

## POST COUNCIL MEETING

### MINUTES

DECEMBER 5, 2013

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

#### Council Members Present:

Kevin Fuhr, Chief of Police, Rathdrum Police Department  
Sharon Harrigfeld, Director, Idaho Department of Juvenile Corrections  
Jon Heggen, Enforcement Bureau Chief, Idaho Department of Fish & Game  
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  
Brent Reinke, Director, Idaho Department of Correction  
Bryan Taylor, Prosecuting Attorney, Canyon County (representing Greg Bower)  
Shane Turman, Chief of Police, Rexburg Police Department

#### Council Members Absent:

Dan Chadwick, Executive Director, Idaho Association of Counties  
Ken Harward, Executive Director, Association of Idaho Cities  
Ernst Weyand, SSA, Federal Bureau of Investigation

#### Guests Present:

Tammy Barnes, friend of Timothy Hanna  
Amanda Bartlett, Performance Contractor  
Matt Bloodgood, Training Specialist, Idaho Peace Officer Standards & Training  
Cindy Bond, Dean, College of Southern Idaho  
Greg Bower, Prosecuting Attorney, Ada County  
Gary Charland, Training & Development Manager, Idaho Department of Correction  
Trish Christy, Management Assistant, Idaho Peace Officer Standards & Training  
Rick Cuddihy, Attorney for Timothy Hanna  
T. Michael Dillon, OPR Manager, Idaho Peace Officer Standards & Training  
William L. Flink, Division Administrator, Idaho Peace Officer Standards & Training  
Don Hall, Law Enforcement Program Director, College of Southern Idaho  
Timothy Hanna, Former Patrol Officer, Coeur d'Alene Police Dept.  
R. Scot Haug, Chief of Police, Post Falls Police Department

Tamara Kelly, Facility Coordinator, Idaho Peace Officer Standards & Training  
Vaughn Killeen, Executive Director, Idaho Sheriffs' Association  
Sharon Lamm, Business Operations Manager, Idaho Peace Officer Standards & Training  
Cheryl Meade, Deputy Attorney General, Idaho State Police  
Jil Nichols, Training Specialist, Idaho Peace Officer Standards & Training  
Rory Olsen, Deputy Division Administrator, Idaho Peace Officer Standards & Training  
John Parmann, Training Specialist, Idaho Peace Officer Standards & Training  
Terry Patterson, Instruction Dean, College of Southern Idaho  
Ken Robins, Deputy Attorney General, Idaho State Police  
Karen Skow, Training Specialist, Idaho Department of Juvenile Corrections  
Doug Tangen, Training Specialist, Idaho Peace Officer Standards & Training  
Samantha Westendorf, Assistant, Ada County Sheriff's Office  
Joe Whilden, Curriculum Coordinator, Idaho Peace Officer Standards & Training

**5. Introductions of Council Members and Guests**

**1. Timothy Hanna, Former Patrol Officer, Coeur d'Alene Police Dept. – Oral Argument & Final Action Vote on Recommended Order for Decertification**

Timothy Hanna apologized to the Council for his conduct.

Rick Cuddihy and Cheryl Meade provided oral argument.

**Lorin Nielsen made a motion to convene into executive session. Shane Turman seconded the motion.**

**Paul Panther 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."** Shane Turman seconded, and the amended motion carried unanimously by roll call vote.

**The Council convened into open session.**

**Paul Panther made a motion to adopt the hearing officer's Recommended Order and decertify Timothy Hanna. Greg Moon seconded, and the motion carried unanimously.**

**2. Consultant Report: POST Organizational Assessment**

Chairman Gary Raney stated over the last several years, POST as an organization has become destabilized. By statute and IDAPA Rule, the Colonel of the Idaho State Police has fiduciary and administrative responsibility over POST. The Council is POST's board of directors, and as such is responsible to set the vision, provide 50,000 foot direction to align priorities with that vision, and supervise the actual operations. It is the POST Division Administrator's job to carry that vision out. The Council needs to take on that board of directors' role and do a better job of providing proper oversight, guidance, and overall direction. Last fall the Council asked the

POST employees to respond to a survey assessment. The results pointed out some issues with communication and direction within POST. Amanda Bartlett was recently hired as a consultant to do an assessment. The results of that assessment will provide the Council with a tool they can use to define short-term and long-term steps to get POST on a path to be as effective and professional as possible. All POST staff members need to be engaged in that. The Council needs to give the staff the alignment and clarity of direction they need so they can do their job of serving our stakeholders the best they can. The assessment indicates there are still some morale concerns. Steps need to be taken to insure morale is high, as happy employees are productive employees.

Colonel Powell stated it's important to ISP that those lines of demarcation remain in place. POST Council is all of us together. It's important that there isn't a perception, let alone a reality, that ISP is stepping over lines and stirring things that aren't theirs to stir. The responsibility for POST comes back to POST Council for the large part, and ISP will take care of their responsibilities.

Amanda Bartlett presented the findings of the POST organizational assessment. In summary, she stated there's been years of accumulated frustration. In the past, when there has been an expression of employees' concerns, it's been written off as the employees are just reluctant to embrace change. There's more to it than that. There is definitely a need for focus on long-term planning and strategizing, providing a context and a structure for insuring that each employee understands not only what is expected of them specifically, but what's important to the POST Council and what's important to the Division Administrator. There is no evidence of decisions being made with specific intent to disobey or go outside of policy, law, or IDAPA Rules. If there are times when those are not followed, it has to do more with either having too much on a single person's plate and missing deadlines, or is a result of slow decision-making, lack of delegation, or trying to juggle multiple interests all at once. There's nothing to systematically indicate it's happening across the board. Communication across the board needs to be improved and better organized. A starting point for recommendations would be to hold a facilitative session with employees to discuss the results of the organizational assessment and to create a plan to address the findings. Some of the issues have roots several years back, so it would be good to have a constructive conversation about how to resolve them and help employees feel like they are valued. Some of the things are outside of POST's direct control, but there's got to be some sort of negotiation that can take place. It's currently a priority of the Division Administrator and POST to fill all the vacancies. That will significantly help some of the issues. Beyond that, POST should continue to work with the POST Council to define the long-term objectives and performance outcomes of POST.

