

Approval of Minutes:
March 11, 2015 Meeting
Draft Minutes

**MEETING MINUTES
MONTANA POST COUNCIL
March 11, 2015
POST Conference Room
HELENA, MT**

PRESENT

Tony Harbaugh ~ Chairman ~ by phone
Kimberly Burdick ~ by phone
Jim Cashell
Gina Dahl ~ by phone
Bill Dial ~ by phone
Kevin Olson ~ by phone
Ryan Oster ~ by phone
Tia Robbins ~ by phone
Jesse Slaughter ~ by phone
Jim Thomas

NOT PRESENT

Laurel Bulson
Lewis Matthews
John Strandell

STAFF PRESENT

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

LEGAL COUNSEL PRESENT

Sarah Clerget
Chris Tweeten ~ by phone

GUESTS

Truman Tolson ~ Missoula Police Department
Curt Stinson ~ Helena Police Department
Andrea Lower ~ Pretrial Services for Gallatin County Court Services
Rich McLean ~ Bozeman Police Department
John Dynneson ~ Richland County Sheriff
Glen Stinar ~ MLEA Administrator

WELCOME

Meeting called to order by Tony Harbaugh, Chairman at 9:01.

Roll call was taken by Perry Johnson.

Bill Dial made a motion and Kimberly Burdick seconded to approve the minutes of the December 3, 2014 meeting. Motion carried, all members voting in favor.

PUBLIC COMMENT

John Dynneson thanked Tony for letting people listen in. John Dynneson is the new Sheriff in Richland County and is trying to learn as much as possible about the POST Council.

Andrea Lower thanked the Council for continuing the discussion regarding the county funded Pretrial/Misdemeanor Probation Officers positions. Andrea Lower offered her services to discuss the training for these positions. Perry Johnson and Kevin Olson discussed the basic for Probation and Parole as it relates to Pretrial/Misdemeanor Probation.

Gina Dahl stated that she was told the misdemeanor/pretrial officers didn't have to participate in the firearms portion of basic. Kevin Olson reported that they did have to participate to meet the POST standard. Kevin Olson suggested Lisa Hunter as a point of contact for Gina Dahl.

Rich McLain had nothing to add but was glad to be part of the conversations.

Curt Stinson had nothing to add.

Glen Stinar introduced himself as the new Administrator for the MLEA.

Truman Tolson had nothing to add.

Perry Johnson shared that Wibaux County Sheriff Shane Harrington had been in contact with Katrina Bolger. He felt like he had been left out of the loop during the ARM updates and edits.

Tony Harbaugh remarked that he had an hour long conversation with Shane Harrington and felt like they had worked through a lot of those issues.

Bill Dial felt that Perry Johnson and the Council did an excellent job of being transparent.

OLD BUSINESS

ARM Updates: Katrina Bolger commented that the new ARMs are in effect and have been posted on the Secretary of States website. POST is operating under the new ARMs.

Perry Johnson remarked that he would like to see this be an agenda item for each of the Council meetings. The staff is constantly finding areas of concern in the ARMs. Perry Johnson explained there isn't a definition in the ARMs concerning the Professional and Master instructors and their requirements. Another area of concern is the Advanced Certificate requirements and needs to be made consistent with the Basic and Intermediate requirements.

The word "surrender" is used in the contested case forms but is not listed in the definitions. Perry Johnson believes fixing the ARMs should be an ongoing process.

Bill Dial commented that he believes the Council should empower the Executive Director to adjust and interrupt as he needs to. If something comes up down the road the Council could look at it then.

Tony Harbaugh stated that the Council should keep the ARM committee in place and Bill Dial agreed.

Chris Tweeten shared there is a statute in the Administrative Procedures Act that requires each agency to review its rules at least biannually. He suggested that the ARMs should be an agenda item every two years. He also suggested two categories, one of tweaks and modifications and the other items that require attention immediately. Chris Tweeten stated the staff needs to keep an eye on the ARMs for any issues that come up.

Bill Dial made a motion and Kevin Olson seconded that the staff should on a quarterly basis review the ARMs especially those that have been challenged or there are questions on. They should maintain a list of the ARMs that should be examined and should there be an emergency one it should be brought to the Council's attention immediately. At least every two years the standing Subcommittee should review those and present them to the Council for action. Motion carries, all members voting in favor.

PART TIME OFFICERS: Perry Johnson spoke concerning part time officers not defined by statute and asked the Council if they want to pursue adding this to the legislative package.

Jim Thomas commented that he thought all four categories of officers should be defined at the same time; part time temporary, part time permanent, full time temporary and full time permanent. Tony Harbaugh thought there may be a fifth category; special service officer found in 7-32-239.

Tony Harbaugh asked if this is an item that the Integrity and Standards Committee could have a look at with suggestions for further discussion.

Perry Johnson mentioned that it would be a good idea for a committee to look into the scope of the Council, what the footprint is and who the Council actually has responsibility for.

Sarah Clerget asked if this would answer the question of who should be covered by POST. Perry Johnson said he thought it would.

Bill Dial wanted to look at 46-1-202(17) and stated he thought that would cover part time officers but warned POST has to be careful on who is defined. Perry Johnson commented that 46-1-202 opens the door to everybody and that doesn't allow POST to limit anything. He stated that if a person has the ability to make arrests while acting in the scope of a person's authority that fits 44-4-401.

Katrina Bolger commented that 7-32-201 pertains to full and part time officers.

Jim Cashell agreed that it needs to be sorted out but it doesn't really matter if you are full or part time, it's what you are going to be doing that matters. He thought adding part time to that particular statute might solve the problem.

Bill Dial, Tony Harbaugh and Perry Johnson all agreed that the staff should do the research, collect everything that is relevant to the scope of what POST does and to the discussion about part time officers.

Kimberly Burdick stated she wouldn't be at the next face to face committee. Sarah Clerget asked Perry Johnson if he needs the Council to approve money being spent for legal fees since there will be extra legal expenses with Katrina on maternity leave. Tony Harbaugh stated that Perry Johnson has the authority to use his own judgment on that matter and Chris Tweeten said legally there is no reason Perry Johnson can't do that.

Pretrial/Misdemeanor Probation Officers: Chris Tweeten spoke about his research into what circumstances the Council can utilize the provision in 44-4-403(2) that allows the Council to waive the training requirement for a qualification. Chris Tweeten feels like the statute is unclear and the Council would be on shaky ground other than as a case by case analysis to a particular request from a particular officer to waive a particular requirement or training standard. He thinks giving a group of officers a pass on training has a potential liability aspect that needs to be carefully considered.

Kevin Olson added that this subject has been spoken of for years now. He spoke about Felony Probation and Parole and stated that there aren't any private Felony Probation and Parole Officers in the state. He explained how the Pretrial/Misdemeanor Officers are employed and how they are used.

Perry Johnson explained what the statute says and what's required as far as basic is concerned for Pretrial/Misdemeanor Officers.

Kevin Olson suggested waiving part of the training with a resolution then fix it statutorily.

Chris Tweeten said it would have to be done with an ARM. He didn't think it could be done by policy or resolution. He explained how he thought it could be drafted in an ARM but it would go against the statute. He thinks there is a question about the Council having the authority to do that in the first place. He still thinks there is a liability by trying to do this. Chris Tweeten remarked that fixing this legislatively is the safest course.

Brian Gootkin commented that they have Court Services in Bozeman. He said they do provide a service but the most uncomfortable part of the statute to him is the arrest provision. He would like to see that part addressed in statute and that might help with the training issue. Kevin Olson agreed with Brian Gootkin.

Perry Johnson added that he doesn't want to expose this Council to a possible lawsuit. He believes the legislative fix is the way to go with it but wondered if there was a sense of urgency to it or could it wait for the next session.

Kevin Olson made a motion and Bill Dial seconded to proceed to fixing the issues pertaining to Pretrial Service Officers and Private Misdemeanor Probation Officers legislatively. Motion carried, all members voting in favor.

Kevin Olson shared that we have left people hanging on this situation.

Perry Johnson remarked that POST is reaching out to agencies and are finding that many people haven't been through a basic yet.

Kevin Olson stated that POST doesn't certify Private Enterprise.

Tony Harbaugh commented that statutorily they have been put under POST's umbrella but it's in conflict to the statute Kevin Olson has referred the Council to and has understood if they are private they can't be trained at the Academy.

Sarah Clerget suggested the committee look at ARM 23.13.206 which requires a basic for Probation and Parole officers. She continued that 46-23-1003 might be a fix for the situation.

Kevin Olson thought that Perry Johnson and Sarah Clerget could get this put on paper and bring it back to the Council in June. Tony Harbaugh agreed. Perry Johnson said they would do that.

Amicus Brief: Sarah Clerget updated the Council about the lawsuit that is going on in Ronan and POST using the opportunity to write an amicus brief about the position of Reserve Officers. Sarah Clerget has tried to meet with Bill Gianoulis but hasn't been able to meet. She is hoping to have a meeting with him before the next Council meeting in June.

Perry Johnson, Bill Dial, Chris Tweeten and Sarah Clerget continued to discuss the possibility of being involved with the Amicus Brief. Chris Tweeten suggested waiting until they see what's going to happen with the lawsuit. The Council decided to table this issue until the next meeting when Sarah Clerget will hopefully be able to meet with Bill Gianoulis and report back.

LAWSUIT UPDATE: Chris Tweeten reported that nothing has changed at this point concerning the lawsuit in Lake County. The plaintiff's haven't shown any inclination of moving forward.

NEW BUSINESS

Director's Report:

Stipulations: Perry Johnson shared that Austin Vielle, Kristy Salway and Cory Anderson have all signed stipulations. Jim Cashell made a motion and Bill Dial seconded to approve all three stipulations.

Kevin Olson and Jim Cashell asked if this was the third case for Cory Anderson. Perry Johnson explained the circumstances surrounding this case.

Perry Johnson and Katrina Bolger described the circumstances and details surrounding the other two stipulations as well.

Motion carried, all members voting in favor.

Coroners: Perry Johnson reported the Montana Coroners Association will be meeting on May 3-5 in Lewistown. Perry Johnson asked the Council to approve a \$1500.00 stipend if necessary to help them fulfill the mission of the Advanced Death Investigation training for these Coroners.

Jim Cashell wondered if we have \$1,500.00 in the budget to put toward this training and Perry Johnson answered that we do. Perry Johnson explained some of the history between POST and the Coroner's Association. He is helping the Coroners to change the way their training has been held and feels like things are changing. Jim Cashell asked if Perry Johnson is satisfied with how things are going and are they changing. Perry responded with a yes, he is really satisfied because there are new board members that are invested and historically we did invest some money in their training.

