

**POST COMMISSION MEETING
THURSDAY, SEPTEMBER 6, 2007, 11:00 AM
THE INN, LANDER, WY**

A P.O.S.T. Commission meeting was held in Lander, WY on Thursday, September 6, 2007, Mike Dayton, acting Chairman, called the meeting to order.

MEMBERS PRESENT

Mike Dayton, Acting Chairman, At large member
Bruce Salzburg, Attorney General
John Love, Captain, Green River Police Dept.
Lori Emmert, Chief, Douglas Police Dept.
Jerry Colson, Carbon County Sheriff
Cary Berry-Smith, At large member

MEMBERS ABSENT

Sam Powell, Colonel, WY Highway Patrol

STAFF MEMBERS PRESENT

Betty Haukap, P.O.S.T. Director
Trish Newberry, P.O.S.T. Executive Assistant
Ken Nelson, Attorney, Attorney General's Office

GUESTS

Don Passanesi, WY State Parks
Pete Norris, WY DOC
Jared Keslar, Cheyenne Police Dept.
Tim Hood, Cheyenne Police Dept.
James Marker, WLEA
Brian Brooks, WLEA
Lane Kupke, WLEA
Sonja Erickson, WLEA
Tony Young, US Attorney's Office
Byron Oedekoven, WASCOP
Forrest C. Bright, DCI
Mike Hayes, WASCOP
Patty Bauer, WHP
Bill Morse, WHP
Beth Evans, WCCA
Chuck Kratz, Youth Services, Fremont County
Skip Hornecker, Fremont County S.O.
Dave Harris, WLEA

INTRODUCTIONS

Acting Chairman Mike Dayton asked everyone to introduce themselves.

APPROVAL OF MINUTES

Commissioner Emmert made a motion to approve the April 12, 2007, P.O.S.T. Commission meeting minutes. Commissioner Love seconded the motion. All were in favor and the motion carried.

NEW BUSINESS

Juvenile Justice and Delinquency Prevention

Beth Evans, with the Wyoming County Commissioners Association (WCCA) stated that Wyoming is the only state not compliant with the Juvenile Justice and Delinquency Prevention (JJDP) Act which prevents Wyoming from receiving funds. WCCA has been the only non-profit able to receive those funds since 1999. Ms. Evans addressed the need for a written statement within the State requiring detention officers working with juveniles to receive training specifically for juvenile needs. Beth Evans states that no statement currently exists within the State requiring specific training and certification of detention officers in order for counties to receive two things, the rural exception, and certified collocated juvenile detention centers. She stated that there are thirteen counties in Wyoming that would benefit from the rural exception status. Ms. Evans stated that a written statement is needed now for counties to receive approval for the rural exception. The Office of Juvenile Justice needs information on these counties including a written statement by the State requiring detention officer working with juveniles to be trained to deal with juveniles specifically in the areas of, youth development, adolescent physical health, adolescent mental health, and non-violent crisis intervention.

Mr. Nelson states that officers need to be trained and certified to work with adults and juveniles. He states that it's not a matter of being certified as a detention officer, but that it's a specific certification for detention officers that work with juveniles and by having the course POST certified, the training documentation would be added to the detention officers training files that attend the training. He also stated that this requirement would require a rule change and to meet the deadline, this Commission could pass an emergency rule that would take effect for 120 days.

Commissioner Emmert made a motion to have an emergency rule change to require a written policy. Commissioner Colson seconded the motion.

After further discussion regarding the process for emergency rules, Commissioner Emmert withdrew her motion.

Commissioner Emmert then made a motion to have staff prepare an emergency rule requiring training to include youth development, adolescent physical health, adolescent mental health, and non violent crisis intervention for detention officers employed in collocated facilities to be presented to the Commission for review. Commissioner Colson seconded the motion. All were in favor and the motion carried.

OLD BUSINESS

First ladies initiative on underage drinking

Because Mr. Rookstool was not present, Commissioner Berry-Smith made a motion to hold this discussion during the April meeting. Commissioner Emmert seconded the motion. All in favor and the motion carried.

