**MARCH 13, 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:

Dan Chadwick, Executive Director, Idaho Association of Counties  
Kevin Fuhr, Chief of Police, Rathdrum Police Department  
Sharon Harrigfeld, Director, Idaho Department of Juvenile Corrections  
Kevin Kempf, Idaho Department of Correction (representing Brent Reinke)  
Gregory Moon, Chief of Police, Weiser Police Department  
Lorin Nielsen, Sheriff, Bannock County  
Paul Panther, Chief, Criminal Law Division, Attorney General's Office  
Gary Raney, Sheriff, Ada County  
Wayne Rausch, Sheriff, Latah County  
Bryan Taylor, Prosecuting Attorney, Canyon County (representing Greg Bower)  
Ernst Weyand, SSA, Federal Bureau of Investigation  
Kedrick Wills, Lieutenant Colonel, Idaho State Police (representing Ralph Powell)  
Greg Wooten, Acting Enforcement Bureau Chief, Idaho Department of Fish & Game

#### Council Members Absent:

Ken Harward, Executive Director, Association of Idaho Cities  
Shane Turman, Chief of Police, Rexburg Police Department

#### Guests Present:

Amber Brown, Juvenile Probation Officer, Ada County  
Trish Christy, Management Assistant, Idaho Peace Officer Standards & Training  
William L. Flink, Division Administrator, Idaho Peace Officer Standards & Training  
Lael Hansen, Juvenile Probation Manager, Ada County  
Jon Heggen, Retired Enforcement Bureau Chief, Idaho Department of Fish & Game  
Dave Heimer, Training Specialist, Idaho Peace Officer Standards & Training  
John Lamm, Region III Training Coordinator, Idaho Peace Officer Standards & Training  
Sharon Lamm, Business Operations Manager, Idaho Peace Officer Standards & Training  
Alicia Marquardt, Juvenile Probation Officer, Ada County  
Blair Olsen, Sheriff, Jefferson County  
Rory Olsen, Deputy Division Administrator, Idaho Peace Officer Standards & Training  
Ken Robins, Deputy Attorney General, Idaho State Police  
Karen Skow, Training Specialist, Idaho Department of Juvenile Corrections

Cassandra Thigpen, Technical Records Specialist, Idaho Peace Officer Standards & Training  
 Samantha Westendorf, Assistant, Ada County Sheriff's Office

1. **Pledge of Allegiance**
2. **Introductions of Council Members and Guests**
  - a. **John Lamm – New Region 3 Training Coordinator**
3. **POST Council Meeting Minutes Approval – December 5, 2013**

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

4. **POST Council Meeting Minutes Approval – February 24, 2014**

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

5. **POST Organizational Assessment Follow-Up/Planning Session Issues**
  - a. **Operational Action Items Established by Staff**

Chairman Raney reported he, Colonel Powell, and Vice Chairman Moon met with the POST staff in January. The staff identified the following action item steps that need to be taken to improve success:

<b>POST Staff Goals</b>	<b>Rank</b>
Define which decisions are reserved for the Admin/Dep Admin and which can be made at lower levels	1
Clearly define job duties & responsibilities of each position, and communicate them to staff and management	2
Identify items that can be delegated below Admin/Dep Admin level	3
When there is a potential decision that affects another person's job responsibilities, include those who are affected before the decision is final	4
Rewrite statutes, IDAPA rules and POST Standards/Policies (Title 19 Chpt 51; minimum standards for each discipline)	5
Reevaluate POST basic academy rules and regulations and prioritize/categorize them	6
Establish an enforceable agreement on consistent application of rules in the academy	7
Establish a system to let people know where their request is in the process	8
Establish a centralized Force Coordinator	9

Establish guidelines for what should be discussed at staff meetings and establish an agenda	10
Review Law Week objectives and assess whether they are at or above the "application" stage	11

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Chairman Raney stated the top four would be tackled first, and then before the next POST Council meeting, they would meet again with staff and identify the new priorities that rise to the top. Four other items came up that were not related to the Council, but related to ISP as an employer. Colonel Powell met with the POST staff and is addressing those issues.

**b. Metrics and Action Steps Developed by Chairman Raney & William Flink**

Chairman Raney stated he's asked Bill Flink to provide a direct response to the Council as to progress on the concerns and his take on what's happening. As the next action item, he's working with Bill to develop a better dashboard. It's not about what the numbers are now, it's about the trends. He asked the Council members to be thinking about metrics they would find most meaningful long-term. If the Council makes changes to the basic academies, in-service training, or customer service to agency heads, how do they measure the effectiveness to know whether they are more successful or less successful than they are now? Many agency heads feel the customer service they receive from POST is very poor. It's all about communication most of all, and he wants to see that improve.

**c. Formation of Executive Committee**

Chairman Raney stated he formed an Executive Committee in an effort to handle the low-level, housekeeping business outside of POST Council meetings so the Council can be more effective, spending more time looking at the future of POST, giving guidance, hearing feedback, and actually determining how to best move the organization forward to where it should be. The Executive Committee consists of himself, Council Vice Chairman and Hearing Board Chairman Greg Moon, Colonel Ralph Powell, Training Subcommittee Chairman Kevin Fuhr, and Standards Subcommittee Chairman Dan Chadwick. The committee met yesterday, and as long as it works well, will continue to meet the day before future POST Council meetings.

