POST COUNCIL MEETING

MINUTES

SEPTEMBER 5, 2013

The meeting was held at the Best Western Plus Coeur d'Alene Inn, Idaho North Room, 506 W. Appleway, in Coeur d'Alene, Idaho. Chairman Blair Olsen called the meeting to order at 9:00 A.M.

Council Members Present:

Greg Bower, Prosecuting Attorney, Ada County
Dan Chadwick, Executive Director, Idaho Association of Counties
Kevin Fuhr, Chief of Police, Rathdrum Police Department
Sharon Harrigfeld, Director, Idaho Department of Juvenile Corrections
Ken Harward, Executive Director, Association of Idaho Cities
Gregory Moon, Chief of Police, Weiser Police Department
Blair Olsen, Sheriff, Jefferson County
Paul Panther, Chief, Criminal Law Division, Attorney General's Office
Ralph Powell, Colonel, Idaho State Police
Wayne Rausch, Sheriff, Latah County
Brent Reinke, Director, Idaho Department of Correction
Shane Turman, Chief of Police, Rexburg Police Department
Daryl Wheeler, Sheriff, Bonner County (representing Gary Raney)

Council Members Absent:

Jon Heggen, Enforcement Bureau Chief, Idaho Department of Fish & Game
Ernst Weyand, SSA, Federal Bureau of Investigation

Guests Present:

Mitch Alexander, Sheriff, Shoshone County
Mike Berg, North Idaho College
Sandi Bloem, Mayor, City of Coeur d'Alene
Gavin Brodwater, Former Patrol Deputy, Kootenai County Sheriff's Office
Mark Browning, Vice President of Com./Gov't. Relations, North Idaho College
Lila Burns, Vice President of Instruction, North Idaho College
Steve Childers, Patrol Officer, Coeur d'Alene Police Department
Trish Christy, Management Assistant, Idaho Peace Officer Standards & Training
Kevin Creighton, Director, Kootenai County Misdemeanor Probation
T. Michael Dillon, OPR Manager, Idaho Peace Officer Standards & Training
Jennifer Douglass, Legal Counsel, Filicetti Law Office, P.A.
Shelly Enderud, City Administrator, Post Falls
William L. Flink, Division Administrator, Idaho Peace Officer Standards & Training
Wendy Gabriel, City Administrator, City of Coeur d'Alene
John Goedde, Senator, Idaho State Legislature
Patricia Guzman, Decertification Investigator, Idaho Peace Officer Standards & Training
Frank Henderson, Representative, Idaho State Legislature

Tami Holdahl, Mayor, City of St. Maries
Vic Holmes, Mayor, City of Rathdrum
Ken Howard, Chair, Trustee Board, North Idaho College
Keith Kipp, Patrol Officer, Nez Perce Tribal Police Department
Sharon Lamm, Business Operations Manager, Idaho Peace Officer Standards & Training
Brenda LaMott, Probation & Parole Officer, Idaho Department of Correction
Clay Larkin, Mayor, Post Falls
Wayne Longo, Chief of Police, Coeur d'Alene Police Department
Gene Marquez, Chief of Police, Spirit Lake Police Department
Cheryl Meade, Deputy Attorney General, Idaho State Police
Mike Mires, Dean of Professional Technical & Workforce Education, North Idaho College
R. David Moore, Chief of Police, Blackfoot Police Department
Rory Olsen, Deputy Division Administrator, Idaho Peace Officer Standards & Training
John Parmann, Training Specialist, Idaho Peace Officer Standards & Training
Mac Pooler, Mayor, City of Kellogg
Dave Resser, Sheriff, Benewah County
Greg Sprungl, Sheriff, Boundary County
Dick Vester, Mayor, City of Wallace
Ben Wolfinger, Sheriff, Kootenai County Sheriff's Office

1. Pledge of Allegiance

2. Introductions of Council Members and Guests

3. Special Presentation – Sheriff Greg Sprungl

Chairman Blair Olsen and Division Administrator William Flink presented a clock to Sheriff Greg Sprungl as a token of appreciation for his service on the POST Council.

4. Review of Dashboard Data

William Flink presented the information included on the dashboard.

5. Discuss Short Term Goals/Set Next Steps

William Flink stated he's trying to confirm Steve Bywater down as the rules revision project manager. Senator Darrington is on board to provide legislative guidance throughout the project. Staff members involved will be himself, Rory Olsen, Trish Christy, and Lorraine Keaveney. It's scheduled as an eight-month project, although it could take fifteen months. Initial meetings with Senator Darrington and Steve will begin in mid-October, at which time the best way to complete the review of all POST rules will be identified. The intent is to have at least two meetings a month, with the staff probably meeting once a week. The six chapters of rules will be combined into one, and upon approval of the POST Council, be presented to the Legislature for approval, hopefully in 2015.

Brent Reinke suggested keeping Senator Lodge and Representative Wills in the loop, and asking them for a representative from their respective subcommittees to be involved, as that could make for easier passage of the rules.

Ralph Powell stated that was a very good suggestion.

William Flink stated the staff is moving forward with completing the Job Task Analysis, determining what tasks are FTO, what are Basic Training, and what the Council may decide don't need to be taught at POST. The staff is also working to stabilize the academy scenarios by scripting them out so they're clearly defined. Included will be what is considered successful demonstration of achieving the curriculum objectives. POST has about eighty different projects going on. A Projects List and status will be put on the POST Council's TWiki.

Sharon Harrigfeld requested that the Council make sure a juvenile justice representative is involved with the rules revision project.

6. Standards Subcommittee Report

Chairman Olsen stated this issue is postponed until the December meeting. Jon Heggen is now the chairman of this subcommittee.

7. Training Subcommittee Report

a. PSAP Training

Rory Olsen stated the PSAP manual was developed by the PSAP Committee to provide training for dispatchers. It is completed at the employing agency. Those passing the final test can submit it to POST for ten hours of POST training credit. The subcommittee recommended looking at converting the manual to on-line training.

Kevin Fuhr stated the subcommittee recommends approving the PSAP manual for ten hours of POST training credit until it is converted to an on-line course and re-assessed to determine the appropriate number of POST training hours to be awarded.

b. Patrol Job Task Analysis

Kevin Fuhr stated William Flink already updated the Council on where they're at on the Job Task Analysis.

c. Reserve Officers

Kevin Fuhr stated Stephanie Altig came up with language to add reserve officer to the statutory definition of peace officer, and the subcommittee recommends moving forward with that change. She also defined the different categories of reserve officers, but the subcommittee felt that language should not be added to statute.

Dan Chadwick asked why there was such a delay in getting the statutory change accomplished, as the language was drafted two years ago.

William Flink responded the subcommittee worked diligently, but issues came up that needed to be addressed such as reserve detention deputies and the development of a prototype curriculum for the reserve level two program.

d. Basic Correction & Basic Probation & Parole Academies

i. Firearms Agreement

ii. Correction/Probation & Parole Academy in August

iii. Mandatory PT for Correction Officers

iv. IDOC Request for Additional Academies in 2014

Kevin Fuhr stated the subcommittee discussed the firearms agreement, the August academy, and mandatory PT for correction officers with Brent Reinke and Gary Charland. The issue to be addressed by the Council is IDOC's request for additional academies in 2014.

Brent Reinke distributed a proposal to the Council members. He stated if the POST Council likes the proposed concept, he would present the revised curriculum at the December meeting. IDOC is experiencing a twenty-six percent turnover rate, and is currently down seventy correction officers. He is preparing the Request for Proposal for the new private prison contractor, and would like to require all contract correction officers to attend the POST Basic Correction Academy. That would mean between 240 to 330 new correction officers would need to be trained in 2014. They request seven correction academies be run a year, with five being correction officers only and two being core academies, combining correction officers with probation and parole officers. The probation and parole academy would remain at six weeks, but the correction academy would be shortened from five weeks to four. Combining the academies in this way equates to only one additional academy each year. Shotgun only would be taught at the Correction Academies, while the core academies would include handgun training. This results in a significant reduction in the amount of ammo used. They would like to add physical training to all correction academies, which would mean POST would have to feed the officers breakfast. The savings from the reduction in ammo is more than enough to pay for the breakfast meals. The proposed schedule indicates an academy being held every month except December.

Rory Olsen stated the subcommittee asked the POST staff to look at the facility impact of running five, six, seven, and eight academies in 2014, and that hasn't been completed.

Kevin Fuhr stated the issue was housing and staffing. He asked if that analysis could be completed before December.

William Flink responded he believed so.

Kevin Fuhr stated he would like for the training subcommittee to discuss it in November.

William Flink stated the big issue is facilities.

Brent Reinke stated Gowen could possibly be used for one of the academies. They might also need some assistance in making sure they have enough POST-certified instructors.

Wayne Rausch stated it sounds like Director Reinke is under the gun. He asked how long it would take POST to determine what the staffing and facility issues will be.

William Flink responded they would want to run it through the Training Subcommittee first, but could present it to the Council at a special meeting much sooner than December. It's just a matter of looking at what's already scheduled on the calendar and talking to POST's Facilities Manager. By early to mid-October, they should have an idea of how it's going to affect what's already scheduled.

Brent Reinke asked if the Council would consider granting tentative approval today so the Department of Correction could begin moving in this direction in working with POST to get the academies scheduled. He didn't know what the insurmountable challenges could be at this point.

Chairman Olsen stated he thought that could be done. Then when POST has determined what the impact will be, a telephone conference call could be held for a vote of final approval. He asked William Flink if that could be done before the first of October.

William Flink responded possibly.

Chairman Olsen asked if it could be done by the second week of October.

