

POST COMMISSION MEETING
THURSDAY, SEPTEMBER 10, 2009, 3:00 P.M.
EVANSTON, WY

A P.O.S.T. Commission meeting was held in Evanston, Wyoming on Thursday, September 10, 2009. Bruce Salzburg, Attorney General, called the meeting to order.

MEMBERS PRESENT

Bruce Salzburg, Attorney General
Rich Adriaens, Chief Gillette P.D.
Bob Lampert, Director DOC
Sam Powell, Colonel WHP
Lori Emmert, Chief Douglas P.D.
Cary Berry-Smith, At large member
Jerry Colson, Carbon County Sheriff

STAFF MEMBERS

Betty Haukap, P.O.S.T. Director
Trish Newberry, P.O.S.T. Exec. Assistant
Ken Nelson, Assistant Attorney General

GUESTS

Skip Hornecker, Sheriff Fremont County
Sonja Erickson, WLEA
Dave Harris, Director WLEA
Jim Marker, WLEA
Brian Brooks, WLEA
John Love, Chief Green River P.D.
Chris Hadlock, Casper P.D.
Bill Morse, WHP
Dennis Cease, State Parks
Bill Westerfield, State Parks
Nick Lewis, Chief Lovell P.D.
Dennis Peters, Chief Basin P.D.
Frankie Rohrer, Chief Byron P.D.
Byron Oedekoven, Director WASCOP

INTRODUCTIONS

Attorney General Salzburg asked everyone to introduce themselves.

Honors were given to Commissioner Lori Emmert in appreciation for her years of service, 2004 through 2010 as a POST Commission member and to Commissioner Mike Dayton for his years of service, 2003 through 2009 as a POST Commission member. Certificates were given to each member in appreciation of their service signed by Director Haukap.

Chairman Salzburg stated that the position of Chairman of POST is not a position given only to the Attorney General, but a position that is open for election should any commission member care to run for that position. He asked that a vote for the position of Chairman be included on the next POST Commission meeting agenda.

APPROVAL OF MINUTES

Commissioner Emmert moved to approve the April 9, 2009, meeting minutes. Commissioner Powell seconded the motion. All were in favor and the motion carried.

OLD BUSINESS

No comments for old business.

NEW BUSINESS

Chairman Salzburg asked that the certification settlements be moved to the end of the POST Commission meeting so that questions could be addressed and answered in an executive session if needed.

Approval of basic course curriculums – WLEA/Brooks – DOC/Lampert

Mr. Brooks explained proposed changes for 2009 “C” peace officer basic as recommended by the WLEA advisory board. They recommend adding two additional hours to the Ethical Issues block to include two additional scenario discussions and a debriefing wrap-up with the director. This would make the 2009 “C” basic 522 hours.

Mr. Brooks explained that the proposed changes to the 2010 peace officer basic course would include the recommended changes to the 2009 “C” basic and adding one hour of an independent learning assignment to the Peace Officer Basic 2010 curriculum in the Traffic Collisions Investigation class taught by the Highway Patrol. Instead of the current 8 hour Traffic Collision Investigation training, the class would be broken up into sections to include a three hour block for, completing a traffic collision form, an independent learning assignment, which would include completing a traffic form based on a scenario handout, and then the five hour training at the end of the course to include a traffic collision investigation. This additional hour would increase the peace officer basic course to 523 hours.

Mr. Brooks explained that there are no recommended changes to the peace officer mini basic course for 2010.

Mr. Brooks explained recommended changes to the 2009 detention officer “C” basic which include two additional hours for scenario discussions, one hour for scenario discussion, and one hour for culmination review of material covered over the entire basic course. These additional hours would increase the current course to 292 hours.

Mr. Brooks explained that the recommended changes to the 2010 detention officer basic are identical to the changes recommended for the 2009 “C” detention officer basic course if approved.

Mr. Brooks explained that there are no recommended changes to the 66 hour communications personnel basic course for 2010.

Mr. Brooks explained that there are no recommended changes to the Coroner Basic course for 2010.