Jim Cashell made a motion and Jim Thomas and Jesse Slaughter seconded to authorize the expenditure. Motion carried, all members voting in favor.

Perry Johnson gave a brief report on the Death Investigation training that POST hosted in December 2014 and said POST will host it again in December 2015.

MLEA Basic Syllabi: Perry Johnson explained the syllabi that were located in the documents handed out to the Council.

LEOB: 480 hours, CDOB-160 hours, PSC-40 hours, P&P, EQ-32 hours. Perry Johnson suggested that the Council review and approve these Basic syllabi consistently the first meeting of the year to stay current.

Kevin Olson asked Glen Stinar if he had any questions about this subject. He stated he did not but reported he and his staff will sit down and review all the curriculum over the summer break.

Kevin Olson made a motion and Jim Thomas seconded to approve all the course syllabi except for the Probation and Parole Officer syllabus until they are sure it is reflective of what they intend to do in April. Motion carried, all members voting in favor.

Online Training: Perry Johnson explained to the Council that online training receives the same credit as all other trainings submitted. Kimberly Burdick and Bill Dial were in favor of online training. Jim Cashell felt POST needs to be careful that officers aren't using fake trainings. Ryan Oster asked Perry Johnson if he has been having problems getting what he needs in order to give POST credit for these trainings. Perry remarked that he really hasn't had any problem. Vendors are reaching out to POST asking for Perry Johnson to look at their trainings and approve for POST credit. He also shared that it has been exciting to see the quality of trainings out there. Tony Harbaugh and Jim Cashell felt like validation is important.

Certifying Non-Montana Officers: Perry Johnson explained a situation about an out of state officer who wants to be certified in Montana. Kevin Olson commented and Tony Harbaugh thinks it's important to help these small agencies in any way we can. Kevin Olson asked Tony Harbaugh if his thinking was right in regards to POST

accrediting the trainings from out of state but not certify officers from out of state. Tony agreed.

Perry Johnson read 23.13.205 concerning certification and 44-4-401. Jesse Slaughter stated that since it is a firearm qualification it's very different than a firearms training and complicates the matter. Sarah Clerget noted that the POST Council can interrupt the ARMs as they see fit. They could state that they would certify officers of bordering states if they wanted to. Jesse Slaughter asked if they want this instructor as a stop-gap as they are working on getting someone from their agency qualified. Perry Johnson thinks they plan on using him as a regular resource. Sarah Clerget remarked that the other option is to set a policy. Tony Harbaugh said he would be comfortable with Perry Johnson interpreting the ARM. Katrina Bolger wondered if POST could recognize a POST certified instructor as someone who is an instructor in a neighboring state. Kevin Olson was more comfortable with that idea. He wasn't in favor of giving someone from out of state a POST certificate. Sarah Clerget reminded the Council that if you certify someone POST owns the certificate and can take it away. She was afraid that it could wreak havoc in other areas as well.

Chris Tweeten commented that 44-4-403(2) could be used to interpret the training standard for now. He believes the fix should be done by an ARM.

Jesse Slaughter asked if officers are sworn in between state lines and could that work for the purpose of firearms qualifications. Tony Harbaugh thought that would be a good way to handle it. Kevin Olson thought if POST starts issuing certificates to out of state officers it could cause mission creep and take it to places POST doesn't want to go. He feels like POST would need to look at the firearms training the officer had to be sure it was a significant training and use their state POST certificate but not certify them in Montana.

Perry Johnson is hesitant to let this start as agencies may opt not to train their officers to be firearms instructors anymore and will bring in a POST certified instructor from another state. Perry Johnson is concerned that the office staff won't have time to work through all these different issues.

Jim Thomas made a motion and Kevin Olson seconded that we make the exception to the training that Chris Tweeten was talking about for firearms instructors who are POST certified by their states in the neighboring states around Montana for the purpose of qualification that relates to the ARMs that POST recently passed if they meet or surpass the requirements that the POST Council has.

Jesse Slaughter asked if the term training should be removed and replaced with qualification. Kevin Olson withdrew his second and Jim Thomas amended the words from training to qualification.

Perry Johnson commented on the waiving using 44-4-403 as it lends itself to the next agenda item. The officers who come from out of state but haven't worked yet. The wording in 7-32-303 states that the officer has previously been employed. Perry Johnson said the Council does use 44-4-403 to waive that requirement. He feels like this is the same type of thing.

Jim Thomas restated his motion and Kevin Olson seconded it that the Council pursuant to its authority under MCA 44-4-403(2) qualifies the firearms training standard found in ARM 23.13.215 as follows; The Council interprets the requirement that an agency provide firearms instruction through an instructor who is "POST Certified" to mean certified by the Montana POST Council or by an agency responsible for certifying firearms instructors in a neighboring state if the instructor is certified as a firearms instructor pursuant to requirements that are substantially equivalent to those adopted by the Montana POST Council. Motion carried, all members voting in favor.

Equivalency: Perry Johnson asked for a motion of the same type to deal with officers who come from another state and haven't worked yet. Tony Harbaugh, Bill Dial and Kevin Olson felt like these situations with officers need to be looked at on a case by case basis. Perry Johnson replied that the staff would continue to bring these officers to the Council on a case by case basis.

Case Files: Perry Johnson reported there is one open case from 2011, all the cases from 2010 are closed now. POST has one open case from 2012, six open from 2013, three open from 2014, and two open from 2015. Perry Johnson said he had one more case on his desk that the Case Status Subcommittee will take a look at. There are thirteen open cases at this point. Katrina Bolger reported that three more cases had recently been opened so there are actually sixteen cases open.

Office Updates: Katrina Bolger talked about the new forms that are fillable and that she is able to manage POST's website. She shared that POST has a "Bulletin Board" on the website that lists POST approved trainings and job postings.

Temporary Hire: Perry Johnson shared that Shan Johnson has been hired to help with the roster clean up in order to issue basic certificates to those officers who qualify.

VISTA Volunteer: Perry Johnson told the Council that John Strandell had mentioned the possibility of hiring a Vista Volunteer to help with a project at POST. Mary Ann Keune and Katrina Bolger listened to a webinar and realized this program won't work for POST.

Budget Report: Perry Johnson reported on the budget. POST is within budget and feels like he has been successful in managing the budget that has been given to POST.

Legislative Updates: Perry Johnson reported that Frank Garner carried POST's legislative package. The bill went through the House Judicial Committee easily and came out of committee with a 17 to 4 pass vote. It came out of the House with a 95 to 4 pass vote. It went to the Senate Committee with a 7 to 0 pass vote. It then went to the Senate floor and resubmitted to the Committee with one amendment. The amendment was to the GED recommendation. They changed the language from "been issued an equivalency certificate" to "a high school equivalency diploma." Perry Johnson thought that today is the second reading in that Committee. He thought it would come out of committee and go through the Senate without a problem. He testified to it two or three times and had a lot of good questions come forward. Perry Johnson thought it was a great opportunity to reach out and explain what goes on at POST as a lot of freshman legislators don't know. Bill Dial

commented that Frank Garner shared with him that Perry Johnson knocked the ball out of the park in his testifying and commended Perry Johnson for a job well done.

Chris Tweeten commented that since it was amended it would have to go back to the House for another vote.

Perry Johnson told the Council that POST asked for \$100,000.00 per year in the next biennium for legal costs. The Committee added \$50,000.00 for the biennium. Chris Tweeten added that this is pretty standard for the way business is done. Someone needs to make a motion to put the money back in so he suggested finding someone to be there to make a motion when they make amendments to House Bill 2.

Kevin Olson reported that the best approach now is the Senate Finance Committee.

Nominees to the Council: Perry Johnson shared that Senate Resolution #9 was approved by the Committee. He thinks the final step on that is Senate confirmation. Kevin Olson added that he thought it passed yesterday.

Approval/Denial Of Certificate Requests: Perry Johnson reported there were between 260 and 270 requests this time. Kevin Olson made a motion and Jim Cashell seconded to accept the certificate requests. Motion carried, all members voting in favor.

Extension Requests: Perry Johnson reported there are nine extension requests. Kevin Olson made a motion and Bill Dial seconded to approve the extensions requests. Motion carried, all members voting in favor.

Basic Equivalency Requests: Perry Johnson explained that the syllabus for Michael Baum's Air Force training is attached and reported his training exceeds the MLEA basic training.

Perry Johnson discussed Kelly Cole with the Council. Kelly Cole is a BLM Ranger and his boss, Bryan Sakahara requested basic for him. They are thinking that in the future he could be cross deputized. Perry Johnson hasn't responded to a request for a federal officer to attend an EQ class. Tony Harbaugh added that his wife attended EQ under the same circumstances. Kevin Olson responded that there have been federal officers who have come through the EQ classes in the past.

Perry Johnson commented that he doesn't even have a notice of appointment on Kelly Cole. If he had a Sheriff who wanted to cross deputize an officer and needs to have this ability he would understand that.

Rich McLean commented that a local jurisdiction can work with an MOU to satisfy most of those needs rather than POST being the sanctioning body.

Jim Cashell asked if Kelly Cole is looking for a basic certificate or just to attend EQ. Perry Johnson pointed out that according to the ARM he would have to be issued a basic certificate.

Kevin Olson made the recommendation that if the officer has a notice of appointment then they qualify for EQ.

Perry Johnson stated that a federal agency can supply POST with a notice of appointment.

Jim Thomas asked if the Council could solve the problem by saying that the notice of appointment has to come from a local law enforcement agency. Perry Johnson liked that idea.

Jim Thomas made a motion and Kevin Olson seconded that in order for a federal employee to attend an EQ there has to be a request made to the POST Executive Director through a local administrator, a Sheriff or other local administrators.

Jim Cashell asked if POST issues certificates to tribal officers. Sarah Clerget explained that if the tribal officer has a contract with BIA that requires that they have a POST certificate then POST certifies them. They can however be a tribal officer in their own jurisdiction without being POST certified if they don't have a contract with BIA.

Motion carried, all members voting in favor.

Kevin Olson made a motion and Jim Thomas seconded to approve the EQ requests excluding Kelly Cole of the BLM. Motion carried, all member voting in favor.

COMMITTEE REPORTS:

ARM Committee: Tony Harbaugh had nothing to add.

Coroner Committee: Tony Harbaugh had nothing to add.

Integrity and Profession Standard Committee: Kimberly Burdick is going to be following up with the other members on the committee to see if they have any ideas.

Curriculum Committee: The committee doesn't have a chairman since Chief Smith is no longer a Council member.

Kevin Olson nominated and Bill Dial seconded Jim Thomas be the head of the Curriculum Committee. Kevin Olson closed the nomination and Jim Cashell seconded. Motion carried, all members voting in favor.

