

POST COUNCIL MEETING

MINUTES

SEPTEMBER 4, 2014

The meeting was held at the Idaho State Police, Cafeteria Conference Room, 700 S. Stratford Dr., in Meridian, Idaho. Chairman Gary Raney called the meeting to order at 9:02 A.M.

Council Members Present:

Greg Bower, Prosecuting Attorney, Ada County
Kevin Fuhr, Chief of Police, Rathdrum Police Department
Sharon Harrigfeld, Director, Idaho Department of Juvenile Corrections
Gregory Moon, Chief of Police, Weiser Police Department
Lorin Nielsen, Sheriff, Bannock County
Paul Panther, Chief, Criminal Law Division, Attorney General's Office
Ralph Powell, Colonel, Idaho State Police
Gary Raney, Sheriff, Ada County
Brent Reinke, Director, Idaho Department of Correction
Shane Turman, Chief of Police, Rexburg Police Department
Greg Wooten, Enforcement Bureau Chief, Idaho Department of Fish & Game

Council Members Absent:

Dan Chadwick, Executive Director, Idaho Association of Counties
Ken Harward, Executive Director, Association of Idaho Cities
Wayne Rausch, Sheriff, Latah County
Ernst Weyand, SSA, Federal Bureau of Investigation

Guests Present:

Stephanie Altig, Deputy Attorney General, Idaho State Police
Jeff Cammack, Former Correction Officer, Idaho Department of Correction
Trish Christy, Management Assistant, Idaho Peace Officer Standards & Training
Kevin Johnson, Interim Division Administrator, Idaho Peace Officer Standards & Training
Sharon Lamm, Business Operations Manager, Idaho Peace Officer Standards & Training
Jamie Leslie, Lieutenant, Meridian Police Department
Stephanie Nemore, Deputy Attorney General, Idaho State Police
Rory Olsen, Deputy Division Administrator, Idaho Peace Officer Standards & Training
Jared Olson, Traffic Safety Resource Prosecutor, Idaho Prosecuting Attorneys Association
John Parmann, Region I Training Specialist, Idaho Peace Officer Standards & Training
Doug Tangen, Basic Training Manager, Idaho Peace Officer Standards & Training
Joe Whilden, Curriculum Coordinator, Idaho Peace Officer Standards & Training

1. Pledge of Allegiance
2. Introductions of Council Members and Guests
3. POST Council Meeting Minutes Approval – June 5, 2014

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

4. POST Council Meeting Minutes Approval – August 13, 2014

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

5. POST Hearing Board Meeting Minutes Approval & Ratification of Actions – August 7, 2014

Shane Turman made a motion to approve the minutes as submitted and ratify the Hearing Board's actions. Greg Moon seconded, and the motion carried unanimously.

- a. Jeffrey Kaltenbaugh, Detention Deputy, Nez Perce County Sheriff's Office – Request for Additional Time Until December 14, 2014 to Complete POST Training and Certification
- b. Kristofer Long, Detention Deputy, Lewis County Sheriff's Office – Request for Additional Time Until December 14, 2014 to Complete POST Training and Certification

Greg Bower made a motion to approve additional time until December 14, 2014 for Jeffrey Kaltenbaugh and Kristofer Long to complete POST training and certification. Greg Moon seconded, and the motion carried unanimously.

6. Jeff Cammack II, Former Correction Officer, Idaho Department of Correction – Oral Argument & Final Action Vote on Recommended Order for Denial of Waiver of Two-Year Agreement Reimbursement

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

Paul Panther made a motion to convene into open session. Greg Bower seconded, and the motion carried unanimously.

Greg Moon made a motion to reverse the decision of the Hearing Board and approve the waiver. Brent Reinke seconded, and the motion carried unanimously.

7. Law Enforcement Address Confidentiality Application

Ralph Powell stated he would like to create a generic Law Enforcement Address Confidentiality Application form to be put on POST'S website. It would accomplish the same thing as the current form, but not list a particular organization as creator of the form.

The Council agreed that should be done.

8. Letter from City of Lapwai

This issue was removed from the agenda.

9. Hearing Board Issues

a. Non-Disclosures

b. Failures to Appear/Failures to Pay

Greg Moon asked for direction for the Hearing Board whether nondisclosures of Failures to Pay/Failures to Appear should be considered as nondisclosures separate from the original charges. Whether a person appears or not is germane to their character, but the question is should FTA's/FTP's be considered nondisclosures if not listed on their POST applications.

