

**MEETING MINUTES
MONTANA POST COUNCIL
MARCH 9, 2016
POST CONFERENCE ROOM
HELENA, MT**

PRESENT

Tony Harbaugh ~ Chairman ~ by phone
Laurel Bulson
Jim Cashell ~ by phone ~ joined the meeting at 10:00a.m.
Bill Dial ~ by phone
Lewis Matthews ~ by phone
Kevin Olson ~ by phone
Ryan Oster ~ by phone
Tia Robbin ~ by phone
Jim Thomas
Gina Dahl ~ by phone

NOT PRESENT

Kimberly Burdick
Jesse Slaughter
John Strandell

STAFF PRESENT

Perry Johnson ~ Executive Director
Mary Ann Keune ~ Administrative Assistant
Katrina Bolger ~ Paralegal/Investigator ~ by phone

LEGAL COUNSEL PRESENT

Sarah Clerget
Chris Tweeten ~ by phone

GUESTS

Rich Friedel ~ Billings ~ by phone
Curt Stinson ~ Helena Police Department
Truman Tolson ~ Missoula Police Department ~ by phone
Rick Musson ~ Laurel Police Department ~ by phone
Duncan Hedges ~ Prairie County Sheriff ~ by phone
Jess Edwards ~ Blackfeet Law Enforcement Chief
Mike Johnson ~ Jefferson County Undersheriff ~ by phone
Cindy & Chuck Leggate ~ by phone

WELCOME

Meeting called to order by Tony Harbaugh, Chairman, at 9:00 a.m.

Perry Johnson called roll.

Bill Dial made a motion and Laurel Bulson seconded to approve the minutes of the December 2, 2015 meeting. Gina Dahl mentioned that her name was left off the minutes from the December meeting. Mary Ann Keune reported that she would fix the

minutes to reflect Gina Dahl was present by phone. Motion carried, all members voting in favor.

PUBLIC COMMENT/GUEST ISSUES

Tony Harbaugh asked Perry Johnson if he would address the Public Comment part of the meeting. Perry Johnson explained that Chris Tweeten would be visiting with the Council about the protocol for the meetings.

Perry Johnson said that the Public Comment time is for the guests who have dialed in and the people who are in the room to address the Council and bring up any issues that they would like the Council to have information on. The guests can also present information to the Council for future agenda items. He explained that Public Comment is intended just for the public to comment and isn't the time for the Council to take any action or for the Council to enter into any kind of debate or discussion. They can ask for clarification on any information that is provided but it is not a time to make decisions or take any action.

Tony Harbaugh asked for public comments.

Rich Fridel said he would like to follow up on what he proposed to the Council about private certification. He also said there are people who are still operating against the policies of POST and it's becoming an issue in Yellowstone County. He would like some help on what to address with that issue. They would like to get the other issues before the legislature to resolve some of this. He wondered if there is anything more they need to provide for the options for the issues they are facing with pretrial services. He understands the position of POST on misdemeanor probation and agrees with POST's position. Rich Friedel is concerned about the people who are operating around the state with arrest powers he doesn't believe they legally have.

Perry Johnson said he and Rich Friedel can have that conversation in regards to what the questions may be. He also shared that Sarah Clerget and Chris Tweeten have been quite specific in the memos that have been generated from both of them. The Council has also been very active with responding to those issues. Perry Johnson suggested Rich Friedel call him and have a conversation. Rich Friedel was given Perry Johnson's phone number and said he would call him.

Truman Tolson mentioned that he would like to be able to access his agency's POST transcripts. He also asked Perry Johnson if he would be participating in the Training Coordinators class on March 30 & 31. Perry Johnson said he is intending on being at the training.

Tony Harbaugh asked if Perry Johnson would be giving an update on the "Sugar" database later in the meeting that would speak to Truman Tolson's desire to access the training records. Perry Johnson said there would be some information later in the meeting.

Duncan Hedges said he is going to be in Helena March 24 and would like to talk to someone about reserves. Perry Johnson said he thought he would be around and asked Duncan Hedges to email him the date so he can get it on his calendar.

Jess Edwards stated that his Tribal Council is interested in Blackfeet Law Enforcement taking over the Coroner duties for the county. He is interested in talking to someone about that. Perry Johnson offered to talk to Jess about where to look in the statutes for that information.

OLD BUSINESS

Chris Tweeten updated the Council about the Lake County lawsuit against POST and Fish Wildlife and Parks. He explained that the case is in discovery at this point. He doesn't expect any action on the case until after the discovery period. He explained the options that may occur in the case.

Chris Tweeten shared that he contacted the Attorney General's Office and asked how much longer they think it will take to hear back on the requested opinion. A staff member reported that the MOU between DOJ and DOC regarding investigators working in the corrections system would be declined by the Attorney General on the grounds that they didn't believe it is appropriate for the Attorney General to issue a formal AG's opinion with respect to the Attorney General's own power. Chris Tweeten said he had further discussions about it with them and he is waiting for further word from the AG's office with respect to whether they are inclined to reconsider the recommendation or not.

Chris Tweeten also reported that the other opinion concerning POST's waiver powers is in draft form right now. He reported that the form has been circulated to the Chief Deputy, Alan Joscelyn, for review. The draft will either be moved forward to the Attorney General to review or recirculated and sent back for maintenance recommended by the Chief Deputy. He does think that they are inclined to issue an opinion before too long.

Perry Johnson asked Sarah Clerget if she had anything to add. She did not.

Tony Harbaugh asked if hearing the oral arguments on the Justin Stokes' revocation needed to be moved to another point in the meeting. Perry Johnson commented that a quorum was present. He did suggest that the Council move ahead to new business and come back to oral arguments at 10:00a.m.

NEW BUSINESS:

Conduct in Meetings

Chris Tweeten gave a presentation about the proper conduct in meetings. He explained that in 1972 when a new Constitution was adopted the Constitutional Convention provided for a constitutional right of participation on the part of the public which had not existed previously in Montana as a matter of constitutional rights. The Constitution provided that the public has a right to expect participation rights that are provided by the legislature. The legislation determines what the full content of the constitutional right to participate is. There are open meeting laws, with particular statutes dealing with how public meetings are supposed to be conducted.

One of those statutes which was enacted about 10 years ago created a requirement that at every public meeting the agenda included an item allowing for public comment on any matter under the jurisdiction of the organization that's holding the meeting. Prior to the amendment of that statute the common practice was to hold public comment on anything that was listed on the agenda then move on to other business. With the statutory amendment, any citizen who has any issue with respect to anything that POST does whether it's on the agenda for the meeting or not, must be given the right to comment on that subject for the benefit of the Council. It's improper for an agency to conduct a public meeting then try to take action that's not on the agenda but raised for the first time during public comment.

There is an agenda requirement in the statute that is intended to provide notice to the public of everything that the agency intends to take action on during the upcoming meeting. That implies that the public has a right to notice in advance of the time that the agency takes action. If a member of the public has interest in a certain subject but doesn't see it listed on the agenda they may choose not to attend that meeting and then if it comes up in public comment and the agency decides to act on it anyway, that person's right to participate on that issue will have been infringed. It's never appropriate to take action or debate on a matter that is brought up for the first time in public comment. There may be emergency situations that may create an exception to that. The general rule has to be that if someone brings something up in public comment the Council can ask questions but it would be inappropriate to discuss it and try to fix the problem at that meeting without the matter having been listed on the agenda.

Chris Tweeten suggested that the rule of thumb should be that what people bring up in public comment should be listened to by the Council and the Council ask questions to be sure the issue is fully understood and then defer any discussion or action on that matter. Let staff try to work it out between that meeting and the next meeting and if it becomes a matter that the Council needs to act on, it can be listed on the agenda for a future meeting. Then the public's right to notice of the agenda and right to participate in the decision will be protected and the comment or interest in getting some relief from POST can be handled in an appropriate way through the agenda process.

Jim Thomas asked if the Council has been taking actions on the public comment in the past. Chris Tweeten doesn't recall any and didn't know if Perry Johnson knew of some and that was why he wanted it placed on the agenda.

Bill Dial commented that he brought it up at the last meeting. He shared that the laws are very clear that unless something is on the agenda the Council shouldn't discuss something during public comment because other members of the public wouldn't have the opportunity to respond to it. He cautions that the Council has to be very careful about it.

Chris Tweeten has examples of agencies who have done this type of thing and have been in trouble for it.

Perry Johnson shared that the reason this is an agenda item was at the last meeting there was quite a bit of discussion during public comment by Council members and Perry Johnson. He feels like many times it takes a very involved conversation to fully

understand a subject and a decision can be made. Public comment isn't the time to have those discussions.

Director's Report

Upcoming Events

Perry Johnson directed the Council to page 44 in their meeting materials. He shared that it is an invitation for the Director to attend a meeting in Washington DC with all the POST Directors in the United States to talk about some of the strategies that were proposed and documented in the 21st Century Law Enforcement report to the President. Perry Johnson is set to travel on Sunday, March 20, meet on March 21 and return on March 22. There are no travel or per diem cost to POST except for Perry Johnson's time.

Duncan Hedges asked what position Mike Becar is for the group. Perry Johnson answered that Mike Becar is the Director for the national group.

Perry Johnson directed the Council to page 47 in the meeting materials. He reminded the Council that 2 years ago he told the Council he wasn't ready to go to Florida for the IADLEST Conference. Last year he attended the IADLEST Conference in San Antonio, TX. He and Glen Stinar both attended and it was a great convention. This year's convention is being held in Grand Rapids, Michigan. There will be a cost for POST involved in this convention but he knows there is money in the budget to handle the cost.

Perry Johnson reported that the Montana Coroners' Association will hold a conference May 1-3, 2016 in Bozeman. They will have 16 hours of death investigation training that should meet the requirements for the ongoing training for Coroners and Deputy Coroners in Montana. Their Board Meeting is to be held Friday night and Perry Johnson will be attending that. He reminded the Council that POST and the Coroner's Association had disconnected for a while. He said he feels like it's a good relationship now and they put on a good training.

Tony Harbaugh told the Council that the Association just reached out with registration and program announcements out to the members. Perry Johnson said he would push the information out when he gets it.

Coroner Training

Perry Johnson directed the Council to page 56 in the meeting materials. He explained that it is a 40 hour online Death Investigation course that was presented to Perry Johnson by Roger McLean and Theresa White from the U of M, the school of extended learning. They are asking the Council to consider this 1 semester course as an equivalency course for the Basic Coroner Investigation School that is held annually by Bob Rosipal and Bob Edwards from Cascade County Sheriff's Office.

Perry Johnson reached out to Bob Rosipal and asked him to review the packet. On page 59 is Bob Rosipal's response. He did however, say that a person may be overwhelmed with the amount of information presented and was a little concerned about the lack of scenario based learning that is present in the Coroner Basic held at the MLEA. Bob

Rosipal commented that it helps put a practical application to the information presented in the class room. Perry Johnson pointed out that over a semester's time at a person's own speed, submitting the case work and taking a final exam has a lot of value to those agencies in the outlying areas who have a difficult time breaking a coroner loose for a week of training at the MLEA.

Perry Johnson placed it on the agenda to see what the Council would think about POST accepting it as an equivalency to the Coroners' Basic. Tony Harbaugh agreed that it will provide an option for some agencies. Jim Thomas pointed out that he would rather see too much information verses not enough in a training.

Perry Johnson shared that the Coroner's have had an ongoing education requirement of 16 hours every 2 years additionally. He does see the value in the scenario training but an officer gets more information in the online training so it's a sort of swap for the Council to consider.

Bill Dial made a motion and Jim Thomas seconded to accept the online training as an equivalent basic training for Coroners.

Motion carried, all members voting in favor.

Perry Johnson directed the Council to page 62 in the meeting materials. He said the U of M is proposing a 16 hour Death Investigation training that they would submit to POST as continuing education for the Coroners. They intended to hold the training in June but Perry Johnson explained to them MSPOA meets in June so they may want to reconsider the date. They are thinking about moving the training to August. After looking at the materials Perry Johnson feels like it is a good training. This training would be in addition to the 2 current continuing education opportunities already available.

Old Business (continued)

Oral Arguments of Justin Stokes' Revocation

Chris Tweeten acted as the Hearing Examiner for the Justin Stokes hearing. He asked if Mr. Stokes was present in person or by telephone. It was determined that Mr. Stokes was not present in either capacity.

Chris Tweeten shared that the process in place provides for an opportunity for appeal to the entire Council when a disciplinary action is imposed by the Executive Director. He explained that Mr. Stokes was dually notified of the opportunity to seek that review by the Council and to Chris Tweeten's knowledge that had not occurred.

Chris Tweeten asked Perry Johnson to confirm that no one in Helena has received a request for a hearing. Sarah Clerget stated that POST hadn't received a request but feels like the Council needs to take action on the proposed findings and conclusions. Chris Tweeten agreed but stated he was trying, for the record, to establish what had taken place. Sarah Clerget then stated that he did invoke his right to a hearing back in the beginning of the contested case process.

Chris Tweeten stated that wasn't his point. He wanted to know if Mr. Stokes had asked for a hearing in front of the Council and if it had been done in a timely manner. He also said for the record, it is his understanding that no request had been made by Mr. Stokes for a hearing in front of the entire Council.

Chris Tweeten asked Sarah Clerget to present the case for the entire Council and then the Council is able to engage in discussion and ask questions of Sarah Clerget if they need too. That would set the stage for a motion to confirm the sanctions that have been recommended for Mr. Stokes.

Sarah Clerget, contested case counsel for POST, identified herself. She advised that she represents POST, Perry Johnson and the Contested Case Committee through the contested case process.

Sarah Clerget directed the Council to page 30 in the meeting materials. She stated that the documents were the proposed findings and conclusions from the hearing examiner, Mr. Murphy. These proposed findings and conclusions were based not on a hearing but on a summary judgment motion that POST submitted to Mr. Murphy. Mr. Murphy has proposed that the Council grant that summary judgment motion. That would mean that there wouldn't be an actual hearing. There hasn't ever been an actual hearing, it's all based on a documentary record that POST submitted to Mr. Murphy.

The POST Status Subcommittee and Perry Johnson have determined that Mr. Stokes violated 4 subsections of the ARM 23.13.702. The subsections are (a), willful falsification, (g), willful violation of the code of ethics, (h), conduct which significantly undermines public confidence, and (k), acts that are so improper or harmful to the reputations for public confidence in the profession. (Shortened version as indicated by Sarah Clerget.)

Sarah Clerget also explained that Mr. Stokes violated 2 subsections of his code of ethics which says that he will not engage in acts of corruption, bribery or commit criminal activity and that at all times he will ensure that his character is admirable.

The facts are:

False Reporting: Mr. Stokes was an officer for the Glacier County Sheriff's Office and has been an officer since 2000. He is not currently an officer. With a notice from POST his certificates were revoked and are currently revoked.

Mr. Stokes made a report to the Conrad Police Department in 2008 saying that his estranged wife hit him in the back and on the neck, pulled him down and he bit his lip. All this happened while he was holding his daughter. He stated in his statement that that incident put him in fear and caused him injury. The next day, he signed another statement stating that it was all a misunderstanding and that there was no harm threatened and no injury. Chief Dent said in a supplemental report that the issue is now, false reporting made by Stokes.

The hearing examiner found on page 4 (33), paragraph 14, that Stokes was dishonest with the Conrad Police Department about the events of November 16, 2008.

Testimony: This had to do with the testimony that Mr. Stokes gave about the original false report. It is a sort of a lie on top of a lie. Mr. Stokes testified in court, under oath, during a hearing in 2011 that he had read and reviewed that supplemental report by Chief Dent that said the issue was now false reporting. He answered questions about it and he confirmed that Chief Dent had considered going after him for false reporting. Mr. Stokes testified that he had signed the second statement because his attorney had advised him to. The judge essentially said that he knew that attorney and it was hard for him to imagine, in fact couldn't imagine that the attorney had advised that. The judge said in the hearing that it leads him to believe that the veracity and entirety of Mr. Stokes testimony is in question.

In a different testimony in a different matter on a different day in 2013 Stokes was asked about Chief Dent's report saying he was now being considered for false reporting. Mr. Stokes testified that he didn't know about it and had no idea that Chief Dent was considering him for false reporting. When he was interviewed by POST he stated that he had never seen the report by Chief Dent and reiterated that he had never seen it in a signed letter to POST.

The hearing examiner found on that point on page 5 (34), paragraph 29, that Stokes had lied on the stand, on duty and to POST regarding whether or not he had seen a copy of his false report and Chief Dent's supplemental reports saying that he was being considered for false reporting.

EOB ~ Explanation of Benefits for an insurance issue and Mr. Stokes' diagnosis:

In court on an unrelated matter an EOB was introduced that said Stokes had an episodic mood disorder. There was a lot of testimony and talk about that during the court hearing. Stokes said in response to POST's inquiries about that that he was never diagnosed with an episodic mood disorder and he provided an EOB to POST to show that he was never diagnosed with that. POST found out later that the EOB provided to POST by Stokes was not the same EOB as was introduced in evidence. POST found that out because they got the original EOB.

The hearing examiner found on that point on page 6(35), paragraph 36, that Stokes provided a different EOB to POST then what was introduced at the hearing in order to willfully mislead POST.

Tax Returns: In a hearing in May of 2014 Stokes testified in a child custody and child support case where money was a particular issue in the hearing. Stokes testified under oath that he had filed his 2013 tax returns. The judge specifically asked Stokes very particular questions about the 2013 tax returns. The judge even called a recess so Stokes could go get the 2013 tax returns that he said he filed and bring them back to the court. Stokes said that he couldn't find them. In an interview less than a month later in 2014 with POST, Stokes admitted that he had never filed his 2013 tax returns. When he was confronted with his prior court testimony by POST, he said he only meant that he had filed an extension. In another hearing in December of 2014, Stokes filed his 2013 tax return with the court but redacted the date of his signature so the court couldn't see when he signed his tax returns, meaning when he filed them.

POST got a tax return directly from the IRS and it showed Stokes didn't file his tax return until October 13, 2014 which is 5 months after he had testified in court, under oath, that he had filed them.

The hearing examiner found on that point on page 8 (37), paragraph 50, that Stokes lied under oath about filing his tax return, lied to POST about it and continued the deception to the court by filing a redacted tax return.

POST Proceeding in front of the Hearing Examiner: When POST requested a hearing from the hearing examiner they did it in writing, and Mr. Stokes said during that request, that he hadn't received letters from POST. He said that POST had never responded to his requests. POST had certified mail receipts where those letters had been delivered to Stokes and signed for. In addition, Stokes said at various times, that he was going to show up and present 42 witnesses. In fact, Stokes never appeared after the initial scheduling conference. He didn't respond to POST's discovery request or to the motion for summary judgment. He didn't respond at all after the initial request for a hearing and the scheduling conference.

The hearing examiner found on that point on page 9 (38), paragraph 57, that Stokes lied to this tribunal, meaning the hearing examiner, regarding correspondence with POST.

Sarah Clerget reported that the conclusion to all of that is on page 12 (41), under the findings. The hearing examiner said, **"The undisputed evidence shows that Mr. Stokes has lied, repeatedly, and often under oath. POST has provided documentary evidence in the form of court transcripts, an interview transcript, police reports, United States Postal Service records, IRS documents, affidavits, and Mr. Stokes' own written statements to POST; all of which show a pattern of dishonesty."**

Sarah Clerget shared that not even counting all the individual lies in each category, there is at least 5 different categories of lying. POST has filed for summary judgment, the hearing examiner has proposed that the POST Council accept and grant that summary judgment in favor of POST. Sarah Clerget asked the Council to adopt the hearing examiners findings and conclusions, grant the summary judgment in favor of POST and vacate the hearing.

Kevin Olson made a motion and Bill Dial seconded to adopt the proposed findings and fact of conclusion of law with the correction on page 14 (43) with the mistake of 2016 should be 2015.

Motion carried, all members able to vote voting in favor.

Perry Johnson called role to be sure there was a quorum voting.

Laurel Bulson – unable to vote

Jim Cashell

Gina Dahl

Bill Dial

Tony Harbaugh – unable to vote

Kevin Olson

Ryan Oster

Tia Robbin
Jim Thomas
Lewis Matthews

A quorum was present for the vote.

New Business (continued)

Coroner Training

Perry Johnson directed the members to page 70 in the meeting materials. Jim Cashell left the meeting due to illness.

Perry Johnson told the members that a Deputy Coroner for Lewis and Clark County submitted this curriculum. This is a college level course that is conducted at St. Louis University and is a 40 hour course. The cost for the class is around \$1,000.00. Mickey Nelson is asking the POST Council to consider this an equivalency for the basic coroner's course. Perry Johnson related that he has talked to people who have gone to this course and according to them it's an excellent training. He thinks that the course would be equivalent to the 40 hour basic coroner class that is offered now at the MLEA.

Bill Dial made a motion and Jim Thomas seconded to approve the 40 hour curriculum from St. Louis University as an equivalent basic coroner course. Motion carried, all members voting in favor.

Eyewitness Identification

Perry Johnson directed the members to page 89 in the meeting materials. He reported that the letter from the POST office went out in February about an Eyewitness Identification training that was conducted at the MLEA in January and in Billings the next day.

Perry Johnson reported that through that training and outreach 114 officers were trained in Montana to the best science Eyewitness Identification. Part of the whole outreach and effort was a result of the Interim Law and Justice Committee that engaged the Innocence Project with this discussion in regards to best sciences and eyewitness discussion. Perry Johnson endorsed this because he believes it is just good business to make sure Montana is doing things right. He felt like the results were incredible with tremendous comments back from many of the participants.

Perry Johnson also shared that there was push back from some of the agencies who don't really endorse what the Innocence Project does all the time. He doesn't think that it's important to endorse them, but that the agencies are using the best science. He said within the next week or so he will run a survey to ask the agencies if they have adopted an Eyewitness Identification policy.

Duncan Hedges shared that he wasn't able to attend the training but he sent his undersheriff who had a lot of good things to say about it. He had to order a photo lineup from MATIC after the training but it was still the same format as before.

Duncan Hedges wondered if anyone from MATIC attended the training to make the changes on the photo lineup. Perry Johnson said they did send someone and he would be reaching out to them about the lineup. Duncan Hedges thinks that it should be changed.

Working Retiree Limitations

Perry Johnson reminded the members that at the last meeting there was a discussion about people who were retired and how they can keep their certification. He reached out to PERS. He told them he was retired from the Sheriff's Office and asked if he could still work. They said that he could and he could find the information on their website. He printed out the information and said it could be found on pages 91 and 92 in the meeting materials.

Perry Johnson let everyone know that Laurel Bulson has a retirement date of June 25, 2016 from the Lewis and Clark Sheriff's Office. The next meeting will be her last meeting as a Council member.

Budget Report

Perry Johnson asked the group to turn to page 93 to look at the budget report. He feels like the budget is in very good shape with plenty of money for the legal and operating expenditures. He thinks there is a possibility that there will be some money to roll over but there are a couple of contested cases that are looming.

