

STATE & LOCAL GOVERNMENT COMMITTEE**March 20, 2025****Written testimony of the North Dakota Peace Officer Standards and Training Board
Chief Joseph Cianni, Chairman**

Chairman Longmuir and members of the Political Subdivisions Committee.

My name is Chief Joseph Cianni, and I am the chairman of the North Dakota Peace Officer Standards and Training Board (ND POST Board). I am also the Chief of Police of the Dickinson Police Department. I am here in my capacity as the Chairman of the ND POST Board to provide testimony regarding Senate Bill 2165.

The North Dakota Peace Officer Standards and Training Board will be referred to as the POST Board in my testimony. The POST Board consists of 9 members, 8 of whom, are appointed by the attorney general. NDCC § 12-63-01.1 designates the 9th member to be the Director of the North Dakota Law Enforcement Training Center. In addition to the 9 board members, the POST Board also has 2 full-time staff members employed by the attorney general's Bureau of Criminal Investigation Division. One is a Special Agent who acts as the secretary of the POST Board and the other is a civilian Administrative Assistant.

The proposed amendments in Senate Bill 2165 are for the purpose of improving public safety and officer safety. Overall wellness of sworn peace officers directly impacts their ability to perform their duties safely and effectively.

Over the past few years, the POST Board has seen a significant increase in fit-for-duty matters where law enforcement agencies have reached out in desperation, soliciting POST Board guidance and intervention. Unfortunately, the POST Board has been unable to assist or provide any intervention due to HIPAA-related laws hampering the POST Board's ability to receive and review certain protected information.

The proposed amendments in this bill would allow the POST Board to receive and review medical information related to fitness for duty matters. This information would be classified as protected and exempt from open records laws. Any review of these records or POST Board hearings related to these matters would be conducted during closed executive sessions only. The authority to review these types of records is not unusual as many other licensing boards in the state have this same authority granted to them through legislation.

The proposed changes in Section 1 amends the powers of the POST Board by adding language authorizing the POST Board to require with cause, a licensed peace officer to complete a physical or psychological examination. This aids the POST Board in evaluating the peace officer's mental or physical competency. Currently, the POST Board does not have the authority to require a licensed peace officer to undergo an evaluation even if the POST Board is notified that there are mental health or fit-for-duty concerns regarding the licensed peace officer. Currently, the only time a peace officer is required to submit to a physical and/or psychological examination is at initial hire. These pre-employment exams are valid for one year and are not required to be repeated within that year regardless of officer employment status. Section 1 also allows the results of the examinations to be released to the POST Board and exempts the information from open records laws.

Section 2 of the bill authorizes the POST Board to assess additional fees related to peace officer licensure. Currently, the POST Board can only assess a fee associated with an adverse license action resulting in the revocation of a peace officer's license. The POST Board would like the authority to assess additional fees associated with other adverse license actions not exclusive to license revocations. This request is made in light of the fact the POST Board is regularly seeing a significant and sustained increase in the number of adverse license actions being heard and addressed by the POST Board.

Section 3 amends section 12-63-12 to allow the POST Board to take disciplinary action against a peace officer's license if said individual has a fit-for-duty condition and is deemed unable to safely and competently perform the required duties of a peace officer. Section 3 also provides the POST Board with the authority to require a peace officer to complete a physical or psychological examination to allow the POST Board to properly evaluate the peace officer's mental or physical competency and permits the results of the examination(s) to be released to the POST Board.

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

Chief Joe Cianni
Chairman, North Dakota Peace Officer Standards and Training Board