



*Matthew H. Mead*  
Governor

*Don Pierson*  
Interim Director

*Gregory A. Phillips*  
Attorney General

## *Peace Officers Standards & Training Commission*

1710 Pacific Ave., Cheyenne, WY 82002 (307-777-7718) Fax (307-638-9706)  
<http://attorneygeneral.state.wy.us/post.htm>

POST COMMISSION MEETING  
THURSDAY, SEPTEMBER 15, 2011; 2:30 PM  
HOLIDAY INN  
CHEYENNE, WYOMING

A P.O.S.T. Commission meeting was held in Cheyenne, Wyoming on Thursday, September 15, 2011. Chairman Colson called the meeting to order at 2:30 PM and welcomed all the commission members and guests.

### **MEMBERS PRESENT**

Rich Adriaens, Chief Sheridan PD  
Cary Berry-Smith, At large member  
Bob Lampert, Director DOC  
Troy Lane, Chief, UWPD  
Greg Phillips, Attorney General  
Jerry Colson, Carbon County Sheriff  
Mike Thompson, Lt. Casper PD

### **STAFF PRESENT**

Don Pierson, Interim Director POST  
Ken Nelson, Assistant Attorney General  
Trish Carson, Executive Assistant, POST

### **GUESTS**

Brian Brooks, WLEA  
Dave Harris, Director WLEA  
James Maker, WLEA  
Dave O'Malley, Sheriff Albany County SO  
Bob DeBrea, Albany County SO

### **APPROVAL OF MINUTES**

Commissioner Lane made a motion to approve the minutes for the July 19, 2011, POST Commission meeting. Commissioner Lampert seconded the motion. All were in favor and the motion carried.

### **NEW BUSINESS**

In the matter of Trevor J. Fulk docket #10-035. Commissioner Thompson made a motion to accept the ratification of decertification. Commissioner Lane seconded the motion. All were in favor and the motion carried.

In the matter of John F. Grier docket #10-033. Commissioner Lampert recused himself. Commissioner Adriaens made a motion to accept the Findings of Fact. Commissioner Thompson seconded the motion. Ken Nelson approved the Findings of Fact for signature. All were in favor and the motion carried.

In the matter of Joel J. Mauer docket #10-001. Interim Director Pierson stated Joel Mauer successfully completed one year of his terms of probation which expired in June 2011. Human Resource Manager, Heth stated Mr. Mauer is currently employed and in good standing with the Department of Corrections and there have been no further problems. This matter has been closed with no further actions.

#### SETTLEMENT AGREEMENTS

In the matter of Benjamin W. Sheppard docket #11-012. Commissioner Lampert recused himself. Interim Director Pierson stated only the signature page of the settlement agreement was returned by Mr. Sheppard signed, but not notarized. He asked Ken Nelson if this was sufficient. Ken Nelson stated it was sufficient and that the settlement agreement becomes effective September 15, 2011. Attorney General Greg Phillips made a motion to accept the settlement agreement. Commissioner Adriaens seconded the motion. All were in favor and the motion carried.

In the matter of Benjamin E. Gross docket #11-003. Commissioner Lampert recused himself. Commissioner Thompson made a motion to accept the settlement agreement and voluntary surrender of certification. Attorney General Phillips seconded the motion. All were in favor and the motion carried.

#### APPROVAL OF 2012 BASIC ACADEMY CURRICULUMS

Brian Brooks of the Wyoming Law Enforcement Academy asked the Commission to approve the 2012 basics including the mini basics noting no changes. Peace officer basic remains unchanged at 541 hours. Detention officer basic remains unchanged at 294 hours. Communications basic remains unchanged at 67 hours. Coroner basic remains unchanged at 43 hours. Peace officer mini basic remains unchanged at 146 hours. Detention officer mini basic remains unchanged at 79 hours. Commissioner Lampert made a motion to accept the 2012 curriculums. Commissioner Adriaens seconded the motion. All were in favor and the motion carried.

Commissioner Lampert, Director of Wyoming Department of Corrections asked the Commission to approve the 2012 basic curriculum for Corrections. He recused himself from the vote. Commissioner Lane made a motion to accept the 2012 curriculum. Commissioner Thompson seconded the motion. All were in favor and the motion carried.

#### DECERTIFICATION UPDATES

In the matter of Abigail Eichorn docket #10-017. Ms. Eichorn has a psychological exam scheduled for mid September which is prior to the expiration date of her certification. Director Pierson stated that he expected to get the results of her exam within the next few months at which point a new hearing date would be scheduled for the Commission to review the results.

In the matter of John P. Nolan docket #10-002. A motion was made at the last POST Commission meeting not to accept Mr. Nolan's dismissal of employment. New hearing needs to be set but Director Pierson would like to schedule Mr. Nolan's hearing date with other pending cases so that they may all be heard at once.