Approval of 2007 & 2008 Detention Officer Mini Basic Curriculums

Director Haukap stated that during the April, 2007 meeting, the 2007 & 2008 Detention Officer Mini Basic curriculums were not made part of the motion when the Commission approved the other basic course curriculums.

Commissioner Love made a motion to approve the 2007 & 2008 Detention Officer Mini Basic course curriculum. Commissioner Emmert seconded the motion. All were in favor and the motion was carried.

Comparison of Detention Officer Basic to Department of Correction Officer Basic

Director Haukap provided the Commission with a side by side comparison of the correctional officer basic training course and the detention officer basic training course as requested by the Commission at the April, 2007 meeting. The current DOB is 290 hours, and the DOC basic is 280 hours. She also provided the Commission with a side-by-side comparison of the DOB mini basic curriculum and the DOC mini basic curriculum. She stated that during the April, 2007 meeting that the DOC correctional officer basic training curriculum was approved for 2007, but was not approved for 2008 until the comparison was reviewed by this Commission.

Commissioner Emmert made a motion to approve the 2008 DOC basic course curriculum as presented. Commissioner Love seconded the motion. All were in favor and the motion carried.

Certification requirement from correction certification to detention certification.

Director Haukap stated that since 2005, POST has been certifying correctional officers and has noticed an increase in the number of correctional officer being hired as detention officers. Two courses that are required in the DOB and not part of the DOC basic are firearms and EVO. She asked if the Commission felt that firearms & EVO training was enough to send correctional officers to be certified as detention officers or if additional training is needed to assure that correctional officers are properly trained to work in a detention facility.

Mr. Brooks stated that corrections deals with the 8th amendment in its curriculum, and asked how much time is spent on the 4th and 14th amendments? He feels that the time spent on the 4th and 14th amendments is very valuable for the detention officers. Use of force is a detention liability and more time is spent in this area during the DOB basic than during the DOC basic.

Director Haukap mentioned that the DOC requires detention officers hired by them to attend their DOC basic training course and asked the Commission to consider a detention officer mini basic course plus a basic firearms course.

If the Commission requires correctional officers who are hired as detention officers to complete the detention officer mini basic course, Mr. Harris stated that the academy would not be impacted by adding one or two students to the detention basics and that the detention officer mini basic with firearms would be 118 hours. Mr. Harris stated that the mini basic is held in conjunction with the DOB and the cost for mini basic is \$538.00 and to add the firearms course would be a total of \$913.00.

Commissioner Colson agreed that the mini basic course is a good idea and would make the transition easier. He made a motion requiring all correctional officers hired as detention officers, to attend the detention officer mini basic course, the detention officer basic firearms course, and complete the detention officer challenge process. Commissioner Emmert seconded the motion. All were in favor and the motion carried.

Comparison of out of state basic training programs

Director Haukap asked the Commission if there were specific things that she should be looking for when comparing out-of-state basic training programs with the Wyoming basic training courses. Commissioner Colson stated that Director Haukap should look at all 50 states and make some kind of a rule. Chairman Dayton agreed and stated that Director Haukap was hired based on her abilities, and the decisions regarding comparable training should be made by her and accepted by the Commission.

NEW BUSINESS

WHP Communications Officer Basic Training Course

Patty Bower, Dispatch Manager for the Wyoming Highway Patrol (WHP) stated that the WHP has had a formal dispatch training course since 1983 and presented the Commission with a proposed 160 hour WHP Communications officer basic course curriculum for their approval. She assured the Commission that it includes all courses taught at the WLEA dispatcher basic training and many additional courses. The WHP puts between 8 & 12 students through this training per year and after a dispatcher completes this basic course, they are required to complete an additional 8-12 weeks of training with a trainer.

Commissioner Emmert made a motion to approve the WHP communications officer basic training course as presented. Commissioner Colson seconded the motion. All were in favor and the motion carried.