Business Plan Committee: Tony Harbaugh didn't have anything new to add but asked if this committee should include Budget and Legislative. Perry Johnson added that he thinks that at the next face to face he would like to discuss some options.

Policy Committee: Perry Johnson told the Council there was a handout with some draft policies on it. There will be some more work done on them and get together with the committee to go over them.

Individual Council Member Reports and Comments:

Kimberly Burdick: She commented that APCO is taking some steps to reclassify dispatchers under the department of labor handbook. Currently they are classified as

clerical. They are trying to reclassify them as Public Safety Tele Communicators and put them under Protective Services.

Bill Dial: no comment:

Ryan Oster: He is feeling overwhelmed but thanked the Council.

Laurel Bulson: not present

John Strandell: not present

Tony Harbaugh: Don't build a new jail!

Lewis Matthews: not present

Jesse Slaughter: no comment

Kevin Olson: no comment

Jim Thomas: no comment

Jim Cashell: Life is good!

Tia Robin: no comment

Gina Dahl: no comment

No Executive session was needed but Bill Dial may want one at the face to face in June.

Perry Johnson commented that Katrina Bolger will be taking twelve weeks of family medical leave until the middle of August.

Bill Dial made a motion to adjourn the meeting. Meeting adjourned

Submitted by
Mary Ann MAK
5/20/15

Misdemeanor Probation Officer
Pretrial Officer
Memo

STATE OF MONTANA
DEPARTMENT OF JUSTICE
AGENCY LEGAL SERVICES BUREAU

Tim Fox
Attorney General



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TO: Perry Johnson, POST Executive Director
POST Council Members

FROM: Sarah M. Clerget
Sclerget@mt.gov, (406) 444-5797

RE: Misdemeanor Probation and Pretrial Service Officers Training
Requirements

DATE: Friday, May 08, 2015

A. INTRODUCTION

This memo addresses the training requirements for misdemeanor probation officers and pretrial service officers. POST Director Perry Johnson requested this memo based on discussions during and after the September and December 2014 POST meetings. It follows my November 21, 2014, memo on the statutory status of misdemeanor probation officers and pretrial service officers.

The POST Council determined (during those meetings and based on that memo) that privately employed misdemeanor probation officers are not currently contemplated under the statutory scheme, are *not* public safety officers, and are therefore not under the purview of POST. This memo therefore does not address privately employed misdemeanor probation officers. This memo only addresses the three categories of officers that fall under POST's jurisdiction: (1) publicly employed misdemeanor probation officers, (2) publicly employed pretrial service officers, and (3) privately employed pretrial service officers. (For further discussion of this, see the November 21, 2014, memo.)

B. QUESTIONS PRESENTED AND SHORT ANSWERS

1) What training must misdemeanor probation and pretrial service officers have in order to comply with the current law?

Publicly employed misdemeanor probation officers and all pretrial service officers (whether publicly or privately employed) are public safety officers who must be certified by POST with a basic certificate. These officers must have the same training—or training that is *at least* equivalent to—the training that felony probation and parole officers receive, including a 280 hour basic and 16 hours per-year of continuing education with at least one hour relating to mental illness.

2) Who must provide that training and where may it be held?

The training must be POST-approved but POST is not required to provide the training. Training for publicly employed misdemeanor probation officers and publicly employed pretrial service officers could happen at the Montana Law Enforcement Academy (MLEA). However, because private pretrial service officers cannot be trained at MLEA, it is recommended that the Council approve training these officers at an alternative location.

3) Can POST waive or modify these training requirements?

No. The requirement that publicly employed misdemeanor probation officers and all pretrial service officers must receive the same training as felony probation and parole officers is statutory. The only way to change the training requirements would be to change the current statutory scheme.

C. LEGAL ANALYSIS

(i) Background.¹

Publicly employed misdemeanor probation officers are public safety officers. Misdemeanor probation officers are statutorily required to meet the training standards set by POST. Mont. Code Ann. § 46-23-1005 (citing Mont. Code Ann. § 46-23-1003). The

¹ This section is a truncation of the November 21, 2014, memo. For further discussion of the information in this section, please see that memo.

definition of “public safety officer” includes “any other person required by law to meet the qualification or training standards established by the council.” Mont. Code Ann. § 44-4-401(2)(i). Therefore, publicly employed misdemeanor probation officers are public safety officers under Mont. Code Ann. § 44-4-401(2)(i) because they must meet the qualification or training standards set by POST. Additionally, because publicly employed misdemeanor probation officers are public safety officers, POST must “provide for the certification or recertification . . . and for the suspension or revocation of certification” of these officers. Mont. Code Ann. § 44-4-403(1)(c).²

Both publicly and privately employed pretrial service officers are public safety officers. It is clear from Mont. Code Ann. § 46-9-505(5) that a pretrial service agency includes private entities or those under contract with a local government. That statute also requires all pretrial service officers to meet training standards set by POST. *Id.* (citing Mont. Code Ann. § 46-23-1003). Because all pretrial service officers—whether public or private—are required to meet POST standards and receive POST-approved training, they also fall within the definition of “public safety officer” found in Mont. Code Ann. § 44-4-401(2)(i). As public safety officers, all pretrial service officers must be certified, decertified or sanctioned, and tracked by POST, whether they are publicly or privately employed. Mont. Code Ann. § 44-4-403(1)(c).

(ii) Training requirements for felony probation and parole officers under Mont. Code Ann. § 46-23-1003.

The training requirements for felony probation and parole officers is found in Mont. Code Ann. § 46-23-1003, which states:

(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

² Note that the language of Mont. Code Ann. § 46-23-1005(2) implies that the probation officers appointed by the local government are also employees of that local government (“A local government may appoint misdemeanor probation officers *and other employees* . . .”). Thus, misdemeanor probation officers are those officers who are appointed *and employed* by a local government; whereas, the statute seems to say that anyone not employed by a local government is not a misdemeanor probation officer. For further discussion of this point, see the November 21, 2014, memo.

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.*

Mont. Code Ann. § 46-23-1003 (emphasis supplied). POST has in turn adopted administrative rules setting standards for the training of public safety officers, including felony probation and parole officers. *See e.g.* ARM 23.13.201, 23.13.205, and 23.13.206.

To obtain a POST basic certificate, which all public safety officers must have, felony probation and parole officers must attend a basic course. *See* ARM 23.13.201(1), 23.13.205(2), and 23.13.206(1)(a)(ii). The current basic course curriculum approved by the Council is 280 training hours and is hosted by the Department of Corrections at the MLEA.

Additionally, felony probation and parole officers are required by statute to have 16 hours per year of continuing education in subjects relating to probation officers, including at least one hour of training on serious mental illness and recovery therefrom. Mont. Code Ann. § 46-23-1003(2).³

³ The 16 hours per year requirement of Mont. Code Ann. § 46-23-1003(2) exceeds the 20 hours every two years requirement that POST imposes on public safety officers in ARM 23.13.201(2)(j). However, the language of Mont. Code Ann. § 46-23-1003(2) is clear that the yearly statutory requirement (16 hours) is “[i]n addition” to the POST administrative standard (20 hours every 2 years). The Council may want to consider modifying, waiving, or refining the requirement in ARM 23.13.201(2)(j) (as POST cannot waive or modify the statutory requirement) so that any officer whose training is based on Mont. Code Ann. § 46-23-1003 is not required to have 52 hours of training every two years.

Thus, under Mont. Code Ann. § 46-23-1003(2) and the incorporated POST standards, felony probation and parole officers are currently required to attend a 280 hour basic class and receive 16 hours per year of continuing education in probation-related subjects, with at least one hour of mental illness and recovery training, in order to receive and maintain their POST certification.

(iii) Training requirements for publicly employed misdemeanor probation officers and all pretrial service officers.

Like felony probation and parole officers, publicly employed misdemeanor probation officers and all pretrial service officers must meet the training requirements found in Mont. Code Ann. § 46-23-1003 and the incorporated POST standards. For publicly employed misdemeanor probation officers this requirement is found in Mont. Code Ann. § 46-23-1005(2)(a), which states: “Misdemeanor probation officers: (a) must have the *minimum training required in 46-23-1003 . . .*” For all pretrial officers this requirement is found in Mont. Code Ann. § 46-9-505(5), which defines a “pretrial services agency” as “a government agency or a private entity under contract with a local government whose employees have the *minimum training required in 46-23-1003 . . .*”

Thus, both of the statutes regulating publically employed misdemeanor probation officers and all pretrial service officers— Mont. Code Ann. §§ 46-23-1005 and 46-9-505(5), respectively—require that these officers have the “minimum training required in 46-23-1003.” The statutory construction indicates that first the Council must set training required for felony probation and parole officers, and then apply that felony probation training standard to publically employed misdemeanor probation officers and all pretrial service officers. The statutory scheme does not contemplate a different or modified standard for publically employed misdemeanor probation officers and all pretrial service officers based on their differing duties. Since felony probation and parole officers are currently required, by Mont. Code Ann. § 46-23-1003 and the incorporated POST standards, to attend a 280 hour basic course and, thereafter, 16 hours per year of continuing education training (with one hour devoted to mental illness), this also constitutes the minimum training required for publicly employed misdemeanor probation officers and all pretrial service officers.

(iv) The role of POST with respect to these training requirements.

POST cannot modify or waive these training requirements for publicly employed misdemeanor probation officers and all pretrial service officers because they are statutory.⁴ The only way to change these requirements is to amend the statutes—Mont. Code Ann. §§ 46-9-505(5) and 46-23-1005—that incorporate the training requirements for felony probation and parole officers under Mont Code Ann. § 46-23-1003.

Nothing in Mont. Code Ann. § 46-23-1003, or the other relevant statutes, require POST to *provide* the basic and continuing education training for these officers. POST need only review and approve (or deny) the training for POST credit towards obtaining and maintaining POST certification. Once officers meet the necessary training requirements, POST must issue them a basic certificate, track training hours, and then sanction or revoke that certificate as necessary just as it does for all other public safety officers. Mont. Code Ann. § 44-4-403(1)(c).

However, privately employed pretrial service officers may present a difficulty as MLEA only accepts officers who are employed by a local government. *See* Mont. Code Ann. § 44-10-301; ARM 23.12.1201. Therefore, pretrial service officers who are employed by a private entity are public safety officers who cannot be trained at the academy. This may be an instance in which POST wishes to find “that training at some other place is more appropriate,” as contemplated by Mont. Code Ann. § 46-23-1003(2). Again, however, there is nothing in the statute that indicates POST must provide the training outside MLEA, only that POST must review it and approve (or deny) it for POST credit. If private industry were to create a training equivalent to the 240 hour basic course and 16 yearly hours of continuing education that are currently provided at MLEA for felony probation and parole officers, and if POST were to approve that training for POST credit, the statutory requirements would be met.