POST Council and Committee Meetings/Legislative Update

Perry Johnson shared that several meetings ago there was discussion on the frequency of the POST Council meetings. He would like to see the subject on the agenda for the next Council meeting. The reason he placed it on the agenda today was to get the members to think about it. He thinks that face to face meetings create better business in the meetings. He thinks input gets lost on the phone meetings. He would like the members to think about it for the next face to face meeting which is June 1.

Perry Johnson also mentioned that he would like to have the ARM Committee and the Business Plan Committee meet on the afternoon before the next Council meeting to discuss what the legislative package and the ARM updates would look like. Those two committees would have an opportunity to meet with each other and have a product to present to the full Council.

Laurel Bulson asked Perry Johnson if he was still planning to meet with the 2 officers from her agency who would like to make suggestions about the ARMs. Perry Johnson said he would see if they wanted to join the ARM committee and have input to the full Council.

Perry Johnson reminded the Council that he has enlisted the help of Kirsten Madsen to review some of the statutes and the interactions they have with the ARMs. He felt like things are moving forward in a productive way. He hoped by the next time the Council meets in June there will be a draft submitted by the Business Plan Committee.

Certificates Awarded

Perry Johnson directed the members to page 94 in the meeting materials. He reported that the staff issued 214 certificates. He also reported that 1,062 certificates were awarded in 2015.

Equivalency

Perry Johnson reminded the Council that back in September the Council delegated the authority to Perry Johnson to grant Equivalency to officers. He shared that the office is now processing the EQ requests as they are received so the agencies are able to get the officers into an EQ class. There were 14 equivalency requests granted.

Extensions

Perry Johnson stated that he granted 8 extensions requests.

Case Files

Perry Johnson directed the members to page 100 in the meeting materials. There are 2 cases that are currently being contested. He said that the hearing examiner for 1 of the cases will be Jeff Sherlock and the other contested case will have a hearing examiner from the Department of Labor and Industry.

Office Updates

Sugar CRM

Sugar CRM is the database that POST purchased a year ago in June. Part of the transition into that database is moving the data from the old database into the new database. POST brought in a temp at the first of the year to help clean up the data so when it is moved the data will be current. Perry Johnson said we are still very pleased with Justin Stolp who is the project manager.

Perry Johnson shared that part of the discussion the staff has had with Justin Stolp is what is going to be available to the public. At this point if anyone contacts POST we have to provide the training records for the person making the request. If an officer wants their training records they have to know their login and password. That is a subject the staff and Council are trying to figure out. There is concern by some of the members that if anyone and everyone has access to a training record of an officer they may be able to figure out who may be a soft target.

Kevin Olson agrees that the records are for the most part in the public domain. He feels like agencies and officers should be notified beforehand when a request has been made. He thinks that would give the agency or officer time to seek legal intervention to restrict or outright deny access to the document based upon a legitimate finding. He asked Sarah Clerget and Chris Tweeten to weigh in on the subject.

Sarah Clerget likes what Kevin Olson said about they will be released unless a court or some other legitimate interest intervenes. She believes the training records are public and need to continue to be public. She does recognize that there may be instances when it may be a problem. She thinks the onus needs to be on the officer or the agency to raise that question with POST or with a finder of fact, such as a court.

Chris Tweeten agrees with what Sarah Clerget said. He doesn't think that the right to individual privacy outweighs the public's right to know in respect to these training records. He said it is hard to predict what a court would say but it's more likely than not that these officers are public employees and the training is paid for by public dollars so the court would rule that the records are accessible to the public.

Kevin Olson pointed out that across the nation as well as in the state there are cases where the officers are being targeted and stalked. He asked Truman Tolson to speak up about the female officer who was being stalked in Missoula. He wondered if the other female had had access to the officer's records, how would that have played into the situation. Kevin Olson is asking for a window of delay for notification to the officer and agency to give them an opportunity to seek some judicial remedy one way or another.

Truman Tolson agreed with what Kevin Olson had to say. He reported that the person who was stalking Stacy Lear was convicted and is serving some time. He is concerned about the undercover drug guys and thinks there should be a policy about the release of records. He spoke about other incidences and agrees on a notification of some sort before they are released.

Chris Tweeten thinks that the protection of the identity of an undercover officer which is intimately connected to their safety in the work that they are doing tips the scale in favor of not disclosing information about those officers that might tip off the public that they are acting in an undercover capacity. To a certain extent Chris Tweeten thinks that the policy has to provide for on a case by case consideration of the situation.

Tony Harbaugh asked if this should go before a committee. Perry Johnson would like to work with Chris Tweeten and Sarah Clerget on a recommendation to bring to the next meeting. He said that the way it appears to him is the information will have to be vetted through POST before it can go out the door. The issue here is there are lots of requests that come to POST and the follow up is going to be tough for the staff to carry out.

Tony Harbaugh asked that a draft be put together and pushed out before the next meeting in order to have time to review.

Perry Johnson shared that he approved 382 trainings last year. He thinks that the stakeholders are understanding the process and realize they can host a training and are doing so.

Kevin Olson spoke about the possibility of charging for the cost of filling the records request. Chris Tweeten responded that recouping the costs for the right to know requests haven't been thoroughly tested in Montana. There will be a test case sooner or

later where the courts will decide if it's constitutional for a state agency to charge. Chris Tweeten has created a draft policy for POST in respect to the right to know records request that line up with the 2015 amendments that have been adopted towards statute. He really doesn't want POST to be the test case. He feels like it will be a hard case to litigate, be costly, take a tremendous amount of time and there is a good chance POST would lose.

Bill Dial stated that they were faced with the same issue in Whitefish. The former City Attorney researched and decided that reasonable fees could be charged for the staff's time and shipping costs. They have had that process in place for about 5 years without any pushback.

Perry Johnson reminded the Council that the staff has a hard time processing what has to be processed now. The discussion about the added processes takes people. To process the cost of the processes takes people too. He pointed out that Mary Ann Keune acts as the Administrative Officer as well as the Administrative Assistant and there just isn't the staff to process cash.

Perry Johnson said that part of the discussion at the next Council meeting will be what the members want POST to look like. What do the members envision the primary responsibilities to be and where do they want to go with that.

Mary Ann Keune shared that along with the 386 trainings that Perry Johnson approved there were about 1000 other trainings that individuals submit that have to go through the same process for approval. There are also 22,000 records in the database that have to be cleaned up. There is a temporary staff working on the cleanup for the database. She pointed out that the staff is stretched thin.

Perry Johnson is hoping the Business Plan Committee will be able to look at all this and be involved in the draft that comes back to the Council at the next meeting.

Reserve Officers

Perry Johnson reported that within a week of the last meeting Rick Musson submitted his Reserve Officer curriculum to POST. Rick Musson's curriculum is about 150 hours of training. Perry Johnson intends to give the MLEA staff the curriculum to vet against the training requirements they gave POST earlier.

Death Investigation Training

Perry Johnson shared that he feels like the Council is doing the right thing by annually sponsoring a death investigation training in December. He asked if the Council wants to continue sponsoring the training. Tony Harbaugh said that as a coroner himself he sees the value to it. With the turnout and the numbers being trained in person, he supports keeping it in place.

Coroner Basic Class

Perry Johnson told the Council that Bob Edwards, Sheriff from Cascade County and Bob Rosipal have been conducting the training for the last 4 years. All POST does for them is make copies and they line up the training presenters. He pointed out that they are great partners for the Council.

COMMITTEE REPORTS:

ARM Committee: ~ Bill Dial ~ Nothing new

Coroner Committee: ~ Jim Cashell ~ No report

Case Status Committee ~ John Strandell ~ Perry Johnson told the Council that at the next meeting there will be a report on the committee. They do a tremendous amount of work. He reported that at the last Case Status Committee meeting there were 454 pages of documents to review.

Curriculum Committee: ~ Jim Thomas ~ Nothing new

Business Plan/Policy Committee: ~ Kimberly Burdick ~ Perry Johnson stated he is hoping to have the committee meet face to face and work out a product to present to the whole Council especially in regards to ARMs and a Legislative package. He is going to be presenting to the Interim Law and Justice Committee. He also would like to share with POST's shareholders so they are aware of what the legislative package is going to look like.

Perry Johnson shared that there are a lot of balls in the air and the POST is gaining momentum. He warns that it will be very intense in the next year with lots to do.

Perry Johnson shared that his wife is having medical issues and he will be absent from time to time while they are trying to deal with the situation. Tony Harbaugh commented that everyone would keep them in their thoughts and prayers.

Bill Dial told Perry Johnson that he will be praying for them. He shared that Perry Johnson and him have been talking about the role of the staff. He thinks it is important for the Council to be thinking just what the role of the staff is. He questioned whether POST should be the receptacle for all the training records or should that be the responsibility of the agencies. He also knows that the staff that is here wasn't hired to be experts in training curriculum. Another option might be for the MLEA to look at the certified curriculum. He wants the Council to be thinking of ways to get some of the work load off of the staff.

Jim Thomas made a motion and Laurel Bulson seconded to adjourn the meeting.

Submitted by
Mary Ann Keune
MAK
5/16/16

Johnson, Perry

From: Klostermeier, Kevin
Sent: Tuesday, January 6, 2015 9:38 AM
To: Johnson, Perry
Subject: RE: State Standards for Police Service Dogs
Attachments: MLECA.zip

Perry,

There is a lot of information here. I worked on this for over a year compiling input from several Montana agency supervisors as well as existing certifying organizations. The powerpoint for the evaluators training is not complete because I was in the process of finishing that when this entire project was shot down. I would be happy to sit down over a cup and discuss this with you as I'm sure just looking at the information without explanation could be confusing.

The initial plan was to form an independent association much like the Montana Narcotics Officers Association or the Sheriff and Peace Officers Association which would schedule training and certifications and would self-fund through membership and donations to at least assist the evaluator with travel costs and to purchase certification forms etc. An association would not necessarily need to be formed if POST or the academy picked this up. Either way, I don't know which would be best. There are several options I guess which could be discussed and decided upon. Im open to anything as long as the end result is offering a certification to Montana's LE K9's.

Again let me know if you would like to meet or if I can explain anything.

Kevin

From: Johnson, Perry
Sent: Wednesday, December 31, 2014 12:50 PM
To: Klostermeier, Kevin
Subject: Re: State Standards for Police Service Dogs

Kevin,

Happy New Year!

Please send me what you have, I'll look it over and we can visit about the next step.

Thanks!

Perry

Sent from my iPhone

On Dec 31, 2014, at 12:45 PM, "Klostermeier, Kevin" <KKlostermeier@mt.gov> wrote:

Perry,

Hope you had a Merry Christmas!

I see that on January 1st, 2015, Nebraska will implement mandatory standards for all LE K9 teams in their state. They previously had standards which were available but not mandated.

Several years ago I approached the Montana POST council with a recommendation that we establish minimum standards in Montana. I had developed reasonable minimum standards which had been viewed and approved by K9 team supervisors around Montana at that time in the areas of narcotics detection, explosives detection, suspect apprehension, building search, area search, tracking, article search and obedience.

I sent a packet to the council and spoke to them via teleconference on the topic. It was shot down I learned because some Montana LE administrators did not want to be mandated any more standards to meet. I did then and still think that is ridiculous. We have minimum standards and requirements for several areas in LE. With the liability associated with police K9, it seems only logical to require some sort of minimum standard requirement. I don't know how many states still do not have minimum standards but we are definitely in the minority.

What are your thoughts on this? Do you see any point in re-addressing the issue? Do you think we could establish and make available a non-mandated minimum standard which may eventually become mandated?

I know there are police K9 teams around Montana being utilized on the road which have never been evaluated to any standard. I think it's a recipe for disaster not only for that agency but for LE K9 statewide.

There are several national certification standards available which many Montana LE agencies already utilize. Maybe it would be more agreeable to LE administrators if they could be exempt from a Montana K9 standard as long as they participate in some credible national certification standard. That way agencies could be in control of what certification standard they participate in.

Let me know what your thoughts are. I would be happy to provide you and/or the council with what I put together years ago if you think it's worth looking into.

Happy New Year!

Agent Kevin Klostermeier

Montana Department of Justice

Division of Criminal Investigation

Investigations Bureau Major Case Section

Bozeman, MT

Desk: 406.585.4130

Mobile: 406.438.3134

Fax: 406.586.9826

kklostermeier@mt.gov

<image003.jpg>

Montana Law Enforcement Canine Association

Certified K9 Evaluator

To become a Certified MLECA Evaluator your application will be reviewed by the MLECA executive board. Acceptance will be based on variables such as need, region, background, recommendations etc. In order to be considered for acceptance, you must meet the following criteria:

- 1)) You must be a Montana P.O.S.T. certified or federally commissioned peace, detention, corrections, or probation and parole officer or active duty military police;
- 2)) Have at least three (3) years of canine handler experience;
- 3)) Have a minimum of one hundred fifty (150) hours of documented, law enforcement K9 related advanced training beyond basic handler course;
- 4)) Successfully complete the P.O.S.T. certified K9 Evaluators course;
- 5)) Evaluate four (4) K9 teams under the supervision of a current MLECA K9 Evaluator, and;
- 6) Submit a MLECA K9 Evaluator Application packet to the MLECA executive board, which must include;
 - a) Transcripts, certificates, diplomas, or other documents that substantiate the applicants education and training in the K9 field, and;
 - b) A letter of interest describing in detail your reasons for wanting to be a MLECA Evaluator
 - c) A letter of recommendation from a current MLECA K9 Evaluator

MLECA encourages you to set up your own personal file to maintain all information pertaining to your evaluator status including information and records on K9 teams that you have evaluated.

Once you have attained MLECA K9 team Evaluator status, your certification will be valid for a period of two (2) years. At the end of the two (2) year period, you will be required to submit a copy of your evaluator log in order to re-certify. The log must show that you have conducted at least two (2) K9 team evaluations in the two (2) year period.

In the event you have not conducted the required two (2) evaluations and you wish to re-certify as an evaluator, a letter outlining the reasons you have been unable to meet the criteria must

be submitted to the MLECA executive board. The board will determine recertification based on variables including, need, region, and explanation.

By Laws

ARTICLE 1:

This association shall be known as the Montana Law Enforcement Canine Association (MLECA)

The MLECA is a non-profit organization that will accept donations and will use those donations for the purposes of assisting K9 programs with training and equipment needs. In the event that the MLECA is dissolved, all remaining funds will be given to a charitable organization which the executive board chooses.

ARTICLE 2:

OBJECTIVES

To unite and assist all Law Enforcement Agencies in the training and continued improvement of all police service dogs.

To establish a working standard(s) for all Police work dogs in the state of Montana

To provide the opportunity for training credits through Montana P.O.S.T., and through training seminars and workshops.

To improve the professional image of the Police work dogs in the state of Montana.

ARTICLE 3:

MEMBERSHIP

Section A:

The membership of the association shall consist of persons who are received in or elected to membership as provided.

Section B:

Regular members- Full membership in this association shall be open to any sworn Law Enforcement Officer, working in Montana (state, county, municipal, or corrections) who is a canine handler, trainer, supervisor, or administrator. Regular members shall be considered voting members of the association. If regular member is a canine handler, that team will be required to certify to MLECA standards.

Section C:

Associate members – An associate member shall enjoy all privileges except that he/she shall not have any voting privileges, nor shall serve on the executive board. Associate members shall be accepted upon a majority vote by all attending members.

Associate members may include:

1. Any sworn Law Enforcement Officer, Military Police, Federal Officer, or State Officer working outside of the state of Montana, who is or was a K9 handler, trainer, supervisor, or administrator.
2. Any retired Law Enforcement Officer who was a K9 handler, trainer, supervisor, or administrator but is no longer active.
3. Any person who trains who trains canines for an established Montana Law Enforcement agency and sponsored by a regular member.
4. Any non-law enforcement certified team of handler and K9 sponsored by a regular member.

5. Departments may elect to participate in Associate membership and would fall under an exception in that there would be an annual fee of \$40.00 and the Department would be allowed to have up to three (3) k9 supervisors under one membership.
6. Associate members may include, but are not limited to the following areas of certification:
 - a. Narcotics Detection
 - b. Tracking
 - c. Obedience
 - d. Search and Rescue
 - e. Explosive Detection
 - f. Accelerants
 - g. Cadaver
 - h. Aggression
 - i. Area Search
 - j. Building Search

ARTICLE 4:

DUTIES OF DIRECTORS

No officer, director, or member serving on a committee as such shall receive any salary or compensation for services rendered to the MLECA. Reimbursement may be paid for expenses incurred reasonably and necessarily while conducting the affairs of the MLECA.

EXECUTIVE BOARD:

The executive board consists of the elected MLECA officers. Their duties are to oversee the working order of the MLECA and to appoint members to committees as needed as well as review all complaints and protests. Specific duties for each office include:

PRESIDENT

It shall be the duty of the President to call and preside at all regular and special meetings. He/She shall cast the deciding vote in the event of a tie. He/She shall see that the bylaws and rules and regulations are followed. He/She shall appoint the following committees: Membership, Election, Legislative and any other committees deemed necessary to conduct the affairs of the MLECA. He/She shall perform such other duties as are usual and incidental to the office of President.

VICE PRESIDENT

The Vice President shall actively assist and support the President in his/her duties, and shall be the President Pro-Term in the absence of the President, during which the Vice President shall assume all the duties and responsibilities.

SECRETARY

The Secretary shall record the minutes of the meeting, handle the notation and notification of members dues and all membership notifications.

TREASURER

The Treasurer shall oversee all finances and make all necessary payments of bills.

REGIONAL DIRECTORS

There shall be a regional director elected for each of five (5) regions within the state of Montana. Regional Directors will be responsible for promoting the MLECA in their respective region. Regional directors shall act as a point of contact for members and

potential members within the region. Regional directors shall arrange certifications, training, seminars and or workshops as needed or requested by members within their respective region. When possible the member voted to regional director shall reside and or work within that region. This shall be waived if no nominations are available for that region. The five regions shall be as follows:

Region 1:

Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith Basin, Liberty, Pondera, Teton and Toole.

Region 2:

Flathead, Granite, Lake, Lincoln, Mineral, Missoula, Powell, Ravalli and Sanders.

Region 3

Beaverhead, Broadwater, Deer Lodge, Gallatin, Jefferson, Lewis and Clark, Madison, Meagher, Park and Silverbow.

Region 4

Big Horn, Carbon, Golden Valley, Musselshell, Petroleum, Stillwater, Sweet Grass, Wheatland and Yellowstone

Region 5

Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Phillips, Powder River, Prairie, Richland, Rosebud, Roosevelt, Sheridan, Treasure, Valley and Wibaux.

ARTICLE 5:

ELECTIONS

All candidates for the office shall be nominated at the general membership meeting. All candidates must agree to the position being nominated for.

Election of officers will be held every two (2) years.

ARTICLE 6:

MEETINGS

A quorum shall consist of one more than half the number of regular members belonging to the MLECA and the executive board. The President shall call at least one (1) general membership meeting during the calendar year. He/She shall set the date or dates for such meetings with the approval of the majority of the executive board. There shall be at least one (1) annual executive board meeting as well. All executive board members shall be notified adequately in advance as to any and all meetings.

ARTICLE 7:

BYLAWS

Amendments, Additions or Deletions: It shall be the duty of the Bylaws committee, which shall consist of two (2) members appointed by the President, to codify all proposed changes, additions or deletions to the Bylaws. All proposed changes must be submitted in writing to the Bylaws committee. The Bylaws committee shall present the proposed changes to the executive board. The executive board shall present the final form of any amendment, addition or deletion to the regular members at the annual general membership meeting for a vote. Two thirds (2/3) of the regular membership present must vote in favor of the amendment, addition or deletion for it to pass.

ARTICLE 8:

DUES

The annual dues of the MLECA will be \$35.00 for regular membership. Associate membership dues shall be \$20.00. Dues will be collected by February 1st of each calendar year. The Treasurer shall mail late notifications after February 1st to all members yet to pay dues. Members whose dues have not been paid by April 1st will be considered delinquent and dues not paid by May 1st shall subject the member to termination of membership. The Treasurer shall notify the Secretary of those members who are subject to termination of membership.

The Treasurer shall deposit all monies collected from dues into a checking account maintained by the MLECA. No funds may be withdrawn from this account without the signatures of at least two (2) of the four (4) listed signatories on the check or withdrawal. (Signatories shall consist of the President, Vice President, Secretary and Treasurer of the MLECA)

ARTICLE 9:

SERGEANT AT ARMS

The President shall appoint one (1) member Sergeant at Arms. It shall be his/her duty to preserve order at all meetings, prevent unauthorized persons from attending meetings and perform such duties as may be directed by the President.

ARTICLE 10:

RULES AND REGULATIONS

General membership meetings shall be conducted as per "Roberts Rule of Order" to maintain consistency and order.

ARTICLE 11:

IMPEACHMENT

Any officer or member may be removed from the MLECA for personal conduct that may bring discredit upon the Association.

ARTICLE 12:

CODE OF ETHICS

Section A:

The application for membership shall provide that the applicant, if elected, agrees to abide by these Bylaws and rules adopted by the Executive Board. He/She further agrees to abide by the Code of Ethics.

Section B:

No member will act in a manner prejudicial to the Association or to the best interests of the Association. No member will knowingly falsify any record or document in connection with the MLECA. During any MLECA workshop, certification, or other event, no member will conduct him/herself other than in accordance with the highest standards of fair play and good sportsmanship.

Section C:

Any member in good standing may prefer charges against any other member for alleged misconduct. Such charges must be in writing signed by the complainant, setting forth the facts upon which the charges are based in a concise summary manner, and shall be filed with the Executive Board. The complainant must agree to appear and furnish full evidence in support of the charges if requested to do so. The Executive Board will then proceed as described in Article 11.

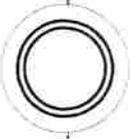
SECTION D:

Discipline may include the temporary suspension of privileges, censure, expulsion or any other appropriate action.

SECTION E:

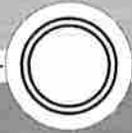
If the Executive Board finds that a member in preferring charges against another member did so for spurious reasons, out of improper motives and if the charges are false and without foundation, the Executive Board may take appropriate disciplinary action against the complainant.