William Flink stated he understands the urgency, but POST is in the process of hiring two basic training coordinators, is getting ready to re-announce the basic training manager position, and has one staff member away on military reserve time. Staffing levels are so low that he is currently running the Probation and Parole Academy. They could possibly have it done by mid-October.

Chairman Olsen suggested shooting for sometime around Friday, October 11th.

Brent Reinke asked if the Department of Correction could move forward anticipating that all issues will be solved. He understands that it might not work, in which case they'll have to go to plan B. He has to have the RFP for the private prison done by early November, and folded into that is the requirement that the correction officers employed by that company attend the POST Basic Correction Academy.

Kevin Fuhr made a motion to grant tentative approval so the Department of Correction could move forward. Wayne Rausch seconded, and the motion carried unanimously.

e. Proposed Curriculum Changes

f. Basic Detention Academy

g. **General Academy Update**

Kevin Fuhr stated through POST's TWiki website, lesson plans are now available to POST-certified instructors throughout the state. That will also help the college programs. The Training Subcommittee also reviewed and discussed student evaluations.

8. College Law Enforcement Program Testing Subcommittee Report

Brent Reinke made a motion to move this agenda item to 2:00 P.M. Ralph Powell seconded, and the motion carried unanimously.

9. Gavin Brodwater, Former Patrol Deputy, Kootenai County Sheriff's Office – Oral Argument & Final Action Vote on Recommended Order for Decertification

Jennifer Douglass and Cheryl Meade provided oral argument.

Kevin Fuhr disclosed that the train accident that Mr. Brodwater allegedly took photos of was a Rathdrum PD case. That will not change his decision or bias him on anything having to do with the decertification case, but he wanted to make it known.

Ralph Powell 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." Greg Moon seconded, and the motion carried unanimously by roll call vote.

The Council convened into open session.

Greg Moon made a motion to uphold the hearing officer's Recommended Order and decertify Gavin Brodwater. Greg Bower seconded, and the motion carried unanimously.

10. Daniel Deason, Former Correction Officer, Idaho Dept. of Correction - Stipulation for Decertification

11. Denise Mealer, Former Correction Officer, Management & Training Corporation – Stipulation for Decertification

12. Charles Voiselle, Former Direct Care Staff, Idaho Dept. of Juvenile Corrections/Lewiston – Stipulation for Decertification

Brent Reinke made a motion to accept the stipulations and decertify the individuals included in Agenda Items #10, #11, and #12. Greg Moon seconded, and the motion carried unanimously.

13. Rhonda Bunney, Former Administrative Dispatch Supervisor, Latah CSO – Decertification Due to Felony Conviction for Misuse of Public Funds

14. Richard Cable, Former Correction Officer, Idaho Dept. of Correction – Decertification Due to Felony Convictions for Smuggling Contraband (Drugs) Into the Prison & Witness Intimidation

Greg Bower made a motion to decertify the individuals included in Agenda Items #13 and #14. Brent Reinke seconded, and the motion carried unanimously.

15. Attorney General's Office Medicaid Fraud Control Unit Field Training Manual

Greg Bower made a motion to approve the manual for forty hours of POST training credit. Wayne Rausch seconded, and the motion carried unanimously.

16. Coeur d'Alene Police Department's Field Training Manual

Daryl Wheeler made a motion to approve the manual for forty hours of POST training credit. Kevin Fuhr seconded, and the motion carried unanimously.

17. Idaho Dept. of Correction Probation & Parole Field Training Manual

Ralph Powell made a motion to approve the manual for forty hours of POST training credit. Sharon Harrigfeld seconded, and the motion carried unanimously.

18. Hearing Board Meeting Minutes Approval & Ratification of Actions – August 1, 2013

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

19. POST Council Meeting Minutes Approval – May 2, 2013

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

20. MOU Between IPAA & ISP for Office Space Rental at POST

William Flink presented the MOU.

Brent Reinke made a motion to approve the renewal of the MOU. Greg Moon seconded, and the motion carried unanimously.

21. Misdemeanor Probation Academy – Open/Closed Campus

William Flink stated Kerry Hong came before the POST Council previously and asked for closed campus status for the Misdemeanor Probation Academy. Due to facility limitations, the POST Council voted to allow the closed campus if POST facilities were available. Facilities were available for the first time during the last session, so it was announced it would operate as a

closed campus. Many agencies were upset by this. Due to the controversy, POST opened it up. Kerry Hong has now requested the special provision for the Misdemeanor Probation Academy be removed, and it operate as an open campus academy like Detention, Correction, and Probation and Parole.

Wayne Rausch made a motion to rescind the closed campus status for the Misdemeanor Probation Academy. Kevin Fuhr seconded the motion.

Sharon Harrigfeld stated a rule change will be needed eventually to provide maximum clarification and reduce confusion.

The motion carried unanimously.

22. Two-Year Agreements Beyond Statute of Limitations

Sharon Lamm stated the limitation on pursuing collection on statutory liabilities is three years. Since the Council has the statutory authority to charge the two-year agreement fee, the Council can also waive the fee. When waived, it is considered cancellation of debt under IRS rules, and may be a taxable event to the officers. She presented a list of sixty-six two-year agreement accounts that are beyond the statute of limitations, and requested guidance from the Council on how to move forward on the uncollectable debt. They could waive the fee since it's now uncollectable and remove it from the books, or do nothing and leave the uncollectable debt on the POST accounts receivable balances. At the end of July, the two-year agreement accounts receivable balance was $620,000. That amount includes the $116,000 of uncollectable debt. 61%, or over $378,000 of the $620,000 are non-paying accounts. POST sends monthly statements, contacts the individuals, offers payment arrangements, advises them of the waiver process, but gets no response. If the Council agreed, she would like to start taking those individuals who owe less than $5,000 to small claims court. The individuals owing over $5,000 could possibly be turned over to another collection agency utilizing stronger collection efforts.

Brent Reinke stated 60% of the people on the accounts receivable list are former Department of Correction employees.

Paul Panther stated aggressive collection attempts could have a detrimental impact on the Department of Correction's ability to recruit correction officers.

Cheryl Meade stated there is a remedy in place for individuals to possibly avoid reimbursing for the two-year agreement, but they need to do it in a legal manner by requesting a waiver from the POST Council.

Ralph Powell stated those accounts represent a considerable investment in those people by POST Council and the employing agencies. The two-year agreement seems to be serving its purpose. If an officer can't commit to two years, then POST Council's investment in getting them up and running needs to be paid back so another officer can be trained in their place. If an individual doesn't accept employment because of the two-year agreement, we don't want them anyway because we don't want to train them up and then lose them.

Cheryl Meade suggested POST Council make it easier for people to pay by putting a link on their website for credit and debit card payments.

Sharon Lamm stated they're very close to having that through Access Idaho. It's in test mode right now.

Shane Turman stated the money needs to be collected. **He made a motion that at the two-year mark, POST take legal recourse to collect the money. Kevin Fuhr seconded, and the motion carried unanimously.**

23. Proposed Language Modification of Two-Year Agreement

Cheryl Meade presented proposed language modifications to the two-year agreement.

The Council agreed that additional language changes should be made to reflect the following:

1) If an officer leaves law enforcement and hasn't found another law enforcement position in Idaho within two years of graduating, POST Council will start legal proceedings to collect the money.

2) The venue for legal action will be Ada County.

3) The former officer can appeal to the POST Council for a waiver, but if the waiver is not granted, they are still bound to pay.

4) The terms of the agreement are not varied by any oral or other communication outside of POST Council.

5) The officer agrees that POST is going to incur substantial costs in providing them with a law enforcement education, and those costs will be negated and the State of Idaho won't receive benefit for that investment if the officer leaves prior to serving two years after graduation.

Cheryl Meade stated Appendix A is a breakdown of the costs, and will be attached to every agreement.

Shane Turman made a motion to approve the two-year agreement as proposed with the additional changes made as identified by the POST Council.

Shane Turman made an amended motion that the drafters reformat the two-year agreement in whatever manner they determine most effectively incorporates the original modifications with the additional changes identified by the POST Council, and that the amended agreement be presented for final approval at a future Council meeting. Paul Panther seconded the amended motion.

22. Two-Year Agreements Beyond Statute of Limitations (continued)

Chairman Olsen stated Agenda Item #22 in reference to the statute of limitations hasn't been resolved yet.

Kevin Fuhr made a motion to keep the list of names of the accounts beyond the statute of limitations in case the individuals come back into law enforcement. Greg Moon seconded the motion.

Ralph Powell stated the Council needs to keep track of the individuals who have gone past the statute of limitations, but not by keeping them on the books with the collectable accounts. They should be kept in a separate database. If they return to law enforcement, they should be required to pay up before doing anything else.

Kevin Fuhr stated he agreed. He just didn't want to get rid of the names.

The motion carried unanimously.

23. Proposed Language Modification of Two-Year Agreement (continued)

Chairman Olsen stated there's a motion and a second on the floor to amend the language of the agreement.

William Flink stated he would like the amended agreement presented for approval in October.

The motion carried unanimously.

24. Criteria for Two-Year Agreement Waivers

25. Two-Year Agreement - FTO Failures

(Gary Raney joined the meeting at this time via Adobe Connect. He participated in the discussion only, and did not vote.)

William Flink stated this issue comes out of the two-year agreement waiver hearings. In 2008, the POST Council agreed on how they would handle two-year agreements, and that has fluctuated somewhat over the last year-and-a-half regarding individuals who fail their FTO. Some agencies consider FTO failure an at fault termination, and others write a letter indicating the officer was terminated through no fault of their own. There's a difference of opinion among the Hearing Board members. There's also the secondary issue, did the officer just not fit in at that particular agency. They passed POST and the minimums to be a police officer. They still have two years to get employed by a law enforcement agency or at least a year longer to try and get employed. He requested clarification for the Hearing Board members on how to look at the FTO failure issue, so they handle them in a consistent manner.