Cheyenne Police Department 2008 PO Basic

Mr. Kesler requested approval for the Cheyenne Police Department 2008 Peace Officer Basic course curriculum which has been POST approved in the past. Commissioner Colson made a motion to approve the Cheyenne Police Department 2008 PO Basic course curriculum as presented. Commissioner Emmert seconded the motion. Commissioner Berry-Smith voted no, all others voted yes and the motion carried.

Employment Standards, Temporary Certification Issuance

Director Haukap explained that hiring standards are set by statute for peace officers, detention officers, and correctional officers and on the back side of the POST Initial Employment POST forms all the hiring standards are listed. In the past, DCI took approximately 4 months to process fingerprint cards. In order for POST to issue a temporary certification in less time than it took to for the clearances to return from DCI, POST would request a criminal background check, and if it came back clean, POST would issue the temporary certification so that applicants could get into the academy more quickly. When the fingerprint clearances came back, and after the officer had completed basic, then permanent certifications could be issued. This worked well until statutes were reviewed more thoroughly regarding the hiring standards. When reviewing the completed initial employment forms, Betty noticed on some initial forms that the employment date didn't match the dates that the hiring standards were met. She noticed hire dates started prior to the dates that psychological exams and physicals exams were said to have been completed. She stated that because of the dates submitted on the form, that issue dates for certification would have to match the date that the last hiring standard was met, and that the expiration date will now match the hire date submitted on the form. Hence, if the start date is 1-1-08, and the date that the last hiring standard was met was 1-30-08, then the issue date would be 1-30-08 and the expiration date would be one year from the start date of 1-1-08, and that this person must become certified within that time frame.

Mr. Nelson agreed and also stated that some agencies did not comply with these statutes. He stated that a person is not authorized to perform the duties of a peace officer, detention officer or correctional officer until they have received POST certification.

Commissioner Emmert asked about doing audits every two or three years, as that would be a good way to verify that hiring standards have been met.

Mr. Nelson stated that he would look at the rules regarding these issues.

Certification of State Parks Officers

Several problems recently surfaced regarding the hiring of peace officers by State Parks. Director Haukap has met with the responsible persons from State Parks and informed them of the problems. State Parks indicated that they are working to meet all POST requirements.

Director Haukap provided details of some problems and indicated that some temporary certifications had been issued by mistake.

Mr. Passanesi stated that State Parks is unique because they have to quadruple their law enforcement staff over the summer. He described a change in hiring procedures which would centralize hiring in the Cheyenne office. He indicated the hiring procedures were understood and that new hires would not be assigned to any duties that require peace officer authority until temporary certifications were received. Mr. Passanesi responded to numerous questions from Commissioners and assured them that all of the hiring standards would be met in the future.

Commissioner Emmert made a motion to require State Parks to submit proof that hiring standards have been completed when submitting an Initial Employment form along with all the other required attachments. Commissioner Berry-Smith seconded the motion. Following discussion the motion carried, all were in favor except Commissioner Salzburg who voted no.

Byron Odedoven asked for clarification from Mr. Nelson regarding a sheriff's statutory provision and authority to have "special deputies" with unique duties given to them by the sheriff and the issue of a trained posse, which could be a trained civilian used in search and rescue or traffic control, or who poses as a deputy either armed or unarmed, but without the power to arrest so that he could clarify that particular function to

the sheriffs at the next sheriffs and chiefs meeting. He asked for clarification to make sure that years of tradition follow statute and rules.

Mr. Nelson agreed to address the issue following receipt of a written request from Mr. Oedekoven.

POST Rules and Regulations

Betty Haukap stated that during the last legislative session a statute was passed to allow the POST Commission the authority to set hiring standards for dispatchers and also allow for decertification of dispatchers. She asked the WLEA CTAB members and the Sheriff's & Chiefs their opinions on what those hiring standards should be. Their response was that the hiring standards and decertification procedures should be the same for dispatchers as they are for peace officers and correctional officers. She referred the Commission to the proposed rules packet that each Commission member was given. She reviewed the proposed changes throughout the rules with the Commission.