Montana Law Enforcement Canine Association



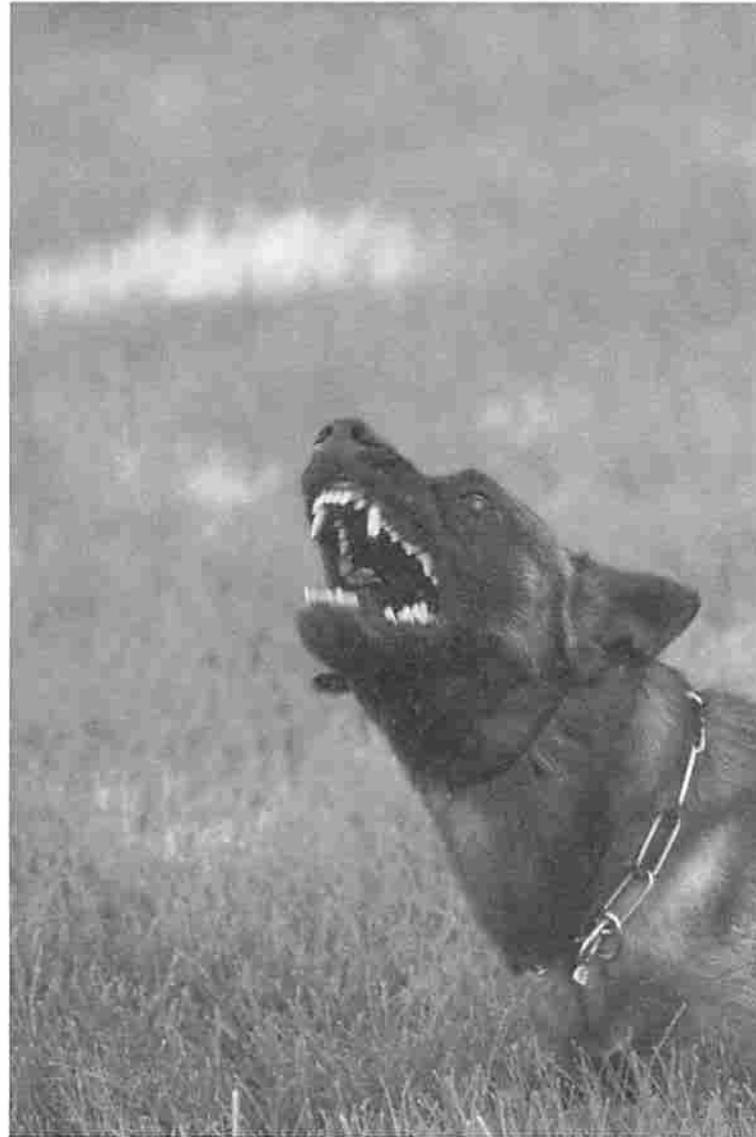
- Evaluator Training Course





Evaluating K9 Teams

This is an 8 hour Course which will be made up of 4 hours of classroom and 4 hours of hands on field work.



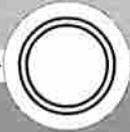


Course Goals

The goal of this course is to provide instruction on the duties of the K9 evaluator

Upon completion the student will know the responsibilities of the K9 evaluator and demonstrate the ability to complete a fair evaluation of the Police K9 team performance





- MLECA K9 Team Evaluations

Agenda

Why do Evaluations?

Primary duty of a K9 Evaluator

Primary responsibilities of an Evaluator

Performance Standards

Courtroom testimony

Practical observations

TEST

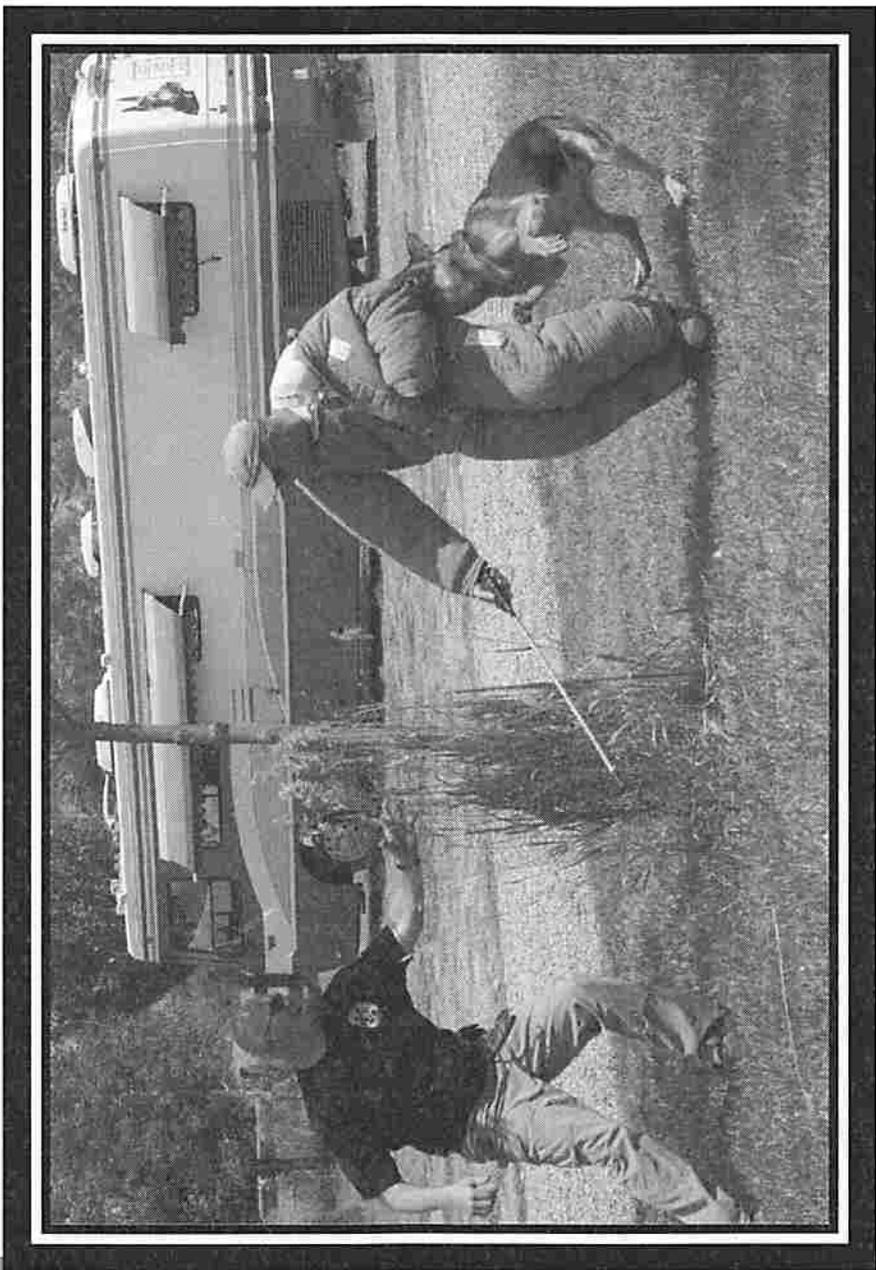




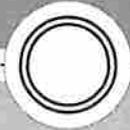
Evaluator Requirements

MLECA requires that an evaluator have sufficient knowledge and expertise in the handling of K9's to not only accurately assess the team, but be credible as a witness upon testifying in court on behalf of the team and the MLECA.

• MLECA K9 Team Evaluations



• MLECA K9 Team Evaluations



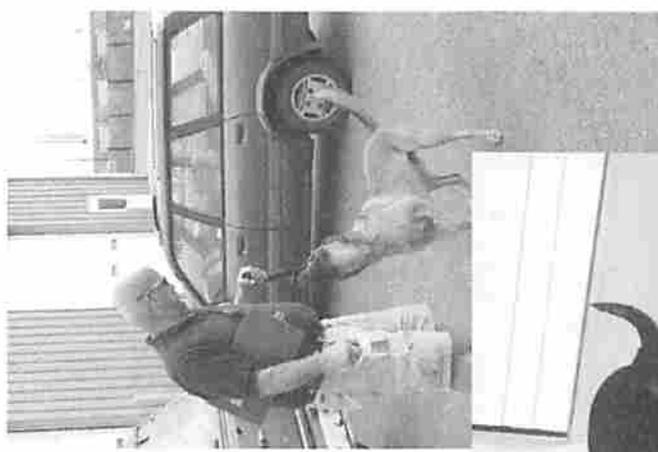
Evaluator Requirements

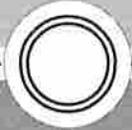
- (You must be a Montana P.O.S.T. certified or federally commissioned peace officer or corrections officer;
- (Have at least three (3) years of canine handler experience;
- (Have a minimum of two hundred forty (240) hours of P.O.S.T. certified K9 related training;
- (Successfully complete the P.O.S.T. certified K9 Evaluators course;
- (Evaluate two (2) K9 teams under the supervision of a current MLECA K9 Evaluator, and;
- Submit a MLECA K9 Evaluator Application packet to the MLECA executive board, which must include:
 - Transcripts, certificates, diplomas, or other documents that substantiate the applicants education and training in the K9 field, and;
 - A letter of interest describing in detail your reasons for wanting to be a MLECA Evaluator
 - A letter of recommendation from a current MLECA K9 Evaluator



Why do Evaluations

- MLECA K9 Team Evaluations



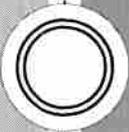


- MLECA K9 Team Evaluation

Primary Duty

The primary duty of the K9 Evaluator is to ensure compliance with the voluntary standards established by the MLECA for the evaluation of a K9 team.



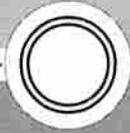


Primary Responsibility

1. To ensure no conflict of interest exists between yourself and the team being evaluated.
2. To ensure that the site and all equipment are adequate for conducting the evaluation
3. Review all required documentation

• MLECA K9 Team Evaluation





Document review

Ensure that K9 team has been exposed to training that has prepared the team for all phases of the evaluation.

Team agency has K9 policy in effect.

- MLECA K9 Team Evaluation





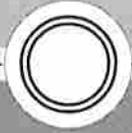
Handler Training

Any handler seeking certification shall have received training in the following general areas:

- Philosophy / theories of Police K9
- Legal and liability aspects including Department policy
- Public relations
- Care and maintenance

• MLECA K9 Team Evaluations





Team Training Records

Any team seeking certification should have documentation of training received in the following areas:

Obedience and control

Tracking

Area Search

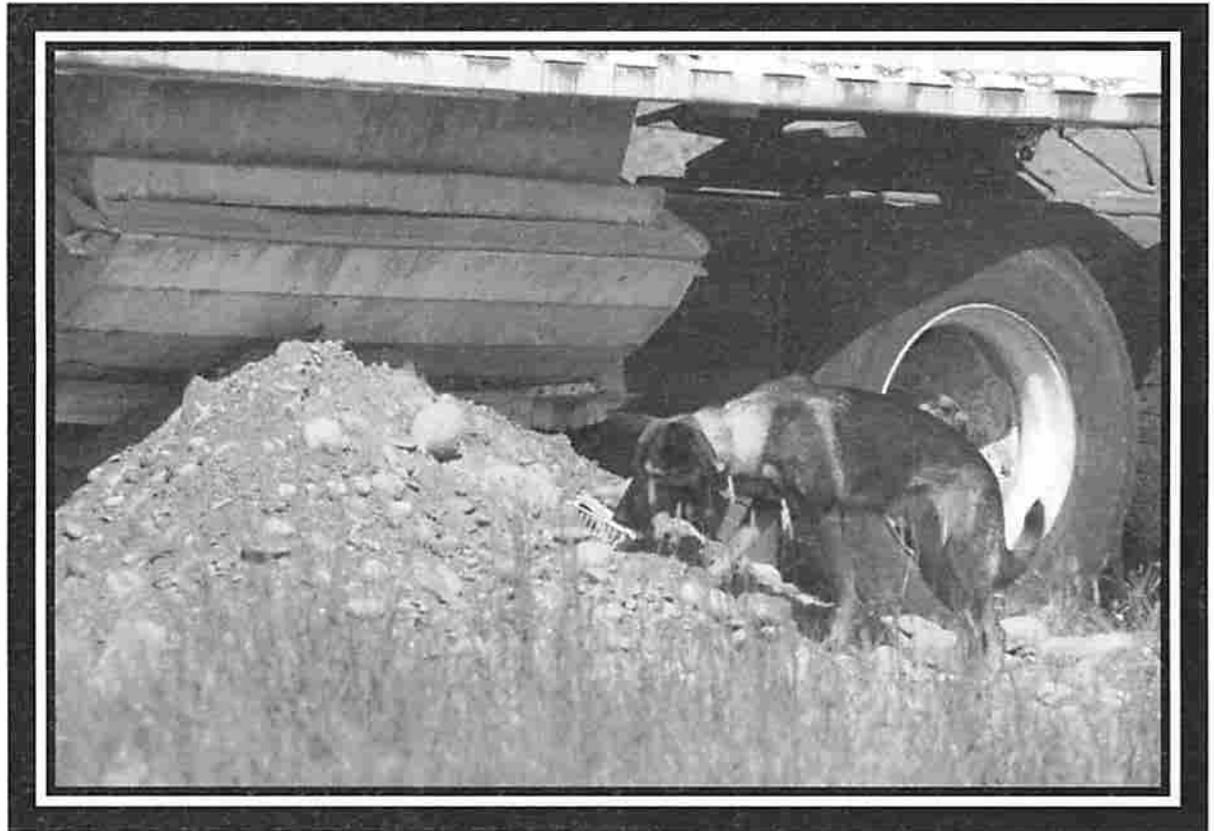
Building Search

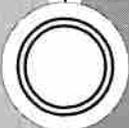
Article Search

Apprehension

Odor Detection (narc,
bomb etc.)

- MLECA K9 Team Evaluations





Training Record Review

Review of K9 team training must be done without personal bias or prejudices.

The evaluator MUST RECOGNIZE there are many and varied schools of thought and philosophies in the area of K9 training

• MLECA K9 Team Evaluations



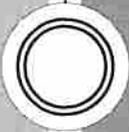


Evaluating vs. Training

The evaluator is charged with the primary duty of maintaining MLECA standards, not of implementing the evaluators personal version of K9 training.

- MLECA K9 Team Evaluations





Communication with the Handler

Aware of mannerisms
of the K9

Aware of commands
used by the handler.

Unless there is specific
methods dictated by
standard, the evaluator
should allow the
handler latitude for
working K9 through the
evaluation.

Cruelty to the dog will
NEVER be tolerated !

• MLECA K9 Team Evaluations





K9 Team Failure

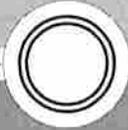
It will happen

It is the evaluator's responsibility to inform the handler of the area or areas where deficiencies were noted.

It is the discretion of the evaluator whether the deficiency can be corrected and re-tested or if more training is needed.

• MLECA K9 Team Evaluations





Sponsor Responsibility (regional rep)

Arrange the evaluation

Notify POST

Provide assisting
personnel

Arrange for equipment
and materials

Arrange suitable area

Provide notice to
members of Eval
opportunity

• MLECA K9 Team Evaluations





Evaluation Records

Used to create training files

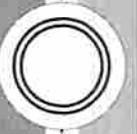
Used to generate certificates

Must be accurately and promptly filled out

Must be submitted to MLECA Secretary within 14 days of evaluation

• MLECA K9 Team Evaluations





Record Keeping

All evaluation forms used to record K9 team evaluations shall be a 3 part NCR

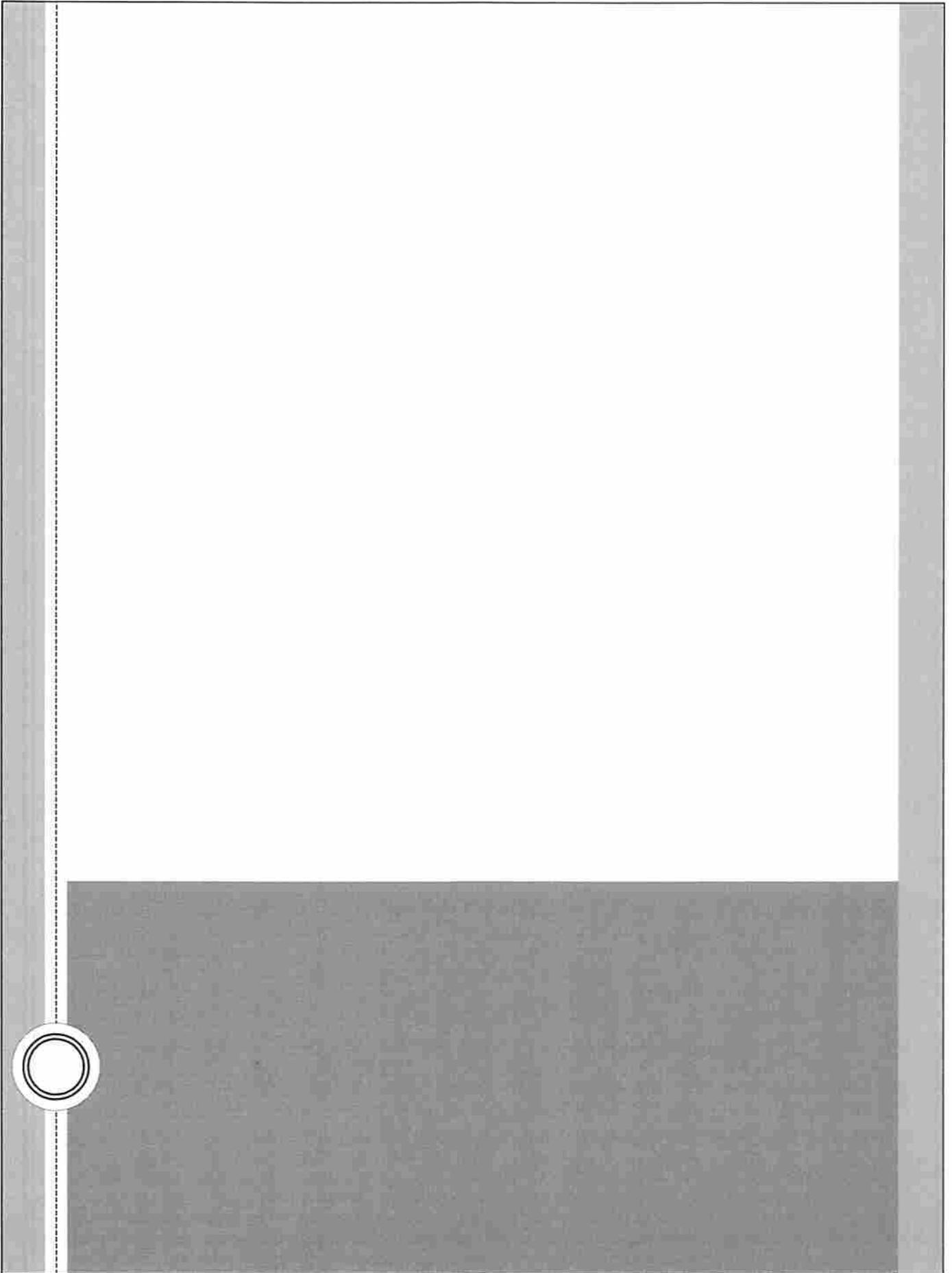
White – To MLECCA Secretary

Yellow – To handler

Pink – Evaluators copy

• MLECCA K9 Team Evaluation





Montana Law Enforcement Canine Association

Detector Dog Score Sheet

Handler: _____ K9: _____ Date: _____

Agency: _____

Vehicle Search (substance, amount, location)

#1 _____	Pass	Fail
#2 _____	Pass	Fail
#3 _____	Pass	Fail
#4 _____	Pass	Fail

Building Search (substance, amount, location)

#1 _____	Pass	Fail
#2 _____	Pass	Fail
#3 _____	Pass	Fail
#4 _____	Pass	Fail

Large Vehicle Search (substance, amount, location)

#1 _____	Pass	Fail
----------	------	------

Distraction Odor (substance, location)

#1 _____	Pass	Fail
----------	------	------

Evaluator _____ Phase _____

Comments _____

Evaluator _____ Phase _____

Comments _____

Evaluator _____ Phase _____

Comments _____

MLECA

NARCOTIC DETECTOR DOG SCORE SHEET

Handler Name: _____ Dog: _____ Date: _____

Agency: _____

Vehicle Search Certifying Official _____

1. _____ pass fail

2. _____ pass fail

3. _____ pass fail

4. _____ pass fail

Building Search Certifying Official _____

1. _____ pass fail

2. _____ pass fail

3. _____ pass fail

4. _____ pass fail

Large Vehicle Search Certifying Official _____

1. _____ pass fail

Distraction Certifying Official _____

1. _____ pass fail

Montana Law Enforcement Canine Association

Detector Dog Certification

- The area to be used will be at the discretion of the Evaluator.
- The dog will wear only “on-duty” equipment
- All finds will be planted a minimum of 30 minutes prior to testing
- Evaluators may terminate the certification at any time.
- Evaluators must be notified of any protest at the conclusion of the certification
- Protests which cannot be resolved must be put in writing and submitted to the standards committee for resolution.

- **Minimum allowable weight of 15 grams – maximum 2 lbs.**
- **A false indication, a missed odor or a hit on a distraction odor all count as an incorrect response**
- **Handler must identify (call) finds verbally**
- **No time limit but Evaluator may stop certification if dog obviously not searching**
- **At least one find from each category of explosives**
- **Search areas may be added to accommodate testing of additional odors**

Montana Law Enforcement Canine Association

Narcotics Certification

Vehicle Search 4 vehicles 1 blank

(one exterior and one interior for each live vehicle) 1 Distraction

Building Search 5 rooms 1 blank

Large Vehicle Search 1 find

(Bus, airplane, truck etc.)

- Second incorrect response throughout certification is a failure.
- Hit on distraction odor counts as an incorrect response.

Examples of distractions

- Food
- Clean packaging material

Basic odors for certification

- Marijuana
- Methamphetamine
- Cocaine
- Heroin

(Teams certifying in less than all four odors will still be required to have same number of finds. These will be arranged at the discretion of the Evaluator)

- All substances must be planted a 30 minutes prior to testing
- Minimum allowable weight of 5 grams

- A false indication, a missed odor or a hit on a distraction odor all count as an incorrect response
- Handler must identify (call) finds verbally
- No time limit but Evaluator may stop certification if dog obviously not searching

Montana Law Enforcement Canine Association

Apprehension and Arrest

This test is designed to show the dogs ability to apprehend a violent suspect by biting and holding until commanded to release by the handler. The dog must remain under control during simulated handcuff and pat-down of decoy.

Procedure:

- The dog will be deployed off lead.
- The decoy will wear protective clothing i.e. Bite suit, exposed sleeve, concealed sleeve etc. (concealed sleeve will be at joint consensus of decoy and Evaluator after establishing bite sureness of dog)
- The decoy will appear at a distance of approximately 30 yards from the handler and dog. The handler will issue two announcements to the decoy. After the first announcement, the decoy will begin to jog away from the team. The dog must not pursue the decoy until commanded to do so.
- Following the second announcement, the handler will deploy the dog to apprehend. The dog will pursue and engage the decoy by biting and attempt to subdue.
- Upon being engaged by the dog, the decoy will stop jogging and begin to physically resist the dog until ordered to stop. The decoy will comply with the order to stop.
- The handler will command the dog to release the bite and the dog will release. (handler will be limited to 4 verbal attempts to order the dog to release. The handler must be at least 10 feet from the decoy and dog while issuing release command)
- Upon release, the handler will take control of the dog then simulate handcuff and pat-down search of decoy.
- Handler will return to dog and dismiss the decoy.
- The dog must not re-engage the decoy with aggressive contact after initial release.
- Dog must remain under control during arrest simulation

Release: When the handler verbally commands the dog to release the dog shall:

1. Respond to the command of the handler by releasing
2. Remain alert and ready to respond to furtive movement
3. Shall not re-engage with any aggressive contact with the decoy.

