

MINUTES
SENATE JUDICIARY & RULES COMMITTEE

DATE: Friday, January 22, 2016

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Nonini, Senators Johnson, Souza, Lee, Anthon, Burgoyne, Jordan

ABSENT/ EXCUSED: Senator Davis

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Lodge** called the Senate Judiciary and Rules Committee (Committee) to order at 1:30 p.m.

Chairman Lodge thanked Mr. McCraw for returning to complete his rules presentation.

Victor McCraw, Administrator, Idaho Peace Officer Standards and Training (POST), in response to Chairman Lodge's request, introduced himself to the Committee. (attachment 1). He explained the make up of the POST Council (Council).

PASSED THE GAVEL: Chairman Lodge passed the gavel to Vice Chairman Nonini.

DOCKET NO. 11-1101-1501 **Mr. McCraw** addressed a concern previously expressed by Senator Davis regarding the possible rejection of an applicant. **Mr. McCraw** reminded the Committee that he could not reject any applicant for peace officer certification. If he does not approve the applicant, that application is referred to the Council for the final decision. He expressed the deep trust he felt for his staff.

Mr. McCraw identified the reasons for making the changes in this rule (attachment 1, pages 3 and 4). He also explained the changes that have been made in the recertification process (attachment 1, page 5). The changes address the requirements for POST course credit, suspension of instructor certification, status for non-certified instructors, reduction of paperwork, elimination of the requirement for recertification in non-high liability courses and requirements for instructors of high-liability content.

Senator Jordan asked Mr. McCraw if attention has been given to technologically dependent areas of training in high-liability areas. **Mr. McCraw** acknowledged that there have been many advancements in technology in law enforcement. High-liability areas include actions that will negatively affect public safety if the officers are not proficient in the technological advancements. Emergency vehicle operations, electronic control devices and firearms are some of the areas that have seen technological changes. Instructors are required to keep resumes and be able to support their basis for certification.

Senator Lee expressed concerns about the changes in the physical fitness assessment. Other agencies have relied on POST to cover the physical fitness standard. **Mr. McCraw** explained that POST's attention to physical fitness has been focused on a candidate being able to meet the requirements for the basic training academy without injury. The standard of physical fitness for the academy was not meant to necessarily carry over into the field. Physical requirements vary among the different types of duties, making it necessary for the agencies to train their people based on the needs of that agency. **Senator Lee** asked if the agencies are aware of these changes. **Mr. McCraw** affirmed that they are aware. The Council deliberated concerning this issue and concluded that because officers who come for recertification will not do the basic training, they will not have to do the physical fitness assessment.

Senator Burgoyne referred to the deletion of a rule regarding determination of high liability. He inquired if that will be codified elsewhere. **Mr.** related that it will be codified. The method of making that determination has been changed, but high liability will still be determined for both POST instructors and third-party instructors. **Senator Burgoyne** stated that he is still unclear regarding the determination of risk to the trainees. He questioned why, if there is actual risk to the trainees, there is not the same level of detail regarding the actions needed to keep the trainees safe. **Mr. McCraw** replied that the detail is limited because they require a POST-certified instructor to conduct the training. These instructors are thoroughly trained in their specific areas. Previously, a third-party instructor would be supervised by a POST instructor, but the level of expertise of that POST instructor was not as great as it is under the new rule. He detailed the procedure for a training exercise with high-risk equipment and procedures.

Chairman Lodge inquired what the cost is for an individual to self sponsor. **Mr. McCraw** answered that the only discipline that accepts self-sponsored individuals is patrol. The cost to the individual is approximately \$4,800. Actual cost is about \$10,000. If they leave the profession within two years, they are required to pay back the remaining cost of the training.

MOTION:

Senator Souza moved to approve **Docket No. 11-1101-1501**. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
11-1104-1501**

Mr. McCraw listed the reasons for the changes in this rule:

- to bring POST into compliance with the FBI's criminal fingerprint restrictions;
- to clarify the certification qualifications requiring disclosure of previous decertification; and
- to eliminate the need for physical readiness/agility testing (attachment 1, page 5).

Mr. McCraw pointed out that the firearms qualifications course for corrections officers is added to this rule at the Idaho Department of Corrections' (IDOC) request because corrections officers are sometimes required to carry weapons. He explained that under the old rules these officers did not have firearm training, and this addition to the rules will ensure that an individual certified under the old curriculum, who then left the profession, will need to be trained in firearms use upon return. **Mr. McCraw** explained that recertification procedures apply to certified adult probation or parole officers who come from other states.

Senator Anthon asked if POST recognizes any circumstance under which an individual can be certified if he/she has been decertified in the past. **Mr. McCraw** reiterated that as Division Administrator he assesses all the applications, but he cannot reject any application. That decision goes to the council, where both the head of the agency wanting to hire the applicant and the applicant, have the opportunity to support the application.

MOTION: **Senator Lee** moved to approve **Docket No. 11-1104-1501**. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Nonini passed the gavel back to Chairman Lodge.

Chairman Lodge again thanked Mr. McCraw for coming back to present the rules change.

INTRODUCTION: **Chairman Lodge** introduced Senator Davis' intern, Beck Roan, who expressed his gratitude to work with Senator Davis.

ADJOURNED: **Chairman Lodge** adjourned the meeting at 2:27 p.m.

Chairman Lodge
Chair

Carol Cornwall
Secretary