

SPECIAL POST COUNCIL MEETING

MINUTES

AUGUST 13, 2014

The meeting was held at the Idaho Peace Officer Standards & Training, Building #3 Staff/Instructor Room, 700 S. Stratford Dr., in Meridian, Idaho. Chairman Gary Raney called the meeting to order at 8:00 A.M. Mountain Time.

Council Members Present/Participating via Telephone Conference Call:

Greg Bower, Prosecuting Attorney, Ada County
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
Ralph Powell, Colonel, Idaho State Police
Gary Raney, Sheriff, Ada County
Wayne Rausch, Sheriff, Latah County
Brent Reinke, Director, Idaho Department of Correction
Shane Turman, Chief of Police, Rexburg Police Department
Greg Wooten, Enforcement Bureau Chief, Idaho Department of Fish & Game

Council Members Absent:

Dan Chadwick, Executive Director, Idaho Association of Counties
Ken Harward, Executive Director, Association of Idaho Cities
Paul Panther, Chief, Criminal Law Division, Attorney General's Office
Ernst Weyand, SSA, Federal Bureau of Investigation

Guests Present:

Rhonda Brasher, Technical Records Specialist 2, Idaho Peace Officer Standards & Training
Trish Christy, Management Assistant, Idaho Peace Officer Standards & Training
Kevin Johnson, Interim Division Administrator, 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
Doug Tangen, Training Bureau Manager, Idaho Peace Officer Standards & Training
Joe Whilden, Curriculum Coordinator, Idaho Peace Officer Standards & Training

1. Introductions of Council Members and Guests

2. Proposed IDAPA Rules; Education Requirements

Rory Olsen presented the following:

11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

010. DEFINITIONS.

12. College Credit. A unit of work towards a baccalaureate or vocational degree accepted by a college or university of higher education accredited by the Northwest Association of Schools and Colleges or other equivalent POST-accepted U.S. regional accrediting agency. (7-1-93)()

~~**21. High School.** A school accredited as a high school by the Department of Education of the state in which the high school is located, or a school accredited as a high school by the recognized regional accreditation body, or a school accredited as a high school by the State University of the state in which the school is located.~~ (7-1-93)

052. EDUCATION.

~~The applicant shall be a high school graduate or have earned a GED certificate.~~ (4-2-08)

01. Documentation Acceptable Education. ~~Proof of education shall not have been mutilated, altered, or damaged, and shall be in the form of a photocopy of one (1) of the following~~ The applicant must: (4-7-11)()

a. ~~High school diploma~~ Be a high school graduate from a school accredited as a high school at the time of graduation by the Department of Education of the state in which the high school is located; (4-2-08)()

b. ~~GED certificate~~ Be a high school graduate from a school accredited as a high school at the time of graduation by the recognized regional accreditation body; (4-2-08)()

c. ~~High school transcript that indicates the date of graduation~~ Have passed GED testing; (4-7-11)()

d. ~~GED test report form~~ Have successfully completed a high school equivalency program and obtained a state-issued certificate; or (4-7-11)()

e. ~~High school equivalency certificate; or~~ Have successfully completed a minimum of fifteen (15) academic credits at a U.S. regionally-accredited college. The six (6) POST-accepted regional accreditation agencies are: (4-7-11)()

i. Middle States Association of Schools and Colleges; ()

ii. New England Association of Schools and Colleges; ()

iii. North Central Association of Colleges and Schools (the Higher Learning Commission); _____ ()

iv. Northwest Association of Colleges and Universities; _____ ()

v. Southern Association of Colleges and Schools; and _____ ()

vi. Western Association of Schools and Colleges. _____ ()

f. ~~Official college transcript indicating the successful completion of a minimum of fifteen (15) academic credits.~~ _____ (4-7-11)

02. Home Schooling. Applicants who were home schooled must provide documentation of having passed GED testing. _____ ()

03. Foreign Education. Applicants who were educated outside the U.S. must provide documentation of having passed GED testing or provide an evaluation from an evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or Association of International Credential Evaluators, Inc. (AICE) showing the applicant's education meets or exceeds the U.S. requirements for high school graduation. _____ ()