Montana Law Enforcement Canine Association

Area Search

This test is designed to simulate a suspect which has fled into an open area with several areas of concealment

Area Type

- Open fields, warehouse complexes, fenced storage lots etc.
- Area to be searched will be approximately 150 ft. by 150 ft.
- There will be a 10 minute time limit

Decoy

- Will be hidden for a minimum of 10 minutes prior to test
- Will be in a safe hide with no bite equipment
- The test may be done on or off lead
- The deployment is to simulate an actual scenario utilizing tactics. The handler will act in compliance of their department policy regarding announcements.
- The dog's indication to the location of the decoy must be obvious.
- The test is complete when the handler calls the location of the decoy and takes control of the dog.

Miscellaneous

Being unable to forecast testing sites, several are listed to accommodate available sites. The Evaluator will make the final determination of which site to use and where the decoy will be hidden. The Evaluator will determine appropriate times between searches. Every effort will be made to make all searches fair and reasonable, yet designed to challenge the teams ability.

Montana Law Enforcement Canine Association

Building Search

This test attempts to simulate a working situation where a suspect is avoiding apprehension by hiding within a building. The decoy will be concealed in a safe hide with no equipment and the Evaluator will accompany the handler.

Building Types

- Residential dwelling, warehouse, barn, open garage/shop, office building, school, hotel/motel etc. Building will be approximately 1000 – 1500 square feet.
- There will be a 10 minute time limit.

Decoy

- Will be hidden for a minimum of 10 minutes prior to test
- Will be in a safe hide with no bite equipment
- The test will be on or off lead utilizing only on-duty equipment. The deployment will simulate an actual scenario utilizing tactics.
- Handler will act in compliance of their department policy regarding announcements.
- The dogs indication to the location of the decoy shall be obvious.
- The test ends when the handler calls the location of the decoy and takes control of the dog.

Miscellaneous

Being unable to forecast testing sites, several building types are listed to accommodate available buildings. The Evaluator will make the determination of appropriate times between searches. An effort will be made to make all searches fair and reasonable, yet challenge the teams ability.

Montana Law Enforcement Canine Association

Call Off

The K9 team will begin the search of an area on or off-lead with available places to conceal a decoy. At some point during the search, the decoy will come out from hiding at a distance of approximately 40 yards. The decoy will jog away from the K9 team and the dog will be sent to apprehend the decoy. The handler will remain at the location where the pursuit began. When the decoy observes the pursuit of the dog, he/she will stop jogging and assume a posture of surrender. The team will respond in one of three ways when the handler observes the decoy surrender.

1. **Disengage:** On command from the handler, the dog will stop the pursuit and remain at the point of termination. The handler will move to the dog and take control.
2. **Recall:** On the command from the handler, the dog will stop the pursuit and return to the handler.
3. **Detain:** The dog will approach the decoy and detain without making aggressive contact. The handler will move to the dog and take control.

- The test ends when the handler takes control of the dog and is dismissed by the Evaluator
- Aggressive contact with the decoy will be considered a failure. Non-aggressive incidental contact is acceptable.
- The pursuit must be obvious prior to the handlers command to stop. Only on a recall or disengage will the handler be allowed to verbally command the dog. For detain the dog will receive no commands from the handler until detaining has occurred. At that time the handler may issue commands to the dog and/or decoy.
- The dog will be deployed with only on-duty equipment.
- The dog may be muzzled, or the decoy supplied with a bite suit, concealed sleeve or exposed sleeve.
- The test will be Pass/Fail and the appropriate box checked for behavior exhibited.

Montana Law Enforcement Canine Association

Obedience

Objectives:

- This test is to determine that the handler is capable of maintaining control of the dog during various exercises while off-lead.
- The entire exercise will be done off-lead with the dog remaining under control at all times.

Procedure:

- At the direction of the Evaluator, the handler will heel forward with dog off-lead. The handler will heel with the dog through a group of three stationary people in a slalom fashion.
- The handler will continue with the dog at a heel to complete a minimum of two left turns and two right turns at the direction of the Evaluator.
- Each leg between turns will be approximately 20 yards long.
- During the heel portion of the test and at the direction of the Evaluator, one blank round the equivalent of a .38 caliber report will be fired by a third party. The blank will be fired from no less than 50 yards from the area the obedience exercise is taking place. The third party will be out of sight of the dog completing the obedience exercise and will have bite protection available.
- At the direction of the Evaluator, the handler to stay the dog (stand, sit or down) and continue forward without the dog. At the direction of the Evaluator the handler will call the dog back to a heel without breaking stride.
- At the direction of the Evaluator, the handler will leave the dog (stand, sit or down) and proceed approximately 20 yards from the dog. The dog will be called to handler and at a point prior to the dog reaching the handler; the handler will stop the dog with a verbal command or signal. After the dog has stopped, the handler will be directed to call the dog to the handler to finish.
- Finally the dog will be left in a stay (stand, sit, or down) and the handler will walk to a location approximately 20 yards away. The dog will remain in the stay for a period of two minutes. The handler can reinforce the stay with verbal commands and or signals. If

the dog breaks to leave or return to the handler, the time will start over once the dog has been returned to a stay. The dog must not break the stay more than once.

- The handler will return to the dog and the exercise will be complete.

It will be the Evaluators discretion to decide what an allowable amount of forging and lagging is acceptable during the exercises as long as control is maintained.

Montana Law Enforcement Canine Association

Patrol Certification

The Montana Law Enforcement Canine Association Patrol Certification will consist of five phases. The K-9 team must pass all phases to receive the Patrol Certificate. The five phases are:

- Obedience
- Call Off / Reasonable Force
- Apprehension / Arrest
- Building Search
- Area Search

The K9 team must pass the obedience phase first before continuing to the other phases. The Evaluator may terminate the certification at any time if he/she determines the dog is not under control.

The dog will wear only “on-duty” equipment.

If electric collars are worn, the handler will give the transmitter to the Evaluator and the receiver will be turned off.

Evaluators must be notified of any protest at the conclusion of the certification. If the protest cannot be resolved it must be put in writing and submitted to the standards committee for resolution.

MLECA

PATROL DOG SCORE SHEET

Handler Name: _____ Dog: _____ Date: _____

Agency: _____

Obedience Certifying Official _____

A passing score will be the dog staying under control at the handler's side and not breaking during gunfire and long down. Pass Fail

Call Off Certifying Official _____

A passing score will be dog showing obvious pursuit of the decoy and making no aggressive contact. Pass Fail

Apprehension and arrest Certifying Official _____

Passing score will be: dog staying on bite until commanded to release, dog releases upon no more than 4 commands with the handler at least 10 feet away and no aggressive contact during arrest. Pass Fail

Area Search Certifying Official _____

Passing score will be upon the dog locating the decoy and making an obvious indication. Pass Fail

Building Search Certifying Official _____

Passing score will be upon the dog locating the decoy and making an obvious indication Pass Fail

Patrol Dog Certification Pass Fail

Montana Law Enforcement Canine Association

Article Search Certification

This test is designed to test the police work dogs ability and proficiency in searching a designated area for articles having human scent on them. This would represent a search for discarded evidence or lost items. Master Trainers and handlers should review these rules in their entirety. Master Trainers will observe the test from outside the search area. The Master Trainer will designate the search area.

SEARCH AREA:

The area to be searched will be no less than 60 feet by 60 feet. It will be covered by heavy vegetation. The search area will be contaminated prior to the test by one or more subjects crossing through the area at least twice with a dog.

SEARCH ARTICLES:

Three (3) articles of different composition (metal, wood, paper, etc.) will be thrown at random into the search area. The team to be tested will not view this being done. The articles to be used will be selected from, but not limited to, the following list:

- | | |
|-------------------------|-------------------------------------|
| a.) Plastic credit card | e.) Wood handle screwdriver (4"-6") |
| b.) Paper match book | f.) Crumpled cigarette package |
| c.) Shotgun Shell | g.) Empty metal hand gun |
| d.) Leather Wallet | h.) Empty pop gun |

Articles are to be selected by the Master Trainer according to availability.

TIME:

There will be a five (5) minute time limit for this test. A warning will be given when thirty (30) seconds remain for the test. Time will start when the handler sends his/her dog out to search from any point around the perimeter of the search area.

HANDLER:

The dog, on clearly indicating or finding a search article may be encouraged to retrieve it. Preferably, the handler will elect to recover it themselves. The handler may enter the search area and direct the search as he/she would in an actual situation. After each indication and article recovery the handler will command the dog to continue to search. The dog will be judged on the alert and indication to the search article. **This must be obvious to the Evaluator.** The dog must make two (2) finds out of three (3) with a strong indication on both in order to pass this test. **Failure of this test may be based on lack of handler control, disinterest on the part of the dog, biting of the Evaluator or other non aggressive personnel assisting in this test.**

All tests given the K9 team will be on a pass/fail basis. The Evaluator will determine if the team will be certified upon the completion of the test.

Montana Law Enforcement Canine Association

Tracking Certification

- ❖ This exercise will consist of a track not less than 300 yards and not more than 400 yards.
- ❖ The tracklayer will walk at a normal pace and stride. The track will contain two turns between 45 and 90 degrees. The track will end at a low profile article or reward not easily distinguished from a distance.
- ❖ The track must include at least two different surface types to include: grass, weeds, dirt, gravel, pavement, concrete, etc.
- ❖ The handler will be provided with a start point being obviously recognized, i.e. flag, article, scuffed dirt, etc.
- ❖ The Evaluator will provide the K9 team a general direction of travel to avoid team backtracking on the path taken by the tracklayer to arrive at the starting point.
- ❖ The Evaluator may stop the certification at any time he/she concludes the dog is no longer tracking or has obviously lost the track and cannot reconcile.
- ❖ The track will be aged no less than 20 minutes and no more than an hour. (Evaluator discretion due to climatic conditions)

MLECA

TRACKING SCORE SHEET

Handler Name: _____ Dog: _____ Date: _____

Agency: _____

DIAGRAM

Certifying Official _____ **Pass** **Fail**

Johnson, Perry

From: Randy Smith <rsmith@scsomt.org>
Sent: Wednesday, March 9, 2016 1:01 PM
To: Johnson, Perry
Subject: Montana Law Enforcement Canine Association
Attachments: More_Stuff.zip

Perry,

Per our conversation today I am sending you all the certification stuff I have for you and the council to go over. Anything I missed or that I need to get to you just let me know

Thanks for your time

Randy

Montana Law Enforcement Canine Association

Article Search Certification

This test is designed to test the police work dogs ability and proficiency in searching a designated area for articles having human scent on them. This would represent a search for discarded evidence or lost items. Evaluator and handlers should review these rules in their entirety. Evaluator will observe the test from outside the search area. The Master Trainer will designate the search area.

SEARCH AREA:

The area to be searched will be no less than 60 feet by 60 feet. It will be covered by heavy vegetation. The search area will be contaminated prior to the test by one or more subjects crossing through the area at least twice with a dog.

SEARCH ARTICLES:

Three (3) articles of different composition (metal, wood, paper, etc.) will be thrown at random into the search area. The team to be tested will not view this being done. The articles to be used will be selected from, but not limited to, the following list:

- | | |
|-------------------------|-------------------------------------|
| a.) Plastic credit card | e.) Wood handle screwdriver (4"-6") |
| b.) Paper match book | f.) Crumpled cigarette package |
| c.) Shotgun Shell | g.) Empty metal hand gun |
| d.) Leather Wallet | h.) Empty pop gun |

Articles are to be selected by the Master Trainer according to availability.

TIME:

There will be a five (5) minute time limit for this test. Evaluator has discretion as to continue or not. Time will start when the handler sends his/her dog out to search from any point around the perimeter of the search area.

HANDLER:

The dog, on clearly indicating or finding a search article may be encouraged to retrieve it. Preferably, the handler will elect to recover it themselves. The handler may enter the search area and direct the search as he/she would in an actual situation. After each indication and article recovery the handler will command the dog to continue to search. The dog will be judged on the alert and indication to the search article. **This must be obvious to the evaluator.** The dog must make two (2) finds out of three (3) with a strong indication on both in order to pass this test. **Failure of this test may be based on lack of handler control, disinterest on the part of the dog, biting of the Evaluator or other non aggressive personnel assisting in this test.**

All tests given the K9 team will be on a pass/fail basis. The Evaluator will determine if the team will be certified upon the completion of the test.

Montana Law Enforcement Canine Association

Detector Dog Certification

- The area to be used will be at the discretion of the Evaluator.
- The dog will wear only "on-duty" equipment
- All finds will be planted a minimum of 30 minutes prior to testing
- Evaluators may terminate the certification at any time.
- Evaluators must be notified of any protest at the conclusion of the certification w/in 24 hours.
- Protests which cannot be resolved must be put in writing and submitted to the standards committee for resolution.

Montana Law Enforcement Canine Association

Explosive Certification

Vehicle Search

8 vehicles

3 blank

(one exterior find for each live vehicle)

1 Distraction

Building Search

5 rooms

1 blank

Other Search

1 find

(Lockers, luggage, etc.)

- Second miss throughout certification is a failure.
- Hit on distraction odor counts as a miss.

Examples of distractions

- Food
- Clean packaging material
- Clean reward toy

Basic odors for certification

- RDX (C-4, flex-ex, semtex, etc.)
 - PETN (Det-cord, primer cord, etc.)
 - TNT
 - Powders (Black or smokeless, potassium nitrate)
 - WATER GEL (Slurries, ammonium nitrate based)
 - COMMERCIAL DYNAMITE
-
- All substances must be planted a 30 minutes prior to testing

- **Minimum allowable weight of ¼ lbs. – maximum 2 lbs.**
- **A false indication, a missed odor or a hit on a distraction odor all count as a miss**
- **Handler must identify (call) finds verbally**
- **No time limit but Evaluator may stop certification if dog obviously not searching**
- **At least one find from each category of explosives**
- **Search areas may be added to accommodate testing of additional odors**
- **Must be a passive response indication.**
- **The canine may not retrieve article.**

Montana Law Enforcement Canine Association

Narcotics Certification

Vehicle Search

4 vehicles

1 blank

(one exterior or one interior for each live vehicle)

1 Distraction

Building Search

5 rooms

1 blank

(Four odors)

Other Search

1 find

(Bus, airplane, truck etc.)

(Minimum of 10 lockers or luggage)

Total of nine finds.

- Second miss throughout certification is a failure.
- Hit on distraction odor counts as a miss.

Examples of distractions

- Food
- Clean packaging material

Basic odors for certification

- Marijuana
- Methamphetamine
- Cocaine
- Heroin

(Teams certifying in less than all four odors will still be required to have same number of finds. These will be arranged at the discretion of the Evaluator)

- All substances must be planted a 30 minutes prior to testing
- Minimum allowable weight of 5 grams
- A false indication, a missed odor or a hit on a distraction odor all count as a miss
- Handler must identify (call) finds verbally
- No time limit but Evaluator may stop certification if dog obviously not searching

Montana Law Enforcement Canine Association

Patrol Certification

The Montana Law Enforcement Canine Association Patrol Certification will consist of five phases. The K-9 team must pass all phases to receive the Patrol Certificate. The five phases are:

- Obedience
- Call Off / Reasonable Force
- Apprehension / Arrest
- Building Search
- Area Search

The K9 team must pass the obedience phase first before continuing to the other phases. The Evaluator may terminate the certification at any time if he/she determines the dog is not under control.

The dog will wear only "on-duty" equipment.

If electric collars are worn, the handler will give the transmitter to the Evaluator and the receiver will be turned off.

Evaluators must be notified of any protest at the conclusion of the certification. If the protest cannot be resolved it must be put in writing and submitted to the standards committee for resolution.

Montana Law Enforcement Canine Association

Tracking Certification

- ❖ This exercise will consist of a track not less than 300 yards and not more than 400 yards.
- ❖ The tracklayer will walk at a normal pace and stride. The track will contain two turns between 45 and 90 degrees. The track will end at a low profile article or reward not easily distinguished from a distance.
- ❖ The track must include at least two different surface types to include: grass, weeds, dirt, gravel, pavement, concrete, etc.
- ❖ The handler will be provided with a start point being obviously recognized, i.e. flag, article, scuffed dirt, etc.
- ❖ The Evaluator will provide the K9 team a general direction of travel to avoid team backtracking on the path taken by the tracklayer to arrive at the starting point.
- ❖ The Evaluator may stop the certification at any time he/she concludes the dog is no longer tracking or has obviously lost the track and cannot reconcile.
- ❖ The track will be aged no less than 20 minutes and no more than an hour. (Evaluator discretion due to climatic conditions)

Montana Law Enforcement Canine Association

Apprehension and Arrest

This test is designed to show the dogs ability to apprehend a violent suspect by biting and holding until commanded to release by the handler. The dog must remain under control during simulated handcuff and pat-down of decoy.

Procedure:

- The dog will be deployed off lead.
- The decoy will wear protective clothing i.e. Bite suit, exposed sleeve, concealed sleeve etc. (concealed sleeve will be at joint consensus of decoy and Evaluator after establishing bite sureness of dog)
- The decoy will appear at a distance of approximately 30 yards from the handler and dog. The handler will issue two announcements to the decoy. After the first announcement, the decoy will begin to jog away from the team. The dog must not pursue the decoy until commanded to do so.
- Following the second announcement, the handler will deploy the dog to apprehend. The dog will pursue and engage the decoy by biting and attempt to subdue.
- Upon being engaged by the dog, the decoy will stop jogging and begin to physically resist the dog until ordered to stop. The decoy will comply with the order to stop.
- The handler will command the dog to release the bite and the dog will release. (handler will be limited to 4 verbal attempts to order the dog to release. The handler must be at least 10 feet from the decoy and dog while issuing release command)
- Upon release, the handler will take control of the dog then simulate handcuff and pat-down search of decoy.
- Handler will return to dog and dismiss the decoy.
- The dog must not re-engage the decoy with aggressive contact after initial release.
- Dog must remain under control during arrest simulation

Release: When the handler verbally commands the dog to release the dog shall:

1. Respond to the command of the handler by releasing
2. Remain alert and ready to respond to furtive movement
3. Shall not re-engage with any aggressive contact with the decoy.

Montana Law Enforcement Canine Association

Area Search

This test is designed to simulate a suspect which has fled into an open area with several areas of concealment

Area Type

- Open fields, warehouse complexes, fenced storage lots etc.
- Area to be searched will be approximately 150 ft. by 150 ft.
- There will be a 10 minute time limit

Decoy

- Will be hidden for a minimum of 10 minutes prior to test
- Will be in a safe hide with no bite equipment
- The test may be done on or off lead
- The deployment is to simulate an actual scenario utilizing tactics. The handler will act in compliance of their department policy regarding announcements.
- The dog's indication to the location of the decoy must be obvious.
- The test is complete when the handler calls the location of the decoy and takes control of the dog.

Miscellaneous

Being unable to forecast testing sites, several are listed to accommodate available sites. The Evaluator will make the final determination of which site to use and where the decoy will be hidden. The Evaluator will determine appropriate times between searches. Every effort will be made to make all searches fair and reasonable, yet designed to challenge the teams ability.

Montaña Law Enforcement Canine Association

Building Search

This test attempts to simulate a working situation where a suspect is avoiding apprehension by hiding within a building. The decoy will be concealed in a safe hide with no equipment and the Evaluator will accompany the handler.

Building Types

- Residential dwelling, warehouse, barn, open garage/shop, office building, school, hotel/motel etc. Building will be approximately 1000 – 1500 square feet.
- Minimum of four separate rooms.
- There will be a 10 minute time limit. Further time allowed at discretion of the evaluator.

Decoy

- Will be hidden for a minimum of 10 minutes prior to test
- Will be in a safe hide with minimal bite equipment
- The test will be off lead utilizing only on-duty equipment. The deployment will simulate an actual scenario utilizing tactics.
- Handler will act in compliance of their department policy regarding announcements.
- The dogs indication to the location of the decoy shall be obvious.
- The test ends when the handler calls the location of the decoy and takes control of the dog.

Miscellaneous

Being unable to forecast testing sites, several building types are listed to accommodate available buildings. The Evaluator will make the determination of appropriate times between searches. An effort will be made to make all searches fair and reasonable, yet challenge the teams ability.

Montana Law Enforcement Canine Association

Call Off

The K9 team will begin the search of an area on or off-lead with available places to conceal a decoy. At some point during the search, the decoy will come out from hiding at a distance of approximately 40 yards. The decoy will jog away from the K9 team and the dog will be sent to apprehend the decoy. The handler will remain at the location where the pursuit began. When the decoy observes the pursuit of the dog, he/she will stop jogging and assume a posture of surrender. The team will respond in one of three ways when the handler observes the decoy surrender.

1. **Disengage:** On command from the handler, the dog will stop the pursuit and remain at the point of termination. The handler will move to the dog and take control.
 2. **Recall:** On the command from the handler, the dog will stop the pursuit and return to the handler.
 3. **Detain:** The dog will approach the decoy and detain without making aggressive contact. The handler will move to the dog and take control.
- The test ends when the handler takes control of the dog and is dismissed by the Evaluator
 - Aggressive contact with the decoy will be considered a failure. Non-aggressive incidental contact is acceptable.
 - The pursuit must be obvious prior to the handlers command to stop. Only on a recall or disengage will the handler be allowed to verbally command the dog. For detain the dog will receive no commands from the handler until detaining has occurred. At that time the handler may issue commands to the dog and/or decoy.
 - The dog will be deployed with only on-duty equipment.
 - The dog may be muzzled, or the decoy supplied with a bite suit, concealed sleeve or exposed sleeve.
 - The test will be Pass/Fail and the appropriate box checked for behavior exhibited.

Montana Law Enforcement Canine Association

Detector Dog Score Sheet

Handler: _____ K9: _____ Date: _____

Agency: _____

Vehicle Search (substance, amount, location)

#1 _____	Pass	Fail
#2 _____	Pass	Fail
#3 _____	Pass	Fail
#4 _____	Pass	Fail

Building Search (substance, amount, location)

#1 _____	Pass	Fail
#2 _____	Pass	Fail
#3 _____	Pass	Fail
#4 _____	Pass	Fail

Large Vehicle Search (substance, amount, location)

#1 _____	Pass	Fail
----------	------	------

Distraction Odor (substance, location)

#1 _____	Pass	Fail
----------	------	------

Evaluator _____ Phase _____

Comments _____

Evaluator _____ Phase _____

Comments _____

Evaluator _____ Phase _____

Comments _____

MLECA

NARCOTIC DETECTOR DOG SCORE SHEET

Handler Name: _____ Dog: _____ Date: _____

Agency: _____

Vehicle Search Certifying Official _____

1. _____ pass fail

2. _____ pass fail

3. _____ pass fail

4. _____ pass fail

Building Search Certifying Official _____

1. _____ pass fail

2. _____ pass fail

3. _____ pass fail

4. _____ pass fail

Large Vehicle Search Certifying Official _____

1. _____ pass fail

Distraction Certifying Official _____

1. _____ pass fail

MLECA

PATROL DOG SCORE SHEET

Handler Name: _____ Dog: _____ Date: _____

Agency: _____

Obedience Certifying Official _____

A passing score will be the dog staying under control at the handler's side and not breaking during gunfire and long down. Pass Fail

Call Off Certifying Official _____

A passing score will be dog showing obvious pursuit of the decoy and making no aggressive contact. Pass Fail

Apprehension and arrest Certifying Official _____

Passing score will be: dog staying on bite until commanded to release, dog releases upon no more than 4 commands with the handler at least 10 feet away and no aggressive contact during arrest. Pass Fail

Area Search Certifying Official _____

Passing score will be upon the dog locating the decoy and making an obvious indication. Pass Fail

Building Search Certifying Official _____

Passing score will be upon the dog locating the decoy and making an obvious indication Pass Fail

Patrol Dog Certification Pass Fail

Montana Law Enforcement Canine Association

Obedience

Objectives:

- This test is to determine that the handler is capable of maintaining control of the dog during various exercises while off-lead.
- The entire exercise will be done off-lead with the dog remaining under control at all times.