**6. Executive Session – Personnel Issues**

Chairman Raney stated an internal survey was conducted in 2012 that brought forth some issues within POST, particularly about communication, direction, and understanding roles and responsibilities. In 2013, a consultant was hired to look at the issues in greater depth and with more objectivity. Again, the clear message from the POST staff was there are some communication and direction issues. One source of frustration and confusion is the standards and the large number of waivers granted since POST took on additional disciplines. The Council will discuss this in more depth in the future, but the bottom line is the Council has to quit granting waivers. Every time they grant a waiver from a standard, it's no longer a standard. The Council needs to set proper standards and then live by them. There's a plan to do that through the job task analyses of the different disciplines. It's difficult for the staff to know how to respond to questions from agency heads when there's a standard on a piece of paper, but frequent

waivers granted that don't uphold that standard. Even though it's all one organization, there's a separation between the administrative staff in Building 3 and the training staff in Building 8. That separation has to be eliminated, and all staff work together for the same common mission and vision.

**Paul Panther made a motion to convene into executive session pursuant to Idaho Code 67-2345(1)(b), "To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student." Wayne Rausch seconded the motion.**

**Bryan Taylor made an amended motion to convene into executive session pursuant to Idaho Code 67-2345(1)(b), "To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student;" and Idaho Code 67-2345(1)(d), "To consider records that are exempt from disclosure as provided in chapter 3, title 9, Idaho Code." Wayne Rausch seconded, and the amended motion carried by roll call vote with Ernst Weyand abstaining from the vote.**

The Council convened into open session.

**Paul Panther made a motion that the Council delegate to Chairman Raney and the Executive Committee the authority to follow up on the organizational assessment in light of the concerns discussed in executive session, and that they include such other persons in that process as they might think necessary. Greg Moon seconded, and the motion carried unanimously.**

## **21. Special Presentation – Sheriff Blair Olsen**

Chairman Raney presented Sheriff Blair Olsen with an engraved clock and thanked him for his service on the POST Council.

## **22. Special Presentation – Jon Heggen**

Chairman Raney presented Jon Heggen with an engraved clock and thanked him for his service on the POST Council.

## **7. POST 2020 Vision**

Vice Chairman Greg Moon served as Chairman for this agenda item.

Gary Raney stated the POST Council has not done a very good job over time of helping set the direction and the expectations of POST. At the last POST Council meeting, he floated some new ideas about delivering the patrol academy training. He formalized those ideas into a presentation, and communicated his POST 2020 vision to the POST staff, and then to the Sheriffs' and Chiefs' Associations. Both associations voted overwhelmingly to support the vision. The decision is the Council's, but it should prove helpful to know it has the support of law enforcement executives across Idaho. The key is to take it one step at a time and

incrementally begin to apply some of the principles. The Basic Academy should provide only the minimal level of training required for a new officer to then go out and ride along with an experienced officer and continue their education. He recommended POST use adult learning practices and move to retained knowledge and a level of competency. It might be a better retention model for officers to train for a few weeks, apply that training to real world experience, and then receive training in more advanced skills. POST needs to improve their delivery of advanced training, which is providing a systematic progression of knowledge and skills throughout a career. A mandatory Supervisors Academy needs to be established where people learn personnel law. It's mandatory in other states, but not in Idaho. It's very difficult to apply one certification standard to all disciplines. As a result, countless waivers are granted, which are tough to defend in court. Additionally, POST doesn't have a foundation and lacks clarity. That's in the process of being corrected, but the staff needs direction from the Council. Perhaps the Council should adopt one standard for criminal and character, and separate standards for medical.

Sharon Harrigfeld stated the input she received from the county juvenile justice administrators is that they supported one standard for character and criminal and separate standards for hearing and vision.

Gary Raney stated the Council's goal and POST's mission statement is to develop skilled law enforcement professionals who are committed to serving and protecting the people of Idaho. The Council needs to identify what those retained competencies are beyond the basic academy, and then determine where their time and effort is best spent in the academy in order to provide a more professional, more highly trained individual for the long term. They need to strategize to achieve those goals by maximizing learning and focusing on retained knowledge and competencies that will have an impact on all law enforcement long-term, not just basic students at graduation. The time an officer spends in Meridian should be minimized by only providing those skills and knowledge that cannot be obtained regionally. POST has to teach high liability, dynamic, or complex areas of instruction. The legal instruction is critically important, and should not be regionalized. POST struggles to provide consistent, defensible legal instruction. Adobe Connect opens up some new on-line possibilities. Perhaps POST should teach EVOC since they have the only publically owned EVOC track in the state. If the agency heads feel the facilities and resources are worth it, the training should be in Meridian. Otherwise it should be regionalized. Arrest Techniques should be regionalized. This will also build the competencies of those instructors in the regions who logistically can't teach at POST, thereby achieving high quality instruction throughout Idaho, not just in Meridian. POST's role would be to focus on identifying best practices, insure all POST-certified instructors throughout Idaho are delivering training from those best practice standards, and validate the competencies at the end. Traffic stops and building searches should be regionalized. This would make it more realistic and uniform locally, bring agencies together through their shared reality training, and enhance their ability to work together under real circumstances. POST should provide high-risk academic training such as law. Using Adobe Connect, all legal instruction could be taught on-line through asynchronous or asynchronous/synchronous blended learning. A prosecuting attorney could sit in his pajamas at home, get online, and lead an interactive class on Search and Seizure. Due to the recently completed Patrol Job Task Analysis, now is the perfect time to determine what POST should and should not do. It's imperative that the larger agencies help the smaller