Rory Olsen stated when an individual doesn't meet the minimum standards and the decision is made to send them to the Hearing Board, the FTA's and FTP's are shown in the Hearing Board's materials just so they have the full picture of the applicant.

Ralph Powell stated if a court action is attached to a disclosed crime, they've disclosed. The FTA's, FTP's, and contempts should be considered, but as a separate issue. They're not taking care of things, and that's an integrity issue.

Greg Moon made a motion that in cases where the base offense has been disclosed, but a subsequent Failure to Appear or Failure to Pay has not, that the FTA/FTP not be considered an issue of nondisclosure. Paul Panther seconded, and the motion carried unanimously.

c. Agreements to Serve

d. Definition of "Law Enforcement Profession"

Greg Moon stated three cases came before the Hearing Board at their last meeting where the individuals transferred to non-certifiable positions with law enforcement agencies. Those positions did not per se meet the definition of "law enforcement profession" as defined in IDAPA 11.11.01.010.027. However, IDAPA 11.11.01.081.04 allows the Council to approve or disapprove positions on a case by case basis after reviewing the duties. That IDAPA Rule

specifically says the Council can approve or disapprove positions, so he wondered if the Hearing Board had the authority to hear those cases or if they should be brought before the Council.

Gary Raney stated the Hearing Board was created to hear cases on behalf of the Council. The Hearing Board can only make recommendations. The Council is required to make the final decision, which they do when they vote to ratify the Hearing Board's actions.

e. Recording Meetings

This issue was removed from the agenda.

10. POST Budget Review

Sharon Lamm reported POST started fiscal year 2014 with a cash balance of a little over 1.1 million dollars. Revenue from the \$15 fee totaled a little more than 2.8 million dollars, up about \$97,000, or 3.5%, from the previous fiscal year. Revenue from the 14% of 10% of court costs totaled approximately \$694,000, down by over \$36,000, or about 5%, from the previous fiscal year. Revenue from misdemeanor probation fees totaled approximately \$71,000, down about \$2,800, or 3.8%, from the previous fiscal year. Total revenue from all three sources totaled about 3.8 million dollars, up approximately \$58,000, or more than 1.6%, from the previous fiscal year. Total expenditures were approximately 3.9 million dollars. The year-end cash balance was about a million dollars. Removal of \$320,000 in misdemeanor probation fees left a final cash balance of about \$715,000. Encumbrances reduced that further to \$561,000. Half of the cost of the land, or approximately \$263,000, came out of fiscal year 2014. The remaining cost plus closing costs, about \$289,000, will show in August's report. The total land purchase came to \$552,000, which is exactly what POST expected to spend. They were able to buy all four lots. The total budget for fiscal year 2015 is \$4,515,400. Approximately 4.126 million of that is spending authority for dedicated funds, and approximately \$256,000 is federal grants and miscellaneous categories. \$100,000 was approved to develop the infrastructure of the new land, and that is ongoing every year going forward. Also approved was the IPAA increase of \$10,500 and replacement capital outlay of \$60,200. Fiscal year 2015 revenue projections total just over 3.5 million dollars, and projected expenditures total 4.6 million dollars. The projected year-end cash balance is \$330,000 including misdemeanor probation fees, and approximately \$11,000 without. POST is mandated to have at least \$500,000 as a year-end cash balance to insure having adequate operating funds to start a new fiscal year. POST has identified areas to cut or delay spending, such as the \$100,000 for land development and the \$60,000 for replacement capital outlay. The identified items would not impact training. If staff vacancies occur, hiring could be delayed. POST has looked at all aspects of operations to insure they're taking advantage of all efficiencies and cost savings they possibly can. The cost of operating the dorm has been analyzed. The rate charged is \$10 single occupancy and \$5 double occupancy. That rate has not gone up since the facility was built in 1994. It is anticipated that beginning January 1, that rate will increase to \$16 single occupancy and \$8 double occupancy. The total dorm revenue received ranges from \$25,000 to \$30,000 a year, so it's not a huge impact. The increase will insure POST is at least covering their dorm operation costs and is no longer losing money.

Chairman Raney asked if the \$500,000 mandated cash balance was flexible.

Sharon Lamm responded there is some flexibility. POST's fiscal year 2016 budget includes a request to decrease it to about \$300,000, which is more realistic of what it costs the first few weeks of the month for basic operations and payroll.