Procedure:

- At the direction of the Evaluator, the handler will heel forward with dog off-lead. The handler will heel with the dog through a group of three stationary people in a slalom fashion.
- The handler will continue with the dog at a heel to complete a minimum of two left turns and two right turns at the direction of the Evaluator.
- Each leg between turns will be approximately 20 yards long.
- During the heel portion of the test and at the direction of the Evaluator, one blank round the equivalent of a .38 caliber report will be fired by a third party. The blank will be fired from no less than 50 yards from the area the obedience exercise is taking place. The third party will be out of sight of the dog completing the obedience exercise and will have bite protection available.
- At the direction of the Evaluator, the handler to stay the dog (stand, sit or down) and continue forward without the dog. At the direction of the Evaluator the handler will call the dog back to a heel without breaking stride.
- At the direction of the Evaluator, the handler will leave the dog (stand, sit or down) and proceed approximately 20 yards from the dog. The dog will be called to handler and at a point prior to the dog reaching the handler; the handler will stop the dog with a verbal command or signal. After the dog has stopped, the handler will be directed to call the dog to the handler to finish.
- Finally the dog will be left in a stay (stand, sit, or down) and the handler will walk to a location approximately 20 yards away. The dog will remain in the stay for a period of two minutes. The handler can reinforce the stay with verbal commands and or signals. If

the dog breaks to leave or return to the handler, the time will start over once the dog has been returned to a stay. The dog must not break the stay more than once.

- The handler will return to the dog and the exercise will be complete.

It will be the Evaluators discretion to decide what an allowable amount of forging and lagging is acceptable during the exercises as long as control is maintained.

MLECA

TRACKING SCORE SHEET

Handler Name: _____ Dog: _____ Date: _____

Agency: _____

DIAGRAM

Certifying Official _____ **Pass** **Fail**

ATTORNEY GENERAL
STATE OF MONTANA

Tim Fox
Attorney General



Department of Justice
215 North Sanders
PO Box 201401
Helena, MT 59620-1401

March 14, 2016

Sheriff Tony Harbaugh, Chair
Montana POST Council
2260 Sierra Road East
Helena, Montana 59602

Re: Attorney General Opinion Request: Waiver of Statutory Training Requirements

Dear Sheriff Harbaugh:

The Montana Public Safety Officer Standards & Training Council (POST) has requested an opinion regarding the following question:

Does the authority granted POST in Mont. Code Ann. § 44-4-403(2) to “waive or modify a qualification or training standard for good cause” give POST the power to waive a qualification or training standard imposed by statute?

The request was presented with a legal analysis. This letter is not a formal Attorney General Opinion, but rather is a “letter of advice.” It is within the discretion of this office to issue such a letter if the questions posed can be answered by reference to an unambiguous statute or regulation. In this instance the question is answered by reference to statutes and regulations which specifically involve significant public safety interests.

As POST’s legal counsel have advised, POST cannot modify or waive training requirements that are explicitly provided by statute. An agency, or in this case a board, is itself a creature of statute and has only the authority provided by statute. Absent explicit authority, then, a board does not unilaterally have the power to waive or otherwise alter a statutory requirement. *See* 47 Op. Att’y Gen. No. 22 (board must adopt rules regarding undue conflict, instead of determining on a case-by-case basis, where statute mandated adoption of standards for review).

Montana Code Annotated § 44-4-403 sets out the duties of POST. The Council shall “establish basic and advanced qualification and training standards for employment.” 44-4-403(1)(a). Correspondingly, the Council “may waive or modify a qualification or

training standard for good cause.” 44-4-403(2). For purposes of statutory interpretation, a term used in a statutory provision should be assumed to have the same meaning throughout the provision unless explicitly stated otherwise. 49 Op. Att’y Gen. No. 15 (“identical words used in different parts of the same act are intended to have the same meaning”) (citing *Gustafson v. Alloyd*, 513 U.S. 561, 570 (1995)).

Here, then, POST’s ability to waive “a qualification or training standard” refers to the “qualification and training standards” established by POST as referenced in -403(1)(a). To read this provision as providing authority to waive training standards set by statute, not by POST, would require inserting what the Legislature has omitted, in violation of Mont. Code. Ann. § 1-4-101.

This result is supported by Mont. Code Ann. § 1-3-204, which provides: “Any person may waive the advantage of a law intended solely for that person’s benefit. A law established for a public reason cannot be contravened by a private agreement.” This statute has been interpreted to mean that laws which are intended to *protect* the public in general cannot be waived privately by either implication or agreement. *Hoehne v. Sherrod, Inc.*, 205 Mont. 365, 369 (1983). See also *Shea v. North-Butte Mining Co.*, 55 Mont. 522, 179 P. 499 (1919), and *Lewis v. B&B Pawnbrokers, Inc.*, 1998 MT 302, 292 Mont. 82, 968 P.2d 1145.

Here, all statutorily prescribed training standards are established to promote public safety, and therefore “for a public reason.” Certifications are awarded by POST for the purpose of raising the level of professionalism and skill of public safety officers and to foster cooperation among the POST Council, agencies, organizations, and the public. Mont. Admin. R. 23.13.204(1). The certificates awarded are established for the purpose of promoting ethical behavior, professionalism, education and experience necessary to perform the duties of a public safety officer. *Id.* at (2). As such, POST’s own administrative rules require adherence to statutory training mandates. Mont. Admin. R. 23.13.201(1), under the heading “Minimum Standards”, states: “All public safety officers must be certified by POST and meet the applicable employment, education, and certification standards as prescribed by the Montana Code Annotated.”

POST, therefore, may waive or modify qualification and training standards it has independently set under the authority provided by the Legislature, but may not waive or modify standards prescribed by statute. For example your letter discusses misdemeanor probation officers and misdemeanor pretrial services officers, both of which are required to “have the minimum training required in 46-23-1003.” Mont. Code Ann. §§ 46-9-505(5); 46-23-1005(2)(a). Section 46-23-1003(2) sets the qualification for probation and parole officers and requires “16 hours a year of training in subjects relating to the powers

Sheriff Tony Harbaugh, Chair

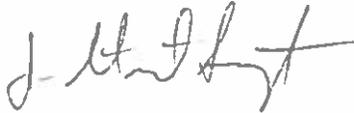
March 14, 2016

Page 3

and duties of probation officers, at least 1 hour of which must include training on serious mental illness and recovery from serious mental illness.” POST cannot waive this requirement for misdemeanor officers. Section 46-23-1003(2) also requires “training in accordance with standards adopted by” POST. While the requirement to meet standards adopted by POST may not be waived, POST is provided discretion as to the specific standards to be adopted. POST could therefore adopt a curriculum for misdemeanor officers that, while meeting the hours of training requirements of § 46-23-1003(2), differs from the curriculum for felony probation and parole officers. This would have to be adopted by rule change though, not by individual waiver, to conform to the “adopted by” requirement.

Therefore, POST’s analysis is correct. A statutory requirement cannot be waived by POST under Mont. Code Ann. § 44-4-403(2).

Very truly yours,



J. STUART SEGREST
Assistant Attorney General

c: Tim Fox
Alan Joscelyn
Jon Bennion
Pat Risken

LICE LINE DO NOT CROSS POLICE LINE DO NOT CROSS
CRIME SCENE DO NOT CROSS



August 10-12 | University of Montana | Missoula

Target Audience

The target audience for this conference is **Coroners, Medical Examiners, Death Investigators** and other **Public Safety Officers, Forensic Scientists, Physicians, Nurses, Emergency Medical Technicians, Police Officers**, and others involved with the investigation of violent, suspicious, or unexpected deaths.

Featured Speakers include:

Dr. Henry Lee, Professor and Founder of the Forensic Science Program at the University of New Haven and **Sharon L. Plotkin**, Crime Scene Investigator, Faculty Miami Dade

Conference Topics will include:

- Cause, Manner, and Mechanism of Death
- Death & Crime Scene Photography
- Bloodstain Reconstruction Break-out session
- Proper Recovery, Reconstruction, and ID Methods for Single and Co-mingled Human Remains
- Forensic Science in the Courtroom
- How Smart Technology Can Aid in Death Investigations
- Forensic Anthropology Break-out sessions
- Deaths in Custody
- Multiple Fatalities
- Domestic Violence Fatalities

POST approval for this conference is pending.

Watch for online registration to open mid-June! Registration, agenda, speakers and other information can be found by visiting the conference webpage at

www.umt.edu/sell/cps/mdi

41100 Department of Justice Standard Budget Summary By Org, Account

Data Selected for Month/FY: 01 (Jul)/2016 through 11 (May)/2016

Program	(All)
FY_BudF	(All)
Month	(All)
Source o	(All)
Business	(All)
Fund Typ	(All)
Acct Lvl	(All)
Account	(All)
Account	(All)
Project	(All)
Ledger	(All)

[Refresh](#)

[Return to Menu](#)

Org	Fund	Subclass	Acct Lvl 1	OBPP Program	Standard Budget	Actuals Amt	A Accrual Amt	Balance
2517	POST	Program			450,262.00	298,087.46	(26,997.00)	179,171.54
	01100	General Fund			450,262.00	298,087.46	(26,997.00)	179,171.54
		200H1	POST COUNCIL		350,262.00	298,087.46	(26,997.00)	79,171.54
			61000	Personal Services	207,098.00	194,099.00	0.00	12,999.00
				19 POST COUNCIL	207,098.00	194,099.00	0.00	12,999.00
			62000	Operating Expenses	143,164.00	103,988.46	(26,997.00)	66,172.54
				19 POST COUNCIL	143,164.00	103,988.46	(26,997.00)	66,172.54
		200H2	POST LEGAL (BIEN)		100,000.00	0.00	0.00	100,000.00
			62000	Operating Expenses	100,000.00	0.00	0.00	100,000.00
				19 POST COUNCIL	100,000.00	0.00	0.00	100,000.00
Grand Total					450,262.00	298,087.46	(26,997.00)	179,171.54

Calendar for year 2016 (United States)

January

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Jan 1 **New Year's Day**
 Jan 18 **Martin Luther King Day**
 Feb 14 **Valentine's Day**
 Feb 15 **Presidents' Day**
 Mar 27 **Easter Sunday**
 Apr 13 **Thomas Jefferson's Birthday**
 May 8 **Mother's Day**

May 30 **Memorial Day**
 Jun 19 **Father's Day**
 Jul 4 **Independence Day**
 Sep 5 **Labor Day**
 Oct 31 **Halloween**
 Nov 8 **Election Day**
 Nov 11 **Veterans Day**

Nov 24 **Thanksgiving Day**
 Dec 24 **Christmas Eve**
 Dec 25 **Christmas Day**
 Dec 26 **'Christmas Day' observed**
 Dec 31 **New Year's Eve**

Calendar for year 2017 (United States)

January

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October

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 Nov 11 **Veterans Day**
 Nov 23 **Thanksgiving Day**
 Dec 24 **Christmas Eve**
 Dec 25 **Christmas Day**
 Dec 31 **New Year's Eve**

From: Chris Tweeten [<mailto:christiantweeten@gmail.com>]
Sent: Wednesday, September 09, 2015 4:49 PM
To: Johnson, Perry; Clerget, Sarah
Subject: Policies, etc.

Hi Perry and Sarah

Attached are my workups of the draft policies that Katrina began work on. Sarah, your review and input on the Complaint policy and the draft flow chart is needed. The release of info policy needed a fair amount of rewriting because of the new provisions in HB 123 passed by the 2015 legislature. It becomes effective October 1. It specifically addresses the issue of fees. I have to advise that there are significant constitutional issues about the charging of fees for the assertion of a constitutional right, and it's my impression that the Supreme Court will take a hard look at whether the provision for charging fees substantially burdens the exercise of the public's right to know. I expect an early test case on the constitutionality of these amendments. I hope we are not the test case. Having said that, I drafted the policy to be as closely compliant with the statute as I could and to seek only fees that the new statutes clearly authorize.

Perry, I've finally closed the loop with June Henderson, and she seems to have no problems with POST taking the lead on the classification and compensation of its staff. The legal reasoning supporting his can be found in my memo on the meaning of administrative attachment. If you want me to work up an addendum to that memo specifically addressing this aspect of administrative attachment, please let me know.

Chris

Release of Information Policy

I. PURPOSE

The purpose of this policy is to ensure consistent response to public records requests, whether in hard copy or electronic form; consistent fees; and protection of confidential information.

This Policy must be interpreted and applied consistently with the Montana Constitution, statutes, and rules addressing confidentiality, or other rulings addressing the right to know, release of public records, and privacy protections.

II. PROCESSING PUBLIC RECORDS REQUESTS

- 1) POST will allow inspection and copying of public POST records. POST records are public except:
 - a) Confidential Criminal Justice Information as defined in § 44-5-103(3), MCA;
 - b) Personal information protected by law, including but not limited to: Social Security Numbers, dates of birth, medical information, mental health information, and financial account information;
 - c) Attorney/client communications and attorney work product;
 - d) Identifying information regarding minors;
 - e) Recordings and minutes of executive sessions of the Council;
 - f) POST records not otherwise private that do not relate to public safety officers' ability to perform a position of public trust;
 - g) Any information protected from disclosure by 2015 Mont. Laws, ch. 348;
 - h) Any other information for which the director, in consultation with legal counsel, determines a right of individual privacy clearly outweighs the public's right to know.
- 2) All public records requests must be made in writing to the POST paralegal/investigator.
- 3) Requested public records may require legal review. POST legal counsel may add a disclaimer to the release of information.
- 4) Fees may be charged pursuant to applicable statutes and rules. POST will notify the requestor if fees are to be charged, and will provide a cost estimate to the requestor before beginning work on the request. No fee will be charged for requests that are submitted by a member of the legislature or an employee of the legislative branch, regarding legislative business, or an official of the state of Montana regarding the official's duties, or that require no more than one hour of staff time or fifty pages of copying. POST will not

charge fees that exceed its actual costs for retrieving the information, including the hourly payroll costs for the employees retrieving and reviewing the documents, any copying costs incurred at agency cost, any other out-of-pocket costs POST incurs in responding to the request, and any other fees recoverable under [2015 Mont. Laws, ch. 348, section 4].

- 5) If fees are to be charged, the requestor must agree in writing to the estimated cost prior to work on the request beginning. If, after beginning work, the executive director determines that the original cost estimate substantially underestimates the costs expected, he executive director will notify the requestor of he updated cost estimate, and POST staff will cease work until the requestor agrees to pay the updated cost. . Payment for records requests must be received by POST prior to the release of the information.

III. PROTECTION OF RECORDS

POST must maintain the integrity of original records. To preserve the integrity of records subject to a request to examine and copy, POST staff may supervise, without charge, the examination and copying of the records by the requestor.

IV. PRODUCTION PURSUANT TO LEGAL PROCESS

If POST receives a request to produce documents in the form of a subpoena, request for production, or other legal process, POST's response will be governed by applicable law.

Attachment A – Fee Schedule

Photocopying Charges

Per Page	\$0.35 (Staff time spent on copying is included in the per-page charge)
Records recalled from offsite storage	Actual cost
If the request is for an extraordinarily large volume of printed material, POST may have copies made by Print and Mail Services.	Actual cost
If appropriate, a requesting party may bring a copier, scanner, or personal computer onsite to make copies.	No charge

Electronic Media Copies

Staff time for copying electronic files	\$15.92 per hour after first hour ¹
Electronic media	Actual cost
Mainframe and mid-tier processing charges, including processing time, transmission time, and report writing charges	Actual cost

Legal Review

Legal Review and/or redaction of information	\$60.57 per hour after first hour ²
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Other Rates

Custom computer programming by non-SITSD employee	\$26.36 per hour after first hour ³
Research and/or analysis whether involving paper or electronic records	\$25.31 per hour after first hour ⁴
E-mail restore	At cost per rate schedule. See http://itsdservicecatalog.mt.gov/default.mcp
Other State Information Technology Services Division services	At cost per rate schedule. See http://itsdservicecatalog.mt.gov/default.mcp

¹ Based on mid-point 2012 salary survey for Band 3 Administrative Assistant

² Based on mid-point 2012 salary survey for Band 8 Attorney

³ Based on mid-point 2012 salary survey for Band 6 Computer Programmer

⁴ Based on mid-point 2012 salary survey for Band 6 Management Analyst

CORONER STATUTES

MCA 2015

CURRENT LANGUAGE:

7-4-2901. Appointment of deputy coroners. (1) The coroner, with approval of the county commissioners, may appoint one or more deputy coroners to assist the coroner or act in the coroner's absence.

(2) At the time of appointment, a deputy coroner or acting coroner must meet the qualifications required of a coroner as provided in 7-4-2904(1) and (2)(a). Within a reasonable time after appointment, a deputy shall successfully complete the basic coroner course, as provided for in 7-4-2905(2)(a). The deputy shall also meet the requirements for advanced education as provided in 7-4-2905(2)(b).

(3) A deputy coroner may be the coroner or qualified deputy coroner from another county.

7-4-2904. Qualifications for office of county coroner. (1) In addition to the qualifications set forth in 7-4-2201, to be eligible for the office of coroner, at the time of election or appointment to office a person must be a high school graduate or holder of an equivalency of completion of secondary education as provided by the superintendent of public instruction under 20-7-131 or of an equivalency issued by another state or jurisdiction.

(2) Each coroner, before entering the duties of office, shall:

(a) take and file with the county clerk the constitutional oath of office; and

(b) certify to the county clerk that:

(i) the individual has satisfactorily completed the basic coroner course of study provided in 7-4-2905 or that the individual has completed the equivalent educational requirements approved by the attorney general; or

(ii) the individual intends to take the basic coroner course at the next offering of the course if the coroner has been appointed or was elected by other than a local government general election and, from the date of appointment or election and assumption of the duties as coroner, a basic coroner course was not offered. A coroner forfeits office for failure to take and satisfactorily complete the next offering of the basic coroner course.

7-4-2905. Coroner education and continuing education. (1) Coroner education must be conducted by the Montana public safety officer standards and training council established in [2-15-2029](#). The council may adopt rules establishing standards and procedures for basic and advanced education. The cost of conducting the education must be borne by the department of justice from money appropriated for the education. The county shall pay the salary, mileage, and per diem of each coroner-elect, coroner, and deputy coroner attending from that county.

(2) (a) The council shall conduct a 40-hour basic coroner course of study after each general election. The course, or an equivalent course approved by the council, must be completed before the first Monday in January following the election. The council may conduct other basic coroner courses at times it considers appropriate.

(b) The council shall annually conduct a 16-hour advanced coroner course. Unless there are exigent circumstances, failure of any coroner or deputy coroner to satisfactorily complete the advanced coroner course, or an equivalent course approved by the council, at least once every 2 years results in forfeiture of office. The council may adopt rules providing a procedure to extend the 2-year period because of exigent circumstances.

CORONER STATUTES
2016 POST Legislative Package

PROPOSED LANGUAGE (As-Amended):

7-4-2901. Appointment of deputy coroners. (1) The coroner, with approval of the county commissioners, may appoint one or more deputy coroners to assist the coroner or act in the coroner's absence.

(2) At the time of appointment, a deputy coroner or acting coroner must meet the qualifications required of a coroner as provided in 7-4-2904(1) and (2)(a). Within a reasonable time after appointment, a deputy shall successfully complete the basic coroner course, as provided for in 7-4-2905(2)(a). After successful completion of the basic coroner course, the deputy shall also meet the requirements for advanced education as provided in 7-4-2905(2)(b).

(3) A deputy coroner may be the coroner or qualified deputy coroner from another county.

7-4-2904. Qualifications for office of county coroner. (1) In addition to the qualifications set forth in 7-4-2201, to be eligible for the office of coroner, at the time of election or appointment to office a person must be a high school graduate or holder of an equivalency of completion of secondary education as provided by the superintendent of public instruction under 20-7-131 or of an equivalency issued by another state or jurisdiction.

(2) Each coroner, before entering the duties of office, shall:

(a) take and file with the county clerk the constitutional oath of office; and

(b) certify to the county clerk that:

(i) the individual has satisfactorily completed the basic coroner course of study provided in 7-4-2905 or that the individual has completed the equivalent educational requirements as approved by the Montana public safety officer standards and training council established in 2-15-2029; or

(ii) the individual intends to take the basic coroner course at the next offering of the course if the coroner has been appointed or was elected by other than a local government general election and, from the date of appointment or election and assumption of the duties as coroner, a basic coroner course was not offered. A coroner forfeits office for failure to take and satisfactorily complete the next offering of the basic coroner course.

7-4-2905. Coroner education and continuing education. (1) Coroner education must be conducted by the Montana public safety officer standards and training council established in 2-15-2029. The council may adopt rules establishing standards and procedures for basic and advanced education. The cost of conducting the education must be borne by the council from money appropriated for the education. The county shall pay the salary, mileage, and per diem of each coroner-elect, coroner, and deputy coroner attending from that county.

(2) (a) The council shall conduct a 40-hour basic coroner course of study after each general election. The course, or an equivalent course approved by the council, must be completed before the first Monday in January following the election. The council may conduct other basic coroner courses at times it considers appropriate.

(b) The council shall annually conduct a 16-hour advanced coroner course. Unless there are exigent circumstances, failure of any coroner or deputy coroner to satisfactorily complete the advanced coroner course, or an equivalent course approved by the council, at least once every 2 years results in forfeiture of office. The council may adopt rules providing a procedure to extend the 2-year period because of exigent circumstances.

DRAFT

Peace Officers

MCA 2015

CURRENT LANGUAGE:

7-32-303. Peace officer employment, education, and certification standards -- suspension or revocation -- penalty. (1) For purposes of this section, unless the context clearly indicates otherwise, "peace officer" means a deputy sheriff, undersheriff, police officer, highway patrol officer, fish and game warden, park ranger, campus security officer, or airport police officer.