Ralph Powell stated he didn't know how the Council gets past the case-by-case basis regardless of the composition of the Hearing Board. Each case has to be listened to and judged on its own merit.

Kevin Fuhr agreed, and recommended delaying repayment for the individual actively seeking employment with another department. The individual wanting nothing to do with the profession would be looked at entirely different.

Greg Moon stated the department head needs to make it clear in the form of some type of documentation to POST whether the person failed FTO because of a disciplinary issue or poor attitude, versus someone who's trying their best but just doesn't have the ability to get through that agency's program.

Gary Raney stated the key thing to look for is whether the person has the ability. If they don't, we don't want to make them try to continue in the profession. Another example of reasonably out of their control is a military transfer. If they're insubordinate or have a bad attitude, they need to pay.

26. POST Budget Review

Sharon Lamm stated POST had a cash balance of $989,000 at the beginning of FY 2013. Total revenue received was 3.8 million dollars, and total expenditures were approximately 3.7 million dollars, leaving a cash balance of 1.1 million dollars at the end of the fiscal year. Without misdemeanor probation fees, the cash balance becomes $832,000. An additional $218,000 was encumbered, leaving a year-end cash balance of $614,000. Revenue from the $15 fee was a little over 2.7 million dollars, which is about $585,000, or 25.4% more than the previous fiscal year when the fee was $10. Revenue from the 14% of 10% of court costs was down by over $46,000, or 6% compared to FY 2012. Revenue from the misdemeanor probation fees was down about $2,000, or 2.7% compared to FY 2012. Total revenue from all three sources was up approximately $510,000, or 16.7% from FY 2012. For FY 2014, the Legislature approved $4,982,000 in spending authority for POST. Included was $552,400 to purchase the three lots, a Scenario Development Coordinator position, a fourth Regional Training Coordinator position, some firing range improvements, and a new passenger van. Projected FY 2014 revenue is four million, and expenditures are estimated at a little over 4.3 million, so the projected year-end cash balance is $500,000. The $15 fee revenue is up about $60,000 from this same time last year, the 14% of 10% of court costs revenue is down over $6,000, and the misdemeanor probation fees have remained flat. Overall revenue from all three sources is up $53,000, or 22% compared to this same time last year.

8. College Law Enforcement Program Testing Subcommittee Report

Greg Moon stated in May of this year, POST Council was approached by ISU, CSI, and NIC in reference to their concerns and requests for parody and access to test questions from the POST Academy. A subcommittee was formed to include himself, Ada County Sheriff Gary Raney, Fish & Game Enforcement Chief Jon Heggen, and Idaho State Police Colonel Ralph Powell. The subcommittee met June 12th to discuss the issue. They were presented with a couple of

questions that they flushed out in terms of how does the POST Council look at NIC as compared to the college programs at ISU and CSI. In reviewing historical documents and looking at the formats presented, it was the decision of the subcommittee that NIC is the same even though they use a thirteen-week format versus a nine-month or thirteen-month program. In essence, they're a college program whose bottom line is to produce a certifiable candidate for law enforcement. The subcommittee then met July 23rd with Don Hall, Cindy Bond, CSI Advisor Chief Brian Pike from Twin Falls PD, Cal Edwards from ISU, Mike Berg from NIC, Irene Vogel from the Division of Professional Technical Education, and POST staff members William Flink, Rory Olsen, and Joe Whilden. They discussed the issue of the questions themselves to see where the colleges were coming from in terms of what their concerns were. It boiled down to the fact that CSI and ISU felt they had a higher failure rate because they didn't have access to POST's weekly test questions. This was in spite of the fact that it's never been the intent of POST as far as the committee could determine that any of the colleges, including NIC receive POST questions. However, there was a period of time when POST did provide some weekly exam questions to NIC in an effort to help NIC's program out while the program manager was seriously ill. NIC was notified however, through an MOA and several conversations, that POST did not intend to go forward with providing weekly exams or providing questions from their databank. After looking at the issue and meeting with the colleges, the subcommittee concluded the issue of the test questions comes down to quality control and security of the product. Basically, the security of that information and maintaining the integrity of that information is critical to the success of POST itself. The final evaluation itself is critically important, whether it comes in the form of a challenge exam or the final exam at POST, and the security of that data is critically important. The subcommittee also explored a multitude of different options. It isn't that the POST Council can't be of service to the colleges. But in reviewing the history, they started off providing minor amounts of help, and now are at the point where they're providing power points, lesson plans, and handouts; certifying the instructors to teach in the programs free-of-charge; and conducting criminal background checks. POST Council has invested considerably more than when they initially started out providing performance objectives. POST has limited resources, and those resources have been tapped multiple times now as the mission of POST has expanded. POST started out providing training and certification to police officers and deputy sheriffs in an effort to put the best possible officer on the street. POST now does that for dispatchers, correction officers, detention officers, and a variety of other individuals. In looking at the options, the subcommittee had to look at what type of resources POST has available and how many resources have not been brought to bear by the colleges. After reviewing the historical documentation, the subcommittee found this question was previously asked and previously answered. POST Council has already indicated they do not want to open up their databank to provide test questions to the colleges. That's not to say they're not willing to look at options and help facilitate other approaches to the problems the colleges are facing. It's merely saying, at this point in time, POST doesn't have the resources to open up the databank, nor does the Council have the inclination, by previous vote, to want to do that.

Senator John Goedde stated in 2008, the POST Council granted permission for NIC to run Idaho POST Academies provided they adhere to three provisions. They had to have corresponding curriculum to Meridian POST, they had to hire a technical officer, and they had to run two pilot classes. NIC passed the test. Since the program started, they have graduated seventy-six agency personnel and fifty-three self-sponsored students with an eighty-three percent placement rating.

The taxpayers that contribute to the support of NIC have paid about $300,000 to support the NIC program. It's important that north Idaho law enforcement agencies have a program in the north, and it produces good quality candidates. The question at hand is testing, so let's look at the value of the current system where POST provides the questions. The same test bank is used for both the weekly and final tests. It makes sense that an NIC student who had access to POST's weekly tests would have a better pass rate than a CSI or ISU student that didn't. It's important to have that consistency. The test questions are created by subject matter experts, and they're statistically validated. If forced to start over, NIC would have difficulty doing that. The questions are consistent across the state. There are a couple of solutions. First, NIC could administer the tests. The people that work at NIC and are involved with the program are used to maintaining the integrity of test questions. Recently a jail employee had a problem with less than crystal behavior in the jail. To suggest that everyone in law enforcement is subject to that same problem is the same logic about NIC's staff. Second, the POST staff could continue administering the tests and NIC could pay the cost. He questioned the additional cost of maintaining a test databank and expanding it for use at NIC or the additional cost of sharing a powerpoint. There is a long-term issue of equity statewide, and maybe the CSI and ISU programs should be looked at. That might be something the Legislature can do in the upcoming legislative session. The fee per ticket now to support POST is fifteen dollars. Maybe it's time to look at legislation that would distribute that to law enforcement training programs statewide.

Gary Raney asked if he understood correctly that Senator Goedde suggested NIC pay for POST to administer the tests.

Senator John Goedde stated NIC has asked for the cost, but no one's been able to provide it or won't provide it. It was somewhere around fifty hours a year from POST staff that was bantered around last time it was discussed.

Representative Frank Henderson stated he endorses the comments from Senator Goedde. Four or five years ago when he was on JFAC, the original question of conducting a POST Academy at NIC came forward. It was debated seriously, at length, and very intelligently, and at that time there was justification provided to institute the POST Academy at North Idaho College. The results since then for the graduates of the POST Academy at NIC justify a continuation of the program in north Idaho. He clearly remembers the justification of the north Idaho governmental entities to have the POST Academy conducted in their back yard. The lesser costs made POST Academy available to a greater number of law enforcement officers who needed the training. From a cost standpoint, that factual basis still exists. There is nothing to counter that. He hears in a meeting about a month ago that there's a question about the integrity of the test and how it's handled. POST Academy has to be conducted without question and with great merit, and that has been done. There is nothing to suggest otherwise. He also heard today and a month ago, that the expense of conducting a POST Academy has expanded because additional personnel within the law enforcement community are being trained. It's expanded from the basic group that was considered four or five years ago. That indicates this will continue to be an appropriations committee issue. Both Senator Shawn Keough and Representative George Eskridge are on the appropriations committee, and both have personally expressed their great concern about the decision that's before this Council, and their concern is financial. From a cost standpoint and the quality of law enforcement officers serving the public, this remains as important today as it was

four or five years ago. As a member of the Legislature and a former member of JFAC, he will always look at appropriations as a major decision of the Legislature, and that attitude is shared by other legislators in north Idaho. Idaho needs economy of government and government set closer to home. Again, he endorses what Senator Goedde said.

Gary Raney stated his perspective is that there is three phases of the process where POST gets involved. One is that POST establishes good objectives that are understandable to all of the instructors and the instructional institutions. When he asked the colleges about the quality of the objectives, no one was able to point out any real problems with them. The second part is the instruction. The programs are using POST-certified instructors to deliver that learning process. So the real issue is the final questions. When he asked the colleges if the questions are so bad that not having them scripted is really a detriment, no one has ever responded yes, the questions are so subjective that we don't understand them unless provided them ahead of time. In the past, there were one or two examples of the material being subjective, but everyone agrees that has been cleared up. So from his perspective, he's at a loss as to why the focus is on the questions at the end rather than on the learning process. The POST Council fully supports the NIC program, and realizes it's a very important program in the north. But there's also a delineation between the role that POST has and the role that the college programs have. POST Council wants to support them and see them be successful, but he sees no harm in the fact that they don't get the questions. It seems there's been a lot of misinformation spread in the north. He's had sheriffs call and ask questions that were based on myths being spread.