Commissioner Berry-Smith made a motion to approve the recommended changes to the 2009 Peace Officer “C” Basic curriculum. Commissioner Adriaens seconded the motion. All were in favor and the motion carried.

Commissioner Colson made a motion to approve the recommended changes to the 2010 Peace Officer Basic curriculum. Commissioner Powell seconded the motion. All were in favor and the motion carried.

Commissioner Colson made a motion to approve the 2010 Peace Officer Mini Basic as recommended. Commissioner Lampert seconded the motion. All were in favor and the motion carried.

Commissioner Adriaens made a motion to approve the recommended changes to the 2009 Detention Officer “C” Basic curriculum. Commissioner Emmert seconded the motion. All were in favor and the motion carried.

Commissioner Lampert made a motion to approve the recommended changes to the 2010 Detention Officer Basic curriculum. Commissioner Colson seconded the motion. All were in favor and the motion carried.

Commissioner Colson made a motion to approve the 2010 Detention Officer Mini Basic as recommended. Commissioner Adriaens seconded the motion. All were in favor and the motion carried.

Commissioner Emmert made a motion to approve the 2010 Communications Personnel Basic as recommended. Commissioner Colson seconded the motion. All were in favor and the motion carried.

Commissioner Adriaens made a motion to approve the 2010 Coroner Basic as recommended. Commissioner Powell seconded the motion. All were in favor and the motion carried.

Commissioner Lampert recommended no changes to the current Correctional Officer Basic and the current Correctional Officer Mini Basic courses for 2010.

Commissioner Emmert made a motion to approve the 2010 Correctional Officer Basic as recommended. Commissioner Adriaens seconded the motion. Commissioner Lampert abstained from the vote. All were in favor and the motion carried.

Chairman Salzburg made a motion to approve the 2010 Correctional Officer Mini Basic as recommended. Commissioner Emmert seconded the motion. Commissioner Lampert abstained from the vote. All were in favor and the motion carried.

Hiring standards

Chief Lewis and Sergeant Hadlock presented their concerns regarding hiring standards. The Commission was presented with proposed legislation, from Chief Lewis, to leave hiring standard requirements to the discretion of the hiring agency when hiring officers and dispatchers that are currently Wyoming POST certified and working for another Wyoming law enforcement agency. Chief Lewis asked for support from the Commission to the suggested changes.

Chairman Salzburg suggested that Chief Lewis take his petition to a local legislator, have a statute drafted by the LSO and when there is a committee meeting regarding the statutory change, he or Director Haukap would appear at the committee meeting explaining their perception or citizen concerns regarding the proposed change.

Chairman Salzburg recommended treating Chief Lewis' letter as a petition for rule making with the understanding that there will be statutory obligation. He stated that the petition must be brought to the legislature and after the legislature approves an amendment, the Commission would promulgate a complimentary rule.

Acceptance/non-acceptance of pardons

Director Haukap, explained that she has received FBI and State fingerprint clearances on individuals that have criminal records. In the past, if the record shows that a person has been pardoned the POST director has denied the request for certification. She asked for clarification from the Commission whether they would like her to continue denying certification requests when they involve a pardon.

Commissioner Salzburg stated that an opinion was written in 1990 by Paul Rehurek, a Senior Attorney General regarding the effect of pardons on eligibility for

certification as a peace officer. Commission Salzburg will ask Mr. Rehurek to update that opinion.

Commissioner Adriaens made a motion that when the director of POST is confronted with the issue of a legal pardon of a felony conviction, that the director of POST address the case to the Commission. Commissioner Berry-Smith seconded the motion. All were in favor and the motion carried.

High School Diploma/Home School Diploma – Casey Mruzek presenting

A petition was brought to the Commission by Casey Mruzek, asking the Commission to validate home school diplomas and accept them as meeting the minimum requirements for certification as a high school diplomas or a GED.

Director Haukap stated that in the past, if a high school diploma was not provided, a GED or college degree were accepted and considered equivalent to a high school diploma. Director Haukap has denied accepting home school diplomas unless they are accompanied by a GED or college degree.