## **OTHER**

### **ON-LINE TRAINING AND OTHER MEDIA**

With regard to the term "professional" in the POST Rules and Regulations concerning on-line training and other media or non-traditional courses which count towards recertification hours, it was decided by the POST Commissioners that the term "professional" refers to professional training related to the profession, not the certification level of professional officer or dispatcher. It was also decided that half of the minimum requirements of training hours necessary for recertification can be obtained on-line and should be applied towards recertification at all certification levels and for all certification types.

### **WORKMAN'S COMP. CLAIMS WITH REGARD TO CHANGE IN STATUS FORMS**

Director Pierson mentioned that in past years, with regard to stopping time on an officer's POST certification, the only allowable circumstance for this was active military deployment. When an officer gets deployed, the employing law enforcement agency would submit a change in status form and attach a copy of the military deployment records to the form, at which point POST would make a notation in the officer's records and time on the officer's certification would stop until their return. Upon return from active duty, the officer's agency would submit another change in status form and attach a copy of the release orders to the form and the time spent on military deployment would be added to the officer's expiration date if the officer needed additional time to acquire the training hours needed to become recertified, or if the officer returned after the expiration date of his/her current certification(s). This extension of time, if necessary, is usually accompanied by a letter from the agency's administrator requesting an extension of time because of military deployment. If the officer had the hours needed to become recertified, and if the officer returned prior to the expiration date on his/her certificate(s), a request for an extension of time would not be necessary.

Recently, it had come to Director Pierson's attention that the Department of Corrections had been submitting change in status forms to stop time on an officer's certification noting the Family Leave Medical Act or that the officer is on a Workman's Compensation claim. Director Pierson stated this is the only agency submitting forms this way. Commissioner Lampert stated that his department was given direction by past POST Director Haukap, to submit change in status forms based on these reasons. Commissioner Lampert stated these directions came about because of a notice he received from POST advising of him of a decertification action being taken on one of his correctional officers due to a lack of training hours needed for recertification. Once he explained the officer's circumstances to then Director Haukap, she advised him to submit a change form noting these circumstances.

After some brief discussion between POST Commission members and Ken Nelson, it was decided that a request for an extension of time be submitted to POST from the Department of Corrections if an officer needed additional time to obtain required training hours for recertification, and that the request would be granted if it met the eligibility requirements for an extension. It was also mentioned that a change in status form was not necessary to track FMLA or Workman's Compensation

claims at the Department of Corrections. Commissioner Lampert stated that if the forms were not necessary, his agency would no longer send them in to POST.

#### DAVE O'MALLEY ISSUES REGARDING PEACE OFFICER MINI BASIC

Sheriff Dave O'Malley stated that his experience at WLEA has been an excellent one. He complimented the peace officer mini basic program he was enrolled in and the WLEA instructors. He asked the Commission to enter into a dialogue regarding eligibility requirements for the peace officer mini basic program and a returning officer's years of service and experience, adding he served 30 years in law enforcement and had been out for 7 before returning to law enforcement. Sheriff O'Malley explained that he would be making 12 trips to WLEA during his mini basic training program and that 4 of those trips would be for EVOC training and a few more for communications training such as verbal judo. He asked the Commission to consider specialized training at the local level if available, noting his department has a POST certified EVOC instructor. He also asked the Commission to consider reducing the hours of a peace officer mini basic for assignments such as his that are non-uniformed and have no street patrol functions.

A history of the creation of the mini basic program was explained by Don Pierson. He explained that in past years when officers returned to law enforcement after 5 to 10 years of being inactive, they were required to attend a full peace officer basic academy program. He stated that the basic curriculum was studied and that a shorter mini basic was created to give those experienced returning officers the essential training needed to become recertified without attending the full basic. Director Pierson stated when the mini basic program was developed; the officers only had to return to WLEA a total of five times to attend the required courses of the mini basic program.

