

**MONTANA Public Safety Officer Standards and Training Council  
Committee Meeting Agenda ~ September 11, 2019  
ARM Committee Meeting 10:00 a.m. ~ 10:30 a.m.  
POST Conference Room  
2260 Sierra Road East  
Helena, MT 59602**

**Dial-in Participant Information**

Dial-in number: (866) 576-7975

Access code: 612394

- I. 10:00 a.m.** ~ Call meeting to order, roll call, identify and welcome guests.
- II. 10:05 a.m.** ~ Public Comment
- III. 10:10 a.m.** ~ ARMs 23.13.102, 23.13.702, 23.13.703 Updated Drafts
- IV. 10:15 a.m.** ~ Misdemeanor Probation/Pretrial Services ARMs
  - a. New Discipline
    - i. Draft Curriculum
  - b. Combined Discipline
- V. 10:25 a.m.** ~ TCPR Discussion
- VI. 10:30 a.m.** ~ Adjourn

\* Executive Sessions are closed to the public in order to protect the privacy rights of individuals.

Times are approximate; actual times may vary depending on presentation/discussion time.

BEFORE THE PUBLIC SAFETY OFFICERS  
STANDARDS AND TRAINING COUNCIL  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 23.13.102, 23.13.702, and ) PROPOSED AMENDMENT  
23.13.703 pertaining to the )  
certification of public safety officers )

TO: All Concerned Persons

1. On August 14, 2019, at 10:00 a.m., the Public Safety Officers Standards and Training (POST) Council will hold a public hearing in Room 1 of the Administration Building of the Montana Law Enforcement Academy, 2260 Sierra Road East, at Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The POST Council will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the POST Council no later than 4:00 p.m. on July 24, 2019, to advise us of the nature of the accommodation that you need. Please contact Katrina Bolger, POST Council, 2260 Sierra Road East, Helena, Montana, 59602; telephone (406) 444-9974; or e-mail kbolger@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

23.13.102 DEFINITIONS As used in this chapter, the following definitions apply:

(1) through (5) remain the same.

(6) "Director" or "executive director" means the ~~executive director~~ bureau chief of the public safety officer standards and training ~~council~~ bureau.

(7) through (26) remain the same.

AUTH: 2-15-2029, MCA

IMP: 2-15-2029, 44-4-403, MCA

REASON: The amendments to this rule are necessary due to the passage of HB 684 during the 2019 Legislative Session, creating a Public Safety Officer Standards and Training Bureau under the Department of Justice and providing for a "bureau chief" rather than an "executive director." HB 684 contains a sunset date which would revert the Bureau to the Council on June 30, 2021, unless the Legislature creates a permanent Public Safety Officer Standards and Training Bureau.

23.13.702 GROUNDS FOR DENIAL, SANCTION, SUSPENSION, OR REVOCATION OF POST CERTIFICATION (1) remains the same.

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(2) The public safety officer's employing authority must report to the executive director the existence of any potential ground for denial, sanction, suspension, or revocation of POST certification as enumerated in (3).

(2) through (2)(d) remain the same, but are renumbered (3) through (3)(d).

(e) conviction of a misdemeanor or felony, or an offense which would be a misdemeanor or felony if committed in this state;

(f) remains the same, but is renumbered (3)(f).

(g) neglect of duty or willful violation of orders or policies, procedures, rules, or regulations, or criminal law when such action or inaction, committed in the officer's capacity as an officer or otherwise, reflects adversely on the officer's honesty, integrity or fitness as an officer or is prejudicial to the administration of justice;

(h) remains the same.

(i) ~~other conduct or a pattern of conduct that, whether committed in the officer's capacity as an officer or otherwise, tends to significantly undermine public confidence in the profession~~ is prejudicial to the administration of justice or reflects adversely on the employing authority's integrity or the officer's honesty, integrity or fitness as an officer ;

(j) and (k) remain the same.

~~(l) acts that are reasonably identified or regarded as so improper or inappropriate that by their nature and in their context are harmful to the employing authority's or officer's reputations, or to the public's confidence in the profession;~~

(2)(m) through (3) remain the same but are renumbered (3)(l) through (4).

AUTH: 2-15-2029, MCA

IMP: 2-15-2029, 44-4-403, MCA

REASON: These amendments are necessary to clarify that an employing authority must report violations to the Council and to limit the potential grounds for denial, sanction, suspension, or revocation of POST certification to those grounds involving ethical misconduct. Employing authorities and public safety officers have expressed concerns that the grounds are vague and overbroad, for example because they would include an officer failing to refuel a vehicle at the end of a shift. These amendments are needed to clarify that only certain violations fall under the scope of the rules and to ensure consistency with the public safety officers' Code of Ethics set forth in Administrative Rule 23.13.203.