As public safety officers, publicly employed misdemeanor probation officers and all pretrial service officers must be certified by POST in order to operate within the scope of the law. *See* Mont. Code Ann. § 44-4-404; ARM 23.13.201(1). In order to be POST certified, the officers must meet these basic and continuing training requirements. *See* ARM 23.13.201, 23.13.205, 23.13.206, and 23.13.702. Getting these officers trained

⁴ For discussion on why the Council cannot waive statutory training requirements for an entire group of officers, see Chris Tweeten’s memo of March 3, 2015.

Perry Johnson
May 8, 2015
Page 7

must therefore be accomplished as soon as possible, as they may be operating outside the scope of their authority without such training.

Additionally, operating for any period of time without the required certification and training, or in violation of the statutes discussed herein, may make an officer unfit or ineligible for a POST certificate (even after they ultimately got the required training). This is because ARM 23.13.702(2)(m) forbids “operating outside or ordering, permitting, or causing another officer to operate outside of the scope of authority for a public safety or peace officer . . .” and ARM 23.13.205(3) and (5)(b) makes compliance with ARM 23.13.702 a prerequisite and requirement for POST certification. Therefore, if officers have you have been operating outside the scope of their authority in violation of the law, then simply curing their training deficits may not be enough to get them POST certified. It is also important to note that under these ARMs *any other* public safety or peace officers who *permits or causes* a publicly employed misdemeanor probation officer or a pretrial service officer to operate outside the scope of his or her authority (i.e. without the proper training and certification) may also be in violation of ARM 23.13.702(2)(m). It is therefore necessary to get publicly employed misdemeanor probation officers and all pretrial service officers trained and certified as soon as possible.

D. CONCLUSION

Under the current statutory scheme, publicly employed misdemeanor probation officers and all pretrial service officers must receive the same or equivalent training as felony probation and parole officers receive pursuant to Mont. Code Ann. § 46-23-1003 and the incorporated POST standards. The only way to change this requirement is to change the statutes which set the training standards for these officers. It is also not possible to just let these officers operate outside the scope of their authority until the next legislative session, as this may make them ultimately ineligible for POST certification. Therefore, training for these officers that is at least equivalent to the training for felony probation and parole officers—i.e., at least a 280 hour basic course and 16 hours of yearly continuing education with at least one hour in mental illness—must be offered as soon as possible, and probably somewhere other than at MLEA.

c: Jim Scheier

Contested Case Training

* The Life of a POST Case

Contested Case Counsel Orientation 2013
Sarah M. Hart

* Outline:

- * The View from 10,000 ft
- * Into the Weeds
 - * Allegations
 - * MAPA Procedure
 - * POST Council
 - * Appeal
- * The Cost of Doing Business

* The Life of a POST Case

* The View from 10,000 ft

(let's get the big picture before we hit the weeds)

*So who is this "contested case counsel" [CCC]?

- * Sarah Montana Clerget, Assistant Attorney General (yes, that's really my middle name)
- * I work for the Agency Legal Services Bureau (part of the AG's Office Legal Services Unit) as a salaried attorney
- * Think of ALSB as a law firm created especially for Montana State Agencies, I'm an associate at that law firm
- * POST hired ALSB (contractual agreement) for legal services, so POST is ALSB's client
- * ALSB assigns me to the POST client - so POST becomes my client (and takes over most of my time)
- * Then I represent POST during contested case hearings



*The View from 10,000 ft

*Why do we need a CCC?

- * Similar to a prosecutorial function for suspending/revoking an officer's certification
- * **But Different** because this is a CIVIL proceeding, and POST is my CLIENT - so POST makes the decisions
- * So I am the hired legal gun that ushers the case through all the processes to effectuate an officer's suspension or revocation
- * I make sure it's all LEGAL!



*The View from 10,000 ft

*Why do we need a CCC? (continued)

- * It is POST's statutory obligation to:

"provide for the certification or recertification of public safety officers and for the suspension or revocation of certification of public safety officers."

MCA 5 44-4-403(c) "Council Duties"



*The View from 10,000 ft

***How do we do that?**

- * You must provide *due process* to every officer whose certificate you suspend or revoke
- * Due process is VERY time consuming and expensive!
- * It means that there must be processes in place to ensure that the officer is given every opportunity to understand and respond to any action against his certificate
- * Over time, the POST Council and staff (and legal counsel) have devised a process that seems to work well...

***The View from 10,000 ft**

***How does this process work?**

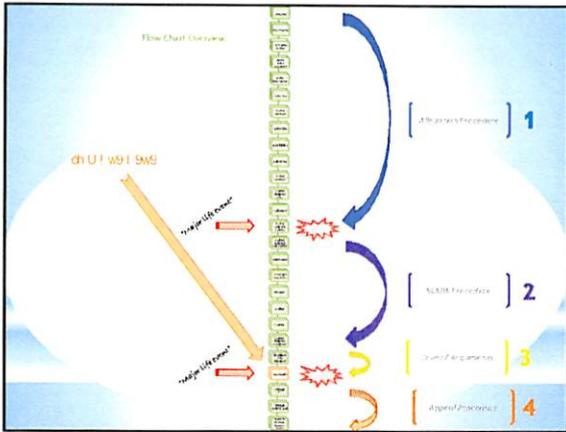
- * The POST staff, legal council, and the Hearing Examiner do all the work
 - * Allegation procedure
 - * MAPA contested case procedure
- * The POST Council votes
- * Then there is a right to an appeal... all the way.

***The View from 10,000 ft**

***So it is really FOUR processes?! But what is the purpose of each one?**

1. Allegation Procedure
 - * Case assessment, investigation, and informal resolution
2. MAPA Contested Case Procedure
 - * Create the record and render formal decision
3. Council Arguments
 - * Review the Hearing Examiners Decision, Make Council Decision
4. Appeal Procedure
 - * Check that everything was done right

***The View from 10,000 ft**



* Sources of the Three Procedures:

1. Allegation procedure
 - * Allegation flow chart
 - * POST Procedure (policy)
 - * POST ARM 23.13.702-703
2. MAPA contested case procedure
 - * MCA §§ 2-4-601 to 2-4-631 (MAPA)
 - * POST ARM 23.13.704-711, 713-716, 721
 - * Montana Rules of Civil Procedure and evidence
 - * AG Model Rules ARAM 1.3.101 to 1.3.233
3. Council Arguments Procedure
 - * POST ARM 23.13.719 Appeal procedure
 - * POST ARM 23.13.721
 - * MCA §§ 2-4-701 to 2-4-711

* The View from 10,000 ft

* What role do we (the POST Council) play?

YOU ARE HERE (Judge and Jury)

POST Executive Director and CCC (Prosecution)

Hearing Examiner and Chris (Law Clerks)

Officers (Defense)

*** BECAUSE YOU ARE THE JUDGE AND JURY OF EVERY CONTESTED CASE YOU *CANNOT* HEAR ANY EVIDENCE ABOUT THE CASE BEFORE IT IS FORMALLY BROUGHT BEFORE YOU AS A COUNCIL**

*** Take a look at the memo from Clyde Peterson or talk to Chris about this if you have more questions.**



23.13.716 CONTESTED CASES, EX PARTE COMMUNICATIONS

(1) Pursuant to 2-4-613, MCA, ex parte communication by a party or a party's agent with the hearing examiner, the council, any individual member of the council, or any person authorized to participate in the decision of the contested case, is expressly prohibited unless otherwise authorized by law.

(2) An unauthorized ex parte communication *may be treated as a default* and may constitute a waiver of the party's rights to proceed.

(3) If an ex parte contact occurs, the person receiving the communication must state on the record the nature and content of the communication and a summary of its contents. The presiding officer or hearing examiner may, in the exercise of discretion, make any order that is appropriate.

*** The View from 10,000 ft**

*** But then who is in charge here?**

- * The POST Executive Director (at the allegation stage)**
 - * With the advice of the screening committee and CCC
- * The Hearing Examiner (at the MAPA contested case stage)**
 - * CCC presents evidence, motions, argument on behalf of Executive Director
- * The Council (Council Arguments)**
 - * With procedural help from Chris
- * The Courts (at the appeal stage)**
 - * CCC and/or general counsel represent the Council and defend the decision



*** The View from 10,000 ft**



*** Into the Weeds...**

Details about the allegation, MAPA, and appeal processes

***Stage one: allegation procedure**

- * Driver: POST Executive Director
- * With advice from the Case Status Subcommittee

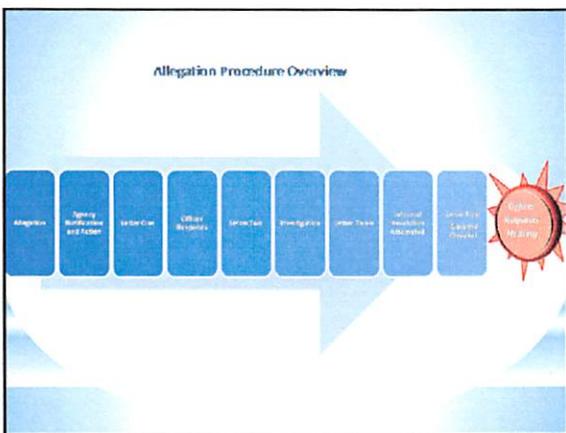
***Source: Allegation procedure**

- * Allegation flow chart
- * POST Procedure (policy)
- * POST ARMs 23.13.702-703

***Main Purpose: case assessment, investigation, and informal resolution**



***The Weeds - Allegation**





***How does POST receive allegations?**

- * Employing or supervising authority
 - * Sometimes through direct notification
 - * Sometimes through termination/appointment notices
- * The public
- * The press
- * Co-workers or other officers
- * The criminal justice system

***The Weeds - Allegation**

Letter One



Missouri Public Safety Officers' Association & Training Council
 1113 Environmental Center
 St. Louis, MO 63103
 Phone: (314) 435-8200
 Fax: (314) 435-8201

May 21, 2015

President
 1113 Environmental Center
 St. Louis, MO 63103

Dear Sir:

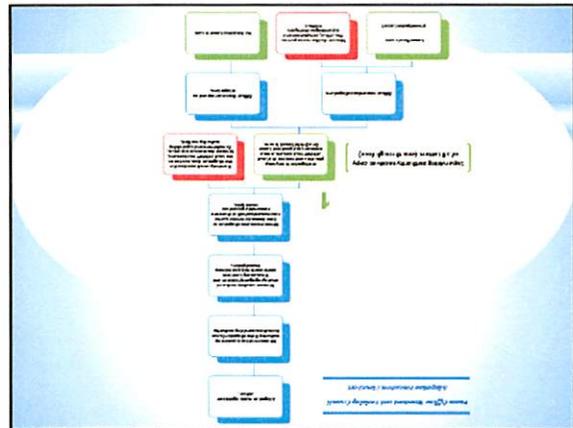
As the Public Safety Officer of the Public Safety Officers' Association and Training Council (PSOATC), I have the honor to acknowledge the receipt of your letter dated 5/19/15 regarding the proposed changes to the Missouri Public Safety Officers' Association and Training Council (PSOATC) by the Missouri State Board of Public Safety (MSBPS). The MSBPS is currently in the process of reviewing the proposed changes to the PSOATC and will be making a decision on whether to approve the changes or not. We are currently in the process of reviewing the proposed changes and will be making a decision on whether to approve the changes or not. We are currently in the process of reviewing the proposed changes and will be making a decision on whether to approve the changes or not.