04. Documentation. Proof of education must not have been mutilated, altered, or damaged, and must be in the form of a photocopy of one (1) of the following: _____ ()

a. High school diploma that indicates the date of graduation; _____ ()

b. High school transcript that indicates the date of graduation; _____ ()

c. Official transcript of GED results indicating a passing score; _____ ()

d. State-issued high school equivalency certificate; _____ ()

e. Official college transcript from a POST-accepted U.S. regionally-accredited college indicating the successful completion of a minimum of fifteen (15) academic credits; or _____ ()

f. Official evaluation of foreign education by a member of the National Association of Credential Evaluation Services (NACES) or Association of International Credential Evaluators, Inc. (AICE) showing the applicant's education meets or exceeds the U.S. requirements for high school graduation. _____ ()

11.11.04 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR CORRECTION OFFICERS AND ADULT PROBATION AND PAROLE OFFICERS

033. EDUCATION.

The applicant shall be a high school graduate or have earned a GED (General Education Development) certificate must meet the requirements as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Section 052. (4-2-08)()

~~01. Documentation. Proof of education shall not have been mutilated, altered, or damaged, and shall be in the form of a photocopy of one (1) of the following:~~ (4-7-11)

~~a. High school diploma;~~ (4-2-08)

~~b. GED certificate;~~ (4-2-08)

~~c. High school transcript that indicates the date of graduation;~~ (4-7-11)

~~d. GED test report form;~~ (4-7-11)

~~e. High school equivalency certificate; or~~ (4-7-11)

~~f. Official college transcript indicating the successful completion of a minimum of fifteen (15) academic credits.~~ (4-7-11)

Sharon Harrigfeld made a motion to approve the IDAPA Rules as proposed. Greg Moon seconded, and the motion carried unanimously by roll call vote.

3. Proposed IDAPA Rules; Medical, Vision, & Hearing

Rory Olsen presented the following:

11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

060. PHYSICAL - MEDICAL.

01. Requirements. (7-1-93)

~~a. Hearing. The applicant shall have unaided or aided hearing between zero (0) and twenty five (25) decibels for each ear at the frequencies of five hundred (500) Hz, one thousand (1000) Hz, two thousand (2000) Hz, and three thousand (3000) Hz. Waiver of the above may be considered by the POST Division Administrator if accompanied by the certificate of an audiologist or ear, nose, and throat physician that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of a peace, detention, juvenile detention, juvenile probation, or adult misdemeanor probation officer, or a direct care staff member of the~~

~~Idaho Department of Juvenile Corrections. The POST Division Administrator shall have the discretion to refer the application to the POST Council. (4-7-11)~~

~~b. Vision. (7-1-93)~~

~~i. The applicant shall possess binocular coordination that does not manifest diplopia; depth of proficiency of a minimum of one (1) minute of arc at twenty (20) feet; peripheral vision shall be binocularly two hundred (200) degrees laterally with sixty (60) degrees upward and seventy (70) degrees downward. There shall be no pathology of the eye; applicant shall possess a minimum seventy percent (70%) proficiency on a color discrimination test. Waiver of the above may be considered by the POST Division Administrator if accompanied by the certificate of a vision specialist that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of a peace, detention, juvenile detention, juvenile probation, or adult misdemeanor probation officer, or a direct care staff member of the Idaho Department of Juvenile Corrections. The POST Division Administrator shall have the discretion to refer the application to the POST Council. (4-7-11)~~

