

JUDICIARY COMMITTEE

February 7, 2023

Written testimony of the North Dakota Peace Officer Standards and
Training Board

Lieutenant Daniel Haugen, Chairman

To: Chairman Klemin and members of the Judiciary Committee.

My name is Lieutenant Daniel Haugen, I am the chairman of the Peace Officer Standards and Training Board. I am also the director of the North Dakota Law Enforcement Training Center and a lieutenant in the North Dakota Highway Patrol. I am here testifying in my capacity as the POST Board Chairman on House Bill 1537, as it's read today.

The North Dakota Peace Officer Standards and Training Board will be referred to as the POST board in my testimony. The board consist of 9 members, 8 of whom, are appointed by the attorney general. As the director of the North Dakota Law Enforcement Training Center, I am statutorily on the board which has two staff members employed by the attorney general's Bureau of Criminal Investigation.

HB 1537 contains language that mandates requirements for the POST board. With that, I'll provide testimony on Section 1, as their chairman.

Section 1

12-63-04

- Subsection 1-c. This adds the requirement for the POST board to establish a curriculum for training in bias crimes. Currently, the POST board only establishes the curriculum for the basic and advanced peace officer training. The board currently doesn't establish individual curriculums for courses like investigating homicides, sex crimes, or even ethics. I'm not sure mandating this topic over other topics is necessary. The board does currently

have mandated terminal performance objectives on “bias in policing” for the basic academy, and this class has been taught in all academies for the last two years. Every new peace officer in the past two years has received this training, as the board understands this is an important topic. If the law changes to mandate that the board establishes the curriculum for existing officers, it could be done.

- Subsection 3. This section mandates that the board shall provide refresher training every two years in identifying and responding to bias crimes. The board is an independent board that only has two employees, one of whom is a peace officer and 9 board members. The board does not have the personnel to provide instruction to 2,400 peace officers every two years. This would require an appropriation to the Attorney General’s office, which is required to provide the board staff. The law enforcement training center, under the highway patrol could provide the training every two years online, but again an appropriation would need to be made to the highway patrol, as 2,400 “users” on the academy’s Learning Management System would cost thousands of dollars annually. Learning Management Systems are also not hands off systems. They require someone to monitor and answer student questions. With around 2,400 officers, that amount of potential request for help will be daunting.

As I work for the highway patrol, my own agency does require this training and I am required to take it annually, among other courses like ethics. The POST board does support training of officers, but maybe the onus should be on the agency and not the small board. The board could create and provide the curriculum, which would be provided the agencies to administer themselves.

- Subsection 3-a-3. This new line would require the board ensure that these crimes are accurately reported as required by this act. The board would not have the means to track this reporting, as it isn’t our data. Section 5 states that agencies would need to report to the attorney general annually, not the

POST board. The POST board would be tasked with ensuring this occurs under this bill. The attorney general's office is a separate entity than the POST board. The board would also have no authority over an agency that fails to comply with that reporting. The board has no authority over any law enforcement agency. The board only has authority over licensees (individuals). If the data is to be sent to the Attorney General's office, then they should be tasked with ensuring that occurs, and not the POST board.

I stand before you to answer any questions that you may have.

Lieutenant Daniel J. Haugen, NDHP

Chairman

North Dakota Peace Officer Standards and Training Board