agencies so they're not left behind. Low-risk academic learning such as Report Writing should be an agency responsibility. What POST teaches has become irrelevant due to the many different report writing systems used throughout the state. If a person doesn't have the competency of writing at the proper level, it's the agency head's responsibility to screen, train, or dismiss them. The academic learning should be separated from the skills learning. POST should focus on how to coordinate, not deliver, the best standard teaching of skills such as EVOC and Arrest Techniques throughout the state, and then measure competencies at the end. High-risk, best practice skills should be taught regionally, and low-risk, individual skills should be an agency responsibility. Meridian delivers high-risk training that cannot be delivered regionally. The Council should focus on what matters most. Legal education is critically important, and is not being done well currently. Using the on-line, interactive teaching model and adult learning principles, retained knowledge and competency is increased. Firearms proficiency should be an agency responsibility. Every law enforcement agency in Idaho is or should be teaching and improving the proficiency of pointing the gun and pulling the trigger. Lawsuits stem from the decision to pull the trigger, not where the bullet landed. POST currently does very little in the area of decision-making of whether or not to shoot. Students are on the simulator one or two hours and on the range for thirty plus hours. POST spends just over \$100,000 annually on ammunition and targets. Those time and money resources could be better utilized elsewhere for a long-term impact. Perhaps a self-contained use-of-force simulator could be purchased and transported in a trailer around Idaho. POST should set the firearms competency standards, and at the time of certification, make sure officers meet those standards. By focusing on firearms decision-making, lives will be saved. Physical Fitness should become either an agency or individual responsibility. That would free up thirty-three hours in the academy. Perhaps officers should have to pass a fitness test upon arriving at the patrol academy, and if they don't, they return to their agency until such time as they can. The individual would then be accountable for their own career. Perhaps they would have to pass it again as part of their final certification. Hypothetically, if Firearms, Arrest Techniques, Impact Weapons, Traffic Stops, Patrol Procedures, Building Search, and DUI were regionalized; Physical Fitness became an individual responsibility; and legal instruction was on-line, the patrol academy time in Meridian would be about four weeks. Some additional training may be added. The key is building the process whereby the agency head stakeholders make a collective decision about how much time officers spend in Meridian. Field training is the most difficult part of all. Some agencies put their recent academy graduates through about sixteen weeks of training and mentoring by experienced, qualified officers. Others hand their recent graduates a set of keys and say, "Call me if you get into trouble." That has to change. Requiring agencies to have some responsibility for the basic training of their officers can help change that. Field training and academy training become symbiotic. Only the best and brightest should graduate from POST, as they make decisions daily about whether to arrest or shoot someone. By setting appropriate competency standards, the Council can insure POST graduates are smart and well-trained. After training at POST, the officer returns to his agency to ride along with an experienced and qualified officer and ask questions, apply what he's learned, and gain that practical experience. POST's role becomes one of academic and skill validation, an officer's competency at the time of certification, and how to maximize retained knowledge three, five, and ten years down the road. Skilled and educated are two different things. Our officers need to be both. If the Council buys this as a vision, the first step would be to move the legal instruction to an asynchronous or blended learning model, and the second step could be Firearms.

Lorin Nielsen stated he like the concept very much. He suggested the Council also look at eliminating the fifty yard and twenty-five yard shooting requirement.

Gary Raney stated the key is interactive communication with the agency heads. One option is POST doesn't do firearms at all, and the agency head just sends in an attestation that the officer meets the standards. The trade-off could be that POST uses the cost savings to purchase a top-notch mobile use-of-force simulator. The meal and lodging cost savings could be used toward a Supervisors Academy.

Bryan Taylor stated he really liked the vision. He would like to see more emphasis on the symbiotic relationship of all the disciplines of POST. It would be fantastic to incorporate whether an officer even has probable cause to enter a building while learning how to search a building, the different legal mechanisms during a DUI investigation, or even when should the officer have pulled the trigger during firearms training. Rather than compartmentalizing the training, if POST could emulate the interconnected relationships throughout the entire program, the results would be tremendous.

Gary Raney stated there could come a time when the final exam for the patrol academy is a week or a week-and-a-half of well designed, very comprehensive, competency-based scenarios incorporating officer safety skills, interview skills, legal instruction, evidence collection, and on and on.

Greg Moon stated the chiefs as a whole like the concept because they see the opportunity to have input and to create a bigger and firmer network with other law enforcement agencies. It's important to move slowly and not walk on top of the one- and two-man agencies. The Council needs to make sure the instructor and regional coordinator infrastructure is in place to support the regional training concept.

Kevin Fuhr stated the three college programs currently have a bank of instructors and the resources to conduct the training regionally. He's spoken to many chiefs of small agencies, and they think it sounds great and will be easy to implement. A lot of them also said firearms training at POST could be done away with. They're training and qualifying their officers before they ever come to POST, and since they're already buying the bullets, they wouldn't be asking for bullet money.

Gary Raney stated the role of the POST Regional Training Coordinators will be vastly different, becoming more like a current patrol academy coordinator. They will be identifying the best practices, standards, and competencies, and making sure the instructors are all on the same sheet of music. If the Council agrees with the POST 2020 vision, the next step is to direct POST to focus on moving the legal instruction toward on-line asynchronous learning and focus on the firearms instruction at the same time. Those two areas add up to more than a week, so the patrol academy could be shortened to nine weeks. Even adding in more curriculum, the academy could end up being six or seven weeks long. The basic academy is about the minimal level of skills required for someone to start riding along with an experienced and qualified officer. It needs to

be made very clear to the agency heads what POST is teaching and what is the agency head's responsibility.