The proposed changes to the PSOATC are as follows:

- 1. The proposed changes to the PSOATC are as follows:
- 2. The proposed changes to the PSOATC are as follows:
- 3. The proposed changes to the PSOATC are as follows:

We are currently in the process of reviewing the proposed changes and will be making a decision on whether to approve the changes or not. We are currently in the process of reviewing the proposed changes and will be making a decision on whether to approve the changes or not.

Sincerely,
 [Signature]



***The Weeds - Allegation**



What do we do after we receive an allegation against an officer?

Follow the POST "Allegation Flow Chart" and "POST Procedure for Responding to Allegations"

Policy

***What role does the employer/supervising authority have in all this?**

- * They may have initiated the case
- * We push an allegation back to the employer/supervising authority before we do anything else and wait for their action - if it is enough, we do nothing further
- * If further action is necessary (and the individual is still employed) the employer/supervising authority is cc'd on *all* of the letters (one through four)



***The Weeds - Allegation**

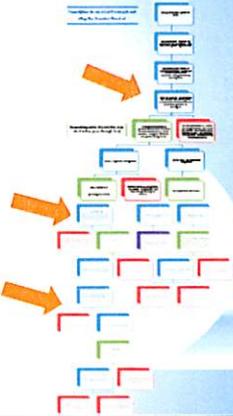
***What role does the Status Subcommittee have in all this?**

*** They will review the case and give advice to the director *at least* three different times in the life of an allegation:**

- * Before Letter One (after agency action and before deciding to open a case)
- * Before Letter 3 (after investigation and before making an offer)
- * Before Letter 4 (if no resolution reached)

*** Often, they see a case much MORE often**

*** They review *ALL* the documents we have on every case**



***So what are the possible outcomes of the allegation stage?**

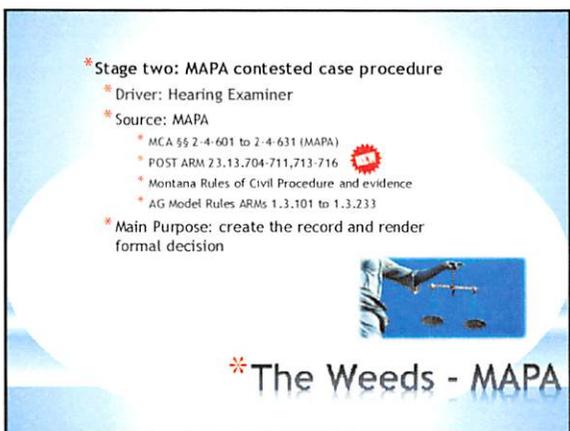
- * Dismissal (by the Executive Director)
- * Informal resolution (stipulation, not approved by the council, but done on advise of status subcommittee)
- * Notice of Agency Action (Letter Four) which instigates revocation or suspension of POST certification

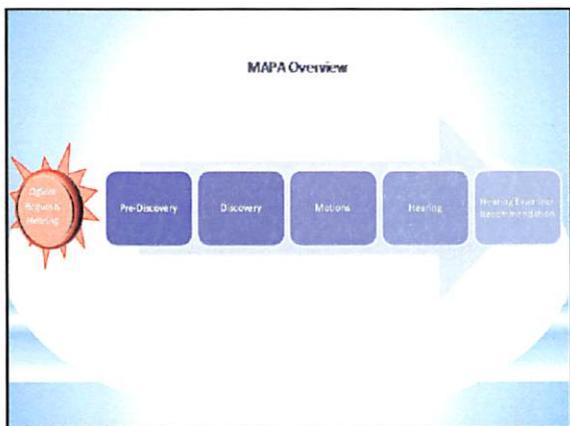
*** Note: We *DO NOT* proceed to Notice (Letter Four) until we are certain that we have sufficient information to be confident of "success" at the MAPA stage**

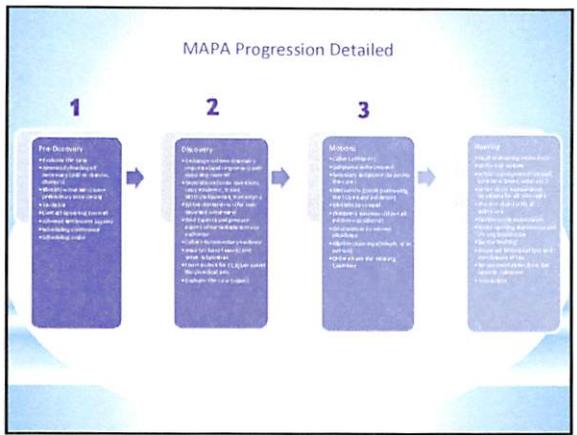


***The Weeds - Allegation**



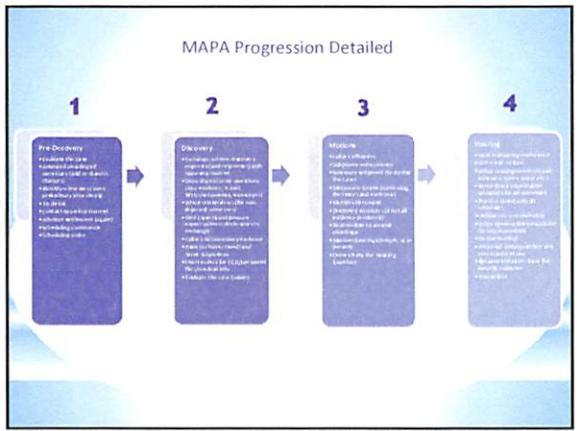






- Motions may include:
 - Collect affidavits
 - Subpoena enforcement
 - Summary Judgment (to decide the case)
 - Motions in Limine (narrowing the issues and evidence)
 - Motions to compel
 - Discovery sanctions (if not all evidence produced)
 - Final motion to amend pleadings
 - Motions hearings (teleph. or in person)
 - Orders from the Hearing Examiner

***The Weeds - MAPA**



- * And in plain English *that means... ?*
- * Your final decision must be in writing
- * It must include findings of fact and conclusions of law, separately stated
 - * (You can simply adopt the Hearing Examiners' findings or you can write your own)
- * It must be issued within 90 days of the hearing
- * It can *only* be based on the official record
- * You must send it by mail to the parties
- * You must index it and make it public (on the website)

MEANINGLESS JARGON
SPOKEN HERE

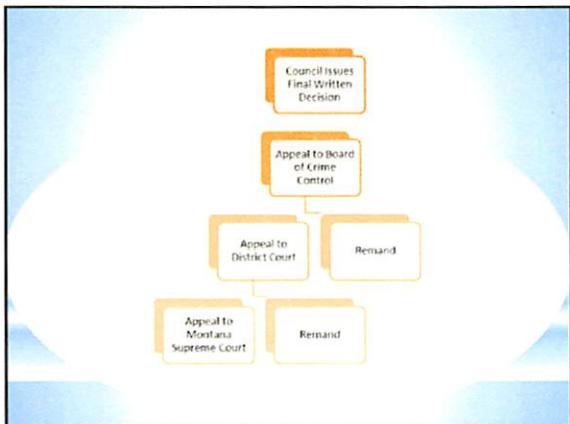


* The Weeds - Council Arguments

- * So what are the possible outcomes of the Council Argument stage?
- * Written final decision by the POST Council
- * *Note: sometimes other resolutions are possible too, although this is unusual*



* The Weeds - Council Arguments



* We're done! (Now what?)

- * After the Council renders its decision, the officer has a right to an appeal
- * It starts with the Board of Crime Control
- * NOTE: under BOCC ARMs the decision of POST is **STAYED** if an officer appeals to BOCC ARM 22.14.1004(7)
- * Then it goes to the MT District Courts
- * Then to the MT Supreme Court

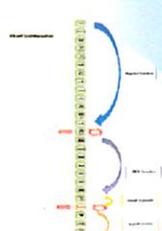
* But note: at any one of these stages, the court(s) can send it back to you on "remand"



*** The Weeds - Appeal**

* I'm totally overwhelmed.

- * Lets go back to the "Flow Chart Overview" and remember how it all fits together...
- * FOUR processes:
 1. Allegation Procedure
 - * Case assessment, investigation, and informal resolution
 2. MAPA Contested Case Procedure
 - * Create the record and render formal decision
 3. Council Arguments
 - * Review the Hearing Examiners Decision, Make Council Decision
 4. Appeal Procedure
 - * Check that everything was done right



*** Back to 10,000 ft**

- * But we do (and pay) all this because...
- * It is POST's statutory obligation to:

"provide for the certification or recertification of public safety officers and for the suspension or revocation of certification of public safety officers."

MCA 5-44-4-403(c) "Council Duties"



STATE OF MONTANA
DEPARTMENT OF JUSTICE
AGENCY LEGAL SERVICES BUREAU

Steve Bullock
Attorney General



1712 Ninth Avenue
P.O. Box 201440
Helena, MT 59620-1440

TO: WINNIE ORE, CHAIRPERSON
MONTANA PUBLIC SAFETY OFFICER STANDARDS AND
TRAINING COUNCIL – formerly and often referred to as POST:
PEACE OFFICERS STANDARDS AND TRAINING COUNCIL

FROM: NORMAN C. PETERSON
AGENCY LEGAL SERVICES BUREAU
MONTANA DEPARTMENT OF JUSTICE

DATE: APRIL 10, 2012

RE: EX PARTE CONTACTS WITH POST COUNCIL MEMBERS

You have requested that I review with the POST Council the subject of ex parte contacts with council members, and more importantly to inform council members what type of contacts are specifically impermissible.