Commissioner Lampert made a motion that the Commission give Director Haukap guidance with regard to acceptance of home school diplomas and that she also ask for home school transcripts. The motion died for lack of a second.

Salzburg made a motion that the Commission needed to determine if the Wyoming Department of Education could provide a set of standards and if Director Haukap could apply those standards to a home school diploma to determine evidence of an equivalent achievement and if so, that the Commission amend the rules to define a system for those standards and how to evaluate home schooling. Commissioner Powell seconded the motion. All were in favor and the motion passed.

Purpose/objective of advanced levels of certification; Requirements to maintain certification, POST rules chapter 10 & 11; and Non-traditional training

To be discussed at a future POST Commission meeting.

Directors report.

Director Haukap began by updating the Commission on the increase of numbers POST has seen since 1981. In 1981 POST certified 754 peace officers and that those numbers are now at 1901 peace officers. In 1993 POST certified 986 peace officers, 144 detention officers, 125 dispatchers and 53 coroners. POST started certifying correctional officers in July, 2005 and in January 2006 we had 302 certified correctional officers. To date, we certify 1901 peace officers, 907 detention officers, 428 dispatchers, 458 correctional officers and 136 coroners and deputy coroners for a total of 3,830 certifications. When the Correctional facility opens in Torrington POST is expecting to increase correctional officer certifications by another 250. Mr. Marker noted that a quick review of the increase in numbers shows, at a minimum, an increase of 142% and when the Torrington facility opens the increase will rise to 180%.

Director Haukap stated that POST has always had two staff and one director since the inception of the agency. She is at a point that she will have to ask for additional staff and asked that the Commission be supportive of her request when the time comes.

Director Haukap presented the Commission with her Director's report which included a complete list of certifications issued, training hours recorded, and reports on the entry

level exams, challenge exams, and decertification cases. The report will be an addendum to these minutes.

Director Haukap reported sending out a survey to all law enforcement administrators and coroners requesting responses to be returned by August 21. As of September 1st, 87 responses have been received of the 125 surveys that were sent out. The results were provided to the Commission. Over all the responses were positive.

Other matters.

Byron Oedekoven stated that a legislator had asked him if the POST Commission and the sheriffs and chiefs are emphatic with one of the standards regarding US citizenship and that there is a legal alien in Cheyenne with peace officer certification in a foreign country who cannot be certified in Wyoming because of that standard. Byron stated that this question regarding citizenship as a requirement for certification would be brought up at the next sheriffs and chiefs meeting in Laramie and that he did not know how many other states required citizenship for certification. It was brought to the Commission's attention that with the exception of Arizona and Texas all other states require US citizenship for certification. Chairman Colson and Commissioner Adriaens agreed that keeping US citizenship as a requirement was preferred and there was a process for becoming a legal citizen that show dedication to the profession.

Certification settlements Director Haukap

Commissioner Berry-Smith made a motion to enter into executive session. Commissioner Powell seconded the motion. All were in favor and the motion carried. The meeting reconvened.

Commissioner Berry-Smith made a motion to accept the settlement agreement for voluntary surrender of certification in the matter of Jacob W. Sullenger, docket #08-014. Commissioner Emmert seconded the motion. All were in favor and the motion carried.

Commissioner Lampert recused himself in the matters of Docket #09-004, Docket #09-014 and Docket #09-015.

Commissioner Powell made a motion to accept the settlement agreements for voluntary surrender of certification in the matter of Elk B. Buchanan, docket #09-004; for voluntary surrender of certification in the matter of Kerrie M. Beprestis, docket # 09-014; and for voluntary surrender of certification in the matter of Stephen L. Smith, docket #09-015. Commissioner Adriaens seconded the motion. Commissioner Lambert recued himself from the vote. All remaining commissioners were in favor and the motion carried.

Commissioner Salzburg made a motion to adjourn the meeting. Commissioner Emmert seconded the motion. All were in favor and the motion carried. Meeting adjourned.

Respectfully submitted,

Trish Newberry
POST Executive Assistant