Ralph Powell stated rather than taking a Correction Academy off campus, it would be a bigger help if they provided their own ammo.

Chairman Raney stated the Supreme Court is looking at centralizing payments for fines and fees. They've developed a draft schedule of what the prioritization would be. His recollection is that POST is about a third or halfway down. Those at the bottom may never get paid. Currently POST gets direct costs, but that may change. It would be nice to have some sort of actuarial about what the impact would be.

Brent Reinke suggested inviting Judge Wood and IT Administrator Kevin Iwersen from the Supreme Court to present their vision and timelines to the POST Council at the December 4th POST Council meeting.

Chairman Raney stated that was a good idea, and asked Kevin Johnson to make the contacts.

11. POST Division Administrator's Update

a. Update on Land Acquisition

Kevin Johnson stated all four lots were purchased for \$552,000. Each lot is about an acre, so a total of about four acres was purchased. POST was the only bidder.

b. Update on Misdemeanor Probation Job Task Analysis

Joe Whilden stated the Misdemeanor Probation Job Task Analysis is going very smoothly. Six people are on the subject matter expert group, and they've met two or three times in the last couple of months. 78 of 113 certified misdemeanor probation officers with two plus years of service completed a task list survey, a 69% participation rate. The survey was about the basic tasks that a misdemeanor probation officer does on a daily basis. Val Lubans went out to all the regions and met with line officers and supervisors to get a feel of the tasks they do on a daily basis. A curriculum review of every job task will be done on September 10th. Then the essential tasks will be identified and a determination made of where they should be taught. Firearms will not be recommended, but will be left to individual agencies. On October 1st they will meet with doctors to discuss medical standards.

c. Update on Patrol Academy #181

Kevin Johnson stated attendance numbers for Patrol #181 were really low, but have come up to 25. The Boise Police Department had agreed to pick up some of the costs of the academy, but due to the rise in attendance numbers, POST told them that would no longer be necessary.

Electronic instructor claims reimbursement will be fully implemented with this academy, so instructors should get paid much quicker than they have in the past.

d. Reducing Number of Patrol Academies From Four to Three in 2015

Kevin Johnson stated target class size for a patrol academy is fifty students. For the last four years or so, POST has had a hard time getting to even their minimum number of students, which is twenty-four. Direct costs for an academy run roughly between \$90,000 and \$150,000. The fewer students there are, the per student costs go up considerably. If we can keep the attendance numbers up, our direct costs are reduced. Due to the lower attendance numbers, the POST staff recommends reducing the number of patrol academies from four to three a year. That would save POST roughly \$80 to \$100,000 in fiscal year 2015.

Lorin Nielsen stated it's probably a good idea to reduce the number until attendance numbers increase.

Greg Bower stated POST needs to be nimble enough to contract when they need to. This should have been done a few years ago.

Kevin Johnson stated POST would be able to add the fourth academy back in whenever attendance numbers warranted it.

Rory Olsen stated the proposed start dates for patrol academies in calendar year 2016 are March 8, June 21, and then some time around September.

Greg Bower made a motion to adopt the calendar for three patrol academies a year. Lorin Nielsen seconded, and the motion carried unanimously.

Chairman Raney requested POST staff over-communicate this information with all of the agency heads.

f. Supervision & Management Academy Topic Survey

John Parmann stated a survey was sent to agency heads of all disciplines in order to identify supervision and management courses most needed throughout the state. POST has the potential to develop the courses in-house, but it would be expensive and a huge drain on POST's budget, staff, and time. His recommendation would be to identify qualified, competent subject matter expert providers and bring them to Idaho. It would be more economical, and a subject matter expert is constantly updating their material to stay current.

Rory Olsen stated POST could query IADLEST members for supervision curriculum.

Chairman Raney stated a better source is ASLET, the association of law enforcement trainers.

Sharon Harrigfeld stated the Division of Human Resources puts on some pertinent supervisory classes, so POST should tie into what's already being provided as well.

Chairman Raney stated there are three different conversations that perhaps all come together. One of them has a funding source with it. He will follow up and see if he can help tie them together.

e. Minimum Attendance Requirement for Patrol Academy

Kevin Johnson stated the minimum attendance requirement for the Patrol Academy is twenty-four.

Ralph Powell stated it should remain that unless a request for an exception is brought to the Council for a vote.

Kevin Johnson stated the staff will do everything possible to get more applicants if it looks like a session might be canceled.