Mike Mires stated he was attending the meeting on behalf of Gayne Clifford. The basic patrol academy was established prior to him being hired by NIC, so he had to study a lot of historical documentation to get up to speed. In so doing, he found that in 2008, the POST Council named the program the North Idaho POST Academy. The program adhered to the POST curriculum exactly, and that's stated in the original Memorandum of Agreement. The MOA also talked about exacting the content from Meridian POST, the additional courses provided by Meridian, the hiring of a tactical officer, and running a two-year program as a pilot and then being evaluated. At the end of that two years, the academy had some very good and outstanding evaluations. The findings indicated there was no basic difference between the two academies. The academy in north Idaho scored as high or higher in many areas. It was a very good success overall, really outstanding. It's a POST-approved basic academy, which distinguishes it from a college vocational program. The POST Council established it as a basic patrol academy, not a college program. There is a difference, and it's very well delineated in the original MOA. NIC trains uniformed, sworn agency officers, and that's unique. The vocational programs cannot do that, so it distinguishes itself quite a bit from them. The program results have been outstanding, with seventy-six agency-sponsored, fifty-three self-sponsored, and an eighty-three percent placement rate of the self-sponsored. It's well established in the evaluation that it adheres to the prescribed learning objectives and high standards of standardization, it's granted the right to award successful graduation for basic patrol academy, and it's been recognized as one of the two statewide basic patrol academies. It's established on POST's website as a basic patrol academy, although it's grouped in with the vocational programs. He did find one inconsistency, and that was inconsistency in the testing procedure early on. The tests were provided, which goes along with the standards. With John Parmann administering the tests, the security is under the auspices of POST. He does a very good job, and monitoring the class for quality control is included in his

job description. NIC teaches a lot about quality control. In manufacturing, for instance, nobody would assume you use different assessment instruments to assess quality control. A company producing the same widget in two different locations would not use a ruler in one and a micrometer in the other. In assessing the outcome, it's guaranteed you will find a difference if you don't use the same assessment instrument. The assessment instrument is just as important as how you're going to measure your outcome, and that has to be inherently there. As an educator for over thirty years, he's been giving tests, giving outcomes, and assessing those outcomes. He taught math in the British system for years, and math in the American system for years. It was the same math, but he would never assume to give a final for his British system to the U.S. students and vice versa. The difference is very obvious. The flavor, the wording, the format, and the construct of those exams determines the difference. It's very different when you change that, so the consistency in examination process does matter. The person who gives the test should also give the final. It does influence the outcome. The two academies have worked very hard to standardize just about everything. Their philosophical view of approaching standardization, learning outcomes, and learning objectives has been consistent in every category except for assessment. It's surprising and inconsistent to want to be absolutely standardized in every category, but go a different route in assessment. The training and academies are consistent. If NIC truly runs a basic patrol academy of the same standard and outcome, the area of assessment should be consistent as well.

Gary Raney asked Mike Mires if it was his experience that all instructors share the same bank of test questions in other subjects taught at NIC.

Mike Mires responded he made the mistake of using another teacher's final for his students after using all his own tests, and it was a disaster. Whether other instructors share test banks, he would have to say from his experience it's a very bad practice. If they used their own exams, but were required to use another instructor's final, the results would be very negative.

Gary Raney asked Mike Mires to describe the harm, other than fairness, that would happen if POST Council stopped giving the test questions.

Mike Mires responded it goes against POST Council's basic practice of standardizing everything else for POST basic patrol academies. The assessment process should be consistent. It's the Council's prerogative if they want to make it different for the vocational schools, but if the Council is going to have an academy that mimics the POST Academy in Meridian, it should be the same.

Gary Raney stated for clarification, he doesn't have the same perception that the NIC program continues to be a mirrored academy. That was only in the original Memorandum of Agreement.

Mike Mires responded that's a perception. He'd have to ask the Council.

Gary Raney stated it's a perception in writing.

Mike Mires stated he can't respond for the Council. He can only say he doesn't see it that way.

Greg Moon stated part of the issue for the subcommittee was that the colleges could never establish that it was the test questions themselves that caused success or failure. It's possible NIC's success is due to the shortened timeframe of an academy format. The students are tested on the information in a timely manner. CSI and ISU couldn't produce anything to show their failure rate was caused simply because they didn't have the weekly test questions. Their programs are extended with extensive time frames. There are several other variables that exist as possibilities for why something works in one program but not in another. There were no explanations given. He asked if there was any reason to believe that if NIC developed their own test questions, using the same POST-certified instructors and format that POST uses, that they wouldn't continue to be just as successful.

Mike Mires responded he didn't have the data to answer that. The failure rate at ISU and CSI is fairly significant, something like fifty-something percent. The pass rate at the North Idaho Basic Academy is very, very high, almost one hundred percent. Looking at the data, there is a cause and effect.

Gary Raney asked Mike Mires if he thought it was a significant factor that almost all of the attendees at NIC are in-service law enforcement officers while virtually all of the attendees at CSI and ISU are entry-level age college students just like at BSU, U of I, and other academic institutions.

Mike Mires responded perhaps someone else could speak to that, as he didn't know the exact composition of the academy. There have been a lot of self-sponsored students, and some were very bright, capable people who probably scored as high as anyone else. He doesn't know how they did in comparison to the law enforcement officers.

Gary Raney stated it was his understanding that the success rate of the students at CSI and ISU was very comparable to NIC's self-sponsored students.

Mike Mires responded he didn't believe that was the case.

Ralph Powell stated he would echo Sheriff Raney's comment. Representatives from the two colleges and one university were at the subcommittee meeting. The statement from the attending representatives was that indeed, their success rate was close to parallel.

Mike Mires stated maybe Mike Berg could speak to that.

Kevin Fuhr asked Gary Raney if initially when the academy was started up north it was a POST Academy, but then it changed after the first two years.

Gary Raney responded that was his understanding.

Kevin Fuhr asked what changed after that first two years to take it from a POST Academy to a college academy.

Gary Raney stated, when Jeff Black was the director of POST, he rather on his own established the concept of a regional academy and moved that forward without really fully explaining to the Council what was happening. It wasn't fully vetted. During his tenure on the Council, the stance has been that POST does not have regional academies. They have college programs in the regions that they want to support and make successful. Even though the fee per citation has gone up, the number of citations is down. The POST Council needs to be responsible with their money and make sure they are delivering their core mission, which has expanded significantly in the last few years. With that in mind, it was well over a year ago that NIC was notified of the changes that were going to happen. There were conversations that NIC is not a mirror of POST, and John Parmann is a Regional Training Coordinator for all of north Idaho. It was not until the ninth hour that all of this came up. The only argument that has been presented is that it is a matter of fairness that NIC get the questions and ISU and CSI do not. None of the three programs has articulated a harm so significant by not being fed questions that would really damage their program. His argument with the programs has been if the questions are so bad that they can't replicate their own, let's fix the questions or objectives or the process. But as that was talked through during the subcommittee meeting, the programs admitted the objectives are good, the process is good, and POST is giving them all of the learning materials to make sure they're where they need to be. The programs only argued a matter of fairness, and that simply doesn't equate to a good expenditure of resources and a good risk. The Council wants to make NIC's program successful and wants it to continue to be the great credit that it is to north Idaho, but feeding test questions to the program doesn't have to be a part of that equation.

William Flink stated he wasn't the POST Administrator in 2008, so he's read the POST Council minutes since 2005 and has been putting together a white paper on POST's relationship with all of the college programs. He was hired at POST in May of 2010. About four or five months later, he was hearing how much work the POST staff was doing with NIC. The Regional Training Coordinators involvement with the other two programs consisted of observing the PRT and firearms qualifications, and administering the challenge exam once the program was complete. The POST Council reiterated in subsequent meetings that this was appropriate. POST's IDAPA Rules still refer to the college programs as vo-tech programs simply because the IDAPA Rules have not yet been updated. This area of the IDAPA Rules establishes the requirements for any satellite program to become POST-certified as equivalent training. That is why NIC's program is called a college program. No POST funding goes to the college programs. They are funded through college tuition. Currently, POST funding is for POST purposes and is not used to augment institutions of higher learning. While it is the responsibility of a POST Regional Training Coordinator to monitor the college program to some degree, in 2010 when the MOA was signed, it was not the POST Council's intention that the two POST staff members in north Idaho put in as much time as they were on the NIC program. In 2008, the POST Council approved NIC to run a pilot academy program. The exact language from the minutes states, "that mirrors POST Academy for hours and instructor certification." The minutes further state that POST Council members said they would not provide weekly testing. In 2010, the Council reiterated in the MOA that it wouldn't be POST testing. The language wasn't as clear as it is now, but when he questioned the POST Council about the POST staff's responsibility to the NIC program, that generated further discussion in reference to POST's responsibility to NIC and any other college program. At the June 8, 2011 POST Council meeting, the Council made it very clear to NIC Vice President Jay Lee and the other parties from