Bill Flink stated POST conducts thirteen weeks of training in ten weeks, so initially the overtime would be reduced. The legal instruction is going to have to be really well thought out as to what they will require the legal instructors to do in order to make sure people aren't just sitting there. It will have to be two-way communication. You can say they can just text, but that isn't ideal. What happens when the person has taken that distance learning, but doesn't know the material when they arrive at POST? Does POST send them home? The class will have to be put on probably four times prior to an academy to make sure all students have the opportunity to complete it unless you require all the students to take it at the same time. It might not be possible to do it on Adobe Connect that way, but POST has the Idaho Education Network if the Legislature doesn't cut the funding.

Gary Raney stated Adobe Connect allows the prosecutor to record his live interactive course. That recording would be posted on Connect. The student would be responsible to look at that. The most common exchange in higher learning he's familiar with is for every conversation, the student posts one question and responds to two. With thirty to fifty students going through the academy, that's a lot of interaction. Additionally there would be quizzes along the way to measure progress. At the end, there would be some sort of comprehensive competency evaluation.

Bill Flink stated POST can tape things like they're doing now, but it's not the desired interaction and not ideal for creating assignments. He's taken really good on-line training out of the National Judicial College. There were judges from all over the United States in the class. It was very demanding, and the homework assignments to prepare them for the next week were horrendously demanding. It can be done. The question is how do you determine if people are doing it, and how do you keep rosters and track how they're doing. Some of it can be done electronically if it's a taped program, but if it's live, they'll have to work through that. He likes the idea and thinks it can be done.

Kedrick Wills stated he currently teaches for Idaho State University, and their collaborative platform is fantastic. There's no reason POST Council can't partner with the colleges and universities on this as well, because they're already doing it.

**Lorin Nielsen made a motion to support the scope of the POST 2020 vision, and direct POST to start implementing the concept. Paul Panther seconded the motion.**

Gary Raney suggested the Council start with the patrol academy. If other disciplines want to utilize the concept down the road, the Council can take that on at that time. The key is to take it one step at a time, so for now, start with the legal instruction and firearms.

**The motion carried unanimously.**

Gary Raney asked Bryan Taylor if he had a sense of how involved the IPAA wanted to be in rethinking POST's legal curriculum.

Bryan Taylor responded the IPAA discussed it at their board meeting a couple of months ago, and they are very supportive and motivated. They see the ability to have hands-on instruction with the officers on day-to-day activities. He can't speak for all IPAA members, but he personally is willing to help out in any way he can, and the other board members are as well.

Gary Raney distributed a POST 2020 vision decision tree graphic.

#### **8. Review of POST 2014-2018 Strategic Plan – Preparation for FY 2015-2019 Strategic Plan**

Bill Flink stated POST needs to submit their 2015-2019 strategic plan to the Governor in August. At the June Council meeting, he would like the Council's ideas about what should be included in that strategic plan, especially any budget decision unit items. He recommended this process be followed with the Council in March of every year to make sure everyone's in agreement on the strategic vision for POST.

#### **9. Review of Performance Outcomes**

This issue was removed from the agenda.

#### **10. Training Subcommittee Report**

##### **a. Patrol Job Task Analysis Task Survey**

Kevin Fuhr stated the Patrol Job Task Analysis task survey was sent out to the agency heads for input. He received eight responses back, and those responses were discussed by the subcommittee. The biggest misconception was that if something was listed as field training, the agency had to do it. He explained to them that if their agency doesn't have or utilize something, they simply check that they don't do it. The Council now needs to decide whether to adopt the proposed task list and have POST start working on the curriculum.

**Lorin Nielsen made a motion to adopt the patrol academy task list and have the POST staff develop the performance objectives. Greg Moon seconded, and the motion carried unanimously.**

##### **b. Instructor Policy: Officers who don't submit applications within two years or lapse for several years and wish to regain instructor certification**

Kevin Fuhr stated a POST-certified instructor in north Idaho had some medical issues and lost his job. His POST instructor certification was extended until December 2014. The POST staff questioned whether someone who attended Instructor Development but then didn't teach for two years had to go back through Instructor Development. The subcommittee determined that the person did not have to go back through Instructor Development. If they're not a good instructor, that will come out when the POST Regional Training Specialist monitors their class. During that discussion, it was decided that hands-on skills instructors such as EVOC and firearms should

have to go through a refresher instructor course for their specific subject every two years to keep up-to-date on best practices and case law. **He made a motion to proceed with rulemaking to require hands-on skills instructors to go through a refresher instructor course for their specific subject every two years. Sharon Harrigfeld seconded the motion.**

Bill Flink stated currently if they do not get their certification within the first two years, they take a course to update their skills before they get certified in that skill.

Rory Olsen suggested the POST staff draft the rule and bring it back to the Standards Subcommittee.

Lorin Nielsen stated he was opposed to requiring POST-certified instructors to recertify every two years. They went through a lot to become POST-certified instructors, and shouldn't lose it all. They're either good instructors or they're not. Update might be a better word to use.

Rory Olsen stated that's why he suggested allowing the staff to draft up a rule for the Standards Subcommittee's review, and then bring it to the Council for approval.