Greg Bower made a motion that the hard and fast minimum attendance requirement for the Patrol Academy be twenty-four students four weeks prior to the start of the academy. Ralph Powell seconded, and the motion carried unanimously.

g. Academy Expense & Attendance Statistics

Kevin Johnson and Rory Olsen presented statistics on the different academies.

Kevin Fuhr made a motion that the hard and fast minimum attendance requirement for the Correction Academy be twenty-four students four weeks prior to the start of the academy. Brent Reinke seconded, and the motion carried unanimously.

Lorin Nielsen made a motion that the hard and fast minimum attendance requirement for the Detention Academy be twenty students four weeks prior to the start of the academy. Greg Wooten seconded, and the motion carried unanimously.

Greg Moon suggested reaching out to the colleges to see if they would be willing to put on dispatch training throughout the state rather than POST doing it.

Rory Olsen stated POST could provide them with the curriculum.

John Parmann stated North Idaho College has approached him about that, as well as many agencies.

Chairman Raney stated interested programs should present a proposal to the POST Council.

Kevin Fuhr made a motion that one Dispatch Academy be held a year with no minimum attendance requirement, and that the tuition be raised to \$400 per student. Lorin Nielsen seconded, and the motion carried unanimously.

Kevin Johnson stated with the low attendance numbers in the Probation & Parole Academy, the POST staff recommends holding one academy a year with no minimum attendance requirement.

Brent Reinke stated one academy a year would be a challenge since they carry firearms. Due to Senate Bill 1357, the Justice Reinvestment Act, there's going to be quite a bit of curriculum adjustment. The Correction Academy will be looked at also. He requested the Probation & Parole Academy be considered at the December POST Council meeting.

Chairman Raney stated that issue would be tabled until December.

Sharon Harrigfeld made a motion that the hard and fast minimum attendance requirement for the Juvenile Detention Academy be fifteen students four weeks prior to the start of the academy. Greg Moon seconded, and the motion carried unanimously.

Ralph Powell made a motion that one Juvenile Probation Academy be held a year with no minimum attendance requirement. Kevin Fuhr seconded, and the motion carried unanimously.

Greg Moon made a motion that one Misdemeanor Probation Academy be held a year with no minimum attendance requirement. Shane Turman seconded, and the motion carried unanimously.

12. Future POST Council Meetings

Chairman Raney announced the next POST Council meeting will be held in Meridian on December 4, 2014.

The Council agreed to scheduling the meeting after that for March 5, 2015.

13. Future POST Hearing Board Meetings

Chairman Raney announced the next POST Hearing Board meeting will be held in Meridian on November 6, 2014.

14. Meridian PD's Land Development Project Update

Jamie Leslie stated Meridian's Training Center will combine police and fire, and is a two-phase project that will be right next to POST. During the design phase, they tried to make sure they didn't duplicate services available at POST. The first phase is 13,000 square feet, and includes a 1,450 square foot mat room, a tiered classroom for seventy students, two flat classrooms that can be split 45/25 or can be one large classroom, and a simulation training room. Both the police and fire training coordinators will be housed in the same facility so their training can be combined together. Most critical incidents have a fire or medic part to them, so combining will be beneficial. The incident command post is currently staged at a fire station, but will be moved to the new Training Center. There are already canine kennels outside of the facility, but a canine agility course will be added. Nine lots adjacent to POST will be used for a Hogan's Alley

scenario village. He has worked with POST to determine what will be put on each lot. At the same time, Meridian is undergoing a building remodel. The second phase of the project is a fifty-yard, fifteen-lane indoor shooting range. They also would like to connect their property to POST's driving track. They've established a unique partnership with Renaissance High School, which has an engineering discipline. The students actually design Habitat for Humanity homes and pass those designs off to their construction side. The students are creating the architectural designs for Meridian's scenario village. They will be small scale, 1,000 square foot props, such as a restaurant, an apartment complex, etc. Officers will be able to do scenario-based training in a real-world street environment. The scenario village was purposely put next to POST in order to share the same vision and hopefully combine them together in the future.

Ralph Powell stated the state prefers the roadway in Meridian's scenario village come out at POST's new lots rather than the parking lot.

Jamie Leslie stated that hasn't been plotted out, so there's still room for discussion. An alleyway connection between the two properties has been discussed as well as another driveway. Access to the shooting range is from the back side of the property rather than the front. All security fences were designed so each building can operate independently. The scenario village will be developed one prop at a time as funding becomes available. They have talked with some businesses about helping fund the scenario village. If all goes well, completion of the first phase will be July 2015. The shooting range is a larger project that will require some funding from other partners. It currently has a 2017 start date, which is aggressive.