north Idaho that there was only one POST and it was in Meridian. NIC's academy was a POST-approved academy, but it was NIC's academy. It was again reiterated, very strongly, that POST would not give weekly tests, as that was the responsibility of NIC. Language to that affect was formally made a part of the MOA that was signed in February 2012. So in 2011 it was very clear to the POST Council and NIC that NIC was responsible for weekly testing and that POST would come in at the end of the program and give the challenge exam. Just prior to the signing of the MOA in February 2012, Mike Berg flew to California for cancer surgery. Even though weekly testing was not POST's responsibility, out of compassion for NIC's program, knowing that NIC didn't have weekly test questions made yet, and that Mike Berg wouldn't be back for ten weeks, I, as POST Division Administrator made the gesture to Vice President Lee that POST would cover the weekly testing for the next NIC academy and if necessary, one more academy after that. That would have covered weekly testing for NIC through December 2012. A lot of things were going on at POST at the end of 2012 and beginning of 2013, and the issue fell off POST's radar scope. NIC was in their first or second week of their spring 2013 academy when I realized POST was still providing the weekly tests. At that time, I told his staff to inform Mike Berg that this was the last NIC academy that POST would provide weekly testing for pursuant to the MOA and the agreement with Vice President Lee. I personally met with Mike Berg on March 18, 2013 and reiterated to him that NIC needed to be ready with its own test questions. A month later POST met with the college program administrators like they do every year to discuss issues, and all three said it wasn't fair that POST had been giving test questions to NIC, but not to ISU and CSI, and that all three programs wanted POST's test questions. Test security is a strong issue. This is not just about the POST Academy. This is a licensing examination to be a peace officer with any agency in this state, and to go to another state and have your Idaho credentials considered for police service in that state. Other states such as Texas and California have gone through some major test debacles with their academy system where the POST agency gave test questions to college academies. In California's instance, the test questions were released by college academy personnel, some of whom were police officers. It resulted in a quite lengthy investigation and a test question rewrite of twenty-three of their twenty-six domains of teaching. They figure it cost them $300,000. Idaho had a similar problem years ago at one of the colleges. This reality makes POST want to keep their licensing examination test questions to themselves, and yes, the licensing examinations come out of the same test bank. It's a randomized test question processing. On May 2, 2013, the colleges came before the POST Council. The Council ordered POST to stop providing test questions to NIC because that was not the Council's intent in the first place. NIC knew they needed to write their own weekly test questions, but as of a few weeks ago, they still hadn't even started. There are several options available for how to proceed, and POST will do whatever the POST Council decides.

Mike Mires stated he has forty different vocational programs, and he knows the difference between a vocational program and an academy. For vocational programs, NIC has ownership and sets the curriculum, standards, testing, and assessment. POST Meridian sets those for the law enforcement program, so it's not NIC's vocational program. When the entire status of a program is dictated by an outside agency, it's a basic patrol academy. It's a POST Academy established by the POST Council.

Greg Moon stated he, too, spent quite a bit of time studying the documentation. Although initially in 2005 and 2008 there was some confusion as to the intent and what type of program

they wanted in north Idaho, it jelled and became clear in the documentation and conversations with the Council that the NIC program was not a POST institution. It was not a POST Academy, nor was it intended to be a POST Academy. It was intended to offer some services to north Idaho, and NIC stepped up and said they would be happy to provide those services. From that, it has grown to what it is. NIC is not POST Academy. POST Council provided the format under which NIC provides a foundation of training for the local officers, similar to and mirroring in many respects POST's program in Meridian. That is for the convenience of the local law enforcement agencies to be able to have their officers trained locally. That offer was made by NIC. He found nothing in the documentation to indicate at any point in time, despite some verbiage confusion, that the program at NIC is anything more than an academy-based program offered through NIC's vo-tech system, and that, in fact, it is NIC's to run. NIC agreed, however, to mirror the hours of instruction and use POST-certified instructors. There's nothing in the documentation that says NIC has to follow to the core everything that POST does. NIC has done that in order to provide the service to the north Idaho agencies. NIC is to be commended for that, but nowhere in any of the documentation does it say that the program in north Idaho is a POST Academy. If it was a POST Academy, it would be run by POST staff at a facility run by POST.

Kevin Fuhr stated when NIC's academy was established, it was the understanding of the people in north Idaho, under Jeff Black, that it was a POST Academy. The POST director/administrator has changed and philosophies have changed, but when it was initially started, it was started as a POST Academy up north. That was Jeff Black's idea. Everything NIC got was from POST, the graduation was run by POST, and Jeff Black even attended the graduation because it was a POST Academy. The rules of the game changed a year-and-a-half into the academy when the administrator changed, and it went from an academy to a vo-tech program, but that's why NIC was still running it the same way is because that's how it started.

Chairman Blair Olsen stated he's been on the POST Council since 2006, so has been involved with this issue from the beginning. It was his perception, as a member of the Council back when Jeff Black was the director, that it was not a POST Academy. What Jeff Black portrayed at the time to north Idaho and NIC may have been different. The POST Council later became aware of a lot of things that POST was providing to NIC, that was not the Council's intent. The Council, as a whole, did not look at NIC's program as a POST Academy, although Jeff Black may have.

Gary Raney stated, Chief Fuhr's statements make it sound as though things changed when William Flink came on board. What really happened, is when Director Black was no longer employed, Interim Director Steve Raschke began looking at agreements, among other things. Some were made outside of the Council's knowledge, and that's when things began to get cleaned up. It has nothing to do with Administrator Flink, other than the cleanup after Jeff Black leaving.

Wayne Rausch stated apparently there's confusion on this issue. It's important to mention the fact that it's on both sides. Jay Lee represented NIC's program, and he signed an MOU. The MOU said POST Council will not supply quizzes to NIC. It's clear that both sides have slipped on what the intention was, and both sides should take responsibility.

Kevin Fuhr stated he agreed with that.

Ben Wolfinger stated he graduated from NIC's academic law enforcement program in 1982, and was hired by the Kootenai County Sheriff's Office in 1983. In January 1989, NIC changed their program to a vocational program, and he began to instruct there. In 1996, he began to instruct at POST in Meridian, and instructed for thirty-nine consecutive academies. He also instructed at the College of Southern Idaho. He continues to teach at the north Idaho program. He knows the difference between a college and an academy, and what north Idaho has is an academy. It's the only place outside of Meridian that accepts employed law enforcement officers. It uses the same curriculum and the same POST-certified instructors. In every aspect, it is a satellite academy. According to POST's website, it costs a little over $4,700 for a student to go through the Basic Patrol Academy. At the north Idaho Academy, it's just under $3,000. Seventy-six law enforcement officers have been through the north Idaho Academy since its inception, which is a savings to POST of approximately $350,000. Those expenses were not paid by POST, but by the local agencies. Many of the fifty-four self-sponsored students have been hired. In the last year, the Kootenai County Sheriff's Office has generated about 4,700 citations. Figuring an eighty percent success rate in citations, that's about $60,000 the Kootenai County Sheriff's Office generated for POST last year. There's consistency between the Meridian academy and the north Idaho academy in instruction and administration. All they're asking for is consistency in the testing process. NIC offered to pay for John Parmann to proctor the tests, but it seems the north Idaho agencies have already been paying for it. This issue can be resolved. The money's already there. John Parmann can proctor the tests. The north Idaho agencies are saving a ton of money by having the north Idaho academy, and they don't want to see it go away.

Gary Raney stated everything Sheriff Wolfinger said about the importance of the academy is absolutely true. He asked what the harm was in having them develop their own test questions.

Ben Wolfinger responded Meridian's weekly exams come from POST's test question bank. The students are shown samples of and even some of the exact test questions they will receive on the final exam. That gives them a leg up. By not being consistent, the students in north Idaho are at a disadvantage. They have some great instructors in north Idaho, and that contributes to the program's success rate, but not having the weekly test questions is a very obvious discrepancy.

Gary Raney stated it's unknown if the strong success rate in north Idaho would suffer if the weekly test questions were no longer available to them. Going to the issue of equity, he asked if Sheriff Wolfinger was comparing NIC to POST.

Ben Wolfinger responded yes, he's saying NIC is an academy program.

Gary Raney asked Sheriff Wolfinger if he was saying POST should also give the test questions to CSI, ISU, and whatever other program came along.

Ben Wolfinger responded no, those are college programs. He's taught in all those programs, and there's a difference between a training academy and a college program. They should establish themselves as regional POST academies. It's cost effective for the agencies and obviously cost

effective for POST. Then the POST Regional Training Coordinator should proctor those exams. That maintains security and the integrity of the testing process.

Wayne Longo stated everyone is here in the same capacity, which is to make sure that every person who pins on a badge is trained and certified the same. They want the testing and the instructors to be the same. The license, or certification, should be issued in the same manner. He is a POST-certified instructor in three topics, and has been for many years. He knows the difference between teaching in an academy and teaching in a class. If he teaches a class as a POST-certified instructor, he teaches from the POST curriculum and does not make up his own. They want it to be standard for a reason. POST's responsibility, first and foremost, is to train patrol officers. Yes, the mission has gotten far afield because of the needs and demands on the criminal justice system. Everyone is being asked to do more with a lot less. POST is being asked to train more disciplines within the criminal justice system with the same amount of money. It's time to change the way law enforcement does business, whether it's looking at the fines or looking at regional academies. He's sent ten or more officers to the north Idaho academy. He's paid NIC for that. POST does not put money into that academy. NIC supports it. Meridian POST saves money by not training his officers. He pays more, but chooses to do that because of the product he gets. Everyone is struggling to hire qualified applicants. He can now hire single parents because they don't have to be gone for ten weeks. Everyone needs to be looking to the future. They cannot continue doing business as usual. He's been involved in the north Idaho academy since the beginning. It was envisioned to take a burden off of POST Meridian. POST uses the facility in Post Falls a lot, as the north Idaho academy only runs two sessions a year. It has a state-of-the-art FATS system in it that NIC bought, not POST. NIC makes that facility available to officers 24/7. The north Idaho satellite academy results in better police officers on the street, POST-certified, who are consistently trained by POST-certified instructors. NIC pays those instructors who teach at their academy, not POST. The idea that POST is pumping a ton of money into the north Idaho academy is wrong. He does the background investigations on his officers, and NIC does the backgrounds on the self-sponsored students. It's not a burden on POST, and even if it was, Meridian POST is receiving the money from the citations written by north Idaho officers. The north Idaho agencies are just asking for a little service for that financial support. The testing should be consistent so the POST certification is the same. The Kellogg mayor and the Lewiston chief of police wrote letters in support of the issue.