Chairman Raney stated that could be done without a motion.

**Kevin Fuhr withdrew his motion, and Sharon Harrigfeld withdrew her second.**

**c. Academy End-of-Course Evaluations**

Kevin Fuhr stated the subcommittee is seeing the same types of issues they have for the last couple of years. In the future, the subcommittee will look at outcomes of the academy classes and see if there are changes in the outcomes such as grade percentages and graduation rates.

**d. Update on Basic Correction Academies**

Kevin Fuhr stated the Basic Correction Academies are off and running. One session has graduated. There were a couple of minor instructor issues that were overcome. The anticipated small hurdles are getting resolved, so it's working well.

Kevin Kempf stated the Idaho Department of Correction has upwards of three hundred and seventy-six people to hire. They projected about a fifty or sixty percent retention rate with CCA staff. On July 1st, they will walk in as a unit ready to take over operations from CCA.

**e. Reserve Detention Officer Academy Update and Schedule**

Bill Flink stated the Reserve Detention Officer Academy should start sometime around the end of May, first of June, but definitely before the end of summer.

Kevin Fuhr stated it will be offered through the on-line Idaho Education Network just like the Patrol Reserve Academy.

## **f. Distance Learning Update**

Kevin Fuhr stated POST is working with ICRMP on another driving course, has done two videos on PRT and PT, and did training with the Idaho Sheriffs' Association on grievances. In looking at the college programs, he met and physically went through two of the three programs. They have a lot of resources and good equipment available that could really benefit POST in the future.

Chairman Raney thanked Kevin Fuhr and the Training Subcommittee for all their good progress that has improved decision-making and saved the Council a lot of time. There's still a bill sitting out there in the Legislature to effectively defund POST, decentralize it and take the funds that POST receives and send them out regionally, which would be disastrous. Some misinformation went out early on. Some people grabbed the misinformation as an opportunity, and some just took it. It's been quite interesting. Kevin Fuhr's great leadership in dealing with that, getting the message and truth out, and now putting POST Council in a position to meet with the colleges tomorrow and really move forward is so appreciated.

## **11. Minimum Standards for POST Certification**

Chairman Raney stated due to Jon Heggen's retirement, he has appointed Dan Chadwick to serve as the Chairman of the Standards Subcommittee. A POST Council conference call was held on February 24th, and a decision on minimum standards was deferred until today. The statute and IDAPA Rule rewrite project cannot move forward without direction from the Council. Whatever the Council does, they need to get rid of granting a lot of waivers and grant only a minimal number. The prevailing thought was to have one standard for character and criminal conduct, and separate standards for medical and physical.

Sharon Harrigfeld stated she solicited input from the county juvenile justice administrators. Over two-thirds voted against a two-tiered system and want to stay with one standard. The juvenile justice community is really proud to be part of the professionalism that comes with being POST-certified, and they don't want to give that up.

Lael Hansen stated she's worked as a juvenile probation officer for eighteen years, and is seeing the partnerships grow and juvenile justice's collaboration with law enforcement specifically grow to the point where they're at the table as equal members. They participate in staffings and help in investigations. She contributes some of that to the POST certification that they bring. She's concerned that a tiered system would deteriorate that partnership and the collaboration that's integral for juvenile justice to continue to work and make a better community. The POST standards make for stronger hiring practices. As a hiring manager, she's thankful she gets to ask those character questions and use them as decision-makers. If juvenile justice didn't have the POST standards and certification in place, she legally couldn't let that be an influence in her decision-making. That's what brings strong players to the table.

Chairman Raney asked Lael Hansen what she thought of one standard for character and criminal conduct and separate physical standards based upon an eventual job task analysis.

Lael Hansen responded juvenile probation officers are in the field, in homes, and doing searches. Detention and correction officers aren't necessarily in those same roles. As long as POST certification is maintained for juvenile justice and they're recognized as POST-certified, the standards piece can be worked around a little bit easier. For her county, she prefers the standards remain as they currently are. They work around them very well, and could continue doing that. They get a lot of applicants, so can be somewhat selective.

Bryan Taylor asked on average, how many waivers were being granted in a year.

Chairman Raney stated there are enough that it erodes the fact that it's a standard.

Sharon Harrigfeld stated it would be helpful to have a breakdown before moving forward with a decision so that they fully understand the implications.

Rory Olsen stated as a snapshot, thirty waiver requests have been submitted to Bill Flink in the last week. Some of them are very simple.

Chairman Raney stated there's a logical difference between the physical requirements to be a patrol officer and some of the other disciplines. He doesn't know what they are, and it might not be a lot. Waivers probably won't be eliminated completely, but there are far too many now. Steve Bywater is the project manager for recrafting the statutes and IDAPA Rules, so the Council needs to provide some general direction. It makes a difference if there's going to be one standard for certification or multiple standards.

Bill Flink stated it might be optimistic to try to bring something before the 2015 Legislature. The Council also needs to decide if they want to take all of the statute and IDAPA Rule changes before the Legislature at once or break it up into multiple years.

Lorin Nielsen stated Michael Kane would be a good resource to assist on the legislation.

Kevin Fuhr requested the POST staff research why and how the current vision and hearing standards came to be.

Chairman Raney agreed.