Rory Olsen stated he previously spoke to Lieutenant Leslie about potentially having Renaissance High School design POST's scenario village as well so it flows together and doesn't duplicate.

15. POST 2020/Strategic Vision Discussion

Chairman Raney stated this issue will be covered in Agenda Items #18 and #19.

16. Training Subcommittee Report - POST Basic Juvenile Detention Academy Curriculum

Kevin Fuhr stated the proposed changes don't delete any Juvenile Detention Academy objectives, but only moves them. The subcommittee recommends approval of the following:

Adolescent Development: Remove Objectives 5, 6, and 8 referencing LGBTI terminology, communication with LGBTI youth, and unintentional discrimination to PREA. PREA already covered LGBTI information within its presentation.

Adolescent Development: Change language in Objective 7 to include supervision of male, female, and gender non-conforming, including grooming and transportation.

Adolescent Development: Move Objective 11 referencing sexual behaviors in detention facilities to Objective 12 as part of the roles of staff when dealing with issues of sexuality.

Cultural Awareness for Juvenile Justice: Move Objectives 7 through 9 referencing gender development/differences to Adolescent Development.

Cultural Awareness: Add back in North American Culture and Default Culture.

New Objectives:

Children's Physical and Mental Health:

1. Identify basic brain development in adolescents
2. Identify basic adolescent development across physical, emotional, and cognitive tasks.
3. Identify normal adolescent risk taking and impulsive behavior.
4. Identify what percentage of youth experience mental health disorders in the JJ system and the major categories of mental health diagnosis.
5. Identify possible signs of mental health and substance use disorders.
6. Identify the impact of childhood trauma on youth development, behavior, and delinquency.
7. Identify why it is important that youth involved in the JJ system have access to treatment.
8. Identify effective ways to manage behavior in the juvenile justice population.
9. Identify self-care options for employees working in the juvenile justice population.

Kevin Fuhr made a motion to approve the changes as proposed. Sharon Harrigfeld seconded, and the motion carried unanimously.

17. Brady Instruction

This agenda item was tabled.

18. POST 2020 Legal Curriculum Update

Jared Olson stated peace officers should not only know the law, but should be able to apply the law. POST's baseline should be that when an officer graduates from the academy, they are able to apply the law. Best practices would be to infuse the legal training with the other things they are doing. He and Bryan Taylor went through the Job Task Analysis and looked at all the different job tasks agency heads wanted their officers to know how to do when they graduated from POST.

Bryan Taylor came on the line.

Jared Olson stated they started breaking the tasks down relative to where an officer would need to do each one. For instance an officer practicing handcuffing would need to have a working knowledge of court processes, criminal law, search and seizure, laws of arrest, Miranda, and use of force when handcuffing a suspect. He, Joe Whilden, and Bryan Taylor have been looking at how to infuse the legal topics throughout the whole process. They are at the point where they can sit down with subject matter experts and start putting the curriculum together, infusing current best practices of education.

Bryan Taylor stated before exerting a lot of time and resources into revamping the whole system, they need guidance from the Council to make sure they're on the right track. The legal curriculum would be tied in throughout the entire POST Academy. Each step of the way would build on each aspect of the law, hard skills included.

Chairman Raney stated he is thrilled with what's being proposed. He asked Doug Tangen for details and a timeline from the standpoint of having the logistics to actually reschedule and convert an academy.

Doug Tangen responded if they're just looking at Arrest Control Tactics and Law Week for now, it could probably be implemented with the next patrol academy. The logistics of facility scheduling and instructor availability, especially out-of-area instructors, may be a bit of a challenge, and will require scheduling further out in advance.

Bryan Taylor stated the IPAA is very much in support of this. Local prosecutors are very excited, and chomping at the bit to instruct, so it shouldn't be difficult to find instructors. The sheer logistics will come with it. It will no longer just be talking about legal theory and philosophy, it will be actually doing it. During Laws of Arrest, the legal instructor and the law enforcement instructor will be there together, merging and melding the two together. He, Joe, and Jared just want to get the Council's approval to keep moving forward in this direction, and then they'll start working on the actual subject matter and curriculum.

Rory Olsen stated as the Council goes down this road, one thing to think about is how this will look for someone coming in from out-of-state and challenging, as currently they are required to complete training on Idaho law. Also, as the Council decentralizes training, they need to consider whether this model is flexible enough to move to other locations.