### 3. Legal & Personnel Matters

**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;" 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 motion carried unanimously by roll call vote.**

**The Council convened into open session.**

Chairman Gary Raney stated per Ms. Bartlett's recommendation, the short-term plan from here is to meet with all of the POST staff on a day that as many people can be there as possible while also keeping POST's doors open. Ms. Bartlett's presentation was a report on the past. When the staff and Council meet, it's going to be about what we do to build the future. The Council wants all of the staff to be a part of that.

**4. Pledge of Allegiance**

**6. Review of Dashboard Data**

William Flink presented the information included in the publication.

Chairman Gary Raney stated Administrator Flink is providing great measures of counts. He would like to see some of the outcomes of the measures added to the dashboard in the future, such as the scores that come out of the academy. He doesn't think POST is hard enough, and has always wondered if the low score in the academy should really be an eighty-five.

**7. Standards Subcommittee Report**

Jon Heggen stated there's nothing to report other than he's retiring in five weeks, so a new chairman of the subcommittee needs to be appointed.

**8. Training Subcommittee Report**

**a. POST Basic Correction Academies in 2014**

Kevin Fuhr stated the Idaho Department of Correction's turnover rate has jumped from eighteen percent to twenty-six percent in the last year. Currently four five-week Basic Correction Academies are held each year, and two six-week Basic Probation and Parole Academies. In 2014, IDOC needs three hundred twenty-five new officers trained. The POST staff has worked with IDOC to come up with an academy proposal that works for both agencies. The proposal is for seven academies—five four-week correction academies and two core correction/probation and parole academies, so in essence, a total of nine academies. The core academies combine for two weeks. The core academy scheduled for January will be moved to March. There are concessions that go with this proposal. IDOC was submitting incomplete and inaccurate application packets, resulting in about seventy percent being returned to them to be redone. IDOC has agreed to reduce that greatly by instituting a checks-and-balances system at their agency so the POST staff doesn't have to review the applications more than once. The second concession is that two of the academies will be held off-site, probably at Gowen Field, but that will be determined at a later date. The POST Administrator will determine which academies that they will be. A mandatory PT test is being added to the Basic Correction Academy. Due to facility/staffing issues and increased food costs, it was decided that PT training for the correction officers would be held in the afternoon instead of in the morning. IDOC will make three staff

members available to assist with the academies, so an IDOC employee will assist the POST staff member running the academy. If POST Council approves the proposal, in six months POST and IDOC will evaluate what's working and what needs to be changed for the next six months. The proposal is an overall increase of one hundred six hours to what is currently done.

Brent Reinke stated the reason the January academy was moved to March is so that IDOC can abide by the same thirty-day deadline for application packets that all other agencies are held to.

Kevin Fuhr presented the following curriculum changes:

Basic Correction Academy

Curriculum

<del>01.01</del> IDOC Mission, Vision, and Values	<del>1</del>
01.02 Pro-Social Modeling	1
01.03 Evidence Based Best Practice	2
<del>01.04</del> Transition/Re-entry Process	<del>1</del>
01.05 Core Programs and Evaluation	1
<del>01.06</del> CIS Overview	<del>2.5</del>
01.07 Assessments/Case Planning	1
02.01 Legal Issues	2.5
<del>02.02</del> Introduction to the Criminal Justice System	<del>2</del>
02.03 Prison Rape Elimination Act (PREA)	2
02.04 Staff Sexual Misconduct	2.5
02.05 Ethics	4
03.01 Effective Communication and <del>Controlled Presenece</del>	4
03.02 Report Writing and <del>Log Books</del>	2
03.03 Disciplinary Offense Report Writing	1.5
<del>03.04</del> Log Books	<del>1.5</del>
03.05 Advanced Effective Communication	4
04.01 Managing Mental Health Offenders	2
04.02 Offender Transport	3
04.03 Offender Property	3.5
04.04 Suicide Awareness and <del>Intervention</del>	2
04.05 Correctional Medical Health Care	2
<del>04.06</del> Gender Responsivity Training	<del>1.5</del>
04.07 Cell Searches	4.5
05.01 Incident Command System	4
05.02 Use of Force	3.5
05.03 Security Principles	4.5
05.04 Gangs and Security Threat Groups	4
05.05 Drug Identification and <del>Clandestine Labs</del>	4
06.01 Firearms	6
<del>06.01</del> Firearms Safety (Classroom) (Optional)	<del>6</del>
<del>06.01</del> Firearms Range (Practice Shoot & Qualify) (Optional Course)	<del>24</del>
<del>06.01</del> Weapon Orientation (6-Step Draw)	<del>1.5</del>

06.02	Arrest Techniques	32
06.03	OC/Chemical Weapons	4
06.04	CPR/First Aid	5
06.05	Clothed Body Searches	2
07.01	Con Games	4
07.02	Health and Fitness	4

Scenarios

Effective Communication Scenarios	12
Final Scenarios	8

Curriculum and Scenario Total:	<del>144.5</del> 142
Optional Firearms Course:	30 0

Administrative & Academy Procedures

Leadership Visit	1
Orientation and Agility Testing	4
Weekly Exams	6
Rehearsal & Graduation	2.5
Awards Ceremony	.5
2-Year Agreement	.5
Certification/Decertification	1
Drill and Ceremony	1.5
Student Introductions	1
Administrator's Visit	1
Exit Interviews	3
Class Photograph	.5
Mandatory PT	14