**Sharon Harrigfeld made a motion to direct Steve Bywater and the POST staff to move in the direction of one standard for character and criminal conduct for all disciplines with the**

**inclination toward separate standards for physical standards. Paul Panther seconded, and the motion carried unanimously.**

## **12. Standards Subcommittee: IDAPA Rule 11.11.01.081 - Two-Year Agreement**

Chairman Raney stated when somebody voluntarily leaves employment within two years of graduating POST, they are billed for the cost of the academy. There's been a lot of confusion about whether resigning in lieu of termination for failing field training is through no fault of their own.

Bill Flink stated the agency is required to provide written documentation that it's through no fault of the officer's own. Some agencies provide an easily understood description of the issue, but others don't. Under current policy, officers terminated through no fault of their own without a clear description are billed for their training expenses.

Chairman Raney asked what the annual revenue was for reimbursements, and if it was more trouble than it was worth.

Sharon Lamm responded not all that much is collected. At this point in time, it is more trouble than it's worth. There are between two hundred and two hundred and fifty open accounts for a total of \$600,000 owed. Of those, probably less than fifty pay on a regular basis. Beginning in April, people will be able to pay on-line with a debit or credit card, so that might help.

Paul Panther stated the Hearing Board constantly encounters a couple of reoccurring problems. Sometimes they get a letter from the agency saying the person was terminated through no fault of their own, but they don't believe it. It doesn't sound like the officer was really terminated through no fault of their own, so they have a hearing basically about what really happened, and end up trying to sort of second-guess the agency. Sometimes the person doesn't have the letter, and the Board listens to their lengthy explanation about why they were terminated through no fault of their own or why the agency wasn't truthful about why they were terminated. The simple solution is to just follow the rules. If they don't have the required letter, they have to pay their training costs. If they have the letter, it's accepted at face value and they don't pay.

Chairman Raney stated if it's not worth the accounting and personnel time, POST should just quit doing it altogether.

Wayne Rausch stated he'd like to go back to something he proposed several meetings ago, and he still thinks it is the best solution of all. POST should create a form to be filled out by the agency head that has two checkboxes. One checkbox says the person was let go with due cause, and the other says the person was let go due to no fault of their own. Then the Hearing Board isn't in the position of reading a long explanation letter to try and second-guess what the truth is. If a person has an issue with being required to pay, that's between them and their former employing agency. POST doesn't have to deal with it.

Lorin Nielsen agreed.

Chairman Raney asked for clarity on the business decision. Is the revenue collected from reimbursements greater or less than the cost of personnel to collect it?

Sharon Lamm responded it's a wash at best.

Bill Flink stated there's more than POST involved with this. ISP's Colonel is responsible for the fiduciary issues.

Chairman Raney asked if the loss of revenue would be a concern.

Bill Flink stated it depends on how the Council looks at the funding source of POST and whether or not they want people to reimburse POST for the training they received.

Chairman Raney suggested setting aside the philosophical and just considering the economic.

Bill Flink responded it is economic. Revenue from the \$15 fee assessment is not coming in as anticipated, so it depends on what the Council wants for revenue.

Greg Moon stated there's an IDAPA Rule in place, it's clear, and the Council needs to hold to it. Those with a letter don't pay and the others do. It puts the onus back on the agency heads where it belongs. If the Council has to educate agency heads about how to determine no fault of their own, so be it.

Paul Panther stated Idaho Code 19-5112 requires people to execute that agreement. It doesn't expressly say the Council has to go after someone not fulfilling the agreement, but they will have to explain it to somebody if they don't collect those fees.

Chairman Raney stated there needs to be a clear delineation by the agency head whether it was through no fault of their own or not. If it's contested, then the Council can advise the person they're bound by what the agency head indicated on the form, and if they have issue with it, they need to address it with their former agency head, possibly through civil litigation.

Greg Moon stated to alleviate some of the concern, POST should create a form as Wayne Rausch indicated, and have a place for the agency head to provide explanation. That doesn't mean POST dives into that explanation, but it might mitigate the issue of agency heads just routinely indicating no fault of their own.

Chairman Raney stated the form should include language to the agency head about creating a record, and that creating a false record may have repercussions.

Dan Chadwick stated the Council has set the standard as through no fault of their own. The agency head gets to decide what that is, and the Council shouldn't want to know the reason. If the Council isn't going to let the agency head decide what that is, then they had better amend the rule to define it. Otherwise they're giving agency heads a charge without direction, and setting it up for litigation.

Wayne Rausch stated that's why he recommended a form with checkboxes. That way the verbiage is already there, and the agency head doesn't have to write anything creative. They check one box or the other and it's a done deal.

**13. Brandon M. Williams, Former Detention Deputy, Bonner CSO – Stipulation for Decertification**

**Kevin Fuhr made a motion to accept the stipulation and decertify Brandon Williams. Greg Moon seconded, and the motion carried unanimously.**

**14. Jacob M. Snider, Former Correction Officer, CCA/ICC – Decertification Due to Felony Conviction for Aggravated Assault**