23.13.703 PROCEDURE FOR MAKING AND RECEIVING ALLEGATIONS OF OFFICER MISCONDUCT AND FOR INFORMAL RESOLUTION OF THOSE ALLEGATIONS BY THE DIRECTOR (1) through (3) remain the same.

(4) Within 30 days of being notified of the allegation, or in making its own allegation of misconduct, the employing authority must give POST a notice of the employing authority's investigation, action, ruling, finding, or response to the allegation, in writing, which must include a description of any remedial or disciplinary action pending or already taken against the officer regarding the allegation in question, and a recommendation from the employing authority regarding whether POST should impose a sanction. If the employing authority recommends POST impose a sanction, the employing authority must state what sanction the employing

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authority deems reasonable. POST shall consider but is not bound by the recommendation of the employing authority. If available, a copy of the initial allegation made to the employing authority and the employing authority's written response must be forwarded to the director. The employing authority may make a written request to the director for additional time to respond. Such a request must provide good cause as to the reason more time is required. The director may grant or deny requests for additional time at his discretion.

(5) through (5)(b)(iii) remain the same.

~~(iv) the remedy sought, including a recommendation for a denial, sanction, suspension, or revocation of the officer's POST certification;~~

(5)(c) through (11) remain the same.

AUTH: 2-4-201, 2-15-2029, MCA

IMP: 2-4-201, 2-15-2029, 44-4-403, MCA

REASON: These rules clarify that the employing authority may make a recommendation to POST regarding whether the authority believes a sanction is appropriate. This change also provides for a complainant to make recommendations other than sanction of certification. Employing authorities have indicated that they do not make recommendations regarding sanctions because they do not believe POST would consider such recommendations; these amendments are needed to make clear that POST will in fact consider recommendations. The amendments are also necessary to allow complainants to recommend something other than a sanction, such as an apology or an investigation.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Katrina Bolger, POST Council, 2260 Sierra Road, Helena, Montana, 59602; telephone (406) 444-9974; or e-mail [kbolger@mt.gov](mailto:kbolger@mt.gov), and must be received no later than 5:00 p.m., September 20, 2019.

5. Kristina Neal, Attorney at Law, has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. With regard to the requirements of 2-4-111, MCA, the department has determined that the adoption, amendment, and repeal of the above-referenced rules will not significantly and directly impact small businesses.

\_\_\_\_\_  
Hannah Tokerud  
Rule Reviewer

Sheriff Tony Harbaugh  
Chairman  
Public Safety Officers Standards  
and Training Council

By: \_\_\_\_\_  
Perry Johnson  
Executive Director

Certified to the Secretary of State June 25, 2019.

23.13.206 REQUIREMENTS FOR THE BASIC CERTIFICATE (1) POST will issue basic certificates in the following disciplines:

- (a) peace officer;
- (b) detention/corrections officer;
- (c) probation and parole officer;
- (d) misdemeanor probation/pretrial services officer;
- ~~(d)~~ (e) public safety communications officer;
- ~~(e)~~ (f) coroner; and
- ~~(f)~~ (g) reserve officer.

(2) In addition to ARM 23.13.204 and 23.13.205, the following are required for the award of the basic certificate:

- (a) Public safety officers hired after August 1, 2008, must have completed:
  - (i) the probationary period prescribed by law or by the current employing agency, but in any case have a minimum of one year discipline-specific employment experience with the current employing agency; and
  - (ii) the basic course or the equivalency as defined by the council.
- (b) Public safety officers hired before August 1, 2008, must have:
  - (i) completed the probationary period prescribed by the employing agency, and served a minimum of one year with the present employing agency;
  - (ii) completed the basic course at the MLEA, or an equivalency as defined by the council; and
  - (iii) satisfied the requirements for the basic certificate by their experience, and satisfactorily performed their duties as attested to by the head of the agency for which they are employed.
- (c) Public safety officers with out-of-state training or who have been formerly employed by a designated federal agency, state, tribal entity, county, municipality, city, or town who do not have basic certification and are employed by a Montana law enforcement and/or public safety agency:
  - (i) must have completed the probationary period prescribed by law, but in any case have a minimum of one year experience with the present employing agency;
  - (ii) whose training or service time is determined by the council as equivalent to the basic course must successfully complete an equivalency program, approved by the council and administered by the MLEA. The council will require those who fail an equivalency program to successfully complete the basic course at the academy; and
  - (iii) whose training or service time is determined by the council as not equivalent to the basic course must, within one year of initial appointment, successfully complete the basic course.
- (d) All of the training and equivalency requirements for the basic certificate must be accomplished within one year of the initial appointment.
- (e) The council may grant a one-time extension to the one year time requirement for public safety officers upon the written application of the officer's appointing authority. The application must explain the circumstances that make the extension necessary. The council may not grant an extension to exceed 180 days. Factors that the council may consider in granting or denying the extension include but are not limited to:

- (i) illness of the public safety officer or a member of the public safety officer's immediate family;
  - (ii) absence of reasonable access to the basic course, or the legal training course; and/or
  - (iii) an unreasonable shortage of personnel within the department.
- (f) A public safety officer who has been issued a basic certificate by the council and whose last date of employment as a public safety officer in the discipline for which the officer received a basic certificate was less than 36 months prior to the date of the person's present appointment as a public safety officer in the discipline for which the officer received a basic certificate is not required to fulfill the basic educational requirements as set forth in these rules.
- (g) If the last date of employment as a public safety officer in the discipline for which the officer received a basic certificate is more than 36 months but less than 60 months prior to the date of present employment as a public safety officer in the discipline for which the officer received a basic certificate, the public safety officer may satisfy the basic requirement by successfully passing a basic equivalency course administered by the academy. If the public safety officer fails the basic equivalency course, the basic course shall be completed within the time frames set forth in the rules. If no basic equivalency course exists for the public safety officer's specific discipline, then the applicable basic course must be completed within one year of the public safety officer's most recent appointment.

(3) An officer meeting the qualifications outlined above will be issued a basic POST certificate. Effective [the effective date of this rule], the discipline of the basic POST certificate will correspond to the basic training course which the officer attended. POST will consider the completion of the above requirements to constitute the officer's application for a POST basic certificate. However, if an officer wishes to fill out an application form, then POST will also consider that application.

23.13.207 REQUIREMENTS FOR THE PUBLIC SAFETY OFFICER INTERMEDIATE CERTIFICATE (1) POST will issue intermediate certificates in the following disciplines:

- (a) peace officer;
  - (b) detention/corrections officer;
  - (c) probation and parole officer; ~~and~~
  - (d) misdemeanor probation/pretrial services officer; and
  - ~~(d)~~ (e) public safety communications officer.
- (2) In addition to ARM 23.13.204 and 23.13.205, a peace officer or probation and parole officer who is an applicant for an award of the intermediate certificate:
- (a) must have served at least one year with the present employing agency and be satisfactorily performing the duties as attested to by the head of the employing law enforcement and/or public safety agency;
  - (b) must possess the discipline-specific basic certificate; and
  - (c) must have four years of discipline-specific experience and 200 combined job-related training hours as provided in these rules.
- (3) In addition to ARM 23.13.204 and 23.13.205, a detention/corrections officer or a misdemeanor probation/pretrial services officer who is an applicant for an award of the intermediate certificate:

(a) must have served at least one year with the present employing agency and be satisfactorily performing the duties as attested to by the head of the employing law enforcement and/or public safety agency;

(b) must possess the discipline-specific basic certificate; and

(c) must have four years of discipline-specific experience and 144 combined job-related training hours as provided in these rules.

(4) In addition to ARM 23.13.204 and 23.13.205, a public safety communication officer who is an applicant for an award of the intermediate certificate:

(a) must have served at least one year with the present employing agency and be satisfactorily performing the duties as attested to by the head of the employing law enforcement and/or public safety agency;

(b) must possess the discipline-specific basic certificate; and

(c) must have four years of discipline-specific experience and 84 combined job-related training hours as provided in these rules.

(5) Officers who believe they are eligible for an intermediate certificate must submit a completed application, with a verification from the agency administrator that the officer's training meets the requirements of these rules and a recommendation that the applicant should be awarded the certificate, to the director. Applications are available from POST staff or on the POST web site.

(a) The director will review the application and approve or deny the certification, unless the director determines as a matter of discretion that the council's review is necessary due to extenuating circumstances.

(b) Upon approval by the director, the certificate becomes valid unless the council takes further action.

(6) A misdemeanor probation/pretrial services officer who was issued a probation and parole basic certificate prior to [effective date of this rule] will have met the requirement contained in (3)(b) of this rule.

#### 23.13.208 REQUIREMENTS FOR PUBLIC SAFETY OFFICER ADVANCED CERTIFICATE (1)

POST will issue advanced certificates in the following disciplines:

(a) peace officer;

(b) detention/corrections officer;

(c) probation and parole officer; and

(d) misdemeanor probation/pretrial services officer; and

~~(e)~~ (e) public safety communications officer.

(2) In addition to ARM 23.13.204 and 23.13.205, a peace officer or probation and parole officer who is an applicant for an award of the advanced certificate:

(a) must possess the discipline-specific intermediate certificate; and

(b) must have eight years of discipline-specific experience and 400 combined job-related training hours as provided in these rules.