~~ii. The applicant shall have uncorrected vision in each eye of no weaker than twenty/two hundred (20/200) with the strong eye corrected to twenty/twenty (20/20) and the weaker eye corrected to twenty/sixty (20/60). An applicant who wears contact lenses is exempt from the uncorrected vision of twenty/two hundred (20/200), but shall have the strong eye corrected to twenty/twenty (20/20) and the weaker eye corrected to twenty/sixty (20/60). A full eye examination shall be administered by an optometrist or ophthalmologist to any applicant who wears glasses whose uncorrected vision in either eye is twenty/one hundred fifty (20/150) or weaker. Waiver of the above may be considered by the POST Division Administrator if accompanied by the certificate of a vision specialist that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of a peace, detention, juvenile detention, juvenile probation, or adult misdemeanor probation officer, or a direct care staff member of the Idaho Department of Juvenile Corrections. The POST Division Administrator shall have the discretion to refer the application to the POST Council. (4-7-11)~~

~~c. Disease/Condition. The applicant shall be free from any impediments of the senses of sight, hearing, taste, smell, and touch; physically sound; well developed physically and in possession of his extremities; free from any physical defects, chronic or organic diseases, organic or functional conditions, or emotional or mental instabilities which may tend to impair efficient performance of duty or which might endanger the lives of others or the life of the officer. Waiver of the above may be considered by the Council upon the applicant's demonstration that the deficiency does not jeopardize or impair his ability to perform the duties of a peace, detention, juvenile detention, juvenile probation, or adult misdemeanor probation officer, or a direct care staff member of the Idaho Department of Juvenile Corrections. (4-7-11)~~

~~da. Agency Physical Readiness Test. To determine the applicant's physical capability, a physical readiness test based upon the job requirements of the appointing agency shall must be administered by the appointing agency to each applicant. (4-7-11)()~~

b. Physical Capability Requirement. The applicant must be physically capable of passing all physically demanding tasks and tests while attending any Idaho POST Academy or any academy equivalent program approved by the POST Council. Any applicant that fails a required physical test while attending an Idaho POST Academy will be disenrolled from the academy and provided the option to attend a future academy session. ()

02. Procedures. (7-1-93)

a. ~~A POST Council-approved medical history form shall be supplied by each applicant to the examining physician. The medical history shall include information on past and present diseases, injuries and operations.~~ (4-7-11)

b. ~~A medical examination shall be administered by a licensed physician or his designee to determine if the applicant is free from any physical, emotional, or mental condition which might adversely affect the applicant's ability to perform the duties of a peace, detention, juvenile detention, juvenile probation, or adult misdemeanor probation officer, or a direct care staff member of the Idaho Department of Juvenile Corrections. The physician shall record his findings on the appropriate form and shall note thereon any past or present physical defects, diseases, injuries, operations or conditions of an abnormal or unusual nature, or indications of mental or emotional instability. A medical examination shall remain valid for one (1) year unless extended by the POST Division Administrator under extraordinary conditions and for good cause shown.~~ (3-27-13)

061. MENTAL EXAMINATION.

01. Requirement. Where a question of emotional stability or disorder is indicated by ~~the a~~ a physician's report or the background investigation, a thorough evaluation shall must be made by a licensed psychiatrist or clinical psychologist to determine if the applicant is free from any emotional or mental condition which might adversely affect the applicant's ability to perform the duties of a peace, detention, juvenile detention, ~~or juvenile probation, correction, adult probation and parole, juvenile corrections, or misdemeanor probation~~ officer.

(4-2-08)()

02. Procedure. During the interview, the examining psychiatrist or psychologist shall must evaluate the applicant sufficiently to assess those symptoms of a degree that would impair the effective performance of duty. The results of the examination shall must be recorded and that record or a summary of recommendations shall must be forwarded to the appointing authority for review.