Upon review by the Commission there were minor grammatical changes made during the meeting.

Commissioner Emmert made a motion to approve the rules as amended. Commissioner Love seconded the motion. All were in favor and the motion carried.

Decertification Updates

Director Haukap reported that POST has thirteen decertification cases that are currently open. Of those, 3 went to hearing August 27, 2007, 1 goes to hearing October 1, 2007, one is negotiating settlement, 6 are being reviewed, and 2 settlements will be discussed today.

Survey Results

Director Haukap reported that for the annual report, the Attorney General's Office wanted to look at and focus on customer service. POST compiled 4 questions that would allow POST to be graded by law enforcement agency administrators. 102 surveys were sent out and POST received 85 back. Betty passed out the results and comments of the survey questions for the Commission's perusal.

Byron Oedekoven proposed posting the results on the Sheriff's and Chief's website to the member's only section and asked if this would be of value. All were in favor.

Director's Report

Betty Haukap introduced Trish Newberry as the new executive assistant at POST.

This report reflects paperwork that has been processed as of August 24, 2007. POST currently certified 1,798 peace officers, 820 detention officers, 435 dispatchers, 131 coroners & deputy coroners, and 372 correctional officers for a total of 3,556 certifications. Of those, 414 are dual certified and 147 are with more than one agency.

Since Jan 1, 2007, 41 individuals have taken a challenge exam, 21 peace officers, 4 detention officers, 1 dispatcher, and 15 correctional officers. There have been 170,000 hours of training added to training records for 2007. There are currently 983 in-service training classes certified, 227 instructors have been certified in 2007, and 15 promotional exams have been administered in 2007. 269 entry level tests have been administered. Of those, 192 passed and 77 failed. POST has received 4 applications for retired peace officer identification cards this past year.

An Exception budget has been turned in for POST to contract with an IT person to build a web based database system which would update the current access data base system, hoping it would have the capability to have internet access to training records for law enforcement agencies and their administrators. The request was approved by A&I. The next step is for it to go to the governor for his approval and on to the legislature for their approval.

Director Haukap asked the Commission for their opinion regarding firefighter training to training records. The Commission responded that firefighting training is not job related and should not be added to training records.

Executive Session

Commissioner Emmert made a motion to enter into Executive Session. The motion was seconded by Commissioner Love. All were in favor and the motion carried.

Return to open meeting

Approval of minutes August 27, 2007 executive session

Commissioner Love made a motion to approve the minutes from the August 27, 2007 session. Commissioner Salzburg seconded the motion. All were in favor and the motion carried.

Docket #05-004 & Docket # 07-115-015 Discipline matter of Glen C. Dunham

Commissioner Emmert made a motion to accept the Order of Dismissal docket #07-115-015, submitted as including the pen & ink addition for Glenn C. Dunham and authorize Director Haukap to execute it on behalf of the commission. Commissioner Berry-Smith seconded the motion. All were in favor and the motion carried.

Docket #05-003 & Docket # 07-116-015 Discipline matter of Joshua Williamson Commissioner Love made a motion to accept docket 07-116-015, Order Revoking Certification for Mr. Joshua Williamson. Commissioner Salzburg seconded the motion. All were in favor and the motion carried.

Docket #07-009 Discipline matter of Justin Snell

Chairman Love made a motion to accept the voluntary surrender of certification by Justin Snell as presented in the Settlement Agreement & Order, Docket #07-009. Commissioner Salzburg seconded the motion. All were in favor and the motion was carried.

Docket # 07-001 Discipline matter of Andrew J. Dyl

Commissioner Colson made a motion to accept the voluntary surrender of certification by Andrew J. Dyl as presented in the Settlement Agreement & Order, Docket #07-001. Commissioner Salzburg seconded the motion. All were in favor and the motion carried.

Commissioner Emmert made a motion to adjourn. Commissioner Love seconded the motion. All were in favor and the motion carried.

Respectfully submitted,

Trish Newberry
Executive Assistant, POST