Sandi Bloem stated she was representing the North Idaho Mayors Coalition. They were ecstatic when they heard there was going to be an academy in their area. They have many times not been able to hire people who would have been great officers for their communities due to the fact that the people didn't want to travel or be away from their families. There's a lot to having an officer who's also a great family person. The discussion has been about dollars, but they should be talking about value. If consistency brings a better value, if it costs a few dollars more, it's worth it. The communities in north Idaho are definitely getting a lot more value out of the way they are training officers now than they were before. That's important to them. They're not asking for a lot. They still send all of their citation money down to POST to use. There must be a way they can all work together. If POST's duties are much more intense than they were, they're not a lot different from the cities, and funding is always an issue. When people work together, they can figure out new funding methods. There are a lot of people here that are willing to work with the

Legislature, if that's what it takes. That might take a little while, but in the meantime, don't take something away that is very successful in giving north Idaho a great value.

Mike Berg stated he is the director of the academy. There are four law enforcement officers and eight self-sponsored students in his current academy. He usually runs about a fifty/fifty mix. He speaks quite often with Cal Edwards at ISU and Don Hall at CSI. At those programs, they're required to write their weekly exams, and POST administers the final challenge exam. ISU's failure rate for their last program was approaching fifty percent. NIC has never had anyone fail the final exam because they have gotten all the weekly exams from POST. He came late to this process. He was hired five years ago to build the academy, and he's done that. He's reviewed POST Council minutes, read the MOA's, and talked to people involved in the process. Everything he's read calls it a basic patrol academy, not a vocational program. The last MOA says, "To recognize and publicize the POST-approved status of NIC-hosted basic patrol academies." He mirrors Meridian every academy he puts on. He mirrors their schedule, and then offers even more. His academies average six hundred forty hours, far beyond what's required. They have a great academy that puts out a tremendous product. Their self-sponsored placement rate is eight-three percent. He asked William Flink if the Council decides not to provide the weekly tests to the north Idaho academy, what tests POST would provide.

William Flink responded POST would continue to provide the challenge exam like they do with all the college programs. The Council's direction is that the weekly testing is the college's responsibility. It has been since the June 2011 discussion about it, and it was made even clearer in the February 2012 MOA. The issue is weekly testing. It's not about whether NIC's program is called an academy or not. That's irrelevant. Under POST's IDAPA Rules, all the programs fall under one section of rules, and that section is entitled, "Certified Vocational Law Enforcement Program." He recognizes that NIC's program isn't put on like a vo-tech, and that CSI and ISU have moved away from that term. That is why POST now uses the term "college program" to refer to all three college programs, although the IDAPA Rules have not yet been updated to reflect that. When this issue started, it was due to a request from all three colleges that POST provide weekly testing for all of them. That remained the issue for the Council until today. It was an issue of fairness for the three college programs. Each program would need their own unique test developed each and every week based upon the topics taught. That would be a drain on the two POST curriculum staff members, but it could be done. The POST staff prepared a twenty-two page document identifying eight different testing options for the subcommittee's consideration. It included the POST Regional Training Coordinators doing for all three programs what John Parmann was doing for NIC, although it's not currently in their job responsibilities to do that. The Regional Training Coordinators main focus is to make sure that any needed in-service training is provided for their regions. The colleges are monitored, but only the firearms qualification, PRT, and the challenge exam. Another option is for POST to collect all three college programs' test questions, put them into a separate database, and draw the college programs' weekly exams from there. POST meets with the college programs annually, and has suggested many times that the college programs collaborate and work together to make their programs better. At the last meeting, POST suggested they collaborate on weekly test questions. Another option POST came up with was to take the college programs' questions and add them to POST's to make a larger database. POST's goal is to eventually create a separate test question database for the final exam, so no question on a weekly exam would ever been seen on the final.

Another option was to create an electronic, web-based testing process that the three college programs and POST would use. POST is supportive of the college programs and wants them to be successful. Initially POST only provided performance objectives. When I was hired, I wanted the programs to look alike as much as possible, so I made sure they had the most up-to-date lesson plans. About two years ago, all lesson plans, power points, and student handouts were made available to the college program managers electronically through POST's website. I was responsible for making sure the 2010 MOA was being adhered to, which led to the 2012 MOA. POST wants to support the NIC program, whether it calls itself a vo-tech program, college program, or basic patrol academy. The only time that became an issue for the POST Council, is when it called itself "POST Academy" and referred to Mike Berg as the "POST Director." At that time, the POST Council made its position clear that it's POST-approved, but NIC's academy. Everyone wants NIC to succeed. The issue is in May, the POST Council ruled that POST will not provide weekly testing to NIC because of the fairness issue and in adherence to the MOA. When I met with Mike Berg in March, I offered to write some test questions for him, but grew leery of that due to the Council's decision in May.

Mike Berg stated there are two pre-academy requirements that must be done by all students. The CD's have been replaced with on-line training. He asked if POST would provide the tests for the pre-academy on-line training.

William Flink responded that's an issue for the POST Council that will be discussed tomorrow at the strategic planning meeting. The pre-academy CD's had their own testing process with them, and the web-based classes do as well. Upon successful completion of the test, the student can print out a certificate. They send a copy of that certificate to POST. The weekly tests at POST include similar questions to make sure the students remember what they learned from the CD's or web-based classes.

Mike Berg stated he cooperates with Don Hall and Cal Edwards. He's been gathering questions for a couple of years. The question in his mind is what makes everyone think they're going to do better. The POST Council has called NIC's program a basic patrol academy.

Gary Raney stated he has two fundamental questions. One may have a little tone of irritation to be honest. When the subcommittee met with the three college programs, Mike Berg was silent most of the day. Cal Edwards and Don Hall were arguing the fairness of them not getting the questions. The subcommittee asked what the harm was of taking the weekly test questions away. The responses surrounded an issue of fairness. Nobody yet, again, has really articulated any harm of not having those questions other than some easy advantage. There is harm for POST. There is a drain of resources, and there is the risk of losing those test questions. It's obvious from the testimony today that Mike Berg has stirred sentiment in north Idaho by saying, in effect, that the POST Council doesn't support NIC. That's offensive, because every question the Council has ever had has talked about supporting NIC and how valuable that program is. Every single member of the POST Council has argued the value of the program. That's not the issue. The issue is a set of spoon-fed test questions. He asked Mike Berg why he shared this lack of support and this detriment to NIC's program by the Council, and stirred this sentiment.

Mike Berg responded he had not done that. The only thing he said, and maybe he was misunderstood, is that he was concerned about the test questions. He has never said POST or the Council does not supported NIC's program. His issue is the weekly tests and the success of his students.

Gary Raney asked Mike Berg if he said something to the affect that losing the test questions would be a great detriment to the program.

Mike Berg responded he did, and it will be.

Gary Raney said Mr. Berg has never explained that to the Council, and asked him to explain it now.

Mike Berg responded, it's been explained several times here today. He has over thirty years of educational experience. He taught college level, at an academy for twenty-five years, and his experience at NIC. He knows for a fact, from personal experience, if you have one set of questions given throughout a semester or whatever, and then a different set of questions on the final exam, you have a lower pass rate. It's just a fact of life.

Gary Raney asked if that was a bad thing.

Mike Berg responded yes. It's a bad thing when you have a failure rate approaching fifty percent.

Gary Raney requested that Mike Berg not misconstrue his question. He asked Mike Berg if he was fundamentally familiar with a law degree.

Mike Berg responded no.

Gary Raney asked Mike Berg if he believed that the Idaho State Bar gave the University of Idaho the test bank of questions for the bar degree.

Mike Berg responded he had no idea.

Gary Raney asked him what he thought.

Mike Berg responded he had no idea.

Gary Raney stated well they don't. He asked if when a CPA is going to be certified, if Boise State University got the test bank of questions from the entity that gives the CPA exam.

Mike Berg responded he had no idea.

Gary Raney responded they don't. He asked if when somebody is going to be licensed to be a barber in the state of Idaho, if all of the barber schools got the bank of questions.

Mike Berg responded he did not know.

Gary Raney responded they don't. Therefore, he had a hard time understanding why a good, college-based program could electively be developed, but not without the compromise that would come from giving Mike Berg the test questions.

Mike Berg responded he wasn't asking POST Council to give him the test questions. He was asking them to give NIC the test questions. He was asking for the same process that's been done in the past to continue. It enabled NIC to run successful academies, and that process is going through John Parmann.

Shane Turman asked how long NIC's academy was.

Mike Berg responded thirteen weeks.

Shane Turman asked how long CSI's and ISU's classes were.

Rory Olsen responded thirty-two weeks and forty-four weeks.

Shane Turman asked if it was the weekly test questions that were making the NIC program's graduation rate so successful or was it the shortness of the program and the students not having to retain so much information for eight or eleven months.

Mike Berg responded it's a combination.

Shane Turman stated CSI and ISU might want to look at becoming more like NIC, as it sounds like north Idaho has a great program.

Mike Berg stated NIC has a wonderful program. It's a combination of the fact that it's a shorter time span, similar to Meridian's ten weeks, and also that the students get to see how the test questions and answers are written and probably see some of the same questions as are on the challenge exam. He never sees the questions, as John Parmann handles that. He wants his instructors teaching the material, not teaching to a test.

Brent Reinke asked Mike Berg how he would respond to ISU and CSI if he were on the Council.