(3) In addition to ARM 23.13.204 and 23.13.205, a detention/corrections officer or a misdemeanor probation/pretrial services officer who is an applicant for an award of the advanced certificate:

(a) must possess the discipline-specific intermediate certificate; and

(b) must have eight years of discipline-specific experience and 304 combined job-related training hours as provided in these rules.

(4) In addition to ARM 23.13.204 and 23.13.205, a public safety communications officer who is an applicant for an award of the advanced certificate:

(a) must possess the discipline-specific intermediate certificate; and

(b) must have eight years of discipline-specific experience and 184 combined job-related training hours as provided in these rules.

(5) Officers who believe they are eligible for an advanced certificate must submit a completed application, with a verification from the agency administrator that the officer's training meets the requirements of these rules and a recommendation that the applicant should be awarded the certificate, to the director. Applications are available from POST staff or on the POST web site.

(a) The director will review the application and approve or deny the certification, unless the director determines, as a matter of discretion, that the council's review is necessary due to extenuating circumstances.

(b) Upon approval by the director the certificate becomes valid unless the council takes further action.

(6) A misdemeanor probation/pretrial services officer who was issued a probation and parole intermediate certificate prior to [effective date of this rule] will have met the requirement contained in (3)(a) of this rule.

#### 23.13.209 REQUIREMENTS FOR PUBLIC SAFETY OFFICER SUPERVISORY CERTIFICATE (1)

POST will issue supervisory certificates in the following disciplines:

(a) peace officer;

(b) detention/corrections officer;

(c) probation and parole officer; and

(d) misdemeanor probation/pretrial services officer; and

~~(d)~~ (e) public safety communications officer.

(2) In addition to ARM 23.13.204 and 23.13.205, the applicant for an award of the supervisory certificate:

(a) must possess the discipline-specific intermediate certificate;

(b) must have successfully completed a 32-hour POST-approved management course; and

(c) must have served satisfactorily as a first-level supervisor currently and for one year prior to the date of application, as attested to by the head of the employing agency.

(3) A first-level supervisor is a position above the operational level for which commensurate pay is authorized, is occupied by an officer who, in the upward chain of command, principally is responsible for the direct supervision of employees of an agency or is subject to assignment of such responsibilities.

(4) Officers who believe they are eligible for a supervisory certificate must submit a completed application, with agency administrator approval, to the director. Applications are available from POST staff or on the POST web site.

(a) The director will then review the application and approve or deny the certification, unless the director determines, as a matter of discretion, that the council's review is necessary due to extenuating circumstances.

(b) Upon approval by the director the certificate becomes valid unless the council takes further action.

(5) A misdemeanor probation/pretrial services officer who was issued a probation and parole intermediate certificate prior to [effective date of this rule] will have met the requirement contained in (2)(a) of this rule.

#### 23.13.210 REQUIREMENTS FOR PUBLIC SAFETY OFFICER COMMAND CERTIFICATE (1)

POST will issue command certificates in the following disciplines:

- (a) peace officer;
- (b) detention/corrections officer;
- (c) probation and parole officer; ~~and~~
- (d) misdemeanor probation/pretrial services officer; and
- ~~(d)~~ (e) public safety communications officer.

(2) In addition to ARM 23.13.204 and 23.13.205, the applicant for an award of the command certificate:

- (a) must possess the discipline-specific supervisory certificate;
- (b) must have completed a professional development course or courses cumulating a minimum of 160 hours or more of POST-approved, supervisory, management or leadership topic matter; and
- (c) must have served satisfactorily as a first-level supervisor currently and for one year prior to the date of application, as attested to by the head of the employing agency.

(3) Officers who believe they are eligible for a command certificate must submit a completed application, with agency administrator approval, to the director. Applications are available from POST staff or on the POST web site.

(a) The director will then review the application and approve or deny the certification, unless the director determines, as a matter of discretion, that the council's review is necessary due to extenuating circumstances.

(b) Upon approval by the director the certificate becomes valid unless the council takes further action.

(4) A misdemeanor probation/pretrial services officer who was issued a probation and parole supervisory certificate prior to [effective date of this rule] will have met the requirement contained in (2)(a) of this rule.

23.13.212 INSTRUCTOR CERTIFICATION REQUIREMENTS (1) Instructor certificates are not discipline-specific and POST may issue an instructor certificate to any public safety officer who meets the qualifications in these rules.

(2) A public safety officer providing POST approved training as defined in these rules must be certified by the council as an instructor.