Chairman Raney stated a challenge student, in theory, already has a lot of the fundamental skills, so it may be appropriate for them to continue using the more academic, straight-forward, reading, regurgitation, validation method.

Shane Turman stated he's spoken to most of the chiefs in eastern Idaho, and they do not like Law Week on CD's. Officers get nothing out of them. The eastern Idaho chiefs want law training to stay in Meridian, and they want it infused into practical application.

Kevin Johnson asked Jared Olson and Bryan Taylor if Brady topics and exculpatory evidence could be infused into the scenarios.

Jared Olson responded absolutely. Any topic that will help them on the street could be included. By interleaving more topics, the officers are better able to see them in context.

Bryan Taylor stated the direction that it's going allows for a lot more fluidity to incorporate new changes to the law and allows for new topics to be incorporated. The legal world is always changing. It will be fantastic to be able to create a ten to twenty minute module for POST to disseminate as continuing education where the officers don't even have to come to Meridian.

Chairman Raney advised Jared Olson, Joe Whilden, and Bryan Taylor to charge ahead full steam.

Bryan Taylor stated they should have something for the Council by the end of the year.

19. Patrol Officer Physical Fitness Testing Standards

Doug Tangen stated although no movement had occurred on the project, it appears Bill Flink was planning to work with Val Lubans to develop a job task simulation scenario, which is an obstacle course that's related to the job. From that they were going to develop a test battery. It's his understanding the Council wants to look at the current Physical Readiness Test (PRT) battery and determine whether to create a new one or stand by the one currently in place. Chairman Raney sent a survey out, and seventy-one agency heads responded. The first question to be answered by the Council is do they want the PRT used as a hard and fast test in or go home standard. It's his understanding that since POST Council established a mandatory fitness test in the late 1970's, it has been a test in or go home standard. When he started working at POST, students were tested on the PRT on Monday. If they failed, they were tested on the related obstacle course on Wednesday. If they failed that, they were sent home. That was the procedure for several years. Then it started to vary or soften. Eventually the obstacle course wasn't used, and then a while later it was no longer a test in or go home standard. The current policy is a student can graduate if they pass the PRT sometime during the academy.

Chairman Raney asked why students weren't tested on the PRT again rather than the obstacle course.

Doug Tangen responded the obstacle course, or job task simulation scenario, is what the PRT is derived from. The PRT is an indicator of the obstacle course. The obstacle course was taken directly from the 1997 Job Task Analysis, so it was validated as a course that simulates the job of police work. It was validated to the job of police work, and so was the PRT. Under varying leadership since 1997, that hard and fast standard was taken away. When it was softened, the obstacle course was no longer used, and the equipment went by the wayside. Two academies ago, he reinstated the PRT being run as a test battery as it was supposed to be run, as it was validated. POST is still using the PRT that was validated on the 1997 Job Task Analysis. The survey results indicated pretty strongly that agency heads want to return to a hard and fast test in or go home standard. If POST reinstates that standard, the Council needs to decide how and when they want the students tested. All the students know of the required PRT well in advance, and are supposed to have passed it prior to coming to the academy.

Chairman Raney asked which test was more difficult to pass.

Doug Tangen responded the PRT.

Greg Wooten stated Fish & Game officers participated in that 1997 validation. Based on that validation, Fish & Game's current policy is to test their officers on the PRT. If an officer fails, they are given a timeframe to come back and take the job task scenario. If they fail that,

administrative action is started toward either dismissing them or repurposing them. He is supportive of POST maintaining a hard and fast standard.

Doug Tangen stated if a test is job-related, it does not have to be age and gender normed. Based on the 1997 Fit Force validation, POST maintains a one job, one standard test.

Chairman Raney stated he had a motorcycle crash and cracked ribs two days before taking the POST test, so he supports a second chance for anomalies. After that, the person should be sent home. For clarification, the Council is only talking about the Patrol Academy.

Doug Tangen stated patrol and detention use the same testing standard. However, it wasn't validated for detention.

Ralph Powell stated if POST's PRT standards get any lower, no one will have to do it.

Lorin Nielsen stated agency heads are responsible, accountable, and liable for having their officers ready when they send them to POST. He was supportive of giving two chances and then sending officers home.

Kevin Fuhr stated he supported one chance except in the case of a doctor-documented medical issue, as long as POST has the paperwork indicating they previously passed it with their agency. Once medically cleared, they would have to pass it.