**Wayne Rausch made a motion to decertify Jacob Snider. Lorin Nielsen seconded, and the motion carried unanimously.**

**15. Election of Vice Chairman for 2014**

**Wayne Rausch nominated Greg Moon for Vice Chairman. Sharon Harrigfeld seconded the nomination.**

**Lorin Nielsen made a motion that nominations cease.**

**Greg Moon was elected Vice Chairman by unanimous vote.**

**16. POST Budget Review**

Sharon Lamm reported spending authority for FY 2014 is a little over 4.96 million dollars. Through the end of January 2014, seven months into the fiscal year, POST encumbered and spent a little over 2.2 million dollars, or about 44% of the authorized budget. Forecasted spending for the remaining five months of the year is approximately 1.37 million dollars. The estimated year-end balance is 1.42 million dollars. That balance assumes the \$552,000 land purchase will not occur during this fiscal year. However, it's projected the land expenditure will be made before the end of the fiscal year. If that happens, the estimated year-end spending authority balance would be closer to \$800,000 instead of 1.42 million. Either way, POST will end the fiscal year well within the limits of the set budget. Revenues have been down and even a little flat, so projected revenue for FY 14 is now a little closer to 3.78 million. Expenditures for FY 14 are estimated to be about 4.3 million dollars, so POST will end the year with a cash balance of a little over \$300,000, not including the misdemeanor probation fees. POST has a mandate to have a year-end balance of \$500,000, so expenditures are being considered very carefully. That \$300,000 cash balance assumes POST would make that land purchase before the end of the fiscal year. If that doesn't happen, the ending cash balance will be over \$800,000.

Bill Flink stated POST does have permission to go below that \$500,000 level this year if the land is purchased.

Sharon Lamm stated for the first seven months of the fiscal year, the \$15 fee revenue is up about \$87,000, or 5.7% as compared to the same time last year. Revenue from the 14% of 10% of court costs is down about \$30,000, or 7% as compared to the previous year. Misdemeanor probation fees remained flat for the first seven months of the fiscal year with a very slight increase of \$160, or about .4% as compared to last fiscal year. Overall FY 14 revenue from the three revenue sources is up about \$58,000, or 3% as compared to this same time last year.

## **17. Future POST Council Meetings**

Chairman Raney announced future POST Council meetings as follows:

June 5, 2014 – Coeur d’Alene  
September 4, 2014 – Pocatello  
December 4, 2014 – Meridian

Chairman Raney reminded the newly appointed executive committee members that they would meet the afternoon or evening before the Council meetings.

## **18. Future POST Hearing Board Meetings**

Chairman Raney announced future POST Hearing Board meetings as follows:

April 3, 2014  
August 7, 2014  
November 6, 2014

## **19. POST Integration Project**

Rory Olsen updated the Council on the POST Integration Project, which is a software project designed to integrate together all of the different computer systems POST uses within the academy operations.

Chairman Raney stated several Council members were having trouble getting on the POST internet today.

Rory Olsen responded every time there’s a POST Council meeting on campus, he believes the system gets overwhelmed due to the number of people logging in.

## **20. POST Division Administrator’s Update**

### **a. Legislation and Rules**

Bill Flink stated the legislation on volunteer reserve officer was killed. Some representatives thought peace officer was a coveted title that shouldn’t be given out to everyone. Representative Burgoyne was concerned with the two hundred and fifty different places the word “peace officer” is used in the statutes, and how the proposed change would affect those other statutes.

The Legislature recommended coming back next year with a stand-alone definition of voluntary reserve officer. The committee chairman is asking the Attorney General's Office to take a look at the 1988 opinion they wrote and report back. POST also had a rough time in both chambers with the proposed IDAPA Rule changes in reference to moral turpitude and drug use. In order to approve them, the House asked POST to submit a written plan to make amendments through temporary rulemaking right after the legislative session ended. Descriptive language was taken out in certain areas, the word "unlawful" was added to many rule areas, and the reference to Black's Law Dictionary was removed. The plan has been submitted, but it hasn't been approved yet.

Chairman Raney stated it doesn't define unlawful in which state.

Bill Flink stated the temporary rules will have to go back to the Legislature next year. It's just a mechanism to get the rules moving forward. For now, they're waiting to see whether or not the rules pass.

**b. POST White Paper**

Bill Flink stated the NIC relationship with POST Council white paper has been revised. It was about eight pages long with about ninety-six pages of supplementary material. The eight pages were reduced to a very short synopsis of about a page-and-a-half in case any legislators wanted to take a look at it. It's a historical living document that he will keep building on if he needs to. It's now about one hundred and twenty-six pages. It kind of goes along with what the Council will see one day where he will give them a document of all POST Council decisions sorted by topic so they'll have them at their fingertips.

**c. Update on Land Acquisition**

Bill Flink stated the land purchase has been held up a little bit by legal and Lands. JFAC gave POST the authority to go into next fiscal year to purchase the land. POST just has to get through the Senate on the issue. State Lands is on board, and POST is ready to go to auction as soon as the Legislature adjourns and the Land Board sets up the auction. It certainly could be done before June. It's up to State Lands.

**d. Update on Cafeteria Contract**

Bill Flink stated the Department of Purchasing authorized moving forward towards a bid, but the Blind Commission has first choice. They haven't wanted it in the past, but this year might be different. They came out for a tour a few days ago. The bid process would take ninety days.

Kedrick Wills stated the issue is if the Blind Commission wants it, it doesn't go out to bid. The Blind Commission just gets it. That's just the way it works. If they turn it down, then it goes out to bid. The stumbling block in the past, and why the Blind Commission has turned it down, is that they hire convicted felons to try and get them back to work, so they haven't been able to meet the background process to work at ISP. ISP is obviously not changing their stance, but maybe the Blind Commission is changing theirs and hiring somebody else.

**e. POST Staffing**

Bill Flink stated as of April 7th, POST will be fully staffed.