Total ~~22.5~~ 36.5

Total Academy Hours: 167 178.5

Basic Probation & Parole Academy

Curriculum

<del>01.01</del>	<del>IDOC Mission, Vision, and Values</del>	<del>1</del>
01.02	Pro-Social Modeling	1
01.03	Evidence Based Best Practices	2
<del>01.04</del>	<del>Structured Re-Entry</del>	<del>1</del>
01.05	LSI-R	8
01.06	Core Programs	1
<del>02.01</del>	<del>Introduction to the Criminal Justice Process</del>	<del>2</del>
02.02	Court Order Interpretation	2
02.03	Legal Issues	<del>4.5</del> 4
02.04	PREA	.5
02.05	Staff Sexual Misconduct	+ 2.5

02.06	Courtroom Testimony	2
03.01	Motivational Interviewing	16
03.03	Effective Communication	4
04.01/3	Assessments/Case Planning & Supervision Strategies	<del>4.5</del> 4
<del>04.02</del>	<del>CIS</del>	<del>4</del>
04.04	Managing Sex Offenders	2.5
04.05	Managing Mental Health Offenders	<del>2.5</del> 2
04.06	Suicide Awareness (Added)	2
05.03	OC/Chemical Weapons	4
05.05	Weapon Retention	8
05.06	Arrest Techniques and Testing	32
05.07	Firearms	44
<del>05.07</del>	<del>Firearms Safety (Classroom) (Moved to firearms class total hours)</del>	<del>8</del>
<del>05.07</del>	<del>Firearms Range (Practice Shoot &amp; Qualify) (Moved to firearms class total hours)</del>	<del>32</del>
<del>05.07</del>	<del>Firearms Low Light Shoot (Moved to firearms class total hours)</del>	<del>4</del>
<del>05.08</del>	<del>Defensive Driving</del>	<del>4</del>
05.09	Basic Room/Building Clearing	4
05.10	CPR/First Aid	<del>3.5</del> 5
05.11	Reactive Impact Weapons	8
05.12	Ground Control	8
06.01	Officer & Field Safety	<del>8</del> 4
<del>06.02</del>	<del>Office Safety</del>	<del>1</del>
06.03	Health & Fitness	4
06.04	Gangs and Security Threat Groups	4
06.05	Ethics	4
06.06	Drug Identification and <del>Clandestine Labs</del>	4
06.07	Searches/Evidence Handling Procedures	<del>2.5</del> 2

Scenarios

Effective Communication Scenarios	4
Basic Room/Building Clearing Scenarios	4
Mock Interviews	3.5
Search Scenarios	3
Final Scenarios	8

Curriculum and Scenario Total: 220 211

Administrative & Academy Procedures

Leadership Visit	1
Academy Check-In/Welcome	4
<del>POST Protocols</del> /Orientation	2
Weekly Exams	4
<del>Agility Testing</del>	<del>3</del>
Graduation Rehearsal/Set-Up	2
Awards Ceremony	<del>+</del> 5
Two-Year Agreements	.5
Certification/Decertification	1

Drill and Ceremony	1.5
Student Introductions	<del>.5</del> 1
Administrator Visit	1
Final Exam	2
Exit Interviews	1
Class Photograph	.5
Mandatory P.T. and Testing	<del>47</del> 21
Administrative and Academy Procedure Total:	44 43

Grand Total: ~~262~~ 254

**Paul Panther made a motion to approve the proposed academy schedule and curriculum changes. Sharon Harrigfeld seconded the motion.**

Rory Olsen stated he wanted to make sure the Council understood that if they approved the proposal and everything was held on the Meridian campus, there would be no room whatsoever to add anything more in the future. Currently one hundred two weeks of academy training is conducted in one year, so without moving things off-site, POST facilities would be maxed out.

Greg Moon stated given the fact the Council just previously today discussed the issues they are facing with POST resources and all the additional things POST has taken on, with all due deference to the huge problem Director Reinke faces, he was reluctant to take on additional responsibilities before the Council has all the wheels tied on the wagon and knows where they're headed. The Council needs to be cautious about proceeding forward without taking a harder look at what the true impact is going to be. The Council has stretched to address issues as they've been presented, and in doing that, sometimes it has been to the detriment of the whole.

Rory Olsen stated he wanted to reiterate that IDOC will now be required to get academy application packets submitted to POST four weeks prior to the start of an academy, and applicants whose application packets are not one hundred percent complete and cleared at least one week prior to the start of an academy will be rolled over to the next academy.

Kevin Fuhr stated that was all agreed to at last week's subcommittee meeting. Additionally, IDOC agreed to two academies being moved off campus, and which two academies will be up to Administrator Flink based upon training needs at POST. That might alleviate some of the concern.

Gary Raney stated this is a one-year request.

Brent Reinke stated there would be a six-month review, and the Council would revisit the issue at their December meeting, so there would be at least two evaluations conducted in 2014.

**The motion carried with Greg Moon and Shane Turman opposed.**

Kevin Fuhr presented Correction and Probation & Parole objective changes. **He made a motion to approve the performance objective changes. Lorin Nielsen seconded, and the motion carried unanimously.**

**b. Patrol Job Task Analysis Added Tasks**

Kevin Fuhr stated the subcommittee reviewed the list of added tasks from the Job Task Analysis and made a determination whether each task should be taught in the academy, during FTO, or in advanced training.

Chairman Raney stated he'd like to send the list to the Chiefs and Sheriffs before the Council considers it.

William Flink stated the list includes only tasks that are not currently taught at the academy, so would be added performance objectives.

Bryan Taylor suggested also sending a list of everything that is currently being taught.

Kevin Fuhr stated if all of the tasks are added to the academy, it would lengthen the academy. A majority of the agencies don't want to see a longer academy.