Mike Berg responded he would tell them he would give them the same questions because they're all producing the same product, just in a different format over a different time span. NIC gets everything from POST. They can't use material unless it comes from POST or is approved by POST. That includes lesson plans, curriculum, power points, audio-visual, etc.

Greg Moon asked Mike Berg where the Council should draw the line then. What happens when the University of Phoenix, NNU, Lewis and Clark, or a variety of other colleges in Idaho decide they want a program as well and ask for the same information.

Mike Berg responded he couldn't answer that question. He's not on the Council.

Greg Moon stated he thought, in fact, that Mike Berg could answer the question. The fact of the matter is that Mike Berg understands what a burden the responsibility of maintaining the integrity of that data is, and also understands what it takes to do so. The point in fact is that if the colleges had been working toward this with POST, this issue wouldn't even be before the POST Council now. The colleges knew they had issues. NIC knew it was losing the question databank. None of the colleges came forward to ask POST if they could sit down with them and see if they could formulate a way to create a databank at the college level that would continue to make them competitive. It is a lot of man-hours to create tests just for NIC, but now we're saying where does the Council draw the line. NIC has an excellent program, and everyone on the Council applauds that, but it's important to understand this isn't just a north Idaho issue. This is an issue that extends to any university, college, or vo-tech program in the entire state that decides they want a part of this. The Council has to look at this issue, not just from the narrow perspective of north Idaho, but in the broad spectrum of the entire state.

Mike Berg stated it would be up to the Council to either approve or not approve those programs.

Greg Moon stated the Council is already faced with that conundrum relative to the request from the other two colleges, and NIC's position of trying to define itself differently, which still may be a question for the Council to answer.

Kevin Fuhr stated it goes back to what's going to happen if NIC doesn't get the weekly test questions from POST. All we have to do is look at what ISU and CSI have done. At the May meeting, they mentioned that their failure rate was forty percent, so they had about a sixty percent pass rate. They don't train sworn law enforcement officers. NIC does. If NIC drops down to a sixty percent success rate, there will be forty percent of sworn officers that agencies are now going to have issues with. One of POST's core values is customer service, and they serve the law enforcement agencies in Idaho. The colleges have asked what it would cost them to pay POST to generate the tests and the Regional Training Coordinators to administer the tests. If the colleges had that figure in front of them, they could decide whether they wanted to proceed in that direction. POST would then be made whole as far as payment is concerned, and the colleges could function as NIC has been for the past five years. He asked why POST couldn't come up with the dollar amount, and then let the colleges decide if they want to pay it or not. If they don't want to pay it, it's a moot issue. The test security question would be out the door because POST employees would maintain control of the exams. The POST Council needs to be serving the people it represents, and this would be a good way to support Idaho law enforcement agencies.

Kevin Rausch stated after the May meeting, he was approached by representatives from the programs, and one in particular, he thought it was CSI, said absolutely not. They said they're paying for a range, they're paying for this, they're paying for that, and they don't want to pay any more. Obviously some programs don't consider that to be a solution.

Kevin Fuhr stated that would be a good way for POST to say this is the answer. Here are the fees associated with giving the weekly tests. If the programs don't want to pay, they can

continue running as is, but it should at least be made an option for those that are willing to pay that cost.

Chairman Blair Olsen asked how long it would take for POST to provide that cost information to the Council.

William Flink responded the cost would be the staff time involved, and he didn't have that information. Scanners would also have to be put in the regions, and that's about $4,000. The Council can change the job duties of a Regional Training Coordinator if it wants to.

Chairman Blair Olsen asked how long it would take the POST staff to put together the numbers and get them to the Council.

William Flink responded a couple of days.

Rory Olsen stated part of the reason the POST staff hasn't come up with that number is that they laid out a lot of different options for the subcommittee. It depends on which options the subcommittee wants to look at further, and then the POST staff will determine the costs for those selected options.

Kevin Fuhr requested the cost for exactly what POST and John Parmann have been doing for NIC for the last five years. The challenge test is a mandatory thing, so that shouldn't be figured in, and possibly the PRT and firearms. Anything that's not mandatory, such as the weekly tests, should be included. At least give the colleges and the POST Council a baseline to look at so the colleges have the option of paying the cost.

Chairman Blair Olsen asked if that could be done fairly soon.

Rory Olsen responded the POST staff could figure it out based on that.

Blair Olsen stated there seems to be a question about whether NIC is a vocational program, which may affect how the program fits into POST's IDAPA Rules. He asked Paul Panther if it was possible to get a legal opinion on what type of program NIC is and how it fits into POST's IDAPA Rules.

Paul Panther responded it is possible, but not for this meeting.

Mike Mires stated NIC is a comprehensive community college. A comprehensive community college is defined by having vocational training programs and transfer programs. The vocational programs lead directly to an AAS degree. NIC has two governing boards, the Professional-Technical governing board as part of the state office, and the State Board. He manages the vocational programs and another dean manages the transfer programs, but they're all under the Vice President and President. We're all state employees. The College of Southern Idaho and the College of Western Idaho are in the same category.

Ralph Powell asked if NIC held a national accreditation.

Mike Mires responded NIC has a regional accreditation. Their accrediting board is the NWCCU. Different regions of the U.S. have different accrediting boards, and theirs is in the northwest region.

Brent Reinke asked if the application packet process was the same.

William Flink responded it is. This issue was brought before the Council about two years ago. POST hadn't been that involved in the backgrounds or application packets of the college applicants until they became painfully aware that the colleges were using their advisory committees to conduct their required fingerprint criminal history checks. That was a violation of federal law. The colleges now use POST's fingerprint cards, and POST runs their fingerprints through POST's system. That's when POST started looking at the application packets and criminal history records of the college program applicants and determining if they would be acceptable for law enforcement employment in the future.

Paul Panther stated based on the discussion, he believed POST's IDAPA Rules in reference to the certification of vocational law enforcement programs applied to NIC. The rules refer to a college or university vocational law enforcement program certified by the Idaho Department of Education, and he assumes NIC's program is, so it is within POST's IDAPA Rules.

Mike Mires stated NIC also offers a criminal justice degree beyond what they're doing at the academy, and sometimes that gets mixed in with the vocational.

Chairman Blair Olsen stated unless he heard differently from the Council, he would direct William Flink to report back to the subcommittee as soon as possible as to what the cost would be for providing the same service that's been provided to NIC for the last eight academies, and for the subcommittee to present that as an option to all three programs.

Greg Moon asked that the POST staff look at all eight options and provide at least a cost estimate for each. If one option doesn't seem viable, there may be another one that does.

Chairman Blair Olsen asked if that could be done in a reasonable time.

William Flink responded they'd start next week.

Chairman Blair Olsen stated the Council is still operating under their May decision to not provide test questions, so this issue needs to be resolved soon.

Ben Wolfinger stated NIC started a new academy two weeks ago. A decision needed to have been made three weeks ago for them to know one way or the other for this academy. If the questions could be provided for the current academy while this issue is ferretted out, NIC could be prepared for the spring academy. That's the only fair thing to do because, otherwise, the Council is going to cause NIC to write test questions at the eleventh hour that may never be used again. That's a huge expense.

Chairman Blair Olsen stated he would let the Council decide, but the Council made the decision in May prior to the start of NIC's current academy.

Kevin Fuhr made a motion to set aside the May decision for one more academy and provide the test questions to the current NIC academy while the POST Council ferrets this issue out.

Gary Raney stated he would let Daryl Wheeler vote on his behalf.

Greg Moon seconded the motion on the condition that this is a drop-dead deadline and a solution will be worked out before the next NIC academy.

Kevin Fuhr stated he would add that to his motion that this is the last time test questions would be provided to NIC's academy until the issue is resolved.

Ralph Powell stated he agreed with the need, but was a little confused as to how they got to this need. NIC knew years ago that they needed to have their own test questions. He was puzzled that an institution of higher learning had that much trouble following an MOU. He would vote for the motion because he too agreed that the Council needs to support the communities they're obliged to provide service to, but it's imperative that everybody come to the table. POST has come to the table many times. It's discouraging how many times the Council has had to tell NIC to get its own test banks.

Wayne Rausch stated the Council previously said no. If they're going to change that, and are doing so in order to determine the cost to POST to provide this service, it would be fair to add the cost for the current academy to what NIC pays POST if the solution turns out to be the colleges paying that cost. **In the interest of being fair across the board, he made an amended motion that POST provide the weekly test questions for NIC's current academy, that this be the last time test questions are provided to NIC's academy until the issue is resolved, and that NIC pay POST's costs for providing the weekly exams to their current academy if the colleges paying the cost becomes the solution.**

Kevin Fuhr stated the reason to come up with the fee is to give the colleges the option to pay it or opt out. The fee might be so huge that the colleges opt not to pay for it.

Wayne Rausch stated he's trying to look at the issue from both sides. He supports giving the current academy the questions, but also knows it's more of a burden on POST. It's only fair that if the Council requires POST to do this again, that the cost be included in the fee schedule.

Daryl Wheeler stated there's been a lot of confusion between what Director Black said and how he represented himself, and maybe a misunderstanding from the college. The bottom line that's been communicated today is that NIC is willing to pay for the tests. They realize how important this is. He would be willing to vote yes for this motion, only if NIC makes that commitment to pay for the tests. That's only fair, because NIC is saying it needs to be fair, and their solution has been that they're willing to pay for it. **He seconded the amended motion.**

Mike Mires stated NIC's process is that fees are approved by the Board of Trustees. If the Council passed the motion, they would put the burden on NIC to say it's agreed to. He could not do that without submitting his fee structure for approval first to the President's cabinet and then to the Board of Trustees. The Board of Trustees will or will not approve that, so it's beyond the jurisdiction of the POST Council to tell NIC how to run their process for approving fees, so just a cautionary note.