(3-15-02)()

11.11.04 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR CORRECTION OFFICERS AND ADULT PROBATION AND PAROLE OFFICERS

039. PHYSICAL -- MEDICAL.

01. Requirements. The applicant must meet the requirements as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Section 060.
(4-11-06)()

~~a. — Hearing. The applicant shall have unaided or aided hearing between zero (0) and thirty (30) decibels for each ear at the frequencies of one thousand (1000) Hz and two thousand (2000) Hz; and unaided or aided hearing between zero (0) and fifty (50) decibels for each ear at the frequency of three thousand (3000) Hz. Waiver of the above may be considered by the POST Division Administrator if accompanied by the certificate of an audiologist or ear, nose, and throat physician that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of a correction officer. The POST Division Administrator shall have the discretion to refer the application to the POST Council. (4-7-11)~~

~~b. — Vision. The applicant shall have uncorrected vision in each eye of no weaker than twenty/two hundred (20/200) with the strong eye corrected to twenty/thirty (20/30) and the weaker eye corrected to twenty/sixty (20/60). An applicant who wears contact lenses is exempt from the uncorrected vision of twenty/two hundred (20/200), but shall have the strong eye corrected to twenty/thirty (20/30) and the weaker eye corrected to twenty/sixty (20/60). A full eye examination shall be administered by an optometrist or ophthalmologist to any applicant who wears glasses whose uncorrected vision in either eye is twenty/one hundred fifty (20/150) or weaker. Waiver of the above may be considered by the POST Division Administrator if accompanied by the certificate of a vision specialist that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of a correction officer. The POST Division Administrator shall have the discretion to refer the application to the POST Council. (4-7-11)~~

~~c. — Disease/Condition. The applicant shall be free from any impediments of the senses of sight, hearing, taste, smell, and touch; physically sound; well developed physically and in possession of his extremities; free from any physical defects, chronic or organic diseases, organic or functional conditions, or emotional or mental instabilities which may tend to impair efficient performance of duty or which might endanger the lives of others or the life of the officer. Waiver of Subsection 039.01.c. may be considered by the Council upon the applicant's demonstration that the deficiency does not jeopardize or impair his ability to perform the duties of a correction officer. (4-7-11)~~

~~d. — Physical Readiness Test. The applicant shall pass the POST Physical Readiness Test for Correction Officers. (4-7-11)~~

~~02. Procedures. (4-11-06)~~

~~a. A POST Council approved medical history form shall be supplied by each applicant to the examining physician. The medical history shall include information on past and present diseases, injuries and operations. (4-7-11)~~

~~b. A medical examination shall be administered by a licensed physician or his designee to determine if the applicant is free from any physical, emotional, or mental condition which might adversely affect the applicant's ability to perform the duties of a correction officer. The physician shall record his findings on the appropriate form or letter and shall note thereon, for evaluation by the appointing authority, any past or present physical defects, diseases, injuries, operations or conditions of an abnormal or unusual nature, or indications of mental or emotional instability. A medical examination shall remain valid for one (1) year unless extended by the POST Division Administrator under extraordinary conditions and for good cause shown. (4-4-13)~~

040. MENTAL EXAMINATION.

~~01. Requirement. Where a question of emotional stability or disorder is indicated by the physician's report or the background investigation, a thorough evaluation must be made by a licensed psychiatrist or clinical psychologist to determine if the applicant is free from any emotional or mental condition which might adversely affect the applicant's ability to perform the duties of a correction officer. The applicant must meet the requirements as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Section 061. (4-11-06)()~~

~~02. Procedure. During the interview, the examining psychiatrist or psychologist must evaluate the applicant sufficiently to assess those symptoms of a degree that would impair the effective performance of duty. The results of the examination must be recorded and that record or a summary of recommendations must be forwarded to the appointing authority for review. (4-11-06)~~

061. MINIMUM STANDARDS FOR EMPLOYMENT FOR ADULT PROBATION AND PAROLE OFFICERS.

Every adult probation and parole officer shall must meet the minimum standards for employment as provided in IDAPA 11.11.01, "Rules of the Idaho Peace Officer Standards and Training Council," Sections 050 through 065, with the exception of hearing, vision, and physical agility. (4-7-11)()