(3) To qualify as an instructor, the officer shall apply to the council, on a form approved by the council, and shall meet the following requirements:

- (a) two years of public safety experience;

(b) an active POST basic certificate in the officer's current discipline;  
(c) an endorsement from the applicant's agency head; and  
(d) successful completion of a POST-approved instructor development course. Effective October 28, 2017, all instructor development courses must be a minimum of 40 hours in length and must include a minimum of the following:

- (i) 12 hours of curriculum design;
- (ii) 8 hours of adult learning theories;
- (iii) 8 hours of foundation skills for trainers;
- (iv) 8 hours of training preparation and delivery; and
- (v) 4 hours of context of training.

(4) Instructor certificates in any discipline issued prior to October 28, 2017 and any instructor certificate issued after October 28, 2017, may be renewed every four years.

(5) The council or the director may deny applications for instructor certification for failure to satisfy the required qualifications. The council or the director may recall, suspend, or revoke instructor certificates at any time for good cause to ensure the quality of the training programs.

(6) Officers who believe they are eligible for any instructor certificate must submit a completed application, with agency administrator approval, to the director. Applications are available from POST staff or on the POST web site.

(a) The director will then review the application and approve or deny the certification, unless the director determines, as a matter of discretion, that the council's review is necessary due to extenuating circumstances.

(b) Upon approval by the director the certificate becomes valid unless the council takes further action.

(4) A misdemeanor probation/pretrial services officer who was issued a probation and parole basic certificate prior to [effective date of this rule] will have met the requirement contained in (3)(b) of this rule.

23.13.215 FIREARMS PROFICIENCY STANDARDS (1) Each agency that employs a public safety officer who is authorized to carry firearms during the work assignment must:

(a) require the officer to complete successfully the firearms proficiency requirements provided in this rule at least once a year, for any manufacture and model of firearm customarily carried by that officer;

(b) designate a POST-certified instructor as defined in these rules to conduct or oversee and document annual firearms proficiency. The instructor must also have attended a minimum 40-hour firearms instructor course or its equivalent, which includes the following topics:

- (i) firearms safety;
- (ii) role of the instructor;
- (iii) civil and criminal liability exposure;
- (iv) instructional techniques for firearms instructors;
- (v) operation of the firing line;
- (vi) range preparation;
- (vii) handgun;
- (viii) disabled officer techniques; and

- (ix) low light shooting techniques.
- (c) keep on file in a format readily accessible to the council a copy of all firearms proficiency records, which must include:
  - (i) date of qualification;
  - (ii) identification of the officer;
  - (iii) firearm manufacture and model;
  - (iv) results of qualifying; and
  - (v) course of fire used.
- (2) The minimum standards for annual firearms proficiency are:
  - (a) Handgun – a minimum of 30 rounds, fired at ranges from point-blank to 15 yards with a minimum of 15 rounds at or beyond seven yards;
  - (b) Shotgun – minimum of five rounds fired at a distance ranging from point-blank to 25 yards;
  - (c) Precision rifle – a minimum of ten rounds fired at a minimum range of 100 yards;
  - (d) Patrol rifle – a minimum of 20 rounds fired at a distance ranging from point-blank to 50 yards;
  - (e) Fully automatic weapon – a minimum of 30 rounds fired at a distance ranging from point-blank to ten yards, with a minimum of 25 rounds fired in full automatic (short bursts of two or three rounds), and a minimum of five rounds fired semi-automatic.
- (3) The minimum passing score for annual firearms proficiency is 80% for each firearm on an IPSC Official Target or dimensional equivalent.
- (4) The MLEA sets the passing score for the Montana Law Enforcement Basic Firearms Qualification.
- (5) Any misdemeanor probation/pretrial services officer must meet the standards of this rule and receive a minimum of a 40-hour POST approved firearms course prior to carrying a firearm during the officer's work assignment.

OR

- (5) Any misdemeanor probation/pretrial services officer must meet the standards of this rule and attend the 120-hour POST approved Advanced Misdemeanor Probation/Pretrial Services course prior to carrying a firearm or making any arrests during the officer's work assignment.