(2) A sheriff of a county, the mayor of a city, a board, a commission, or any other person authorized by law to appoint peace officers in this state may not appoint any person as a peace officer who does not meet the following qualifications plus any additional qualifying standards for employment promulgated by the Montana public safety officer standards and training council established in 2-15-2029:

(a) be a citizen of the United States;

(b) be at least 18 years of age;

(c) be fingerprinted and a search made of the local, state, and national fingerprint files to disclose any criminal record;

(d) not have been convicted of a crime for which the person could have been imprisoned in a federal or state penitentiary;

(e) be of good moral character, as determined by a thorough background investigation;

(f) be a high school graduate or have been issued a high school equivalency diploma by the superintendent of public instruction or by an appropriate issuing agency of another state or of the federal government;

(g) (i) be examined by a licensed physician or, for the purposes of a mental health evaluation, a person who is licensed by the state under Title 37 and acting within the scope of the person's licensure, who is not the applicant's personal physician or licensed mental health professional, appointed by the employing authority to determine if the applicant is free from any mental or physical condition that might adversely affect performance by the applicant of the duties of a peace officer; or

(ii) (A) satisfactorily complete the physical examination required by subsection (2)(g)(i); and

(B) complete a standardized mental health evaluation instrument determined by the employing authority to be sufficient to examine for any mental health conditions that might adversely affect the performance by the applicant of the duties of a peace officer if the instrument is scored by a mental health professional acting within the scope of licensure by any state and the mental health professional finds that the applicant is free of any such mental health condition;

(h) successfully complete an oral examination conducted by the appointing authority or its designated representative to demonstrate the possession of communication skills, temperament, motivation, and other characteristics necessary to the accomplishment of the duties and functions of a peace officer; and

(i) possess or be eligible for a valid Montana driver's license.

(3) At the time of appointment, a peace officer shall take a formal oath of office.

(4) Within 10 days of the appointment, termination, resignation, or death of any peace officer, written notice of the event must be given to the Montana public safety officer standards and training council by the employing authority.

(5) (a) Except as provided in subsections (5)(b) and (5)(c), it is the duty of an appointing authority to cause each peace officer appointed under its authority to attend and successfully complete, within 1 year of the initial appointment, an appropriate peace officer basic course

certified by the Montana public safety officer standards and training council. Any peace officer appointed after September 30, 1983, who fails to meet the minimum requirements as set forth in subsection (2) or who fails to complete the basic course as required by this subsection (5)(a) forfeits the position, authority, and arrest powers accorded a peace officer in this state.

(b) A peace officer who has been issued a basic certificate by the Montana public safety officer standards and training council and whose last date of employment as a peace officer was less than 36 months prior to the date of the person's present appointment as a peace officer is not required to fulfill the basic educational requirements of subsection (5)(a). If the peace officer's last date of employment as a peace officer was 36 or more but less than 60 months prior to the date of present employment as a peace officer, the peace officer may satisfy the basic educational requirements as set forth in subsection (5)(c).

(c) A peace officer referred to in subsection (5)(b) or a peace officer who has completed a basic peace officer's course that is taught by a federal, state, or United States military law enforcement agency and that is reviewed and approved by the Montana public safety officer standards and training council as equivalent with current training in Montana and whose last date of employment as a peace officer or member of the military law enforcement was less than 60 months prior to the date of present appointment as a peace officer may, within 1 year of the peace officer's present employment or initial appointment as a peace officer within this state, satisfy the basic educational requirements by successfully completing a basic equivalency course administered by the Montana law enforcement academy. The prior employment of a member of the military law enforcement must be reviewed and approved by the Montana public safety officer standards and training council. If the peace officer fails the basic equivalency course, the peace officer shall complete the next available appropriate basic course.

(6) The Montana public safety officer standards and training council may extend the 1-year time requirements of subsections (5)(a) and (5)(c) upon the written application of the peace officer and the appointing authority of the officer. The application must explain the circumstances that make the extension necessary. Factors that the council may consider in granting or denying the extension include but are not limited to illness of the peace officer or a member of the peace officer's immediate family, absence of reasonable access to the basic equivalency course, and an unreasonable shortage of personnel within the department. The council may not grant an extension to exceed 180 days.

(7) A peace officer who has successfully met the employment standards and qualifications and the educational requirements of this section and who has completed a 1-year probationary term of employment must be issued a basic certificate by the council certifying that the peace officer has met all the basic qualifying peace officer standards of this state.

(8) It is unlawful for a person whose certification as a peace officer, detention officer, or detention center administrator has been revoked or suspended by the Montana public safety officer standards and training council to act as a peace officer, detention officer, or detention center administrator. A person convicted of violating this subsection is guilty of a misdemeanor, punishable by a term of imprisonment not to exceed 6 months in the county jail or by a fine not to exceed \$500, or both.

Peace Officers

2016 POST Legislative Package

PROPOSED LANGUAGE (As-Amended):

7-32-303. Peace officer employment, education, and certification standards -- suspension or revocation -- penalty. (1) For purposes of this section, unless the context clearly indicates otherwise, "peace officer" means a deputy sheriff, undersheriff, police officer, highway patrol officer, fish and game warden, park ranger, campus security officer, or airport police officer. This definition is distinct from the definition of "peace officer" found in 46-1-202(17), although the officers referred to herein may also fit that definition.

(2) A sheriff of a county, the mayor of a city, a board, a commission, or any other person authorized by law to appoint peace officers in this state may not appoint any person as a peace officer who does not meet the following qualifications plus any additional qualification, training, employment, or certification standards promulgated by the Montana public safety officer standards and training council established in 2-15-2029, herein referred to as the "council." A peace officer must:

- (a) be a citizen of the United States;
- (b) be at least 18 years of age;
- (c) be fingerprinted and a search made of the local, state, and national fingerprint files to disclose any criminal record;
- (d) not have plead guilty to or been convicted of a crime for which the person could have been imprisoned in a federal or state penitentiary;
- (e) be of good moral character, as determined by a thorough background investigation;
- (f) be a high school graduate or have been issued a high school equivalency diploma by the superintendent of public instruction or by an appropriate issuing agency of another state or of the federal government;
- (g) be free from any mental or physical condition that might adversely affect performance by the applicant of the duties of a peace officer, as determined after:
 - (i) a mental health evaluation by:
 - (A) having an evaluation performed by a health care provider or mental health professional who is licensed by the state under Title 37 and acting within the scope of the person's licensure when performing a mental health evaluation, and who is not the applicant's personal mental health professional or health care provider, and who is appointed or approved by the employing authority; or
 - (B) satisfactorily completing a standardized mental health evaluation instrument determined by the employing authority to be sufficient to examine for any mental health conditions within the meaning of subsection

(2)(g) if the instrument is scored by a health care provider or a mental health professional acting within the scope of licensure by any state; and

(ii) satisfactory completion of a physical examination performed by a health care provider who is licensed by the state under Title 37 and acting within the scope of the person's licensure when performing a physical examination, and who is not the applicant's personal health care provider, and who is appointed or approved by the employing authority.

(h) successfully complete an oral examination conducted by the appointing authority or its designated representative to demonstrate the possession of communication skills, temperament, motivation, and other characteristics necessary to the accomplishment of the duties and functions of a peace officer;

(i) possess or be eligible for a valid Montana driver's license; and

(j) be certified or be eligible for certification as a peace officer by the council.

(3) At the time of appointment, a peace officer shall take a formal oath of office and an ethics oath, as promulgated by the council.

(4) Within 10 days of the appointment, termination, resignation, or death of any peace officer, written notice of the event must be given to the Montana public safety officer standards and training council by the employing authority.

(5) It is the duty of every appointing authority in Montana to ensure that each peace officer appointed under its authority has the appropriate basic training, in addition to meeting all other requirements of peace officer certification promulgated by the council. Any peace officer appointed after September 30, 1983, who fails to meet the minimum requirements as set forth in this subsection or who fails to complete the basic training forfeits the position, authority, and arrest powers accorded a peace officer in this state. All peace officers must have appropriate basic training, including one or more of the following, as set forth below:

(a) successfully complete the peace officer basic course at the Montana law enforcement academy, as approved by the council;

(i) All peace officers appointed in Montana must satisfy (a), within one year of the peace officer's initial appointment as a peace officer;

(ii) Any peace officer, however certified and wherever or however last employed, who has had a break in service as a peace officer of more than five years, must satisfy (a) within one year of the peace officer's most recent appointment as a peace officer;

(iii) A peace officer who has previously satisfied (a) and is certified or eligible for certification as a peace officer in Montana, and who has had a break in service as a peace officer of less than three years, need not satisfy (a) or attend an equivalency course prior to returning to work in Montana as a peace officer.

(iv) A peace officer who has previously satisfied (a) and is certified or eligible for certification as a peace officer in Montana, and who has been continually employed as a peace officer outside of Montana for no more than three years need not satisfy (a) or attend an equivalency course prior to returning to work in Montana as a peace officer;

(v) A peace officer who has previously satisfied (a) and is certified or eligible for certification as a peace officer in Montana, and who has been continually employed as a peace officer outside of Montana for more than three years, or who has had a break in service as a peace officer for more than three years but less than five years, must successfully complete the peace officer basic equivalency course, as approved by the council, within one year of the officer's most recent appointment as a peace officer in Montana. If the officer fails the basic equivalency course, the officer must satisfy (a) at the next available opportunity;

(vi) A pre-service person who satisfies (a) prior to appointment or employment as a peace officer in Montana and who is hired or appointed as a peace officer more than three years but less than five years after the date he or she satisfied (a) must successfully complete the peace officer basic equivalency course, as approved by the council, within one year of the officer's most recent appointment as a peace officer in Montana. If the person is not employed or appointed as a peace officer within five years after the date of successful completion of the basic course, that person must satisfy (a) within one year of the officer's most recent appointment as a peace officer in Montana; or

(b) successfully complete a peace officer basic course that is taught or approved by a federal, state, local, or US military law enforcement agency and that satisfies the peace officer basic training requirement for that agency and that the council has reviewed and approved as commensurate with the current peace officer basic course at the Montana law enforcement academy;

(i) A peace officer who has satisfied (b) must successfully complete the peace officer basic equivalency course, as approved by the council, within one year of the officer's initial appointment as a peace officer in Montana. If the officer fails the basic equivalency course, the officer must satisfy (a) at the next available opportunity;

(ii) A peace officer who has satisfied (b) more than five years prior to his or her appointment or employment as a peace officer, or who has had a break in service as a peace officer for more than five years must satisfy (a) within one year of the officer's initial appointment as a peace officer in Montana.

(6) The council may extend the 1-year time requirements of subsections (5)(a) and (b) upon the written application of the peace officer and the appointing authority of the officer. The application must explain the circumstances that make the extension necessary. Factors that the council may consider in granting or denying the extension include but are not limited to illness of the peace officer or a member of the peace officer's immediate family, absence of reasonable access to the

basic equivalency course, and an unreasonable shortage of personnel within the department. The council may not grant an extension to exceed 180 days.

(7) A peace officer who has successfully met the qualification, training, employment and educational standards of this section and all qualification, training, and employment standards set by the council, and who has completed a 1-year probationary term of employment, must be issued a peace officer basic certificate by the council certifying that the peace officer has met all the basic qualifying peace officer standards of this state.

(8) All peace officers must: have a valid peace officer basic certificate issued by the council; be eligible for such certification; or become eligible for such certification after they meet the qualification, training, employment and educational standards of this section and all qualification, training, and employment standards set by the council and have completed a 1-year probationary term of employment. It is unlawful for a person whose basic certification as a peace officer has been revoked, or denied for misconduct by the council, or has been declared by the council as ineligible for certification based on misconduct, to act as a peace officer. It is unlawful for a person who has had his or her peace officer basic certification suspended by the council to act or be appointed or employed as a peace officer in Montana during the period in which the certificate is suspended. A person convicted of violating this subsection is guilty of a misdemeanor, punishable by a term of imprisonment not to exceed 6 months in the county jail or by a fine not to exceed \$500, or both.

RESERVES

MCA 2015

CURRENT LANGUAGE:

7-32-240. Certification of peace officer who leaves full-time or part-time employment. A peace officer who leaves full-time or part-time employment and enters an active reserve status within 36 to 60 months retains basic certification status after entering reserve status for as long as the peace officer remains an active reserve officer. If 36 or more months have passed since the peace officer's last full-time or part-time employment and the peace officer returns to full-time or part-time employment, the peace officer shall, upon return to full-time or part-time employment, comply with 7-32-303(5)(c).

RESERVES

2016 POST Legislative Package

PROPOSED LANGUAGE (As-Amended):

7-32-240. Certification of peace officer who leaves full-time or part-time employment.

(1) An officer who has been issued a peace officer basic certificate by the Public Safety Officer Standards and Training Council (council) will retain such certification if the officer enters an active reserve status in Montana within five years of his or her last date of full or part-time employment as a peace officer in Montana and remains an active reserve officer in Montana.

(2) The provisions of subsection (1) do not apply to a peace officer who was last employed as full-time or part-time peace officer outside of Montana, or by a federal or United States military law enforcement agency, or to reserve officers outside Montana.

(3) If more than three years have passed since the last day of the officer's most recent full-time or part-time employment as a peace officer in Montana and the officer returns to full-time or part-time employment as a peace officer in Montana, then the officer must successfully complete the peace officer basic equivalency course, as approved by the council, within one year of the officer's most recent appointment as a peace officer in Montana. If the officer fails the basic equivalency course, the officer must attend the peace officer basic course at the Montana Law Enforcement Academy at the next available opportunity.

Misdemeanor Probation and Pretrial Service Officers

MCA 2015

CURRENT LANGUAGE:

46-23-1003. Qualifications of probation and parole officers.

(1) Probation and parole officers must have at least a college degree and some formal training in behavioral sciences. Exceptions to this rule must be approved by the department. Related work experience in the areas listed in 2-15-2302(2)(c) may be substituted for educational requirements at the rate of 1 year of experience for 9 months formal education if approved by the department. All present employees are exempt from this requirement but are encouraged to further their education at the earliest opportunity.

(2) Each probation and parole officer shall, through a source approved by the officer's employer, obtain 16 hours a year of training in subjects relating to the powers and duties of probation officers, at least 1 hour of which must include training on serious mental illness and recovery from serious mental illness. In addition, each probation and parole officer must receive training in accordance with standards adopted by the Montana public safety officer standards and training council established in 2-15-2029. The training must be at the Montana law enforcement academy unless the council finds that training at some other place is more appropriate.

46-23-1005. Misdemeanor probation offices -- officers -- costs.

(1) A local government may establish a misdemeanor probation office associated with a justice's court, municipal court, or city court. The misdemeanor probation office shall monitor offenders for misdemeanor sentence compliance and restitution payments. An offender is considered a fugitive under the conditions provided in 46-23-1014.

(2) A local government may appoint misdemeanor probation officers and other employees necessary to administer this section. Misdemeanor probation officers:

- (a) must have the minimum training required in 46-23-1003;
- (b) shall follow the supervision guidelines required in 46-23-1011; and
- (c) may order the arrest of an offender as provided in 46-23-1012.

(3) An offender who is convicted of the offense of partner or family member assault under 45-5-206 or of a violation of an order of protection under 45-5-626 and who is ordered to be supervised by misdemeanor probation must be ordered to pay for the cost of the misdemeanor probation. The actual cost of probation supervision over the offender's sentence must be paid by the offender unless the offender can show that the offender is unable to pay those costs. The costs of misdemeanor probation are in addition to any other fines, restitution, or counseling ordered.

46-9-108. Conditions upon defendant's release -- notice to victim of stalker's release.

(1) The court may impose any condition that will reasonably ensure the appearance of the defendant as required or that will ensure the safety of any person or the community, including but not limited to the following conditions:

- (a) the defendant may not commit an offense during the period of release;
- (b) the defendant shall remain in the custody of a designated person who agrees to supervise the defendant and report any violation of a release condition to the court, if the designated person is reasonably able to assure the court that the defendant will appear as required and will not pose a

danger to the safety of any person or the community;

(c) the defendant shall maintain employment or, if unemployed, actively seek employment;

(d) the defendant shall abide by specified restrictions on the defendant's personal associations, place of abode, and travel;

(e) the defendant shall avoid all contact with:

(i) an alleged victim of the crime, including in a case of partner or family member assault the restrictions contained in a no contact order issued under 45-5-209; and

(ii) any potential witness who may testify concerning the offense;

(f) the defendant shall report on a regular basis to a designated agency or individual, pretrial services agency, or other appropriate individual;

(g) the defendant shall comply with a specified curfew;

(h) the defendant may not possess a firearm, destructive device, or other dangerous weapon;

(i) the defendant may not use or possess alcohol or use or possess any dangerous drug or other controlled substance without a legal prescription;

(j) if applicable, the defendant shall comply with either a mental health or chemical dependency treatment program, or both;

(k) the defendant shall furnish bail in accordance with 46-9-401; or

(l) the defendant shall return to custody for specified hours following release from employment, schooling, or other approved purposes.

(2) The court may not impose an unreasonable condition that results in pretrial detention of the defendant and shall subject the defendant to the least restrictive condition or combination of conditions that will ensure the defendant's appearance and provide for protection of any person or the community. At any time, the court may, upon a reasonable basis, amend the order to impose additional or different conditions of release upon its own motion or upon the motion of either party.

(3) Whenever a person accused of a violation of 45-5-206, 45-5-220, or 45-5-626 is admitted to bail, the detention center shall, as soon as possible under the circumstances, make one and if necessary more reasonable attempts, by means that include but are not limited to certified mail, to notify the alleged victim or, if the alleged victim is a minor, the alleged victim's parent or guardian of the accused's release.

46-9-505. Issuance of arrest warrant -- redetermining bail -- definition.

(1) Upon failure to comply with any condition of a bail or recognizance, the court having jurisdiction at the time of the failure may, in addition to any other action provided by law, issue a warrant for the arrest of the person.

(2) On verified application by the prosecutor setting forth facts or circumstances constituting a breach or threatened breach of any of the conditions of the bail or a threat or an attempt to influence the pending proceeding, the court may issue a warrant for the arrest of the defendant.

(3) If the defendant has been released under the supervision of a pretrial services agency, referred to in 46-9-108(1)(f), an officer of that agency may arrest the defendant without a warrant or may deputize any other officer with power of arrest to arrest the defendant by giving the officer oral authorization and within 12 hours delivering to the place of detention a verified written statement setting forth that the defendant has, in the judgment of the officer, violated the conditions of the defendant's release. An oral authorization delivered with the defendant by the arresting officer to the official in charge of a county detention center or other place of detention is a

sufficient warrant for detention of the defendant if the pretrial officer delivers a verified written statement within 12 hours of the defendant's arrest.

(4) Upon the arrest, the defendant must be brought before the court without unnecessary delay and the court shall conduct a hearing and determine bail in accordance with 46-9-311.

(5) As used in this section, "pretrial services agency" means a government agency or a private entity under contract with a local government whose employees have the minimum training required in 46-23-1003 and that is designated by a district court, justice's court, municipal court, or city court to provide services pending a trial.

Misdemeanor Probation and Pretrial Service Officers

2016 POST Legislative Package

PROPOSED LANGUAGE (As Amended):

§ 46-23-1003, MCA. Qualifications of felony probation and parole officers.

(1) Felony probation and parole officers are those officers who are employed by the department of corrections pursuant to 46-23-1002. Felony probation and parole officers are public safety officers pursuant to 44-4-401 and peace officers pursuant to 46-1-202;

(2) Each felony probation and parole officer must have at least a college degree and some formal training in behavioral sciences. Exceptions to this rule must be approved by the department. Related work experience in the areas listed in 2-15-2302(2)(c) may be substituted for educational requirements at the rate of 1 year of experience for 9 months formal education if approved by the department. All present employees are exempt from this requirement but are encouraged to further their education at the earliest opportunity.

(3) Each felony probation and parole officer shall receive training in accordance with standards adopted by the Montana public safety officer standards and training council established in 2-15-2029 (referred to herein as the council) and be certified or be eligible for certification as a felony probation and parole officer by the council. The training must be provided by the Department of Corrections and approved by the council. The training must be at the Montana law enforcement academy unless the council finds that training at some other location is more appropriate.

(4) In addition to any training required by the council, each felony probation and parole officer shall, obtain 16 hours a year of training in subjects relating to the powers and duties of probation officers, at least 1 hour of which must include training on serious mental illness and recovery from serious mental illness.

§ 46-23-1005, MCA. Misdemeanor probation offices -- officers -- costs.

(1) A local government may establish a misdemeanor probation office associated with a justice's court, municipal court, or city court. The misdemeanor probation office shall monitor offenders for misdemeanor sentence compliance and restitution payments. An offender is considered a fugitive under the conditions provided in 46-23-1014.

(2) A local government may appoint misdemeanor probation officers and other employees necessary to administer this section. Misdemeanor probation officers:

(a) are public employees, not employees of a private entity contracting with a local government;

(b) are public safety officers pursuant to 44-4-401;

(c) must have the minimum training required by the Montana Public Safety Officer Standards and Training Council established in 2-15-2029 (council) and be certified or be eligible for certification by that council;

(d) must follow the supervision guidelines required in 46-23-1011; and

(e) may order the arrest of an offender as provided in 46-23-1012.

(3) Private entities under contract with a local government whose employees provide misdemeanor probation services must be licensed as provided for in MCA Title 60, Chapter 37 – Private Investigators, Private Security and Fire Entities, and Process Servicers.

§ 46-9-108, MCA. Conditions upon defendant's release -- notice to victim of stalker's release.

(1) The court may impose any condition that will reasonably ensure the appearance of the defendant as required or that will ensure the safety of any person or the community, including but not limited to the following conditions:

- (a) the defendant may not commit an offense during the period of release;
- (b) the defendant shall remain in the custody of a designated person who agrees to supervise the defendant and report any violation of a release condition to the court, if the designated person is reasonably able to assure the court that the defendant will appear as required and will not pose a danger to the safety of any person or the community;
- (c) the defendant shall maintain employment or, if unemployed, actively seek employment;
- (d) the defendant shall abide by specified restrictions on the defendant's personal associations, place of abode, and travel;
- (e) the defendant shall avoid all contact with:
 - (i) an alleged victim of the crime, including in a case of partner or family member assault the restrictions contained in a no contact order issued under 45-5-209; and
 - (ii) any potential witness who may testify concerning the offense;
- (f) the defendant shall report on a regular basis to a designated agency or individual, pretrial services agency or pretrial services officer as defined in 46-9-122, or other appropriate individual;
- (g) the defendant shall comply with a specified curfew;
- (h) the defendant may not possess a firearm, destructive device, or other dangerous weapon;
- (i) the defendant may not use or possess alcohol or use or possess any dangerous drug or other controlled substance without a legal prescription;
- (j) if applicable, the defendant shall comply with either a mental health or chemical dependency treatment program, or both;
- (k) the defendant shall furnish bail in accordance with 46-9-401; or
- (l) the defendant shall return to custody for specified hours following release from employment, schooling, or other approved purposes.

(2) The court may not impose an unreasonable condition that results in pretrial detention of the defendant and shall subject the defendant to the least restrictive condition or combination of conditions that will ensure the defendant's appearance and provide for protection of any person or the community. At any time, the court may, upon a reasonable basis, amend the order to impose additional or different conditions of release upon its own motion or upon the motion of either party.