Sheriff O'Malley asked the Commission to consider his prior verbal communications training and EVOC training as a way to reduce the number of trips to WLEA to complete his mini basic program. Commissioner Adriaens voiced concerns with granting exceptions for various parts of the current mini basic curriculum especially if those exceptions were based on past training or whether or not an officer would be working in patrol or administration. Commissioner Adriaens stated it would be difficult to identify if an officer was fully trained and certified for all functions adding that circumstances in employment do change and that the training is important for all positions. Commissioner Colson stated that it may be difficult to tailor a training program to fit every situation with consideration to the POST rules. Sheriff O'Malley asked the Commission to reconsider some of the mini basic training requirements at a later point in time for individuals with like circumstances such as his, as there are not many applicants with 30 years of experience who are willing to come back to law enforcement after being away for several years. Attorney General Phillips asked Sheriff O'Malley what percent of his mini basic requirements did he feel could be waived by the director, and if he was looking for the director to make a case-by-case decision with regard to mini basic training requirements for applicants with like circumstances. Sheriff O'Malley replied he felt the director could make his decisions for waiving specific areas of the mini basic by examining individual training records. He also commented that local level training could help reduce the number of trips to WLEA. Director Harris suggested that at a later date in time, it may be a good idea to enter into some discussion regarding the mini basic and consider updating the curriculum and other resources for training, as the curriculum has not been updated since its creation in the year 2000. Commissioner Adriaens stated it may be best to identify the courses that should only be taught at the academy, such as Criminal Law Procedures, and those that could be taught at the local level.

Sheriff O'Malley brought up the firearms proficiency test and the POST score sheet, which is part of the challenge requirements. He felt that a question of trust and credibility existed with regard to the test only being provided by a qualified instructor from a different agency outside of his own.

Commissioner Adriaens stated the rule exists to prevent the in-house officer from feeling pressured and to keep a system of checks and balances in place.

Sheriff O'Malley asked the Commission to consider having a dialogue with regard to POST forms that track dual certifications and reserve statuses, sighting issues with unmarked boxes on POST forms that have prevented some of his officers from easily changing their employment statuses between peace officer and detention officer, and being dual certified even though adequate training has been maintained by the officer.

## DIRECTOR'S REPORT

Interim Director Pierson presented the Director's Report indicating a correction in the total number of training hours added.

### Director's Report

The information contained in this report was received and processed in our office as of Aug 31, 2011.

Director Pierson reported that POST currently certifies **1,863** peace officers, **922** detention officers, **438** dispatchers, **127** coroners and deputy coroners, and **680** correctional officers for a total of **4,019** certifications. Of those, **451** are dual certified and **157** are with more than one agency.

In 2010, **40** individuals took a challenge exam; **26** peace officers, **8** detention officers, **1** dispatcher, and **5** correctional officers. So far in 2011, **17** individuals have taken a challenge exam; **14** peace officer and **2** detention officers and **1** correctional officer.

A total of **345,706** hours of training were added to the training files in 2010 and **176,445** have been added through Aug 2011. **893** in-service training courses were certified in 2010 and **701** have been certified so far in 2011. **363** instructors were certified in 2010 and **352** have been certified so far in 2011.

Director Pierson administered 1 promotional examination so far in 2011.

In 2010 **512** entry-level exams were administered (**353** passed; **159** failed; **45.04%** passage rate). So far in 2011, **392** entry-level exams have been administered (**272** passed; **120** failed; **44.01%** passage rate).

One case is pending from 2009. In 2010, **37** decertification cases were opened and of those **7** are still pending; **3** was decertified, **11** closed with no further action taken, **5** was voluntary surrender – Settlements, **4** were voluntary surrender – Medical. So far in 2011, **19** decertification cases have been opened; **2** closed with no further action taken, **1** were voluntary surrender – Settlement. **1** was decertified. **A total of 15 cases are pending through Aug 2011.**

In 2010, POST received **18** applications for retired peace officer identification card. So far in 2011, **7** applications have been received.

Interim Director Pierson commented that Liz Ambers is doing a great job in her new position at POST and that she has caught up the backlog of work at her desk. Trish Carson is doing a good job offering additional training to Liz. He added that a few policies have been implemented at POST to improve methods for getting training rosters back from the course coordinators in a timely fashion. He also advised the Commission that because of Attorney General Phillips assistance, POST is now meeting with IDT staff on a regular basis, and plans for a new POST database are moving forward. Brief meetings will be scheduled between ITD staff and Trish Carson regarding the needs and design of the database. Interim Director Pierson thanked Attorney General Phillips for his efforts. Interim Director Pierson concluded his report to the Commission.

## NEXT SCHEDULED POST MEETING

The next POST meeting is to be determined.

## EXECUTIVE SESSION

Commissioner Adriaens made a motion to enter into Executive Session to further discuss the hiring of the next POST director. Commissioner Lane seconded the motion. All were in favor and the motion carried.

Commissioner Thompson made a motion to go out of Executive Session. Commissioner Adriaens seconded the motion. All were in favor and the motion carried.

Attorney General Phillips made a motion to offer Jeff Schulz the position of POST director. Commissioner Thompson seconded the motion. The vote was 6 ayes, 1 no. The motion carried.

Commissioner Thompson made a motion to adjourn. Commissioner Adriaens seconded the motion. All were in favor and the motion carried.

Respectfully submitted,

Trish Carson  
Executive Assistant, POST