Doug Tangen stated most people who fail it on Monday fail it again on Wednesday.

Greg Wooten stated the system was developed around a job task scenario that was converted to a test battery. If an individual failed the test battery, they had to do the actual job task. If they could do the job task, they were allowed to remain in the academy.

Doug Tangen stated that is correct. If a person passed the job task, they still had to pass the test battery before they graduated. At that time, POST tested them three times during the patrol academy.

Kevin Fuhr stated he liked the fact that they have to pass the PRT. They know a year ahead of time what they have to do. If they're not committed enough to get in shape during that year, they're done.

Greg Moon stated as far as entry into POST, it shouldn't be any more than you come, you do it, and if you don't do it, you go home.

Shane Turman stated it needs to be one time only, and it should not be made any easier than it already is, so they should stay with the PRT.

Kevin Fuhr made a motion to make the PRT test mandatory for entry into the patrol academy, that students be given one chance to pass the test, and if they cannot pass it, they be disqualified from that academy session. The only exception would be in the case of a

doctor-documented medical issue, as long as POST has documentation indicating the student previously passed it with their agency, and in such a case, the student would have to pass the test once they were medically cleared. Greg Wooten seconded the motion.

Rory Olsen recommended they discontinue requiring agencies to send in a PRT form on academy applicants. They're not a good predictor, and sometimes they're pencil-whipped. That completed form has no value to POST or the student being dismissed for failing the PRT.

Kevin Fuhr made an amended motion to make the PRT test mandatory for entry into the patrol academy, that students be given one chance to pass the test, and if they cannot pass it, they be disqualified from that academy session. The only exception would be in the case of a doctor-documented medical issue, and in such a case, the student would have to pass the test once they were medically cleared. Greg Wooten seconded the amended motion.

Paul Panther stated it's his understanding the current standards were validated in 1998. Whatever standards the POST Council adopts can be gender neutral, but in order to avoid potential liability, they have to be something a law enforcement officer would actually be required to do.

Doug Tangen stated the current standards meet that criteria. The standard process for validating an entry level PRT is a Job Task Analysis confirming the tasks, developing an obstacle course that simulates those tasks, and then developing a test battery from the obstacle course as an indicator that people passing the test battery can do the obstacle course. The minimum/maximum cut points for the obstacle course and test battery are determined through a stratified random sample of peace officers throughout the state.

Chairman Raney stated POST is in the process of revalidating it.

Paul Panther stated it needs to be revalidated before you have a valid standard. Today a random sample of law enforcement officers across the state will look a lot different from the random sample that was the basis of the 1998 validation.

Doug Tangen stated POST's intention was to revalidate based upon the 2012 Patrol Job Task Analysis, but it's very expensive. Also, the 2012 JTA was designed for overall peace officer tasks, or curriculum, rather than the physical tasks of doing the job, so it's unclear whether POST can get to a validated PRT from it. The Council needs to determine whether to pursue updating the PRT or staying with the current PRT until such time as they can afford to update.

Chairman Raney stated whatever the Council does today doesn't put POST in a worse position than what they are already in.

Doug Tangen stated it's just tightening up the testing process to be what it was originally intended and validated to be.

Lorin Nielsen recommended going strictly with an obstacle course.

Doug Tangen stated POST does have a validated three-course obstacle course, but it's cheaper and logistically easier to do a test battery.

Ralph Powell stated a test battery can be duplicated anywhere with a stopwatch.

Doug Tangen stated the courts have validated the process POST used to come up with a test battery.

The amended motion carried unanimously.

Doug Tangen stated the next question is whether to require challenge officers to pass the PRT. Most agency heads responded no to that question on the survey.

Chairman Raney stated officers employed in Idaho for twenty years don't have to take the PRT, but an officer retiring after twenty years in another state and coming to Idaho has to pass it. A lot of agencies, especially small ones, are hiring retired officers from other states, and the PRT requirement is preventing the agencies from being able to hire good, qualified applicants with a lot of experience because the retired officers don't want to take the PRT.

Greg Wooten made a motion to remove the PRT requirement from the challenge process. Greg Bower seconded, and the motion carried with Ralph Powell opposed.