Chairman Blair Olsen stated in May, the Council voted not to provide the test questions. The motion on the floor is to allow those test questions to be given one last time, for the current academy only, provided NIC pay that cost if the solution arrived at is for the colleges to pay the cost for POST to administer the weekly tests.

Mike Mires stated he could guarantee the Council it would be presented to the Board of Trustees as a fee structure-wide implement to be added to NIC's fee structure. In order for the Board to consider it, they would have to study the fee, so the Council would need to get it to the NIC program. The NIC program would bring it to the Board and promote the idea of establishing the fee, but the Board inevitably approves the fees. If the Council says they will establish that NIC will pay the fee, that's a little out of order for NIC's process.

The amended motion carried unanimously.

27. POST Division Administrator's Update

a. POST Staffing Issues

William Flink stated the Scenario Coordinator position was filled by Academy Training Specialist Tim Braseth. Candidates have been selected to fill the two vacant academy coordinator positions, and they will hopefully be on board by mid-September or the first part of October. Open positions are partially why he is coordinating the Basic Probation and Parole Academy. Four candidates for the Regional Training Coordinator position will be interviewed on September 12th. The Basic Training Manager position will be readvertised.

b. Proposed Legislation & IDAPA Rules for 2014 Legislative Session

William Flink stated proposed legislation has been submitted giving the Council suspension and/or retraining authority in lieu of decertification. The reserve officer legislation was addressed earlier.

Kevin Fuhr made a motion to add the language "volunteer reserve officer" to 19-5109, but not the additional language identifying the different categories of officers. Shane Turman seconded, and the motion carried unanimously.

William Flink stated Dan Chadwick sent him an e-mail yesterday about a proposal from the Idaho School Board Association to seek POST first responder and law enforcement officer training and certification for Idaho school district personnel.

The Council agreed not to address the e-mail at this time.

c. Facilities

William Flink stated the cafeteria contract will be rebid, but probably won't go into effect until Memorial Day. A good escape clause will be included, and the issues of portion size and food quality will be addressed. ISP has asked POST to come up with a calorie count. In working on the job task analysis and the physical standards for police officers, POST contacted BSU's kinesiology department about an intern to help with the statistical work on the physical training standards. A professor also wants to provide assistance. They might also be able to help with the calorie count issue. The new Dodge Charger skid car is up and running. One skid car school has been held and another will be held in October. Only four students are allowed per school. Around the year 2000, POST Council gave skid cars to NIC, ISU, and to CSI. POST is going to include a certified driver training instructor from each of those colleges. CSI's has already been trained as a skid car instructor. POST built a new skid car building inside the track near the dispatch tower. It's big enough to house all three of POST's skid cars. A driveway from the track to the building is in the process of being built. The biggest issue is the purchase of the lots. Meridian PD is building an indoor firearms range and streets with fake buildings. The POST Council approved pursuing the purchase of three of the lots north of POST. Colonel Powell worked his magic with the Governor. The proposal includes a simulated two-story school. JFAC was interested in the school also, and said they'd be willing to help POST find additional funding sources to help with that project in particular. The project will take eight years to complete. POST set aside $552,000 for the purchase of the property based on what they were told the property would cost. The appraisal of the land came in far short of that, coming in at $131,000; $131,000; and $132,000 per acre-size lot. Because of that, POST has enough money to buy a fourth lot, and is seeking POST Council approval to do that. A high estimate for the purchase of the four lots is $558,000; or $6,000 more than what POST expected to pay for three lots. A good portion of the extra land would be set aside for a future practical scenario village. That still leaves three lots for ISP to acquire for a new forensic lab.

Ralph Powell stated the Council can decide what they want, such as a bigger scenario village, more parking, a bigger dormitory, or something new. Getting four lots for the price of three is hard to pass up.

William Flink stated POST hopes to tie the two areas together in partnership with Meridian PD. Meridian PD doesn't want to duplicate what POST builds. Hopefully, someday POST will be able to acquire a right of way to the track so students could come off the track and respond to the area.

Ralph Powell stated the collaboration with Meridian PD was an important discussion piece and big selling feature for the Governor.

William Flink stated he's looking for Council approval so he can tell DFM that the Council has approved pursuing the fourth lot.

Paul Panther stated he wasn't sure the Council was in compliance with the Open Meetings Act in terms of the agenda notice given. The agenda just refers to facilities, but it doesn't include that the Council is going to discuss this specific issue, which is a major issue involving a decision on the expenditure of public funds. The Council could potentially be violating the Open Meetings Act by making a decision on the issue without further definition in the agenda. This specific discussion could be something that's of interest to the public. He suggested scheduling a special meeting to discuss the issue.

Chairman Blair Olsen asked if October would suffice.

William Flink responded he'd like to get approval sooner than that because they go before the Land Board in September.

Brent Reinke stated the Council is already planning a telephone conference call in the next week or two to address IDOC's issues. The land acquisition should just be added to that agenda.

William Flink stated the Council had already approved going after the lots. The language that went to the Legislature didn't indicate how many lots, but only the price. It's only a $6,000 difference, so it might not need Council approval.

Paul Panther stated if the Council is spending more than originally approved or buying additional property, it's the intent of the law that it be properly noticed.

William Flink stated the actual sale won't occur until October 31st at the very earliest. It's unknown if the fourth lot will be included on the upcoming land presentation. POST may have to purchase the fourth lot in the spring. It has to be done this fiscal year.

William Flink stated an Adobe Connect meeting would be set up for next week to take care of it.

d. Legal Issues

Paul Panther made a motion to convene into executive session pursuant to Idaho Code 67-2345(1)(d), "To consider records that are exempt from disclosure as provided in chapter 3, title 9, Idaho Code;" and Idaho Code 67-2345(1)(f), "To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated."

Paul Panther withdrew his motion.

William Flink stated this deals with a decertification case. The officer was terminated from his department. The case was about the third or fourth case to come under the new rules. It was different than all the cases prior because when POST sent out the Notice of Intent citing the opportunity to have a meeting, the officer and his attorney didn't want to have a meeting. The attorney sent POST a fax with some allegations that had constitutional questions in them and things of that nature that weren't proper for POST to hear, and some other points that they thought were relevant. The case started under the old system, and in November the officer's

attorney decided to go under POST's new system. The officer's attorney included communication about his displeasure with how long it was taking for POST to work on and resolve the issue. The case started for POST last March, so it probably ended in the area of March or April. He couldn't provide the exact date. It didn't get scheduled for a hearing under the old system. The bottom line is, POST went past their twenty-eight days on the response. The officer's attorney decided to go under the new system. The officer's attorney filed a motion and went to the press in Idaho Falls saying they were going to sue the POST Council for the delay in due process. POST was never served with a Notice of Action. Whether there was cause there or not on the investigation is something that could be argued. POST won't be taking decertification action against the officer. Judge Windmill closed the case. Everybody pays their own expenses. This matter brings up a couple of issues. One, does an officer have any due process right when agencies call POST and they find out POST has an investigation on an individual? That's the question that needs to be answered. The other issue, POST has to make sure that they don't pass that twenty-eight day timeline.

Paul Panther stated Bill raised an interesting issue about what happens when POST has an investigation that for whatever reason is ongoing and other agencies can get notice of that before POST Council makes a final determination. The other thing he thinks about occasionally is the length of time between POST Council meetings, which he thinks is necessary because they're so spread out all over the place, but that requires that the Council take a very long time sometimes deciding some cases. He would like to have ISP's legal department look at those two issues. He doesn't know that there's any case law on that, but the length of time issue where POST has somebody in a status that hasn't been finally determined, is a question. For some reason that just rings due process bells with him, so he thinks both those issues are worth looking at.

e. Citizen Contacts

William Flink read an e-mail he received from a gentleman complimenting POST's website.

f. Distance Learning & Website

William Flink stated all the pre-service academy CD's are now on the website. There's also a skid car promo, and twenty defensive tactics clips. They have nine more defensive tactics clips to do. They are built to help basic academy students refresh their memories, but they've turned into a roll call issue with departments. It's also good for defensive tactics instructors to see how POST is presenting the searches, cuffing, takedowns, and whatever. The ICRMP program is moving along really well. POST is getting ready to talk about a third program on safe driving with ICRMP. POST did a program on their FATS machine operation. They're doing one on the physical fitness program for the academy students, and a facility tour of the academy for student orientation.

g. Certified Instructors

William Flink stated the numbers of instructors was already discussed. That will be shared with the Council in the near future so they can see what POST is seeing with the instructors.

h. Master Instructor Applications

William Flink stated the Council asked him to bring this issue back to this meeting. The Council asked him to come up with a prototype to address the credibility and character of master instructors. He didn't want to put it in the Council's agenda materials because he didn't want to share it because he didn't know if the Council would agree with some of his thoughts. It would be a check-off list for the agency administrator as part of the master instructor packet. Master instructors are to be the role models for all other instructors, and they teach the other instructors.

Sharon Harrigfeld stated she would like to have a copy of it to review, and so requested it be put on the agenda for the December POST Council meeting.

28. Future POST Council Meetings

Chairman Blair Olsen stated the next POST Council meeting will be held in Meridian on December 5th.

29. Future POST Hearing Board Meetings

Chairman Blair Olsen stated the next Hearing Board meeting will be held in Meridian on November 14th.

30. Personnel Matters

Paul Panther stated he was going to withdraw agenda item #30 at this point.

Darvl Wheeler made a motion to adjourn. Greg Moon seconded, and the motion carried unanimously.

The meeting adjourned at 5:20 P.M.

Respectfully submitted,

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

WLF:wlf