**f. Misdemeanor Probation Officer Job Task Analysis**

Bill Flink stated misdemeanor probation has plenty of money. The misdemeanor probation people would like POST to hire a contract Misdemeanor Probation coordinator to handle all their needs. A contract employee doesn't require legislative approval, but there is an FTE included on the strategic plan, and that would require legislative approval. The misdemeanor probation people have also requested a job task analysis. That would cost about \$30,000 to \$35,000. He requested Council approval prior to starting such a project. The plan is to use Val Lubans, the same contractor who conducted the patrol job task analysis.

Sharon Harrigfeld asked Bill Flink if he planned to hire the misdemeanor probation coordinator prior to starting the job task analysis since someone needed to coordinate the analysis activities.

Bill Flink responded it would be done through POST's curriculum section just like the patrol analysis was, and the POST Regional Training Specialists would also be used.

**Lorin Nielsen made a motion to approve the expenditure of misdemeanor probation funds for a job task analysis. Kevin Fuhr seconded, and the motion carried unanimously.**

**g. Review of Medical and Physical Testing Standards**

Bill Flink stated now that the Council has approved the task list, POST will put together the medical personnel and the physical testing process to establish whether or not POST's medical standards and physical training test are valid. His plan is to get a meeting going with some of the doctors before the end of the month and start that process. They'll identify all of the physical requirements they can out of the tasks they think are applicable to establishing a new PT testing standard. That will be brought to the Council as time goes on. It will go through the Standards Subcommittee first.

**h. Master Instructor Applications**

Bill Flink stated the issue of POST's concerns about ethical issues on master instructors has been brought up during the last couple of POST Council meetings. It's a question of whether or not the Council wants to validate that they are the best of the best instructors by requiring they meet a higher standard of conduct. These are the Council's people who train other instructors. He brought this issue up because someone wanted master instructor status that POST had an investigation on. He didn't want to have to answer the question by himself about whether he was going to sign the approval for that master instructor status. Hopefully the Council has looked at the list and can tell him whether master instructors should meet a higher standard. The whole focus of it is the instructor's agency head would have to basically validate that the person is of

such standing that he is a good role model for all instructors and should be given that kind of status.

Lorin Nielsen stated if an agency head says they are a good standard, they know better than anyone else because they work with them on a regular basis. POST shouldn't be in the position of second guessing agency heads that way.

Chairman Raney stated the question before the Council is does POST ask if the officer has the ethical character to be a role model for law enforcement as a master instructor for POST.

Lorin Nielsen stated it shouldn't prevent him if he wasn't disciplined. Instructors don't have to have character above and beyond in order to teach. If they can instruct and they're a good instructor, leave the "moral character" up to the agency head that's in charge of them.

Bill Flink stated generally it's a person who has considerable experience instructing on the topic, and it has to be that way. POST Council is recognizing this person as the best of the best instructors out there. Every POST-certified instructor has to sign a code of ethics, even when they recertify. As a master instructor, POST Council is putting this person on a pedestal. They're representing the Council as the best of the best of the instructors. He's raising the question because he was going to have a real hard time with this particular person. He would have had to send him to the POST Council for them to make the decision because he would not have felt comfortable doing it.

Chairman Raney stated if a master instructor commits an unethical act, but isn't criminally charged and doesn't enter the decertification process, but yet the facts are there, should POST require the agency head to attest that they still believe in them.

Bill Flink stated this is a person who wants to become a master instructor.

Kedrick Wills stated there is no character qualification for master instructor over and above what is required for becoming an instructor or being a certified officer. The request is for a higher character standard to be established for master instructor.

Bill Flink stated he's asking that basically the employing agency vouch for this person as being of good character and a role model. An officer can become an instructor just by completing Instructor Development and submitting a lesson plan. He's talking about the person who's going to be the role model to teach other instructors. If there is misconduct in the person's background that everybody's aware of, is the POST Council going to feel comfortable with POST making them a role model or master instructor of all other instructors in that particular topical area? Should he make a master instructor out of somebody who has a significant tainted background?

Chairman Raney stated but not so significantly tainted that they were decertified.

Sharon Harrigfeld stated so they're still a certified law enforcement officer. They're still in compliance with the character standards because they haven't been decertified. So they have a tainted background by whose interpretation?

Bill Flink responded by their own admission.

Kedrick Wills stated he was very uncomfortable having two sets of ethical standards within law enforcement.

All of the POST Council members agreed.

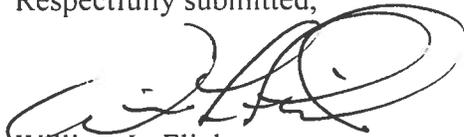
### **POST Staff TWiki**

Bill Flink stated a TWiki site was created for POST staff members in an effort to create more communication as part of the answer to the January staff meeting. It includes an organizational chart, immediate action notices to get information out to staff really quickly, staff topics for quarterly meetings, POST policies, topics for discussion, the strategic plan, meeting notes for a lot of different kinds of meetings, Standards Subcommittee agendas and minutes, Training Subcommittee meetings and minutes, POST projects and who's involved with them, our wish list items, reference library, suggested reading materials, Attorney General's Office decisions and opinions, legal topics, leadership topics, and academy test issues. That's the kind of stuff they've started putting together to get the communication going and get some knowledge out there for the staff so they know what's going on.

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

The meeting adjourned at 3:00 P.M.

Respectfully submitted,



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