In researching the issue, I found there were a considerable number of memorandums and legal opinions that have been written on the subject, and written specifically for boards much like, if not identical to the POST Council.

In particular I have attached one very detailed memorandum written for the California State Water Resources Control Board by its Chief Counsel. Along with my memorandum, I would recommend all board members read the California memorandum and keep it in their information packet. The last page of the latter memorandum has a nicely organized flow chart that a board member can use in deciding whether a contact is ex parte, and thus prohibited. I have also attached three administrative rules regarding ex parte contact; these are not POST Council rules, and are attached only for informational purposes. The body of this memorandum discusses the rules and statutes applicable to the POST Council.

A General Discussion of Ex Parte

“Ex parte” is a Latin term that means “by or for one party.” It has its origins in providing a fair and unbiased system of justice in which each party to a lawsuit has an equal opportunity to present and hear evidence, rebuttal and cross examination. Judges, by

common law, cannot communicate with one party to a lawsuit on the subject of the lawsuit without the knowledge or presence of the opposing party. Ex parte communications are considered inherently improper as they defeat the purpose of “due process” for all parties.

The same prohibition applies to administrative hearings and the decision makers in those hearings. For our purposes, it refers to communication between a Council member [decision maker] and a person interested in an application before the POST Council, without other interested persons, other Council members, or the public being present. The phrase “person interested” can be generally thought of as a person who has a stake in the subject, such as an employee or person that has a matter before the POST Council. It can also mean a person that has an identified personal interest as being opposed to the application.

“Ex parte” contacts are prohibited because if such contact occurs, several different problems could arise when that contact is eventually disclosed. Since other interested persons were not part of the discussion, disclosure makes those persons feel that the Council member involved has a personal stake in the outcome, or is now biased against their position, or can no longer be neutral in considering the application. There will be pressure for the Council member to disqualify him or herself from the matter being decided. If the Council member refuses to disqualify him or herself, the other interested persons will feel that the person making the ex parte contact has had an unfair advantage in the process.

If the decision is adverse to that other interested person, the ex parte contact creates a potential legal issue because it appears that “due process” has not been provided. Alternatively, these other parties could start making ex parte contacts of their own, causing the Council to lose control of its own procedure.

In some States, if any board decision has been reached as a result of the ex parte contact, the decision may be subject to attack as a violation of the Right to Know statutes, with the possibility of sanctions imposed. Montana has such statutes and while I know of no cases discussing this particular aspect of the law, it could certainly happen here.

Ex parte contacts could cause conflict within the Council and among its members. In addition, if one or more members are disqualified, there may be a problem with a quorum, possibly making it difficult to process the application in a timely and efficient manner.

In some states, Courts have concluded that proof of an ex parte communication by a quasi-judicial officer creates a rebuttable presumption of prejudice unless proven otherwise by competent evidence by the officer. The person affected adversely by the decision is entitled to a new and complete hearing, unless the party defending against a new hearing can show that the communication was not, in fact, prejudicial. For these reasons, among others, ex parte contacts about a case are not allowed.

Montana Statutory Law Applicable to POST

While there is no definition of ex parte contact in the Title 44 statutes, Mont. Code Ann. § 2-4-613 of the Montana Administrative Procedure Act defines ex parte consultation: **“Unless required for disposition of ex parte matters authorized by law, the person or persons who are charged with the duty of rendering a decision or to make findings of fact and conclusions of law in a contested case, after issuance of notice of hearing, may not communicate with any party or a party’s representative in connection with any issue of fact or law in the case except upon notice and opportunity for all parties to participate.”**

As you will read below, that statute applies to POST.

POST is created in Mont. Code Ann. § 2-15-2029, and is designated as a quasi-judicial board for purposes of Mont. Code Ann. § 2-15-124. That latter section describes the requirements of a quasi-judicial board, and for the purposes of this memorandum the main point is that a quasi-judicial board may make decisions in contested cases.

Mont. Code Ann. § 44-4-40, et seq. provides the powers and duties of POST. The contested case hearing procedures in the Montana Administrative Procedure Act, Title 2, Chapter 4, part 6, are made applicable to POST. The decision making power of POST will be exercised in a controlled contested case setting. Singular to POST, a decision of POST may be appealed to the Board of Crime Control as the final agency decision prior to any appeal to a Montana District Court.

Linda Nelson
June 5, 2015
Page 4

The first sentence of Mont. Code Ann. § 2-4-613 of the Montana Administrative Procedure Act: **“Unless required for disposition of ex parte matters authorized by law”** generally references subjects such as domestic violence cases where there is an immediate and present danger, or mental commitment proceedings, or instances of imminent hazards created by hazardous substances; all of which may require or allow the proceeding to continue without a party being present.

To my knowledge, as regards POST, there are no **“ex parte mattes authorized by law”**, so the qualifier in the first sentence has no application to POST. Therefore, Council members are subject to the prohibitions of Mont. Code Ann. § 2-4-613, and once a notice of hearing or staff action has been issued, no Council member may communicate with any named party [or employee of the party], or that party’s representative or attorney regarding any issue of fact or law in that contested matter, unless there has been some notice and opportunity for all parties to participate. That prohibition would include the presentation of any written material, or e-mails, or information of any sort about the facts or merits of a case. It also prohibits the presenting of gifts or favors by an interested party. And communication is a two-way street; no Council member may initiate such a conversation or seek information once a notice of hearing has been issued.

Although not as common, the above ex parte prohibitions may apply to a hearing where the Council is adopting or considering the adoption of an administrative rule, and there has been a publication in the Montana Administrative Register of the Council’s consideration of the rule. However, The Administrative Procedure Act allows rule making bodies to have informal and other conferences for purposes of getting information and opinions regarding any proposed rules. That being true, it appears that it is within the discretion of the agency to allow or not allow ex parte contact in such situations. I would recommend that the Council discuss the matter and decide how it wishes to proceed in regard to rule making and ex parte contacts.

Finally, the prohibition on “ex parte” communications does not extend to Council staff; any interested party can communicate with the staff on a procedural matter, or even on the merits of a matter that has been set for hearing, as long as the contact is documented.

As noted earlier, I have also attached to this memorandum other agency definitions of “ex parte” contact. They are not all that different from the Montana Code reference, and they do not apply to POST. They are included only for informational purposes.

Examples of Ex Parte Communications

Deliberate contacts are somewhat self explanatory. No Council member may reach out, in any manner, to an identified interested party and discuss – outside of the Council hearing – the facts or merits of an application that has been noticed for a hearing. Similarly, a Council member cannot discuss, when contacted in any manner by an identified interested party, the facts or merits of a matter that has been noticed for a hearing.

There are other less definitive examples, but each is prohibited as above.

1. An applicant may send a letter or an email to every Council member dealing with a pending application, but there is no notice that the letter or email was shared with the opposing party or the public. This is particularly difficult as this type of contact is quite common, particularly with citizen boards. The absence of information may cause the problem.

Therefore a Council member should always view such information as suspect, and may wish to proceed in this manner. Before viewing it, make sure of the source and who has had access to it. If the Council's staff has given it to the member, it is probably appropriate. If it came directly from an interested party, or the source is simply unknown, it would be best to leave it unread and to bring it to the full Council's attention at the hearing or if at all possible prior to the hearing.

Perhaps the best approach is for the Council, in its internal operating rules, to state that no information regarding a pending matter should be viewed or read unless it comes from staff, or unless it was requested by the Council itself, with all interested parties having the same opportunity.

2. An elected official or appointed official in your town or county, or a neighboring one, may send or forward some information, or talk on the telephone about a pending application, and the communication is not shared with other parties or other Council members. This is a prohibited ex parte contact, and members must avoid such conversations or contacts. This is a particularly difficult example, as in many rural or urban areas, it is simply the way business gets done. However, Council members must always be conscious of the fact that they are wearing their "Council member hats" when speaking of a Council matter that has been noticed for hearing. No matter how tempting,

it is still prohibited ex parte conduct.

3. A technical expert assisting a party to a matter gives a report to a Council member, or all members, but does not file it as a hearing exhibit, or give notice that it is being used. This is again, prohibited. Council members must be cautious about the source of materials they view, and again, once a matter has been noticed for hearing, no material that has not come from staff should be viewed or considered prior to its presentation at the hearing.

The problem with much of the above is that the Council member did not initiate the contact nor did the member attempt to make an ex parte contact; but because of someone else's behavior, the member may have received information not made available to other board members, the public or other interested parties.

What Can You Talk About and Whom Can You Talk To?

Not to be flippant, but the simple answer is that as long as you are not discussing a pending application or pending administrative rule adoption [if the latter is included at the Council's choice] you can talk to anybody about anything. Almost anything else is fair game; as after all, you are the ones that know how the Council operates and you can address the questions of the public concerning the Council. This includes procedural questions, status requests, requests for information, or scheduling questions. The important thing to remember about ex parte contacts is a Council member must maintain his or her neutrality by avoiding discussions **about actual cases pending and possibly rule adoptions that have been noticed.**

In addition, you may talk with a party – **even on a pending matter** – on an issue of procedure, as you are not technically discussing the facts or merits of the pending matter. But this is a fairly delicate subject area that can get you in trouble, and avoidance is usually the best policy. For instance, a party asks you a procedural question about which party goes first and if they need an attorney to represent them, or if they need to present a certain type of evidence. You very carefully answer the question without discussing the merits, but at the Council hearing that person blurts out: "But I thought you told me I did not need to present this sort of information?" Ok, now you are in the soup as the rest of the Council and the other party are looking at you and stating: You talked about this case with this person? No matter how innocent the conversation, you are presented in a rather poor light.

My best advice – when you are asked about something by a party to a pending matter – is to always refer them to staff, unless it is an absolutely basic procedural question. If not, you may find yourself being disqualified, or delaying the proceedings, or worse yet, having the entire matter blow up into litigation because of what seemed like an innocent conversation.

How Can the Council or its Members Prevent Ex Parte Contacts?

Initially, there is little a Council member can do to stop such attempted contacts by the public, applicants, or consultants; as after all these matters have important consequences and it is natural for them to ask questions and seek information or advice on how best to advocate for their position. But things can be done.

Rule No. 1 is always to immediately stop the contact when the attempt is first made, and document the fact that the contact was made. A Council member should also relay that matter to the Chairperson or the Chairperson's designee for such purposes. If the contact is by email, it would be appropriate to forward that email to the Chairperson, who then would need to decide whether to share the information with the other board members and to send it to other identified interested parties. At the very least, it should be included in the file as an attempted contact.

If an ex parte contact is made and the Council member inadvertently and suddenly finds him or herself in the middle of a discussion that s/he realizes should not have taken place, the same approach should be taken, but with the addition of further information to the Chairperson about the contact and information received or discussed. At that point, the board member should consider recusing him or herself from a decision on the pending matter, or at least discuss it with the Chairperson or me.