Sheriff Raney asked Kevin Fuhr to put together an introductory paragraph that could go out with the two lists.

Kevin Fuhr stated he would prepare something and send it to the subcommittee members and Administrator Flink for approval. He would then send it out via e-mail to all of the Chiefs and have the Sheriffs' Association send it out to the Sheriffs.

Chairman Raney requested it be sent to him, and he would send it out to the Sheriffs.

**c. Detention Reserve Academy**

Kevin Fuhr stated the Detention Reserve Academy training classes were previously approved by the Council. He presented the five-week training schedule.

William Flink stated the academy would be conducted like the Patrol Reserve Academy. The instruction would include eighteen hours of on-line training, thirty-nine hours of Idaho Education Network classroom training, ten hours of department training, and twenty-four hours of skills work.

Kevin Fuhr stated the Patrol Reserve Academy works very well, so the Detention Reserve Academy should work equally as well and be a real benefit to those agencies that take advantage of it. **He made a motion to adopt the training curriculum. Greg Moon seconded, and the motion carried unanimously.**

**d. Patrol Academy and Probation & Parole Academy Evaluations**

**e. Juvenile Job Task Analysis Update & Funding**

Kevin Fuhr presented proposed curriculum and objective changes to the Juvenile Probation Academy.

**Brent Reinke made a motion to approve the proposed changes. Kevin Fuhr seconded, and the motion carried unanimously.**

**f. Scenario Objectives**

Kevin Fuhr stated as the POST staff develops their performance-based scenario objectives, they plan to create a dedicated section for those objectives rather than include them in the topic-specific sections.

**9. Council Discussion: Strategic Vision, Short Term Goals, Set Next Steps**

Chairman Raney stated there's one concept he wants to bring up as he thinks about the future of POST. Many of the complications the Council faces are due to the limited capacity of POST, whether it be availability of staff, availability of dorm rooms, food costs, etc. He's thought for a long time that POST should be moving toward a different way of training that involves far less residential time. Although the relationships developed at the academy are valuable, they do not make a person a better law enforcement officer. He foresees three categories of training. There is low-risk academic training such as Report Writing. There's no sense typing up time at the academy trying to teach people how to write the English language. That could be done off-line and individualized so each student could go at his own pace. Then you're not wasting the time of those who are very capable because you have to teach to the lowest denominator in the academy class. The second category of training is high-risk academic training such as the legal training. Legal training is the greatest value of POST. That could be done interactively on-line with a facilitated instructor. Rather than teaching one week of law, one day of law could be taught over all the weeks of the program. That's adult learning and how people retain information, and it wouldn't drain POST's resources. The third category is skills, which is the residential part. Officers need to actually do a traffic stop, building search, or handcuff somebody. Conceptually, an officer could report to POST for one week, learn some skills, and then return to their agency to practice those skills with instructors in their agency or region. Also during this time, they would be taking on-line courses, either those individual low-risk academic courses or synchronous or asynchronous on-line training with different instructors. Many more instructors could be brought into POST if they could teach in the pajamas in their living room from rural Idaho rather than having to come to Meridian. Maybe once a week or one week a month for perhaps three or four weeks they report back to POST for that skills training and then the final testing and certification.

Kevin Fuhr stated the academy evaluations from all of the different academies consistently indicate the more mundane classes such as Report Writing are too basic and too long, while the scenario-based and hands-on classes such as EVOC and Firearms receive high marks.

Lorin Nielsen stated he likes the concept and thinks it's very doable. Logistically, the travel back and forth to POST would be expensive for some agencies. As an agency head, sometimes he has to de-program his officers because in his jurisdiction they do something differently than what is taught at POST. He likes the concept of passing an overall test so you know they're learning the same thing, but also being able to give that individual instruction of how things are done in the individual agencies.

Kevin Fuhr stated as a result of the JTA, it was suggested the checkbox system of report writing be added to the academy curriculum. Not all agencies use that system. Those things can be gained at the agency instead of at POST.

Chairman Raney stated he just wanted to start floating the idea around. It would be years in transition.

**10. Joshua McArthur, Former Detention Deputy, Bannock CSO – Stipulation for Decertification**

Kevin Fuhr made a motion to accept the stipulation and decertify Joshua McArthur. Brent Reinke seconded, and the motion carried with Lorin Nielsen abstaining from the vote.

**11. David Peterson, Former Trooper, Idaho State Police – Stipulation for Decertification**

Shane Turman made a motion to accept the stipulation and decertify David Peterson. Kevin Fuhr seconded, and the motion carried unanimously.

**12. Kevin Worrell, Former Patrol Deputy, Canyon CSO - Stipulation for Decertification**

Kevin Fuhr made a motion to accept the stipulation and decertify Kevin Worrell. Brent Reinke seconded, and the motion carried with Bryan Taylor abstaining from the vote.

**13. Kevin Halverson, Former Sheriff, Minidoka County – Decertification Due to Felony Conviction for Misuse of Public Funds**

Wayne Rausch made a motion to decertify Kevin Halverson. Greg Moon seconded, and the motion carried with Paul Panther abstaining from the vote.

**14. Hearing Board Meeting Minutes Approval & Ratification of Actions – November 14, 2013**

Greg Moon made a motion to approve the minutes as submitted and ratify the Hearing Board's action. Ralph Powell seconded, and the motion carried unanimously.

**15. POST Council Meeting Minutes Approval – September 5, 2013**

Gary Raney stated he requested language be added to the minutes on page ten below the heading “25. Two-Year Agreement – FTO Failures.” The added language reads, “(Gary Raney joined the meeting at this time via Adobe Connect. He participated in the discussion only, and did not vote.)”

**Ralph Powell made a motion to approve the minutes as amended. Greg Moon seconded, and the motion carried unanimously.**

**16. POST Council Meeting Minutes Approval – September 19, 2013**

Chairman Raney read the corrections into the record.