(3) Whenever a person accused of a violation of 45-5-206, 45-5-220, or 45-5-626 is admitted to bail, the detention center shall, as soon as possible under the circumstances, make one and if necessary more reasonable attempts, by means that include but are not limited to certified mail, to notify the alleged victim or, if the alleged victim is a minor, the alleged victim's parent or guardian of the accused's release.

(ENTIRELY NEW STATUTE) § 46-9-122, MCA. Pretrial Service Agency and Pretrial Services Officer – definition, training.

(1) As used in this section, "pretrial services agency" means a government agency whose public employees are pretrial service officers and that is designated by a district court, justice's court, municipal court, or city court to provide services pending a trial.

(2) Pretrial services officers:

(a) are public employees, not employees of a private entity contracting with a local government;

(b) are public safety officers pursuant to 44-4-401;

(c) must have the minimum training required by the Montana public safety officer standards and training council established in 2-15-2029 and be certified or be eligible for certification by that council.

§ 46-9-505, MCA. Issuance of arrest warrant -- redetermining bail – definition.

(1) Upon failure to comply with any condition of a bail or recognizance, the court having jurisdiction at the time of the failure may, in addition to any other action provided by law, issue a warrant for the arrest of the person.

(2) On verified application by the prosecutor setting forth facts or circumstances constituting a breach or threatened breach of any of the conditions of the bail or a threat or an attempt to influence the pending proceeding, the court may issue a warrant for the arrest of the defendant.

(3) If the defendant has been released under the supervision of a pretrial services agency or officer, referred to in 46-9-108(1)(f) and defined in 46-9-122, the pretrial services officer may arrest the defendant without a warrant or may deputize any other officer with power of arrest to arrest the defendant by giving the officer oral authorization and within 12 hours delivering to the place of detention a verified written statement setting forth that the defendant has, in the judgment of the officer, violated the conditions of the defendant's release. An oral authorization delivered with the defendant by the arresting officer to the official in charge of a county detention center or other place of detention is a sufficient warrant for detention of the defendant if the pretrial officer delivers a verified written statement within 12 hours of the defendant's arrest.

(4) Upon the arrest, the defendant must be brought before the court without unnecessary delay and the court shall conduct a hearing and determine bail in accordance with 46-9-311.

(5) Private entities under contract with a local government whose employees provide pretrial supervision services must be licensed as provided for in MCA Title 60, Chapter 37 – Private Investigators, Private Security and Fire Entities, and Process Servicers.

Title 44, Chapter 4, Part 4

MCA 2015

CURRENT LANGUAGE:

44-4-401. Definitions. For the purposes of this part, the following definitions apply:

(1) "Council" means the Montana public safety officer standards and training council established in 2-15-2029.

(2) "Public safety officer" means:

(a) a corrections officer who is employed by the department of corrections, established in 2-15-2301, and who has full-time or part-time authority or responsibility for maintaining custody of inmates in a state correctional facility for adults or juveniles;

(b) a detention officer who is employed by a county and who has full-time or part-time authority or responsibility for maintaining custody of inmates in a detention center, as defined in 7-32-2241, or a youth detention facility, as defined in 41-5-103;

(c) a peace officer, as defined in 46-1-202;

(d) a department of transportation employee appointed as a peace officer pursuant to 61-12-201;

(e) a law enforcement officer or reserve officer, as the terms are defined in 7-32-201;

(f) a public safety communications officer, as defined in 7-31-201;

(g) a probation or parole officer who is employed by the department of corrections pursuant to 46-23-1002;

(h) a person subject to training requirements pursuant to 44-2-113 or 44-4-902; and

(i) any other person required by law to meet the qualification or training standards established by the council.

44-4-403. Council duties -- determinations -- appeals. (1) The council shall:

(a) establish basic and advanced qualification and training standards for employment;

(b) conduct and approve training; and

(c) provide for the certification or recertification of public safety officers and for the suspension or revocation of certification of public safety officers.

(2) The council may waive or modify a qualification or training standard for good cause.

(3) A person who has been denied certification or recertification or whose certification or recertification has been suspended or revoked is entitled to a contested case hearing before the council pursuant to Title 2, chapter 4, part 6, except that a decision by the council may be appealed to the board of crime control, as provided for in 44-4-301. A decision of the board of crime control is a final agency decision subject to judicial review.

(4) The council is designated as a criminal justice agency within the meaning of 44-5-103 for the purpose of obtaining and retaining confidential criminal justice information, as defined in 44-5-103, regarding public safety officers in order to provide for the certification or recertification of a public safety officer and for the suspension or revocation of certification of a public safety officer. The council may not record or retain any confidential criminal justice information without complying with the provisions of the Montana Criminal Justice Information Act of 1979 provided for in Title 44, chapter 5.

44-4-404. Appointing authority responsible for applying standards. It is the responsibility of a public safety officer's appointing authority to apply the employment standards and training criteria established by the council pursuant to this part, including but not limited to requiring the

successful completion of minimum training standards within 1 year of the public safety officer's hire date and terminating the employment of a public safety officer for failure to meet the minimum standards established by the council pursuant to this part.

Title 44, Chapter 4, Part 4

2016 POST Legislative Package

PROPOSED LANGUAGE (As-Amended):

44-4-401. Definitions. For the purposes of this part, the following definitions apply:

(1) "Council" means the Montana public safety officer standards and training council established in 2-15-2029.

(2) "Public safety officer" means:

(a) a corrections officer who is employed by the department of corrections, established in 2-15-2301, and who has full-time or part-time authority or responsibility for maintaining custody of inmates in a state correctional facility for adults or juveniles;

(b) a detention officer who is employed by a county and who has full-time or part-time authority or responsibility for maintaining custody of inmates in a detention center, as defined in 7-32-2241, or a youth detention facility, as defined in 41-5-103;

(c) a peace officer, as defined in 46-1-202 or 7-32-303;

(d) a department of transportation employee appointed as a peace officer pursuant to 61-12-201;

(e) a law enforcement officer or reserve officer, as the terms are defined in 7-32-201;

(f) a public safety communications officer, as defined in 7-31-201;

(g) a probation or parole officer who is employed by the department of corrections pursuant to 46-23-1002;

(h) a person subject to training requirements pursuant to 44-2-113 or 44-4-902; and

(i) a sheriff, except that nothing in this part shall be construed to require a sheriff to have a certificate issued by the council or be eligible for such certification.

(j) a coroner with the duties described in 7-4-2911 or deputy coroner appointed pursuant to 7-4-2901.

(k) a publically-employed misdemeanor probation officer as defined by [46-23-1005]

(l) a publically-employed pretrial service officer employed by a pretrial services agency, referred to in 46-9-108(1)(f),

(m) any other person required by law to meet the qualification or training standards established by the council.

44-4-403. Council duties -- determinations -- appeals. (1) The council shall:

(a) establish through administrative rule the basic, advanced, and continuing qualification, training, and employment standards, including ethics and professional conduct standards for all public safety officers in Montana. These standards will be in addition to and not inconsistent with those standards set by statute;; The council may waive or modify a qualification or training standard set by its administrative rule for good cause.

(b) conduct or review the training necessary to satisfy the standards established in (a) for all public safety officers in Montana and approve or deny requests for training credit based on procedures and standards set by administrative rule; and

(c) determine an individual's eligibility or ineligibility for certification as a public safety officer in Montana; provide a minimum of basic certification for all public safety officers who meet the qualification, training, and employment standards for the discipline in which they are currently employed; and sanction, suspend, revoke, or deny the certification of public safety officers who violate or fail to meet those standards.

(i) A person whose certification has been sanctioned, suspended, revoked, or denied based on misconduct, or who has been declared ineligible for certification by the council is entitled to a contested case hearing before the council pursuant to Title 2, chapter 4, part 6, and administrative rules established by the council not inconsistent with that part, except that a decision by the council may be appealed to the board of crime control, as provided for in 44-4-301. A decision of the board of crime control is a final agency decision subject to judicial review.

(ii) The revocation or suspension of any one of an individual public safety officer's basic certificates, in any discipline, automatically revokes or suspends for the same period all other public safety officer certificates held by that officer such that a public safety officer shall not be appointed or employed as a public safety officer if he or she has ever had any public safety officer basic certificate revoked or currently has any public safety officer basic certificate suspended.

(2) The council is designated as a criminal justice agency within the meaning of 44-5-103 for the purpose of obtaining and retaining confidential criminal justice information, as defined in 44-5-103, regarding public safety officers in order to fulfill the duties of subsection (1)(c), above. The council may not record or retain any confidential criminal justice information without complying with the provisions of the Montana Criminal Justice Information Act of 1979 provided for in Title 44, chapter 5.

(3) The council may delegate any of its statutory duties to its staff or executive director as long as the council ultimately reviews any decision that adversely affects the rights of an individual pursuant to Title 2, chapter 4, part 6.

44-4-404. Appointing authority responsible for applying standards. (1) All public safety officers in Montana must meet the applicable qualification, training, and employment standards as set by statute and the council's administrative rules and must be certified, or must be eligible for certification after the completion of a 1-year probationary period, by the Council in the discipline in which they are currently employed.

(2) It is the responsibility of a public safety officer's appointing authority to ensure that every public safety officer it employs meets the qualification, training, and employment standards established by the council pursuant to 44-4-403(1)(a) and the Council's administrative rules, including but not limited to requiring that the public safety officer be certified by the council in the discipline in which he or she is currently employed, or be eligible for such certification within 1 year of the public safety officer's hire date, and terminating or suspending the employment of a public safety officer whose certification has been sanctioned, suspended, revoked, or denied, or who has been declared ineligible for certification, until such time as the officer has a valid certification from the council in the appropriate discipline.

(3) It is unlawful for a person who has had his or her basic certification as a public safety officer in any discipline revoked or denied for misconduct by the council, or has been declared ineligible for certification by the council based on misconduct, to act or be appointed or employed as a public safety officer in any discipline Montana. It is unlawful for a person who has had his or her basic certification suspended by the council to act or be appointed or employed as a public safety officer in any discipline Montana during the period in which the certificate is suspended. A person convicted of violating this subsection is guilty of a misdemeanor, punishable by a term of imprisonment not to exceed 6 months in the county jail or by a fine not to exceed \$500, or both.

(4) Within 10 days of the appointment, termination, resignation, or death of any public safety officer, written notice of the event must be given to the council by the employing authority.



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

Pending Certification Report

Name	Instructor Type	Issue Date
BAS Basic		
5432 Arnold, Jonathan	CUT BANK POLICE DEPARTMENT	04/07/2016
5433 Beechie, Michael B	BILLINGS POLICE DEPARTMENT	04/07/2016
5434 Bichler, Braddy W	PARK COUNTY SHERIFF'S OFFICE	04/07/2016
5435 Bigelow, Casey A	MILES CITY POLICE DEPARTMENT	04/07/2016
5436 Bird Rattler, Kenneth R	BLACKFEET LAW ENFORCEMENT	04/07/2016
5437 Christoffersen, Matthew M	DEPT OF HIGHWAYS/MOTOR CARRIER SERV	04/07/2016
5438 Conway, Kevin T	WHITEFISH POLICE DEPARTMENT	04/19/2016
5439 DeGeyter, Zachary M	BOZEMAN POLICE DEPARTMENT	04/07/2016
5440 DeWitt, Chad E	CUT BANK POLICE DEPARTMENT	04/07/2016
5441 Dorow, Zachary S	BOZEMAN POLICE DEPARTMENT	04/07/2016
5443 Etter, Christopher M	FORT BENTON POLICE DEPARTMENT	04/18/2016
5444 Fawell, Timothy B	MISSOULA ADULT DETENTION FACILITY	04/07/2016
5445 Fetty, Christopher C	MILES CITY POLICE DEPARTMENT	04/07/2016
5446 Fomshell, Ethan J	FISH, WILDLIFE AND PARKS	04/19/2016
5447 Garner, Dallas M	LIBERTY COUNTY SHERIFF'S OFFICE	04/07/2016
5448 Herndon, Arin R	LEWIS AND CLARK COUNTY SHERIFF'S OFFI	04/07/2016
5449 Hoyt, Ryan E	BLACKFEET LAW ENFORCEMENT	04/07/2016
5451 Kees, Kristy L	MONTANA HIGHWAY PATROL	04/07/2016
5452 Kelso, Michael J	YELLOWSTONE COUNTY SHERIFF'S OFFICE	04/07/2016
5453 Kiewatt, Steven M	DEPARTMENT OF LIVESTOCK	04/07/2016
5454 King, Benjamin W	BOZEMAN POLICE DEPARTMENT	04/07/2016
5455 Lovell, Franklin D	YELLOWSTONE COUNTY SHERIFF'S OFFICE	04/07/2016
5456 Marshall, Jonathan J	GREAT FALLS POLICE DEPARTMENT	04/19/2016
5457 Meek, James A	GREAT FALLS POLICE DEPARTMENT	04/19/2016
5458 Mohr, Andrew	FISH, WILDLIFE AND PARKS	04/07/2016
5459 Munkres, Brett C	CHOUTEAU COUNTY SHERIFF'S OFFICE	04/07/2016
5460 Peters, Steve D	GRANITE COUNTY SHERIFF'S OFFICE	04/07/2016
5461 Potts, Coley	BLACKFEET LAW ENFORCEMENT	04/07/2016
5462 Rosteck, Jesse D	GREAT FALLS POLICE DEPARTMENT	04/19/2016
5463 Roush, Michael A	PARK COUNTY SHERIFF'S OFFICE	04/19/2016
5464 Running Wolf, Ryan M	BLACKFEET LAW ENFORCEMENT	04/07/2016
5465 Sample, Corey V	RICHLAND COUNTY SHERIFF'S OFFICE	04/07/2016
5466 Schwittay, Mark R	HOT SPRINGS POLICE DEPARTMENT	04/07/2016
5467 Sheridan, Trevor J	RONAN POLICE DEPARTMENT	04/07/2016
5468 Solorio, Jairo	BILLINGS POLICE DEPARTMENT	04/07/2016
5469 Tihlarik, Joseph	VALLEY COUNTY SHERIFF'S OFFICE	04/20/2016
5470 Trujillo, Juan M	BOULDER POLICE DEPARTMENT	04/07/2016
5471 Vanderbush, Norman W	PONDERA COUNTY SHERIFF'S OFFICE	04/07/2016
5473 White, Corey D	GOLDEN VALLEY COUNTY SHERIFF'S OFFIC	04/07/2016
5474 Wildin, Chad O	BILLINGS POLICE DEPARTMENT	04/07/2016
5475 Wortman, Nathan	RICHLAND COUNTY SHERIFF'S OFFICE	04/19/2016
5476 Chase, David B	BEAVERHEAD COUNTY SHERIFF'S OFFICE	04/07/2016
5477 Moore, John R	ENNIS POLICE DEPARTMENT	04/07/2016
40716 Weatherwax, Darrell	BLACKFEET LAW ENFORCEMENT	04/07/2016

Total BAS Certificates 44



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

Pending Certification Report

Name	Instructor Type	Issue Date
INT Intermediate		
4758 Andress, Robert W	DAWSON COUNTY SHERIFF'S OFFICE	04/18/2016
4759 Black, Amari B	GARFIELD COUNTY SHERIFF'S OFFICE	04/18/2016
4760 Bragg, Bradley J	LEWIS AND CLARK COUNTY SHERIFF'S OFFI	04/18/2016
4761 Frank, Matthew T	BILLINGS POLICE DEPARTMENT	04/18/2016
4762 Cross, Chad M	JEFFERSON COUNTY SHERIFF'S OFFICE	04/18/2016
4763 Esteves, Alex C	VALLEY COUNTY SHERIFF'S OFFICE	04/18/2016
4764 Holzer, Brandon P	LINCOLN COUNTY SHERIFF'S OFFICE	04/20/2016
4765 Kirkbride, Dustin D	CONRAD POLICE DEPARTMENT	04/19/2016
4766 Melton, Terrance R	MONTANA HIGHWAY PATROL	04/19/2016
4767 Miller, Kurt A	MONTANA HIGHWAY PATROL	04/19/2016
4768 Pekovitch, LeeAnn M	UNIVERSITY OF MONTANA PUBLIC SAFETY	04/19/2016
4769 Roselles, Alex R	SIDNEY POLICE DEPARTMENT	04/19/2016
4770 Rosenbaum, Terrance R	MONTANA HIGHWAY PATROL	04/19/2016
4771 Simasko, Patrick A	DAWSON COUNTY SHERIFF'S OFFICE	04/19/2016
4772 Stoltz, Jeffrey D	LEWIS AND CLARK COUNTY SHERIFF'S OFFI	04/19/2016
4773 Wood, Tyler K	HELENA POLICE DEPARTMENT	04/19/2016

Total INT Certificates 16

ADV Advanced		
3097 Acheson, Jason L	RONAN POLICE DEPARTMENT	04/19/2016
3098 Luhrsen, Thomas R	MSU POLICE DEPARTMENT/BOZEMAN	04/19/2016
3099 Mills, Katie A	DAWSON COUNTY SHERIFF'S OFFICE	04/19/2016
3100 Reighard, Matthew J	LEWIS AND CLARK COUNTY SHERIFF'S OFFI	04/19/2016
3101 Tome, Mark A	MONTANA HIGHWAY PATROL	04/19/2016

Total ADV Certificates 5

SUP Supervisory		
2804 Barcus, Glendon H	MONTANA HIGHWAY PATROL	04/19/2016
2805 Brown, Joshua T	MONTANA HIGHWAY PATROL	04/19/2016
2806 Cagle, Harley R	BILLINGS POLICE DEPARTMENT	04/19/2016
2807 Croft, Christopher W	UNIVERSITY OF MONTANA PUBLIC SAFETY	04/19/2016
2808 Holland, David W	FISH, WILDLIFE AND PARKS	04/19/2016
2809 Mills, Katie A	DAWSON COUNTY SHERIFF'S OFFICE	04/19/2016
2810 Peterson, Don R	GALLATIN COUNTY SHERIFF'S OFFICE	04/19/2016
2811 Smith, Garrett R	KALISPELL POLICE DEPARTMENT	04/19/2016

Total SUP Certificates 8

COM Command		
2608 Nedens, Jeffrey A	DOJ/DIVISION OF CRIMINAL INVESTIGATION	04/19/2016

Total COM Certificates 1

DTB Detention/Corrections Basic		
2092 Adams, Tyler	MISSOULA ADULT DETENTION FACILITY	04/19/2016



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

Pending Certification Report

Name	Instructor Type	Issue Date
2093 Aiello, Antonio D	MONTANA STATE PRISON	04/25/2016
2094 Andersen, Dustin W	FLATHEAD COUNTY SHERIFF'S OFFICE	04/07/2016
2095 Bjorge, James A	CASCADE COUNTY SHERIFF'S OFFICE	04/07/2016
2096 Blount, Troy W	ROOSEVELT COUNTY SHERIFF'S OFFICE	04/07/2016
2097 Brasch, Christopher	LAKE COUNTY SHERIFF'S OFFICE	04/07/2016
2098 Bruha, Bobby J	MONTANA STATE PRISON	04/25/2016
2099 Case, Mason M	MISSOULA ADULT DETENTION FACILITY	04/19/2016
2100 Chinman, Jonah M	GALLATIN COUNTY SHERIFF'S OFFICE	04/07/2016
2101 Clary, Carl A	LEWIS AND CLARK COUNTY SHERIFF'S OFFI	04/19/2016
2102 Clary, Guadalupe R	CASCADE COUNTY SHERIFF'S OFFICE	04/07/2016
2103 DeFilippis, Ty	CASCADE COUNTY JUVENILE DETN FACILITY	04/07/2016
2104 Delong, Jared M	MONTANA STATE PRISON	04/25/2016
2105 Dorscher, Theodore J	MONTANA STATE PRISON	04/07/2016
2106 Eastburn, Katelyn	DAWSON COUNTY ADULT DET COR FACILITY	04/07/2016
2107 Edwards, Julie L	MONTANA STATE PRISON	04/25/2016
2108 Fehrenbach, Korren K	LAKE COUNTY SHERIFF'S OFFICE	04/07/2016
2109 Goodyear, Cody W	YELLOWSTONE COUNTY DETENTION	04/07/2016
2110 Hensen (Delaney), Tracey E	MONTANA STATE PRISON	04/07/2016
2112 Jones (Hegar), Rebecca J	BROADWATER COUNTY SHERIFF'S OFFICE	04/07/2016
2113 Lemm, Cody T	MONTANA STATE PRISON	04/07/2016
2114 Lindley, Kandi	MONTANA STATE WOMEN'S PRISON	04/19/2016
2115 Lumley, Larry D	BEAVERHEAD COUNTY SHERIFF'S OFFICE	04/19/2016
2116 Nuno, Aaron A	FLATHEAD COUNTY SHERIFF'S OFFICE	04/19/2016
2117 Regan, Michael J	BUTTE/SILVER BOW LAW ENFORCEMENT	04/07/2016
2118 Robinson, Darren M	LEWIS AND CLARK COUNTY SHERIFF'S OFFI	04/19/2016
2119 Shields, Timothy J	MONTANA STATE PRISON	04/25/2016
2120 Stevenson, Shelby L	CUSTER COUNTY SHERIFF'S OFFICE	04/07/2016
2121 Taylor, Cody P	MONTANA STATE PRISON	04/25/2016
2122 Truax, Aaron	DAWSON COUNTY ADULT DET COR FACILITY	04/19/2016
2123 Trueblood, Nathan	MONTANA STATE WOMEN'S PRISON	04/07/2016
2124 Uylaki, Joshua D	MISSOULA ADULT DETENTION FACILITY	04/19/2016
2125 Veatch, Casey E	YELLOWSTONE COUNTY DETENTION	04/07/2016
2126 Villasenor, Mikael A	MONTANA STATE PRISON	04/07/2016
2127 Voss, Isaiah R	MONTANA STATE PRISON	04/25/2016
2128 Yellowtail, Ivan	BIG HORN COUNTY SHERIFF'S OFFICE	04/07/2016

Total DTB Certificates 36

DTI Detention/Corrections Intermediate

2672	Shearer, Joel	LAKE COUNTY SHERIFF'S OFFICE	04/19/2016
2673	Merritt, Bryan D	LEWIS AND CLARK COUNTY SHERIFF'S OFFI	04/19/2016

Total DTI Certificates 2

DTC Detention/Corrections Command

0	Jovanovich, Samuel T	MONTANA STATE PRISON	02/23/2016
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Total DTC Certificates 1