Doug Tangen stated the final issue is keeping a physical fitness program as part of the Patrol Academy. The survey responses showed a slight majority in favor of doing a test run on an optional PT program. His recommendation is to keep a mandatory fitness program as part of the Patrol Academy for a lot of reasons, the least of which is fitness. Over the last six or eight years, POST has been able to take those thirty-three PT hours and build a foundation for the officers to build on. They are shown a lot of ways to stay in shape. More importantly, they use that time to practice the psychomotor skills, mostly having to do with the force blocks, that they've learned at the academy. As they progress through the academy, all of those things are brought into the PT program. It gives them that much needed repetition and practice to get them to that point of automaticity needed for skills. POST is able to integrate all of the force blocks in that PT time. The warmup program incorporates footwork and handwork that they've learned, so PT goes a lot further than just getting them in shape.

Chairman Raney stated his motivation is not just to save money, but how to transfer some personal responsibility to it. Perhaps one day a week the class president could lead it as a team activity.

Doug Tangen stated he reinstated the Fitness Challenge with the current academy. It's a voluntary participation program where the students run so many miles and have workout partners that sign them off for extra aerobic or strength training. The program finale is the Swan Falls run. Officers passing the entry PRT at a fitness excellence or possible rate were allowed to have their own personal workout one day a week which was overseen by the OIC. It's very doable to incorporate one day a week as a team building day led by the OIC.

Chairman Raney asked the POST staff to give the idea a try, see where it goes, and report back.

Greg Bower made a motion to continue requiring mandatory PT. Ralph Powell seconded, and the motion carried with Lorin Nielsen opposed.

Lorin Nielsen stated he would still like the POST staff to report back on the possibility of getting the students to be self-motivated and self-disciplined about their own PT rather than having a mandatory program.

Chairman Raney clarified that the PRT discussions only pertained to the Patrol Academy.

20. Statutory Requirement For Certification Within One Year of Commencing Employment

Chairman Moon stated this issue came up when the Hearing Board denied a request for additional time to get trained and certified. Legal counsel asked what within code prevented the agency from terminating the officer's employment and then turning around and hiring him back a few days later. Since the Hearing Board meeting, he has learned that the Council voted in 2011 that the one-year requirement is one year aggregate.

Paul Panther stated the statute says no peace officer shall have or exercise peace officer powers unless they're certified within one year of the date upon which they commenced employment as a peace officer. That seems to indicate it's the first agency that hires them.

Ralph Powell stated Idaho Code separates probation officers and correction officers out from peace officers and defines them as law enforcement officers.

Paul Panther stated the key is exercising peace officer powers because certified peace officers have powers that no one else has. Even detention officers don't have those powers except under very specific conditions.

Chairman Raney stated this is something for the rewrite committee to pay attention to as it comes up in the process.

21. Options for Definition of "Peace Officer"

This agenda item was removed from the agenda.

22. Update on Idaho Code/IDAPA Rule Rewrite Project

Rory Olsen stated the changes to the education and medical standards approved by the Council have been submitted for consideration by the Legislature. As other proposed rule changes are drafted, they will be presented to the Standards Subcommittee. The staff working group can't work too much on IDAPA Rules until the statute changes are made. Representative Wills' committee would like to see each different discipline defined in statute along with their authority and when that authority can be exercised.

23. Charles Bolt, Former Detention Deputy, Ada County Sheriff's Office - Stipulation for Decertification

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

Paul Panther made a motion to accept the stipulation and decertify Charles Bolt. Brent Reinke seconded, and the motion carried with Gary Raney abstaining from the vote.

24. Caitlin Jones, Former Correction Officer, CCA/ICC - Stipulation for Decertification

Brent Reinke made a motion to accept the stipulation and decertify Caitlin Jones. Lorin Nielsen seconded, and the motion carried unanimously.

25. Julie McCormick, Former Direct Care Staff, Idaho Department of Juvenile Corrections/Nampa – Decertification Due to Felony Conviction

Lorin Nielsen made a motion to decertify Julie McCormick due to her felony conviction. Greg Moon seconded, and the motion carried with Sharon Harrigfeld abstaining from the vote.

26. Troy Street, Former Correction Officer, CCA/ICC – Decertification Due to Felony Conviction

Brent Reinke made a motion to decertify Troy Street due to his felony conviction. Kevin Fuhr seconded, and the motion carried unanimously.

Paul Panther made a motion to adjourn. Kevin Fuhr seconded, and the motion carried unanimously.

The meeting adjourned at 2:48 P.M.

Respectfully submitted,



Kevin Johnson
Interim Division Administrator
Idaho Peace Officer Standards & Training

KJ:pac