DRAFT SYLLABUS-PRETRIAL SERVICES and MISDEMEANOR PROBATION Basic Course

<b>MLEA BASIC COURSE- 120 Hours</b>	<b>HOURS</b>	
MLEA Basic Orientation/POST Council Overview	2	
Pretrial Services and Misd. Probation Overview	2	
Risk and Needs Assessments	4	
Professional Boundaries	4	
Confidentiality/HIPAA/ROI's/Record Retention	2	
Child Protection Services	2	
Mandatory Reporting	2	
American Indian Cultural Awareness	2	
Montana Court Systems	8	To include courtroom mechanics for all courts (District, Justice, Municipal & City) Conditions/violations of bail. Types of bail: bond, cash, property. Self help Law Center. Sentences, calculations-releases.
Civil Rights/Constitutional Law	4	
Court Room Testimony	4	
Dangerous Drugs (Identification)	2	
Gang Recognition	2	
Urinalysis and Drug Testing	2	Tamper, deprivation, devices, test avoidance, interpret results
Case Planning/Case Mgmt/Supervision Strategies	4	Overview, notes, planning, recommendations vs conditions (PT vs MPO) Sentencing-probation agreements
ICAO-Interstate Compact transfers	2	
Substance Use/CoOccurring Disorders/Treatment	4	
Sexual/Violent Offenders	4	
Reports of Violations/Report Writing	4	
Situational Awareness	2	
Motivational Interviewing	2	
Enhanced Supervision Devices	2	
Fatigue to Fulfillment	4	
<b>FINAL EXAM</b>		
<b>TOTAL</b>	<b>70</b>	
<b>ON-LINE INSTRUCTION-include w/ 120 Basic Hours</b>		
Ethics	2	would prefer in classroom
Constitutional Law	2	would prefer in classroom
Legal Liability	2	would prefer in classroom
PREA	2	would prefer in classroom
Montana Code Annotated	2	would prefer in classroom
Risk Management	2	
Domestic Violence	2	
Human Trafficking	2	
Drug Endangered Children	2	
<b>TOTAL</b>	<b>18</b>	

**BASIC Part 2- USE OF FORCE- 120 Hours**      Agencies  
 attend at approval of County/City/Agency following PT/MP  
 Basic Course in the classroom

OC & Chemical Agents	
Taser	
Weapons Retention	
Firearms-Range	
Room Clearing/Use of Force Scenarios	
Mechanics of Arrest	
Use of Force	
Defensive Tactics (40hrs)	
Escape & Evade (8 hrs)	
Non-Violent Crisis Intervention (6 hrs)	
Laws of Search and Seizure	
Home Visitations	
Search Techniques/Evidence Collection	
<b>LOCAL- not completed at MLEA</b>	
First Aid/Naloxone	
*Bloodborne pathogens	
Active Shooter	
Social Media Investigations	
Sexual Harassment	
CJIN (gov't employees only-online)	

23.13.206 REQUIREMENTS FOR THE BASIC CERTIFICATE (1) POST will issue basic certificates in the following disciplines:

- (a) peace officer;
- (b) detention/corrections officer;
- (c) probation/pretrial services and ~~parole~~ officer;
- (d) public safety communications officer;
- (e) coroner; and
- (f) reserve officer.

(2) In addition to ARM 23.13.204 and 23.13.205, the following are required for the award of the basic certificate:

- (a) Public safety officers hired after August 1, 2008, must have completed:
  - (i) the probationary period prescribed by law or by the current employing agency, but in any case have a minimum of one year discipline-specific employment experience with the current employing agency; and
  - (ii) the basic course or the equivalency as defined by the council.
- (b) Public safety officers hired before August 1, 2008, must have:
  - (i) completed the probationary period prescribed by the employing agency, and served a minimum of one year with the present employing agency;
  - (ii) completed the basic course at the MLEA, or an equivalency as defined by the council; and
  - (iii) satisfied the requirements for the basic certificate by their experience, and satisfactorily performed their duties as attested to by the head of the agency for which they are employed.
- (c) Public safety officers with out-of-state training or who have been formerly employed by a designated federal agency, state, tribal entity, county, municipality, city, or town who do not have basic certification and are employed by a Montana law enforcement and/or public safety agency:
  - (i) must have completed the probationary period prescribed by law, but in any case have a minimum of one year experience with the present employing agency;
  - (ii) whose training or service time is determined by the council as equivalent to the basic course must successfully complete an equivalency program, approved by the council and administered by the MLEA. The council will require those who fail an equivalency program to successfully complete the basic course at the academy; and
  - (iii) whose training or service time is determined by the council as not equivalent to the basic course must, within one year of initial appointment, successfully complete the basic course.
- (d) All of the training and equivalency requirements for the basic certificate must be accomplished within one year of the initial appointment.
- (e) The council may grant a one-time extension to the one year time requirement for public safety officers upon the written application of the officer's appointing authority. The application must explain the circumstances that make the extension necessary. The council may not grant an extension to exceed 180 days. Factors that the council may consider in granting or denying the extension include but are not limited to:

- (i) illness of the public safety officer or a member of the public safety officer's immediate family;
  - (ii) absence of reasonable access to the basic course, or the legal training course; and/or
  - (iii) an unreasonable shortage of personnel within the department.
- (f) A public safety officer who has been issued a basic certificate by the council and whose last date of employment as a public safety officer in the discipline for which the officer received a basic certificate was less than 36 months prior to the date of the person's present appointment as a public safety officer in the discipline for which the officer received a basic certificate is not required to fulfill the basic educational requirements as set forth in these rules.
- (g) If the last date of employment as a public safety officer in the discipline for which the officer received a basic certificate is more than 36 months but less than 60 months prior to the date of present employment as a public safety officer in the discipline for which the officer received a basic certificate, the public safety officer may satisfy the basic requirement by successfully passing a basic equivalency course administered by the academy. If the public safety officer fails the basic equivalency course, the basic course shall be completed within the time frames set forth in the rules. If no basic equivalency course exists for the public safety officer's specific discipline, then the applicable basic course must be completed within one year of the public safety officer's most recent appointment.
- (3) An officer meeting the qualifications outlined above will be issued a basic POST certificate. POST will consider the completion of the above requirements to constitute the officer's application for a POST basic certificate. However, if an officer wishes to fill out an application form, then POST will also consider that application.

23.13.207 REQUIREMENTS FOR THE PUBLIC SAFETY OFFICER INTERMEDIATE CERTIFICATE (1) POST will issue intermediate certificates in the following disciplines:

- (a) peace officer;
  - (b) detention/corrections officer;
  - (c) probation/~~pretrial services and parole~~ officer; and
  - (d) public safety communications officer.
- (2) In addition to ARM 23.13.204 and 23.13.205, a peace officer or probation/~~pretrial services and parole~~ officer who is an applicant for an award of the intermediate certificate:
- (a) must have served at least one year with the present employing agency and be satisfactorily performing the duties as attested to by the head of the employing law enforcement and/or public safety agency;
  - (b) must possess the discipline-specific basic certificate; and
  - (c) must have four years of discipline-specific experience and 200 combined job-related training hours as provided in these rules.
- (3) In addition to ARM 23.13.204 and 23.13.205, a detention/corrections officer who is an applicant for an award of the intermediate certificate:
- (a) must have served at least one year with the present employing agency and be satisfactorily performing the duties as attested to by the head of the employing law enforcement and/or public safety agency;
  - (b) must possess the discipline-specific basic certificate; and

(c) must have four years of discipline-specific experience and 144 combined job-related training hours as provided in these rules.

(4) In addition to ARM 23.13.204 and 23.13.205, a public safety communication officer who is an applicant for an award of the intermediate certificate:

(a) must have served at least one year with the present employing agency and be satisfactorily performing the duties as attested to by the head of the employing law enforcement and/or public safety agency;

(b) must possess the discipline-specific basic certificate; and

(c) must have four years of discipline-specific experience and 84 combined job-related training hours as provided in these rules.

(5) Officers who believe they are eligible for an intermediate certificate must submit a completed application, with a verification from the agency administrator that the officer's training meets the requirements of these rules and a recommendation that the applicant should be awarded the certificate, to the director. Applications are available from POST staff or on the POST web site.

(a) The director will review the application and approve or deny the certification, unless the director determines as a matter of discretion that the council's review is necessary due to extenuating circumstances.

(b) Upon approval by the director, the certificate becomes valid unless the council takes further action.

#### 23.13.208 REQUIREMENTS FOR PUBLIC SAFETY OFFICER ADVANCED CERTIFICATE (1)

POST will issue advanced certificates in the following disciplines:

(a) peace officer;

(b) detention/corrections officer;

(c) probation/pretrial services and ~~parole~~ officer; and

(d) public safety communications officer.

(2) In addition to ARM 23.13.204 and 23.13.205, a peace officer or probation/pretrial services and ~~parole~~ officer who is an applicant for an award of the advanced certificate:

(a) must possess the discipline-specific intermediate certificate; and

(b) must have eight years of discipline-specific experience and 400 combined job-related training hours as provided in these rules.

(3) In addition to ARM 23.13.204 and 23.13.205, a detention/corrections officer who is an applicant for an award of the advanced certificate:

(a) must possess the discipline-specific intermediate certificate; and

(b) must have eight years of discipline-specific experience and 304 combined job-related training hours as provided in these rules.

(4) In addition to ARM 23.13.204 and 23.13.205, a public safety communications officer who is an applicant for an award of the advanced certificate:

(a) must possess the discipline-specific intermediate certificate; and

(b) must have eight years of discipline-specific experience and 184 combined job-related training hours as provided in these rules.

(5) Officers who believe they are eligible for an advanced certificate must submit a completed application, with a verification from the agency administrator that the officer's

training meets the requirements of these rules and a recommendation that the applicant should be awarded the certificate, to the director. Applications are available from POST staff or on the POST web site.

(a) The director will review the application and approve or deny the certification, unless the director determines, as a matter of discretion, that the council's review is necessary due to extenuating circumstances.

(b) Upon approval by the director the certificate becomes valid unless the council takes further action.