~~01. Hearing. An applicant for adult probation and parole officer certification shall have unaided or aided hearing between zero (0) and twenty five (25) decibels for each ear at the frequencies of one thousand (1000) Hz, two thousand (2000) Hz, and three thousand (3000) Hz. Waiver of the above may be considered by the POST Division Administrator if accompanied by the certificate of an audiologist or ear, nose, and throat physician that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of an adult probation and parole officer. The POST Division Administrator shall have the discretion to refer the application to the POST Council. (4-7-11)~~

~~02. Vision. (4 11 06)~~

~~a. — An applicant for adult probation and parole officer certification shall possess binocular coordination that does not manifest diplopia; depth of proficiency of a minimum of one (1) minute of arc at twenty (20) feet; peripheral vision shall be binocularly two hundred (200) degrees laterally with sixty (60) degrees upward and seventy (70) degrees downward. There shall be no pathology of the eye; applicant shall possess a minimum of seventy percent (70%) proficiency on a color discrimination test. Waiver of the above may be considered by the POST Division Administrator if accompanied by the certificate of a vision specialist that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of an adult probation and parole officer. The POST Division Administrator shall have the discretion to refer the application to the POST Council. (4 7 11)~~

~~b. — The applicant shall have uncorrected vision in each eye of no weaker than twenty/two hundred (20/200) with the strong eye corrected to twenty/twenty (20/20) and the weaker eye corrected to twenty/sixty (20/60). An applicant who wears contact lenses is exempt from the uncorrected vision of twenty/two hundred (20/200), but shall have the strong eye corrected to twenty/twenty (20/20) and the weaker eye corrected to twenty/sixty (20/60). A full eye examination shall be administered by an optometrist or ophthalmologist to any applicant who wears glasses whose uncorrected vision in either eye is twenty/one hundred fifty (20/150) or weaker. Waiver of the above may be considered by the POST Division Administrator if accompanied by the certificate of a vision specialist that the applicant's condition will not jeopardize or impair the applicant's ability to perform the duties of an adult probation and parole officer. The POST Division Administrator shall have the discretion to refer the application to the POST Council. (4 7 11)~~

~~03. — Physical Readiness Test. An applicant for adult probation and parole officer certification shall pass the POST Physical Readiness Test for Adult Probation and Parole officers. (4 7 11)~~

Wayne Rausch joined the meeting at this time.

Greg Bower made a motion to approve the IDAPA Rules as proposed. Brent Reinke seconded, and the motion carried with Ralph Powell opposed.

4. Should Patrol Session #181 be cancelled; future number of patrol academies

Rory Olsen reported six applications have been received for the patrol academy scheduled to begin on September 14th, and none of the applications are complete. A few agencies have indicated they plan to submit application packets for another twelve officers, which would bring the total to eighteen. Years ago, the POST Council ruled that there had to be a minimum of twenty-four students in an academy in order to run it. He asked for direction from the Council on whether POST should cancel the September patrol academy. He also asked whether the Council wanted to revisit the twenty-four student minimum for at least patrol academies, and whether they wanted to reduce the number of patrol academies from four a year to three.

Chairman Raney stated Boise PD has requested to run their own academy if Session #181 is canceled, and has indicated they would be willing to allow officers from other agencies into it, although probably not eighteen officers. If POST runs the September session, Boise PD might be willing to provide on-duty instructors to help defer some of the costs. He recommended either holding to the minimum twenty-four students or setting a temporary minimum number of twenty for the September session.

Greg Moon agreed with reducing the minimum number for the September session, but stated the Council needs to hold to twenty-four in the future.

Ralph Powell agreed. Twenty-four is a low number relative to POST's overall attendance numbers, so they should stick to twenty-four after the September session.

Kevin Johnson stated canceling the September academy at this late date puts a burden on agencies, so he suggested canceling the January academy or another future session. He liked the idea of asking Boise PD to help defer some of the costs of the September academy.

Greg Bower stated whether the September session is canceled or not, the numbers indicate they need to adjust the number of patrol academies to three a year. POST is spinning its wheels, and has been for several years.

Rory Olsen stated POST could run three patrol academies a year, and then return to four when the number of applications warranted it.