**Brent Reinke made a motion to approve the minutes as corrected. Paul Panther seconded, and the motion carried unanimously.**

**17. Request for Training Funds for the Idaho Sheriffs’ Association**

Vaughn Killeen presented a request for \$15,000 annually in training funds for the Idaho Sheriffs’ Association to conduct regional in-service training for detention officers.

**Lorin Nielsen made a motion to give the Idaho Sheriffs’ Association \$15,000 annually to assist with the regional in-service training for detention officers. Brent Reinke seconded the motion for the purpose of discussion.**

After much discussion, Vaughn Killeen withdrew his request.

**Lorin Nielsen withdrew his motion, and Brent Reinke withdrew his second.**

**18. History of Relationship Between IPAA and POST**

Greg Bower stated Public Defender Sara Thomas recently told Colonel Powell she couldn’t believe POST Council gives money to the Idaho Prosecuting Attorneys Association because they’re not a duly constituted non-profit. The public defender had discovered that the IPAA was not registered with the Secretary of State, and hadn’t been paying their ten dollars in annual dues since about 1986. The net effect of all that in terms of the statutory authority of POST to provide training to prosecutors is zero. However, to alleviate any future concerns, the IPAA paid their ten dollars to the Secretary of State and registered as a corporation. For the last twenty-five years, they have filed tax returns as a 501(c)(6) non-profit.

**19. Two-Year Agreements**

Sharon Lamm stated at the Council’s request, the following changes were made to the two-year agreement:

**PEACE OFFICER STANDARDS AND TRAINING (POST)  
TWO YEAR AGREEMENT  
BASIC (Patrol, Detention, Correction) ACADEMY # \_\_\_\_\_**

**AUTHORITY**

Pursuant to Idaho Code Section 19-5109 (a) Any peace officer attending such schools or programs or directly or indirectly receiving the aid authorized by section 19-5109, Idaho Code, shall execute an agreement whereby said officer promises to remain within the law enforcement profession in the State of Idaho in a position approved by rules and regulations of the council for two (2) years following graduation, subject only to such disqualifications as established by the Peace Officer Standards and Training Council (the Council) and included within the agreement.

(b) Violation of the provisions of this section or the terms of any contract or agreement entered into pursuant to such section shall give rise to a civil action which may be commenced by the Council for and on behalf of the State of Idaho for restitution of any and all sums paid by the Council plus costs and reasonable attorney's fees. [I.C. § 19-5112, as added by 1981, ch. 307, § 2, p. 629]

**AGREEMENT BY OFFICER TO SERVE**

On this \_\_\_ day of \_\_\_\_\_, 2014 in consideration for receiving the benefit of an education and training from any school or schools or directly or indirectly receiving any aid authorized under the provision of Section 19-5109 of the Idaho Code,

\_\_\_\_\_ of the City/County of \_\_\_\_\_  
(Print Student Officer Full Given Name)

State of Idaho,

**HEREBY PROMISES, COVENANTS AND AGREES** to remain within the law enforcement profession in the State of Idaho, in a full time position approved by the Council, for two (2) years following graduation from such school or schools, or following the receipt of aid, whether directly or indirectly. For the purposes of this agreement, an officer who has not worked 4,160 or more hours during the 2 years following graduation from such school or schools will be deemed to have failed to remain within the law enforcement profession, on a full time basis, for 2 years following graduation.

**VIOLATION OF AGREEMENT TO SERVE**

I further agree and understand violation of the terms of this agreement shall give rise to a civil action which may be commenced by the Council for and on behalf of the State of Idaho for restitution of training costs in the amount of \$ \_\_\_\_\_ (\_\_\_\_\_ Academy) paid by the Council plus costs and reasonable attorney's fees. Attached and incorporated into this agreement is Appendix "A", "Cost of Basic \_\_\_\_\_ Academy Training" which sets forth the costs expended for your educational benefit. The Council will allow the above fee to be prorated each full month from the date of graduation in which the officer was employed full time within the law enforcement profession, if said officer remained employed within the law enforcement profession in excess of twelve (12) months but less than twenty-four (24) months after graduation.

I further understand the Council considers this debt as a student loan, pursuant to 11 USC 523 (a)(8)(A)(i) for the purposes of repayment. This student loan may not be dischargeable in bankruptcy, and is considered an unsecured non-priority debt by bankruptcy laws.

I understand this student loan may be repaid-in-full or I may arrange an interest-free, monthly repayment agreement with the Council to repay this student loan.

**DUE PROCESS**

I have been informed I have the option of taking a full-time position with another law enforcement agency in order to fulfill the agreement requirement of remaining in the law enforcement profession for two years.

I understand this agreement becomes null and void if I am terminated through no fault of my own by the appointing agency, and the appointing agency provides the Council with a letter confirming that I was terminated through no fault of my own.

I further understand I have the option of requesting a waiver of my two-year agreement by the Council. I must submit to the Council a written request of appeal thirty (30) days prior to the next meeting of the Council hearing board in order to be placed on the hearing board agenda. I must attach to the request any supporting documentation I wish to have the Council review during the appeal hearing. Once the written request is received, I will receive a notice of hearing announcing the time and place of the hearing.

**WAIVED, FORGIVEN, CHARGED-OFF**

I have been informed through this agreement that any student loan amount waived, forgiven, or charged off as bad debt owed to the Council, will be reported to the Internal Revenue Service as income to me. I will receive a 1099C for the tax year in which my student loan was waived, forgiven or charged off as bad debt owed to the Council.