#### 23.13.209 REQUIREMENTS FOR PUBLIC SAFETY OFFICER SUPERVISORY CERTIFICATE (1)

POST will issue supervisory certificates in the following disciplines:

- (a) peace officer;
- (b) detention/corrections officer;
- (c) probation/~~pretrial services and parole~~ officer; and
- (d) public safety communications officer.

(2) In addition to ARM 23.13.204 and 23.13.205, the applicant for an award of the supervisory certificate:

- (a) must possess the discipline-specific intermediate certificate;
- (b) must have successfully completed a 32-hour POST-approved management course;

and

(c) must have served satisfactorily as a first-level supervisor currently and for one year prior to the date of application, as attested to by the head of the employing agency.

(3) A first-level supervisor is a position above the operational level for which commensurate pay is authorized, is occupied by an officer who, in the upward chain of command, principally is responsible for the direct supervision of employees of an agency or is subject to assignment of such responsibilities.

(4) Officers who believe they are eligible for a supervisory certificate must submit a completed application, with agency administrator approval, to the director. Applications are available from POST staff or on the POST web site.

(a) The director will then review the application and approve or deny the certification, unless the director determines, as a matter of discretion, that the council's review is necessary due to extenuating circumstances.

(b) Upon approval by the director the certificate becomes valid unless the council takes further action.

#### 23.13.210 REQUIREMENTS FOR PUBLIC SAFETY OFFICER COMMAND CERTIFICATE (1)

POST will issue command certificates in the following disciplines:

- (a) peace officer;
- (b) detention/corrections officer;
- (c) probation/~~pretrial services and parole~~ officer; and
- (d) public safety communications officer.

(2) In addition to ARM 23.13.204 and 23.13.205, the applicant for an award of the command certificate:

- (a) must possess the discipline-specific supervisory certificate;

(b) must have completed a professional development course or courses cumulating a minimum of 160 hours or more of POST-approved, supervisory, management or leadership topic matter; and

(c) must have served satisfactorily as a first-level supervisor currently and for one year prior to the date of application, as attested to by the head of the employing agency.

(3) Officers who believe they are eligible for a command certificate must submit a completed application, with agency administrator approval, to the director. Applications are available from POST staff or on the POST web site.

(a) The director will then review the application and approve or deny the certification, unless the director determines, as a matter of discretion, that the council's review is necessary due to extenuating circumstances.

(b) Upon approval by the director the certificate becomes valid unless the council takes further action.

23.13.215 FIREARMS PROFICIENCY STANDARDS (1) Each agency that employs a public safety officer who is authorized to carry firearms during the work assignment must:

(a) require the officer to complete successfully the firearms proficiency requirements provided in this rule at least once a year, for any manufacture and model of firearm customarily carried by that officer;

(b) designate a POST-certified instructor as defined in these rules to conduct or oversee and document annual firearms proficiency. The instructor must also have attended a minimum 40-hour firearms instructor course or its equivalent, which includes the following topics:

- (i) firearms safety;
- (ii) role of the instructor;
- (iii) civil and criminal liability exposure;
- (iv) instructional techniques for firearms instructors;
- (v) operation of the firing line;
- (vi) range preparation;
- (vii) handgun;
- (viii) disabled officer techniques; and
- (ix) low light shooting techniques.

(c) keep on file in a format readily accessible to the council a copy of all firearms proficiency records, which must include:

- (i) date of qualification;
- (ii) identification of the officer;
- (iii) firearm manufacture and model;
- (iv) results of qualifying; and
- (v) course of fire used.

(2) The minimum standards for annual firearms proficiency are:

(a) Handgun – a minimum of 30 rounds, fired at ranges from point-blank to 15 yards with a minimum of 15 rounds at or beyond seven yards;

(b) Shotgun – minimum of five rounds fired at a distance ranging from point-blank to 25 yards;

(c) Precision rifle – a minimum of ten rounds fired at a minimum range of 100 yards;

(d) Patrol rifle – a minimum of 20 rounds fired at a distance ranging from point-blank to 50 yards;

(e) Fully automatic weapon – a minimum of 30 rounds fired at a distance ranging from point-blank to ten yards, with a minimum of 25 rounds fired in full automatic (short bursts of two or three rounds), and a minimum of five rounds fired semi-automatic.

(3) The minimum passing score for annual firearms proficiency is 80% for each firearm on an IPSC Official Target or dimensional equivalent.

(4) The MLEA sets the passing score for the Montana Law Enforcement Basic Firearms Qualification.

(5) Any probation/pretrial services officer who is employed by a private entity contracting with a local government must meet the standards of this rule and receive a minimum of a 40-hour POST approved firearms course prior to carrying a firearm during the officer's work assignment.

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