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

Pending Certification Report

Name	Instructor Type	Issue Date
DIS Public Safety Communicators Basic		
655 Berg, Jaylee O	RICHLAND COUNTY SHERIFF'S OFFICE	04/07/2016
656 Brown, Tammy L	FLATHEAD EMERGENCY COMMUNICATIONS	04/07/2016
657 Butz, Ashly K	TOOLE COUNTY SHERIFF'S OFFICE	04/07/2016
658 Cianflone, Amy R	RAVALLI COUNTY SHERIFF'S OFFICE	04/07/2016
659 Collyer, Jessi K	TETON COUNTY SHERIFF'S OFFICE	04/25/2016
660 DeRoche, Doreen M	BLACKFEET LAW ENFORCEMENT	04/19/2016
661 Edwards, Jessica B	MISSOULA 911 CENTER	04/19/2016
662 Fitzpatrick, Ty	CROW TRIBE	04/19/2016
664 Hingiss, Michael D	LAKE COUNTY SHERIFF'S OFFICE	04/19/2016
665 Hoffman, Rachael L	MISSOULA 911 CENTER	04/07/2016
666 Hunt (Galloway), Shannon	FLATHEAD EMERGENCY COMMUNICATIONS	04/07/2016
667 Jensen, Luwanna	FLATHEAD EMERGENCY COMMUNICATIONS	04/07/2016
668 Jones (Hegar), Rebecca J	BROADWATER COUNTY SHERIFF'S OFFICE	04/07/2016
669 Kenser, Katie M	FERGUS COUNTY SHERIFF'S OFFICE	04/07/2016
670 Kvapil, Kristina M	FLATHEAD EMERGENCY COMMUNICATIONS	04/07/2016
671 Lako, Jared	FLATHEAD EMERGENCY COMMUNICATIONS	04/07/2016
672 Mercurio, Paige E	FLATHEAD EMERGENCY COMMUNICATIONS	04/07/2016
673 Montgomery, Craig F	FLATHEAD EMERGENCY COMMUNICATIONS	04/07/2016
674 Montoya, Sheryl C	TETON COUNTY SHERIFF'S OFFICE	04/07/2016
675 Neiffer, Melissa J	HELENA POLICE DEPARTMENT	04/07/2016
676 Osen, Brooke A	SWEET GRASS COUNTY SHERIFF'S OFFICE	04/07/2016
677 Oster, Tara J	FLATHEAD EMERGENCY COMMUNICATIONS	04/07/2016
678 Phelps, Bradley	FLATHEAD EMERGENCY COMMUNICATIONS	04/07/2016
679 Pierson (Brewer), Faith A	FLATHEAD EMERGENCY COMMUNICATIONS	04/07/2016
680 Ryan, Kristina N	POWDER RIVER COUNTY SHERIFF'S OFFICE	04/25/2016
681 Rykal, Eric	JEFFERSON COUNTY SHERIFF'S OFFICE	04/07/2016
682 Sanchez, Erin	FLATHEAD EMERGENCY COMMUNICATIONS	04/07/2016
683 Schettler, Chad	FLATHEAD EMERGENCY COMMUNICATIONS	04/07/2016
684 Scott, Kate L	FLATHEAD EMERGENCY COMMUNICATIONS	04/07/2016
685 Smith, Monte	FLATHEAD EMERGENCY COMMUNICATIONS	04/07/2016
686 Stanberry, Lauren	FLATHEAD EMERGENCY COMMUNICATIONS	04/07/2016
687 Stanley, Misty D	CHIPPEWA CREE LAW ENFORCEMENT	04/07/2016
688 Sturm, Destini A	RAVALLI COUNTY SHERIFF'S OFFICE	04/07/2016
689 Tepas, Timothy	FLATHEAD EMERGENCY COMMUNICATIONS	04/07/2016
690 Warner, Lisa	FLATHEAD EMERGENCY COMMUNICATIONS	04/07/2016
691 Widdekind, Leah C	HILL COUNTY SHERIFF'S OFFICE	04/07/2016
692 Young, Terah	FLATHEAD EMERGENCY COMMUNICATIONS	04/07/2016

Total DIS Certificates 37

DIN Public Safety Communicators Intermediate

78 Larson, Carmen D	LEWISTOWN POLICE DEPARTMENT	04/19/2016
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Total DIN Certificates 1

COR Coroner Basic



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

Pending Certification Report

Name	Instructor Type	Issue Date
1434 Birket, Rebecca L	MISSOULA COUNTY SHERIFF'S OFFICE	04/07/2016
1435 Dunster, Ryan	MISSOULA COUNTY SHERIFF'S OFFICE	04/07/2016
1436 Gist, Margaret A	RICHLAND COUNTY CORONER	04/07/2016
1437 Gunter, Jonathan J	MISSOULA COUNTY SHERIFF'S OFFICE	04/19/2016
1438 Johnson, Michael R	JEFFERSON COUNTY SHERIFF'S OFFICE	04/07/2016
1439 Schaff, Shane M	GOLDEN VALLEY COUNTY SHERIFF'S OFFIC	04/19/2016
1440 Sullivan, Jason G	GLACIER COUNTY SHERIFF'S OFFICE	04/07/2016

Total COR Certificates 7



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

Pending Certification Report

Name	Instructor Type	Issue Date
JCB Juvenile Corrections/Detention Officer		
25 Bass, Aaron G	PINE HILLS YOUTH CORRECTIONAL FACILITY	04/28/2016
26 Benton, Jamaal L	PINE HILLS YOUTH CORRECTIONAL FACILITY	04/28/2016
27 Fuhrman, Marc	PINE HILLS YOUTH CORRECTIONAL FACILITY	04/28/2016
28 Hanvold, Matt	PINE HILLS YOUTH CORRECTIONAL FACILITY	04/28/2016
29 Marsh, William	PINE HILLS YOUTH CORRECTIONAL FACILITY	04/28/2016
30 McCoy, William C	PINE HILLS YOUTH CORRECTIONAL FACILITY	04/28/2016
31 Niece, Simon	PINE HILLS YOUTH CORRECTIONAL FACILITY	04/28/2016
32 Rentschler, Eric A	PINE HILLS YOUTH CORRECTIONAL FACILITY	04/28/2016
33 Stoneman, John R	PINE HILLS YOUTH CORRECTIONAL FACILITY	04/28/2016
34 Taylor, Christopher J	PINE HILLS YOUTH CORRECTIONAL FACILITY	04/28/2016
Total JCB Certificates 10		
INT Intermediate		
4774 Lee, Frederick	ROOSEVELT COUNTY SHERIFF'S OFFICE	04/27/2016
4775 Gould, Justin C	GALLATIN COUNTY SHERIFF'S OFFICE	05/02/2016
4776 Kulla, Dylan J	HAVRE POLICE DEPARTMENT	05/02/2016
Total INT Certificates 3		
ADV Advanced		
3102 Fetterhoff, Jason A	MONTANA HIGHWAY PATROL	04/27/2016
3103 Mehring, Richard C	MONTANA HIGHWAY PATROL	04/27/2016
3104 Petty, Noal G	HELENA POLICE DEPARTMENT	04/27/2016
3105 Leveque-Zapata, Domingo	HELENA POLICE DEPARTMENT	04/25/2016
3106 Gould, Justin C	GALLATIN COUNTY SHERIFF'S OFFICE	05/02/2016
3107 Wahl, Kerry D	FISH, WILDLIFE AND PARKS	05/02/2016
Total ADV Certificates 6		
SUP Supervisory		
2812 Kelly, Brandon S	GALLATIN COUNTY SHERIFF'S OFFICE	04/27/2016
2813 Petty, Noal G	HELENA POLICE DEPARTMENT	04/25/2016
Total SUP Certificates 2		
COM Command		
2609 Newell, Scott A	MISSOULA COUNTY SHERIFF'S OFFICE	04/27/2016
Total COM Certificates 1		
DTM Detention/Corrections Administrative		
22 Jovanovich, Samuel T	MONTANA STATE PRISON	04/27/2016
Total DTM Certificates 1		
COR Coroner Basic		



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

Pending Certification Report

Name	Instructor Type	Issue Date
1441 Gregory, Heather C	POWELL COUNTY CORONER	05/02/2016

Total COR Certificates 1

INS Instructors

4819	Andersen, Dustin W	FLATHEAD COUNTY SHERIFF'S OFFICE	DEFENSIVE TACTICS - PPCT	04/27/2016
4820	Cameron, Christian D	MISSOULA POLICE DEPARTMENT	SHOOTING UNDER STRESS	04/25/2016
4821	Cunningham, Kaylin H	GREAT FALLS POLICE DEPARTMENT	PISTOL, PATROL RIFLE, SHOT	04/25/2016
4822	Edwards, Tyler D	GLASGOW POLICE DEPARTMENT	PFMA - MISDEMEANOR PROBA	01/12/2016
4823	Ferguson, Jeffrey W	ROSEBUD COUNTY SHERIFF'S OFFICE	TASER X2 - TASER X26	02/24/2016
4824	Fleming, Matthew S	GREAT FALLS POLICE DEPARTMENT	PISTOL, PATROL RIFLE, SHOT	04/25/2016
4825	Green, Johnathan A	GREAT FALLS POLICE DEPARTMENT	PISTOL, PATROL RIFLE, SHOT	04/25/2016
4826	Grover, Jason R	MONTANA HIGHWAY PATROL	DRUG RECOGNITION EXPERT	01/20/2016
4827	Grover, Jason R	MONTANA HIGHWAY PATROL	ADVANCED ROADSIDE IMPAIR	01/20/2016
4828	Grover, Jason R	MONTANA HIGHWAY PATROL	STANDARD FIELD SOBRIETY T	01/20/2016
4829	Gydas, Evaldas R	MISSOULA POLICE DEPARTMENT	INITIAL PISTOL & PATROL RIFL	04/27/2016
4830	Hildenstab, Shane M	LEWIS AND CLARK COUNTY SHERIFF'S OFFI	LESS LETHAL - OC	03/08/2016
4831	Hildenstab, Shane M	LEWIS AND CLARK COUNTY SHERIFF'S OFFI	CRISIS INTERVENTION - ADVA	03/08/2016
4832	Houston, Clint C	GREAT FALLS POLICE DEPARTMENT	PISTOL, PATROL RIFLE, SHOT	04/25/2016
4833	Kelly, Brandon S	GALLATIN COUNTY SHERIFF'S OFFICE	1911 PISTOL FAMILIARIZATION	04/27/2016
4834	Kelly, Brandon S	GALLATIN COUNTY SHERIFF'S OFFICE	870 SHOTGUN FAMILIARIZATIO	04/27/2016
4835	LaBard II, Richard C	GREAT FALLS POLICE DEPARTMENT	PISTOL, PATROL RIFLE, SHOT	04/27/2016
4836	Lachapelle, Mark R	DEPT OF JUSTICE/GAMBLING DIVISION	DIM LIGHT PISTOL	04/25/2016
4837	Lachapelle, Mark R	DEPT OF JUSTICE/GAMBLING DIVISION	PISTOL QUALIFICATION	04/25/2016
4838	Lachapelle, Mark R	DEPT OF JUSTICE/GAMBLING DIVISION	PISTOL: SIGHTS & TRIGGER	04/25/2016
4839	Lang, Mitchell D	MISSOULA POLICE DEPARTMENT	FORENSIC CELLULAR PHONE	04/25/2016
4840	Baltezar, Beau C	MONTANA STATE PRISON	BASIC PISTOL, RIFLE, & SHOT	04/25/2016
4841	Baltezar, Beau C	MONTANA STATE PRISON	BASIC PISTOL, RIFLE, & SHOT	04/25/2016
4842	Baltezar, Beau C	MONTANA STATE PRISON	NEW EMPLOYEE ORIENTATION	04/25/2016
4843	Baltezar, Beau C	MONTANA STATE PRISON	CELL EXTRACTION	04/25/2016
4844	Barthel, Michael J	DEPARTMENT OF CORRECTIONS	BASIC SHOOTING: PISTOL	01/05/2016
4845	Black, Brian J	GREAT FALLS POLICE DEPARTMENT	PISTOL, PATROL RIFLE, SHOT	04/25/2016
4846	Boehm, Brian J	MSU POLICE DEPARTMENT/BOZEMAN	INTERPERSONAL COMMUNICA	04/27/2016
4847	Bownes, Aaron	MONTANA STATE PRISON	BASIC PISTOL, RIFLE, & SHOT	04/27/2016
4848	Bownes, Aaron	MONTANA STATE PRISON	BASIC PISTOL, RIFLE, & SHOT	04/27/2016
4849	Bownes, Aaron	MONTANA STATE PRISON	NEW EMPLOYEE ORIENTATION	04/27/2016
4850	Bownes, Aaron	MONTANA STATE PRISON	CELL EXTRACTION	04/27/2016
4851	Bownes, Aaron	MONTANA STATE PRISON	TASER	04/27/2016
4852	Mahlum, Derek R	GREAT FALLS POLICE DEPARTMENT	PISTOL, PATROL RIFLE, SHOT	04/25/2016
4853	Mesman, Reed M	DOJ/DIVISION OF CRIMINAL INVESTIGATION	BASIC PISTOL - PUSHING SPEE	04/27/2016
4854	Newell, Scott L	WEST YELLOWSTONE POLICE DEPARTMENT	STANDARD FIELD SOBRIETY T	04/28/2016
4855	Newell, Scott L	WEST YELLOWSTONE POLICE DEPARTMENT	PISTOL, PATROL RIFLE, SHOT	04/28/2016
4856	Newton, Jeffrey S	GREAT FALLS POLICE DEPARTMENT	PISTOL, PATROL RIFLE, SHOT	04/25/2016
4857	Otto, Douglas L	GREAT FALLS POLICE DEPARTMENT	PISTOL, PATROL RIFLE, SHOT	04/25/2016
4858	Pankratz, Adam B	MSU POLICE DEPARTMENT/BOZEMAN	PVOC	04/25/2016
4859	Pankratz, Adam B	MSU POLICE DEPARTMENT/BOZEMAN	DEFENSIVE TACTICS - PPCT	04/25/2016
4860	Parks, Jeffrey E	GREAT FALLS POLICE DEPARTMENT	PISTOL, PATROL RIFLE, SHOT	04/25/2016
4861	Perkins, Keith R	GREAT FALLS POLICE DEPARTMENT	PISTOL, PATROL RIFLE, SHOT	04/25/2016



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

Pending Certification Report

Name	Instructor Type	Issue Date
4862 Poppler, Anthony J	DOJ/DIVISION OF CRIMINAL INVESTIGATION DCI MAJOR CASE INVESTIGATI	04/25/2016
4863 Pullman, Clint A	LEWIS AND CLARK COUNTY SHERIFF'S OFFI HANDGUN, RIFLE QUALIFICATI	04/25/2016
4864 Pullman, Clint A	LEWIS AND CLARK COUNTY SHERIFF'S OFFI PVOC	04/25/2016
4865 Pullman, Clint A	LEWIS AND CLARK COUNTY SHERIFF'S OFFI MPAT FITNESS COACH	04/25/2016
4866 Pullman, Clint A	LEWIS AND CLARK COUNTY SHERIFF'S OFFI ALERRT ACTIVE SHOOTER	04/25/2016
4867 Pullman, Clint A	LEWIS AND CLARK COUNTY SHERIFF'S OFFI EMERGENCY RESPONSE TO A	04/25/2016
4868 Robinson, Jarrod D	BELGRADE POLICE DEPARTMENT BASIC PISTOL, PATROL RIFLE	04/27/2016
4869 Rosipal, Robert S	CASCADE COUNTY SHERIFF'S OFFICE BASIC CORONER	04/25/2016
4870 Peterson, Don R	GALLATIN COUNTY SHERIFF'S OFFICE PRIMARY MARKSMAN/OBSERV	04/28/2016
4871 Sanderson, James M	MONTANA HIGHWAY PATROL INTRODUCTION TO CRIMINAL I	04/27/2016
4872 Sanderson, James M	MONTANA HIGHWAY PATROL LOCAL / URBAN CRIMINAL INTE	04/27/2016
4873 Schaffer, John G	GREAT FALLS POLICE DEPARTMENT INSTRUCTOR DEVELOPMENT	01/20/2016
4874 Slaughter, Jesse	GREAT FALLS POLICE DEPARTMENT PISTOL, PATROL RIFLE, SHOT	04/25/2016
4875 Sorensen, Shane P	GREAT FALLS POLICE DEPARTMENT PISTOL, PATROL RIFLE, SHOT	04/25/2016
4876 Sweeney, Joshua T	MONTANA STATE PRISON BASIC PISTOL, RIFLE, & SHOT	04/25/2016
4877 Sweeney, Joshua T	MONTANA STATE PRISON BASIC PISTOL, RIFLE, & SHOT	04/25/2016
4878 Sweeney, Joshua T	MONTANA STATE PRISON CELL EXTRACTION	04/25/2016
4879 Sweeney, Joshua T	MONTANA STATE PRISON NEW EMPLOYEE ORIENTATION	04/25/2016
4880 Williams, Garrett T	MSU POLICE DEPARTMENT/BOZEMAN BASIC HANDGUN	04/25/2016
4881 Williams, Garrett T	MSU POLICE DEPARTMENT/BOZEMAN BASIC PATROL RIFLE	04/25/2016
4882 Williams, Garrett T	MSU POLICE DEPARTMENT/BOZEMAN LOW LIGHT HANDGUN	04/25/2016
4883 Trowbridge, Kurt D	MISSOULA POLICE DEPARTMENT INITIAL PISTOL & PATROL RIFL	04/25/2016
4884 Wells, James D	GREAT FALLS POLICE DEPARTMENT PISTOL, PATROL RIFLE, SHOT	04/25/2016
4885 Nedens, Jeffrey A	DOJ/DIVISION OF CRIMINAL INVESTIGATION GLOCK MODEL 23 QUALIFICATI	05/02/2016
4886 Nedens, Jeffrey A	DOJ/DIVISION OF CRIMINAL INVESTIGATION GLOCK MODEL 27 QUALIFICATI	05/02/2016
4887 Nedens, Jeffrey A	DOJ/DIVISION OF CRIMINAL INVESTIGATION PATROL RIFLE QUALIFICATION	05/02/2016
4888 Nedens, Jeffrey A	DOJ/DIVISION OF CRIMINAL INVESTIGATION PATROL RIFLE LOW-LIGHT QU	05/02/2016
4889 Sullivan, David M	DILLON POLICE DEPARTMENT SHOTGUN QUALIFICATION & F	04/27/2016
4890 Sullivan, David M	DILLON POLICE DEPARTMENT PATROL RIFLE QUALIFICATION	04/27/2016

Total INS Certificates 72



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

Pending Certification Report

Name	Instructor Type	Issue Date
INT Intermediate 4778 Freudenberg, Benjamin J MISSOULA POLICE DEPARTMENT		05/24/2016
Total INT Certificates 1		



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

Pending Certification Report

Name	Instructor Type	Issue Date
BAS Basic		
5478 Smith, Richard J	DOJ/DIVISION OF CRIMINAL INVESTIGATION	05/11/2016
Total BAS Certificates 1		
INT Intermediate		
4777 Smith, Richard J	DOJ/DIVISION OF CRIMINAL INVESTIGATION	05/11/2016
Total INT Certificates 1		
ADV Advanced		
3108 Smith, Richard J	DOJ/DIVISION OF CRIMINAL INVESTIGATION	05/11/2016
Total ADV Certificates 1		



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

Pending Certification Report

Name	Instructor Type	Issue Date
BAS Basic 5430 Kearney, Anthony E	WEST YELLOWSTONE POLICE DEPARTMENT	03/10/2016
Total BAS Certificates 1		

INS Instructors 4818 Adair, Christopher M	BLAINE COUNTY SHERIFF'S OFFICE	FIREARMS TRANSITION DRILLS 03/14/2016
Total INS Certificates 1		



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

Pending Certification Report

Name	Instructor Type	Issue Date
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DTI	Detention/Corrections Intermediate	
0	Watson, Debbie R	MISSOULA JUVENILE DETENTION FACILITY

Total DTI Certificates 1



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

Pending Certification Report

Name	Instructor Type	Issue Date
BAS Basic 5431 Lee, Frederick	ROOSEVELT COUNTY SHERIFF'S OFFICE	04/18/2016
Total BAS Certificates 1		
DTB Detention/Corrections Basic 2091 Lynn, Richard A	MONTANA STATE PRISON	04/18/2016
Total DTB Certificates 1		



RECEIVED
MAY 16 2016
MT POST Council

Date: May 13, 2016

MT P.O.S.T.

Perry Johnson, Executive Director
2260 Sierra Road East
Helena, MT 59602-8839

DOJ/MLEA

Glen Stinar, MLEA Administrator
2260 Sierra Road East
Helena, MT 59602-8839

Dear Perry and Glen,

I am requesting that a six-month extension be granted for Officer Austin Chookomoolin and Officer Jonathan Wells to attend correction detention officer basic (CDOB). Your authority to do so is provided in Montana Code Annotated 7-32-303 (6).

Officer Chookomoolin's one year anniversary date will be 08/06/2016. We have been unable to send him up to this point due to a shortage of staff. We are now in a position to be able to send him to CDOB, but when I contacted Deborah Murray with MLEA on 05/11/2016 she advised that the next available spot would be CDOB 139, 03/12/17-04/07/17 and that there were only two spots left in that class, even this far out. If my request were to be granted this would take him out to approximately 02/06/2017 still leaving him over the extension by approximately thirty-six days before the start of CDOB 139. Much better than the approximate seven months should the request be denied.

Officer Wells will have his one year anniversary on 12/14/2016 and we are not able to send him until CDOB 139 along with Officer Chookomoolin. With the granting of my extension request Officer Wells would be covered barring any unforeseen circumstances.

Historically I have reserved two spots for each class well into the future. I am not sure that is the best way to conduct business as many times I have had to reach out to Ms. Murray and release one or both spots at the last minute as a result of a shortage of staff. This creates extra work on her part staying after me to see if I am indeed going to be able to send anyone and if not, reaching out last minute to another agency on the waiting list. Having said that, I really see no way around reserving two spots indefinitely. I believe my reasons for having to do so are supported by the remainder of this letter.

As of 05/21/16 CDOB classes looked like this:

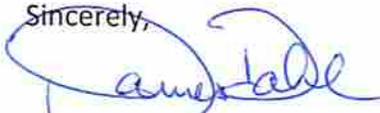
- CDOB 136, 06/05/16-07/01/16 Full with a waiting list of 11.
- CDOB 137, 09/18/16-10/14/16 Full with a waiting list of 15.
- CDOB 138, 01/15/17-02/10/17 Full with a waiting list of 5.
- CDOB 139, 03/12/17-04/07/17 I was able to secure the last two spots on 05/11/15.

I am currently once again in the hiring process and hope to get two hired as soon as possible. That said, even if I were to hire someone today I would not be guaranteed a spot until CDOB 140, 04/23/17-05/19/17, nearly one year from the date of hire. This puts me in the position of immediately having to request an extension in order to cover for any future shortages of staff, sicknesses and the like.

I am certain that you all are aware of this particular problem and I understand that it is not unique to Hill County. It is very difficult to get people trained in the mandated time frame when it can be so difficult to get them into the training. I am sure there are many obstacles in the way, but more classes are certainly needed.

I appreciate your consideration on my extension requests as well as your efforts to accommodate the increasing numbers of individuals who need the professional development of CDOB to further their careers.

Sincerely,



Deputy Sheriff James Dahl
Hill County Jail Administrator
Hill County Sheriff's Office
Havre, Montana 59501