The Chairperson, when receiving such information, should make it part of the file and probably note the contact at the hearing; or prior to the hearing notify any other interested party if that is possible.

If desirable, and requested, the Council can adopt an internal ex parte policy that all members can understand and follow, and which, if possible, can set out in black and white the options of the Council and its members. References can be made to very specific instances; thereby allowing a member a quick and certain means of avoiding certain conversations or situations without the possibility of causing offense.

As noted earlier, any contact can be relayed to staff; they are, after all, the persons who are most familiar with the application and the procedure to be followed, and their job is to keep things on track. They are also not charged with the responsibility of making the final “judicial” decision, and are thus free to discuss matters in greater detail than are board members.

One particular situation that is apparently recurring is when a single Council member, outside a Council meeting, meets with either applicants or the public or interested parties on a subject of interest, and Council member knows there is a hearing pending before the Council that deals with the same subject, and possibly involves some of the people at the meeting. These meetings simply increase the risk of ex parte contact and should be avoided. If they cannot be avoided, and I can see where avoidance would cause public relation problems, the individual Council member must remain on guard as concerns ex parte contacts. Most of the time it is sufficient if the member is simply aware of the facts that define an ex parte contact, as this makes it easier to avoid them.

There is also the situation where the offender is persistent in attempting to make contact when first rebuffed. In that instance, the Chairperson may need to become involved, but in all cases the matter must be brought to public scrutiny and have each and every contact disclosed to any identified interested party and to make it a part of the public record.

As one memorandum noted, the cure is to make the contact public and to provide a reasonable time for everyone else to react and have their say on the matter. Due process for all is the key concept. Everyone should have notice of all aspects of the proceeding, and an opportunity to be heard and to confront the evidence that the Council will be using in coming to a decision.

Conclusion

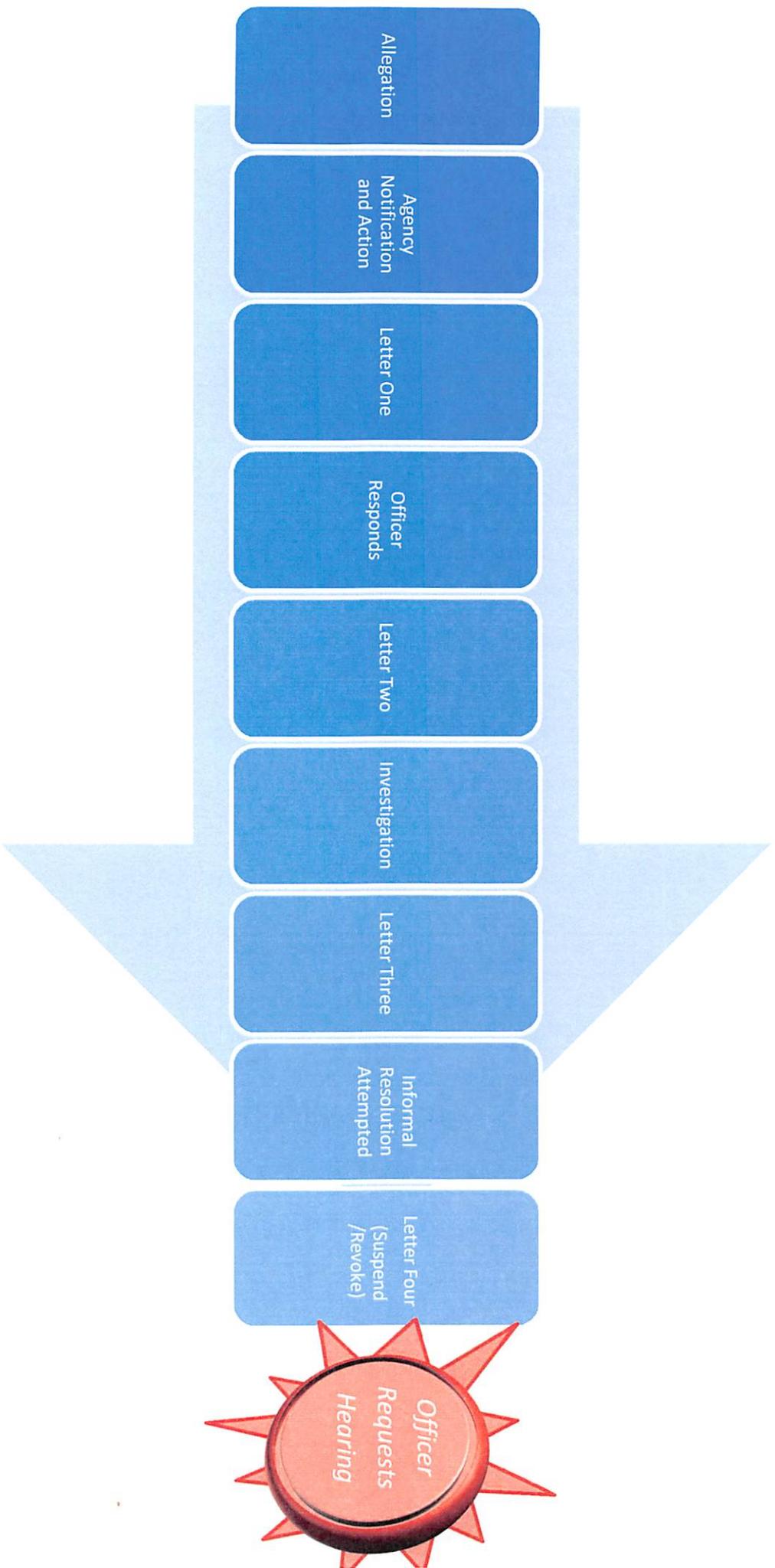
There is likely no greater temptation for the citizen Council member than to enter into ex parte contacts and rationalizing it with the thought that “I am doing it for personal education and doing the public good.”

While we like to think we know ourselves, we do not always recognize what influences our decisions. The public good is done when decisions are made in a controlled environment with all parties and the public having the same opportunity to present information and argue their cases before the unbiased and neutral decision maker. When you wear the hat of the public decision maker, you give up some personal freedom

Linda Nelson
June 5, 2015
Page 9

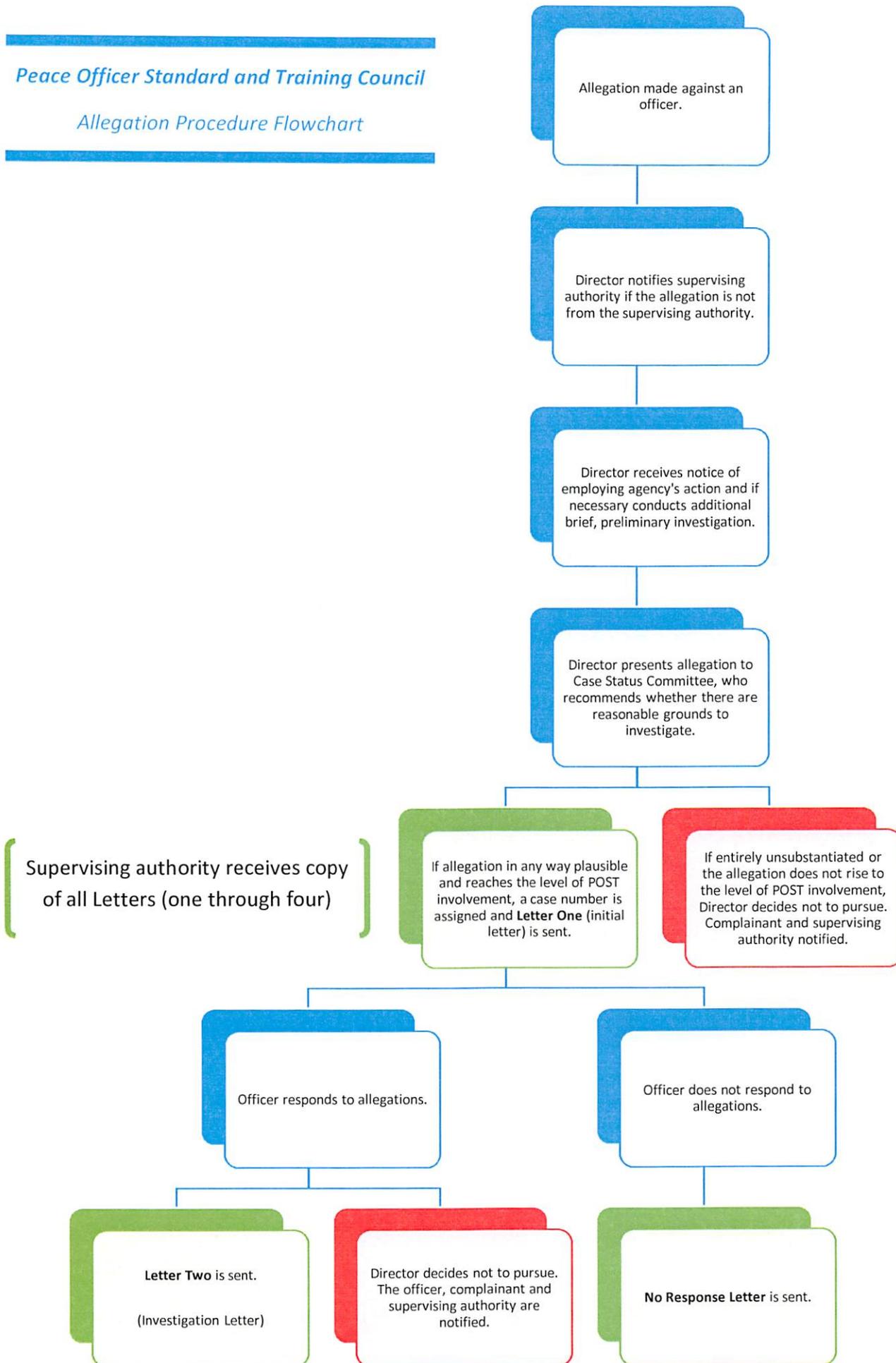
as regards public contact. You additionally owe a duty of fairness to your fellow board members, the public, and those who appear before you. The prohibition against ex parte contact is literally hundreds of years old and is founded on both law and common sense. Ex parte contact should be scrupulously avoided, and if it occurs, it must be immediately and honestly reported.

