CITY OF BILLINGS
POLICE DEPARTMENT

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Honorable members of the Council:

Prior commitments preclude me from attending this meeting and I want to thank you for accepting my written comments on this very important topic. Suffice to say that overall, I appreciate the work done by POST and the relationship with Director Johnson. However, I have three concerns regarding the application of section 23.13.702, the matter before you this morning. For the record, I have had candid discussions with Director Johnson on this topic.

My first concern is the list of violations to be reported to POST by department administrators. Section 3 identifies obvious reportable violations and to my knowledge, there are no problems reporting those. At issue, however, are the "lesser" violations in our departments that by definition require reporting. Most of my discipline will fall into the broad definitions of section G. For example, an officer who fails to do a proper investigation violates all tenets of Section G and is subject to discipline. The officer should be disciplined accordingly, but without aggravating factors, there is no need to send to POST where the officer's certificate becomes in jeopardy.

Recommendation: Create clear and concise criterion on what is to be reported to POST. Special attention to sections G and I.

Second, and more to process, is the practice exercised by the Status Committee of revocation regardless the decision of an administrator to discipline and retain. I fully realize that in matters of discipline, POST is in place to do what some administrators can't, or won't do. I can say unequivocally that my peers discipline accordingly. Discipline is fair, consistent, and within all contracts and applicable laws. Matters of discipline are taken very seriously and set the standard for our department's culture.

This unilateral action is conveniently sterile and of a cookie-cutter nature. As it was explained to me, chiefs and sheriffs have to deal with emotion, department/city culture, unions, personnel, etc. The Status Committee takes all the emotion out of a decision and simply looks at the fact set and decides based off of that. Very black and white, but its's not the reality chiefs and sheriffs operate under. Who is in a better place to decide whether an officer is salvageable?

This situation happened to me and it ended the career of an officer who was most definitely salvageable. Make no mistake, the officer's actions were terrible and his discipline severe. Had this incident not happened, we would never have gotten him into treatment, he would have lost his family, and something worse may have happened. Instead, he was rehabilitated, paid his debt to society, saved his family, and was rebuilding his career. As an aside, 23-13.72, section 4 allows for such a remedy. I reported the incident to POST as required, received notification from the director, and the Status Committee revoked his certification shortly thereafter.

As devastating as it was for the officer, it was raised serious concern for me and other chiefs I spoke to. The message that was sent was that "we will do what St. John won't". Additionally, it now created the perception that POST inserted itself into our disciplinary procedure. The decision created a perception that a department's discipline needed to support that of POST, or it would be superseded. I believe it should be the other way around. POST needs to support department decisions.

POST and the Status Committee should not unilaterally supersede a chief or sheriff's disciplinary decision unless said decision is woefully insufficient. Even at that, a conversation needs to take place. As stated previously, I have had candid discussions with Director Johnson on this topic and have the utmost respect. In one of those conversations, Director Johnson said "I won't be bound by a chief or sheriff's decision". I appreciate Director Johnson's candor and agree to some extent. However, we should at least be in the ballpark with our respective discipline.

Recommendation: Establish and/or enhance Status Committee procedures that support, or that are closer in line, with chief or sheriff's decision. Collaboration and communication.

Third, POST is designated as a criminal justice agency and therefore is bound by rules governing the handling and release of criminal justice information. Locally, we know that media trolls the POST website and it is incumbent upon all to ensure that confidential and sensitive information is handled properly.

Recommendation: Ensure confidential criminal justice information is protected and properly disseminated. Coordinate with chief or sheriff as needed.

Thank you for your attention in this matter.

Sincerely,

Rich St. John
Chief of Police