**ACTIONS TO ENFORCE**

Failure to comply with the terms of this agreement, seek a waiver of the two-year agreement requirement, or start repaying the student loan within twenty (20) days after receiving demand for payment will result in the commencing of a civil action. Should the Council incur any legal fees or costs in connection with collection of this note, the undersigned agrees that, in addition to any other monies for which he/she may be obligated or liable to make payment, he/she will pay the Council's legal fees and costs, or expenses reasonably incurred in collection, with or without court action.

Any action to enforce the provisions of this agreement shall be brought before a court in Ada County, Boise, Idaho.

SS # \_\_\_\_\_

\_\_\_\_\_  
Student Officer's Signature

State of Idaho )  
                  ) ss  
County of Ada)

Subscribed and sworn (or affirmed) before me this \_\_\_th day of \_\_\_\_\_, 2013.

---

Carrie Merritt, Notary Public  
My commission expires on June 19, 2018

Wayne Rausch stated the IDAPA Rule contains the very obtuse verbiage, "terminated through no fault of his own." Some agency heads are rather creative in stating it's through no fault of the officer's own without actually stating it. This puts the Hearing Board in the precarious position of having to determine whether or not, in their opinion, it was through no fault of the officer's own. The Council should create a form that has checkboxes so agency heads do not have the option to write a narrative that doesn't say anything. One checkbox could say, "Through no fault of his own," and the other could say, "Through due cause and process."

Greg Moon stated the reality is that it's still subject to interpretation. The other problem is the agency heads aren't very articulate when it comes to relaying specifically what they mean when they say they let the person go through no fault of his own. In at least two cases, the Hearing Board could clearly see that it was the fault of the individual, but could understand the agency head's perception that it was a no-fault termination.

Wayne Rausch stated in one case, the problem was the agency head didn't even say it was a no-fault termination. They said the individual and the training officers all gave 110%, and requested the Board waive the requirement for reimbursement.

Chairman Raney stated perhaps the agency should be required to reimburse the state.

Paul Panther stated another no-fault issue came before the Hearing Board where the agency terminated an officer for cause and the Industrial Commission determined he was terminated through no fault of his own. The Board hears a lot of cases where the individual was clearly terminated for fault, but is begging for mercy. The Board should just deny those waivers because there's no basis to grant them. The amended two-year agreement is an improvement, but suggested waiting to adopt it until perhaps the next Council meeting so the "no fault of his own" issue could be better addressed.

Ralph Powell stated the amended document is a vast improvement over what's currently in place. He recommended approving it so POST can start using it while the Council continues working to tune it up.

Lorin Nielsen stated an agency head articulating poorly would probably be better than a checkbox.

William Flink stated two-year agreements weren't really an issue until POST started training correction officers. POST would spend all this money training them, and within a few months of graduating they would quit to take another job.

**Paul Panther made a motion to adopt the amended two-year agreement with the understanding that it may be amended further in the future. Greg Bower seconded, and the motion carried unanimously.**

Chairman Raney requested Sharon Lamm continue working to develop the agreement.

## **20. POST Budget Review**

Sharon Lamm reported the total budget for fiscal year 2014 is 4.982 million dollars. At the end of October, a little over 1.1 million had been spent, or about 22% of the total budget. It is estimated a little over four million dollars in revenue will be received this fiscal year, and approximately 4.3 million dollars will be spent. The estimated year-end cash balance is a little over \$500,000. About \$25,000 to \$30,000 in dorm fees is received annually. The fee charged is five dollars per person or ten dollars for double occupancy. That is the same fee that has been charged since the dorms opened in 1994. Utilities, building maintenance, and janitorial fees have all gone up, so a proposal to increase the fee charged to stay in the dorm may be presented in the near future. Revenue received from the \$15 fee for the first four months of the fiscal year is up \$119,000, or 13.5% compared to this same time last year. This is down from what was projected. Revenue received from the 14% of 10% of court costs is down about \$15,000, or 6% compared to last year. Revenue from misdemeanor probation fees is down \$870, or about 4% compared to last year. Total revenue is up a little over \$103,000 compared to this same time last year.

## **21. Subcommittee Report: College Law Enforcement Program Testing Process**

Greg Moon stated on May 2, 2013, POST Council received a request from Idaho State University, the College of Southern Idaho, and North Idaho College for fair and equitable access to POST's test questions. Based on that request, a subcommittee was formed and has met several times, including meeting with the colleges. The colleges felt it would behoove them to have access to POST's test question databank because it would allow them to format their questions in a manner that would give their students a better chance to pass the challenge exam. The subcommittee has looked at the issue from a million different directions and has looked at several different options. After much deliberation, the subcommittee's decision is to recommend against allowing the colleges access to POST's test question databank. The decision kept coming back to two simple questions. Why should POST provide the questions in the first place, and why can't the colleges do it themselves. When the subcommittee looked at the issue in terms of the format and the way POST generates questions, it was determined the colleges already have the capacity to do it. They already have access to POST's power points, lesson plans, and instructors, and that is how POST generates its test questions. Additionally, the subcommittee was concerned about the ability to maintain the integrity of the database, and felt it best not to open it up to the possibility that it might be compromised. The databases at two

separate colleges in other states have been compromised since this subcommittee was formed. POST already provides a large amount of support to the programs through the POST Regional Training Coordinators. At the September POST Council meeting, a secondary issue was raised. North Idaho College represented they were a different entity from the other two programs. That is an issue that POST may or may not want to address, but it was outside the scope of what the subcommittee was tasked with. The simple question posed to the subcommittee was whether or not the other colleges should be given access to POST's test question databank, and the recommendation of the subcommittee is that the Council not do that. An additional concern was if that were done, would they then have to open their databank to every other program that came along in the future. The subcommittee greatly appreciates all that the college programs are doing, but based on all of the data presented, the subcommittee feels it best not to proceed that way.