Chairman Raney stated he sent a message to Boise PD Deputy Chief Bones. Deputy Chief Bones responded he was sure Boise PD could help, that it would be a matter of how many and how much time, but that they would work to make it happen. He suggested canceling the March session because the January academy typically has higher attendance numbers. However, he recommended they make a decision whether to run the September academy, and address the other issues at the September POST Council meeting. That would allow time for the POST staff to survey the agencies in reference to attendance projections, and present a more honed view of future academies on September 4th.

The Council agreed to run the September academy as scheduled.

Sharon Harrigfeld requested the POST staff determine what the point of diminishing return is for academy attendance, and then notify all agencies that in the future, any academy not reaching that level of attendance will be canceled.

Ralph Powell stated that work might not need to be redone, as the Council previously determined that number is twenty-four. The Council should definitely follow up with Boise PD in reference to getting help with instruction for the September academy.

Chairman Raney stated he could help with that.

5. Briefing regarding physical testing for POST

Chairman Raney stated POST's Physical Readiness Test will be discussed at the September POST Council meeting. He asked Doug Tangen to present a preview at this meeting so the Council members can better understand the issue and be thinking about it. Additionally, he sent a survey out to all chiefs and sheriffs. Seventy-seven responses came back. He asked if an officer entering the academy who doesn't pass the Physical Readiness Test after two attempts be immediately sent home. Ninety percent of respondents supported sending the officer home. The second question dealt with eliminating the thirty-three hours of mandatory physical training during the patrol academy and instead using team building exercises similar to the FBI National Academy's yellow brick road. There could still be a Physical Readiness Test at the beginning and end of the academy. Eight-five to ninety percent of the respondents were supportive. The third question dealt with eliminating the Physical Readiness Test for challenge applicants. That was overwhelmingly supported. The fourth question was to discontinue the firearms challenge and let the agencies handle it. Fifty percent were supportive and fifty percent were not.

Doug Tangen stated the Physical Readiness Test is a physical ability test that is a predictor of job performance as it relates to police work. It was established in 2002-2003 based on a statewide job task analysis. The standard is not age/gender normed, and most people in the field believe that's how it should be. The standard has held pretty well over the years, and he recommends sticking with it. In the last few years, POST has gone from a relatively firm standard of pass the PRT or go home to a very soft standard of pass it sometime during the year after you graduate. If we're going to have a standard, let's enforce it by making it a pass or go home standard. When the standard was enforced, the students took the fitness battery PRT on the first day of the academy. Those who failed were tested on Wednesday on the obstacle course, which is the physical abilities test that the test battery was derived from. If they passed the obstacle course, they were allowed to stay in the academy, but still had to pass the PRT, the predictor, sometime before they graduated. That standard hasn't been challenged. Although it's a low standard, it's not as low as some. It's been validated through a job task analysis, which is the critical component to any standard. The question for Val Lubans and other experts in the field is whether the current PRT can be revalidated based on the job task analysis that was completed about two years ago. It comes down to whether POST wants to spend the money to validate a new physical ability test for the academy. They could possibly get by with what's currently in place if they just tighten up the standard.

Chairman Raney stated the current PRT was tested on in-service officers. The new one would be just for academy students.

Doug Tangen stated a job task analysis specific to the academy has been discussed. It wouldn't necessarily have anything to do with the job of being a police officer. The current PRT is validated on a job task analysis to be a police officer.

Rory Olsen stated one of the questions to be answered is whether the Council wants the PRT as a certification standard or an academy standard. If it's a certification standard, officers challenging from other states would have to pass it.

Doug Tangen stated the current PRT is job-related, so age/gender norming does not apply. It's one standard for one job, which makes it easier to defend.

Greg Bower made a motion to adjourn. Lorin Nielsen seconded, and the motion carried unanimously.

The meeting adjourned at 8:49 A.M.

Respectfully submitted,



Kevin Johnson
Interim Division Administrator
Idaho Peace Officer Standards & Training

KJ:pac