Shane Turman stated in addition to the fact that NIC was getting the test questions and ISU was not, Cal Edwards at ISU had another concern. At the end of the ISU program, the students have to take the POST challenge exam. There have been times when ninety percent of the class missed the same question. At POST, those questions are pulled, but that is not done for ISU. The Council needs to take that issue into consideration.

Don Hall stated they have the same issue at CSI.

Greg Moon stated the subcommittee discussed that issue, but they also clearly defined that there is a difference between a training process and an education process. The subcommittee isn't comfortable with the college programs using the POST challenge exam as a final exam. The colleges are prepping their students with an education that gives them a foundation to be able to seek a career in law enforcement. They're not presenting them with a POST challenge exam to pass in order to be a law enforcement officer. There's a difference in philosophy. There may be issues related to test questions, and they should bring those issues to POST.

Kevin Fuhr stated the problem with that is a vast majority of the students at NIC are already hired, so they do have to take the POST challenge exam to become POST-certified peace officers.

Greg Moon stated the subcommittee recognizes there are some issues around NIC. They've extensively reviewed the documentation and understand the program and what happened. The Council may want to look at NIC as a separate issue. However, the reality is, speaking freely, that Director Black did not have the authority of the POST Council to go forward with that, nor did he have legislative authority. He went forward on his own and the revamped NIC program got started. The other reality is that when POST got a grip on the situation at NIC, they said no more, and it was documented and dealt with. The void created is a secondary issue that perhaps should be looked at by the Council, the Training Subcommittee, or even the present College Program subcommittee, but at the present time, it is beyond what the subcommittee was tasked with.

Chairman Raney stated getting back to our mission as POST, obviously all of the college programs serve a very vital role. The Council has to figure out that balance. The episodic

decisions that have been made over the years have created the incongruity the Council now finds itself in. The issue is bigger than what's being dealt with today.

Rory Olsen stated when tests are given at POST, they can run a report that indicates the percentage of students that got each question wrong. If that percentage is above fifty percent, they research whether the instructor taught the objective. If the objective was taught, they look at the course materials such as the power point and lesson plan to make sure it was addressed. There's a lengthy process the staff goes through. If they find the objective wasn't covered, they don't score that test question. POST doesn't have any idea what the instructors at the college programs taught, so doesn't have the ability to go through the process and determine why the question was missed. POST has offered to send that distribution list to Cal Edwards at ISU so he can do his own assessment, and Cal was happy with that. ISU can then notify POST of what they came up with and a determination can be made whether to score a test question.

Greg Moon stated another issue that arose relative to the final test is that there's an appearance of unfairness in the test, and therefore the students are failing it at a greater rate because they don't have access to the test questions. In reality, there are other reasons why that could be happening. There are oftentimes large timeframes between when the students get the education and when they take the test. There are variables in the instructors and how they present the material. Overall, it's not as simple as saying if the college programs had the test questions their students would score higher. There's no specific data to support that is the reason this is happening and nothing else plays a part. There are considerations beyond the test questions when it comes to the end result.

Kevin Fuhr asked Administrator Flink if there was a way for NIC to pay for the POST Region I Training Coordinator to continue doing what he's been doing.

William Flink responded that would be a determination for the Council to make. POST did a cost analysis of the last NIC class. John Parmann devoted forty-six hours to dealing with the program. Additionally there was some mileage and paper costs. The total cost was a little over \$2,000. After deducting the time for the PRT, firearms qualification, and the challenge test, the final cost was around \$1,830. The intention is to bill NIC for that amount based upon the Council's ruling in September. It is up to the Council whether they want to reestablish what the duties are of a POST Regional Training Coordinator.

Ralph Powell stated the subcommittee has already lined it out for the Council. The proper thing is to separate the purpose of education from the purpose of training and identify where the responsibilities of each belong. He is in favor of POST being in charge of training and their curriculum for accreditation purposes, and education doing whatever works best for them to prepare their students to take the challenge exam. He's taught at several universities and currently teaches for ISU. He still doesn't understand the big problem with NIC writing their own test. He has to write his own tests. **He made a motion to accept the subcommittee's recommendations as presented by Greg Moon. Sharon Harrigfeld seconded, and the motion carried with Kevin Fuhr opposed.**

William Flink stated the POST Regional Training Coordinators would continue to do the PRT, firearms qualification, and challenge exam for the college programs as they have always done.

Chairman Raney stated he is still very dissatisfied with NIC's misrepresentation of what has happened at NIC. The sense in north Idaho is that POST is not supporting NIC, that POST made promises they did not keep. In reality, if you look at the communication between POST and NIC over the past year-and-a-half as the Council clarified the issue and tried to work through it amenably, POST was very forthright. He is really disappointed at NIC's reaction. He appreciates CSI's and ISU's position on trying to make it equitable. They have been at the table and been fair about it. As a separate issue, he would like a POST Council subcommittee to have a preliminary conversation, and eventually the whole Council to have a conversation about what POST's role is in supporting the college programs, and with the college programs' assistance, identify what best steps POST could implement to make the college programs more successful.

Kevin Fuhr stated there's a difference between the college programs themselves. That needs to be hashed out first, and then perhaps built upon. Once the Training Subcommittee gets the correction and JTA issues taken care of, they would be able to look at the support of the college programs issue.

Chairman Raney stated the subcommittee should identify the distinctions between the two-year program, eleven-month program, and the thirteen-week program; and then identify the individual and collective needs of the programs. With POST's resources in mind, the subcommittee should bring back a birds-eye view of what the POST Council could do.

Don Hall stated he heard the Council mention several times their willingness to do regional training. The College of Southern Idaho already does that, and if they can be of assistance to POST in any way, they stand ready, willing, and able. He would also be willing to serve on any committee to look at the different college programs.

## **22. Master Instructor Applications**

William Flink stated master instructors are the premiere instructors in the topics they teach, have the highest character, and be a role model for other officers. He presented a proposed master instructor certification checklist that an agency head would sign indicating the applicant meets that criteria and is worthy of master instructor certification.

Kevin Fuhr stated he was concerned that the applicant couldn't have been demoted or suspended in two years, sanctioned in five years, or arrested or convicted in five years, but there was no time frame for any act of moral turpitude, charged or not, since becoming an instructor. An instructor who did something fifteen years ago could never be a master instructor, and yet someone convicted of a misdemeanor a little over five years ago could be. He suggested putting a timeframe on the moral turpitude.

William Flink stated the Council could change the list however they saw fit.

Chairman Raney stated the list still contains a lot of vague language, and instead should list the specific charges or misconduct. Those would have a lot more value than, "Has the respect of his fellow officers" or "Is a primary role model in the agency." It's a good path, but needs to be firmed up with less vague language.

### **23. POST Division Administrator's Update**

#### **a. POST Staffing Issues**

William Flink stated Bruce Cheeseman resigned as an Academy Training Specialist. Dave Heimer has been hired as an Academy Training Specialist. They are in the final interview phase for the Basic Training Manager position. A register of applicants has been received for another vacant Academy Training Specialist position, and they are in the process of determining who to interview.

#### **b. Update on Land Acquisition**

William Flink stated in early October the Land Board froze all land purchases, so POST won't be doing anything immediately. Although JFAC gave POST the funding authority to purchase the property, the Attorney General's Office has indicated that at this point, POST doesn't have the power to buy the property. He believed the plan of action was to go back to the Legislature this year, amend last year's budget language to give POST the wording they need to actually purchase the property, and then move forward with trying to purchase the land once the Land Board unfreezes land purchases.

Ralph Powell stated that's one of three options. The Attorney General's Office has basically provided counsel that this is how they interpret the laws, although it's not an official opinion. There's a bit of a conundrum at the Governor's Office, DFM, and Lands about how we have been buying all this land previously. One of the options is to go ahead and have the land go to auction and buy it because the Legislature approved it and JFAC appropriated it. There are those who say that's all we need. The other option is some hybrid in between, but it's not one that we'll probably go after. The option spoken about is the one we'll most likely go after, but we'll seek additional clarification from the Legislature.

#### **a. POST Staffing Issues**

William Flink stated John Lamm from the Virginia Beach Police Department has been selected as the new Region III Training Coordinator. He will work out of the Jerome ISP office, and will start sometime around January 22, 2014.

#### **c. Distance Learning & Website**

William Flink stated POST worked with the Idaho Sheriffs' Association to put together an Inmate Grievance Process program, and is currently working with them on a PREA project. POST will also work with Steve Jett, the PREA inspector for this area, to put together a program for new jail supervisors on what they're going to be looking for during inspections. POST is also

working on a DDACTS video with NHTSA and IADLEST to showcase what Idaho is doing. POST should be finishing up their five-minute Defensive Tactics programs this week. Then a new program on PT initiatives will be created to help people getting ready to come to the academy know what POST's PT program is all about and what's expected of them while they're here. Additionally a six-segment project will be created for the agencies to make sure they clearly understand how to give the PRT at their agencies. Included in that program will be information on health and fitness.

**d. Cafeteria Contract**

William Flink stated POST and ISP are in the process of finalizing the documents so the cafeteria contract can be rebid. Whoever wins the bid should be up and running around Memorial Day.

**e. Facilities**

William Flink stated POST's new skid car building has been completed. All three skid cars are housed in it, and there's plenty of room for POST's cones. Just prior to the warranty running out on the dormitory remodel, it was discovered the wrong type of sealant was used to caulk the bathrooms, so that's being fixed. Additionally, there were a couple of floors that weren't level, so that's being fixed as well.

**f. Instructors Under IDAPA 11.11.01.251.09**

William Flink stated this agenda item deals with how POST deals with subject matter experts paperwork-wise. Another term he's been using is POST-approved instructors because some POST staff members don't think the people are subject matter experts. For the last year or so, instead of issuing an instructor certificate to an individual who is not a certified officer, he has been issuing a letter advising the applicant they're approved to teach only in the program they're involved with, and that they won't have to recertify because the letter is valid as long as they're working for the agency they worked for when they applied. The agency is the one saying they want the person to teach for them because they signed off on the instructor application. In keeping with Chairman Raney's philosophy on mission creep, he really doesn't want to see the paperwork again since they're not certified officers. He decided this is how he wanted to handle this section for judges, attorneys, educators, doctors, or others in that realm. He wanted the Council to know what he was doing in case they objected to him sending a letter instead of a certificate.

There was no objection by the Council.

**g. Idaho School Board Request for Information**

William Flink stated the Idaho School Board Association requested an opinion from POST on whether or not POST would train school employees on firearms and such. He sent a letter back citing POST Council's statutory authority and responsibility for training peace officers and other

law enforcement agency personnel. They also asked about liability, but he referred them to their county sheriff and the sheriff's risk manager for that determination.

#### **24. Future POST Council Meetings**

Chairman Raney stated the March 6, 2014 meeting needs to be moved to either the week before or the week after.

The Council approved of the following POST Council meeting dates:

March 13, 2014 – Meridian  
June 5, 2014 – Coeur d'Alene  
September 4, 2014 – Pocatello  
December 4, 2014 – Meridian

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

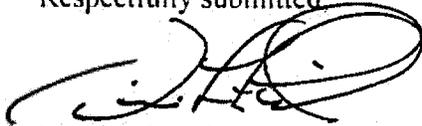
The Council approved of the following POST Hearing Board meeting dates:

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

**Kevin Fuhr made a motion to adjourn. Greg Moon seconded, and the motion carried unanimously.**

The meeting adjourned at 3:59 P.M.

Respectfully submitted



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

WLF:wlf