Allegation Procedure Overview



Peace Officer Standard and Training Council

Allegation Procedure Flowchart







Montana Public Safety Officer Standards & Training Council

2260 Sierra Road East
Helena, MT 59602

Phone: (406) 444-9975
Fax: (406) 444-9978

June 5, 2015

Donald Duck
1313 Disneyland Railroad
Anaheim, CA 92802

Dear Mr. Duck:

As the Executive Director of the Public Safety Officer Standards and Training Council (POST) I have received allegations of misconduct concerning you from the Montana Department of Corrections. The allegations of misconduct, if true, may constitute grounds for sanction, suspension, or revocation of your POST certification. Such sanction, suspension, or revocation may affect your employability as a peace officer or public safety officer in the state of Montana or elsewhere.

The process that POST follows in response to such allegations is set forth in the Administrative Rules of Montana (ARMs), Title 23, Chapter 13, Subchapter 7. At this point I am in the correspondence and investigation stages contemplated by ARM 23.13.703(7) and (8). I am therefore attempting to gather all pertinent information.

The allegations of misconduct concerning you are:

That you resigned while under investigation for indecent exposure, and for failure to wear pants in the workplace.

These allegations may be grounds for sanction, suspension, or revocation of your POST certification under 44-4-403, MCA and four subsections of ARM 23.13.702(2) as follows:

- (1) ARM 23.13.702(2)(g): “neglect of duty or willful violation of orders or policies, procedures, rules, or regulations”
- (2) ARM 23.13.702(2)(h): “willful violation of the code of ethics set forth in ARM 23.13.203”;
- (3) ARM 23.13.702(2)(i): “other conduct or a pattern of conduct which tends to significantly undermine public confidence in the profession”;

- (4) ARM 23.13.702(2)(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”.

The Code of Ethics to which ARM 23.13.702(2)(h) refers is set forth in ARM 23.13.203(4). The allegations outlined above may also be grounds for sanction, suspension, or revocation of your POST certification under one subsection of that Code of Ethics as follows:

- (1) ARM 23.13.203(4)(i): “I will at all times ensure that my character and conduct is admirable and will not bring discredit to my community, my agency, or my chosen profession”.

In order to maintain any POST certification in Montana you must abide by ARM 23.13.702 and ARM 23.13.203, as ARM 23.13.205(5)(b) requires. Therefore, any one violation of any subsection of either ARM 23.13.702 or ARM 23.13.203 can constitute grounds for sanction, suspension, or revocation of your POST certification.

Because we are only at the correspondence and investigation stage, I am giving you the chance to provide a complete explanation of what happened concerning the above allegations. Please feel free to submit supporting documentation along with your explanation as well as a proposed resolution of this matter. **Please provide a written response, along with any supporting documentation you may have or wish me to consider, within thirty (30) days of your receipt of this letter.** You may mail your response to me at the address listed above. If you need additional time, please contact me. I look forward to hearing from you.

Sincerely,

Perry Johnson, Executive Director
Montana POST Council

Enc.

cc: Mr. M. Mouse
DOC



Montana Public Safety Officer Standards & Training Council

2260 Sierra Road East
Helena, MT 59602

Phone: (406) 444-9975
Fax: (406) 444-9978

June 5, 2015

Donald Duck
1313 Disneyland Railroad
Anaheim, CA 92802

Dear Mr. Duck:

I have not received a response from you regarding my October 15, 2014, correspondence. In that correspondence, I outlined the allegations against you and I gave you thirty days to send me a response offering any explanation you may have. I have not received a response from you.

I am giving you a second chance to respond to those allegations. **If I do not receive a response from you within thirty (30) days of your receipt of this letter, I will suspend your POST certificates, and thereafter revoke them.** It is therefore imperative that you contact me as soon as possible.

If I do not hear from you, I will inform the POST case status committee at our next meeting that you have, through your omission, voluntarily submitted to the suspension/revocation of your POST certificates. You can find the dates and times of the POST Council meetings, along with information on how to participate by phone at <https://dojmt.gov/post/meetings-and-conference-call-schedule/>. If you do not respond to this letter, I will suspend your POST certificates for ninety days, and thereafter I will revoke them.

Sincerely,

Perry Johnson, Executive Director
Montana POST Council

cc: Mr. M. Mouse
DOC



Montana Public Safety Officer Standards & Training Council

2260 Sierra Road East
Helena, MT 59602

Phone: (406) 444-9975
Fax: (406) 444-9978

June 9, 2015

Donald Duck
1313 Disneyland Railroad
Anaheim, CA 92802

Dear Mr. Duck:

Thank you for your letter, dated May 29, 2014, and received by this office on June 2, 2014. I have considered what you said in your letter regarding the allegations against you. At this time, I need more information before I can begin to consider possible resolution or an appropriate sanction.

Therefore, I must continue my investigation into the allegations against you. Attached, you will find a release of information form for your personnel file and criminal history. In addition to the personnel file and criminal history release form, I have included a release for your medical records. If you agree that POST may have this information, please sign and return the releases. Please understand that if you do not sign and return these forms, POST may be required to file a petition in district court seeking access to such information, and those petitions are public. In any event, POST will have to file a petition for dissemination of confidential criminal justice information, and the criminal history release indicates whether you object to that filing.

If, after review and further investigation, we are able to reach a stipulation regarding the status of your certificates, I will return the signed forms to you or destroy them upon your request.

Please complete and return the enclosed releases within thirty (30) days.

After I receive your personnel file, criminal records and medical records and review them, I hope to be in a better position to discuss possible resolutions or a stipulated sanction with you.

Sincerely,

Perry Johnson, Executive Director
Montana POST Council

cc: Mr. M. Mouse
DOC



Montana Public Safety Officer Standards & Training Council

2260 Sierra Road East
Helena, MT 59602

Phone: (406) 444-9975
Fax: (406) 444-9978

June 9, 2015

Donald Duck
1313 Disneyland Railroad
Anaheim, CA 92802

Dear Mr. Duck:

Thank you for your cooperation in POST's investigation into allegations against you. Your cooperation is a major factor in my decision about how to proceed. I have also considered what you said in your letter as well as the information I received from the Department of Corrections, including the contents of your personnel file. At this time I am prepared to make you an offer for a stipulated sanction against your POST certification. My offer is:

A five-year suspension of all your POST certificates, to commence upon the date the stipulation is approved by the POST Council.

I believe this sanction is appropriate given the inappropriate nature of your behavior. Accepting this sanction will mean that you avoid the costly and potentially public contested-case hearing process under the Montana Administrative Procedure Act. It also means that you will avoid full and permanent revocation of your POST certification, which would prevent you from ever holding a POST certified position in the State of Montana in the future. I hope that when compared with this alternative you will agree that a five-year suspension is a lenient offer.

If the stipulated sanction I have offered is agreeable to you, please sign the enclosed agreement and return it to me. If not, please respond in writing and provide me a counter offer, which explicitly states what you believe an appropriate sanction might be and why. **Please provide a written response within thirty (30) days of your receipt of this letter.** If I do not receive a response from you, I will assume that you have voluntarily surrendered your POST certificate. If you need more time to respond, please contact me in writing to request an extension. I look forward to hearing from you.

Sincerely,

Perry Johnson, Executive Director
Montana POST Council

cc: Mr. M. Mouse
DOC



Montana Public Safety Officer Standards and Training Council
2260 Sierra Road East
Helena, MT 59602
Phone: (406) 444-9975
Fax: (406) 444-9978

June 9, 2015

Donald Duck
1313 Disneyland Railroad
Anaheim, CA 92802

Dear Mr. Duck:

I appreciate your cooperation in POST's investigation relating to the allegations. I have considered what you have said in your letters and in person, as well as the information POST received pursuant to your signed release forms and the information you have furnished, including, but not limited to: the contents of your personnel file, medical records, and confidential criminal justice information.

At this time I am offering a stipulated sanction against your POST certification for you to voluntarily surrender your POST certificates. I believe this sanction is appropriate given your misconduct. Agreeing to this sanction will mean that you avoid the costly and potentially public contested-case hearing process under the Montana Administrative Procedure Act.

I have attached a "Voluntary Surrender of POST Certificate Form" with this letter. If you accept the sanction offered, please sign and date the attached form and return it to this office within **thirty (30) days** of your receipt of this letter. If you choose to reject this offer, please respond in writing and provide me a counteroffer, explicitly stating what you believe an appropriate sanction might be and why. Please provide your written response within **thirty (30) days** of your receipt of this letter.

If you need more time to respond, please send me your written request for an extension of time.

If I do not receive a response from you, POST will move forward to sanction your POST certification.

I look forward to your reply and the final resolution of this issue.

Sincerely,

Perry Johnson, Executive Director
Montana POST Council

cc: Mr. M. Mouse
DOC



Montana Public Safety Officer Standards & Training Council

2260 Sierra Road East
Helena, MT 59602

Phone: (406) 444-9975
Fax: (406) 444-9978

Voluntary Surrender of POST Certificates

I, the undersigned, **Donald Duck**, hereby stipulate and agree to a voluntarily surrender all of my POST certificates. I understand that by voluntarily surrendering my POST certificates I am allowing the POST Council and POST Executive Director to fully and permanently revoke my POST certificates. I understand that by so doing I am giving up my right to a contested-case hearing process, appeal, and judicial review available under section 44-4-403, MCA, the Montana Administrative Procedure Act (MAPA) Title 2, chapter 4, part 6, MCA, and POST A.R.M.s. I also understand that surrendering my POST certificates will affect my ability to perform the functions of a public safety officer and/or peace officer in the State of Montana and elsewhere as per 7-32-303(8), MCA. This stipulation and agreement is entered into voluntarily, without coercion of any kind. I have had the opportunity to consult counsel if I choose to do so and I fully understand the terms, conditions, and consequences of this agreement and understand that it is complete and binding.

Dated this _____ day of _____, 2015

Donald Duck

State of Montana

County of _____

This instrument was signed before me this _____ day of _____,
2015, by Donald Duck.

(SEAL)

Signature of Notary Public

Printed Name

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**BEFORE THE PUBLIC SAFETY OFFICER STANDARDS
AND TRAINING COUNCIL, STATE OF MONTANA**

**IN THE MATTER OF THE PROPOSED) CASE NO. 15-00
SUSPENSION OF THE CERTIFICATES)
OF DONALD DUCK)**

STIPULATION AND RESOLUTION

Perry Johnson, Executive Director of the Montana POST Council, and Donald Duck have agreed to the following terms and therefore propose them as a resolution to the above-referenced matter:

1. That POST will suspend all Donald Duck's POST certificates for a period of five years, to commence upon the date of the final signature on this stipulation.

DATED this _____ day of _____, 2015.

Donald Duck
1313 Disneyland Railroad
Anaheim, CA 92802

DATED this _____ day of _____, 2013.

Perry Johnson, Executive Director
Montana POST Council

1 **BEFORE THE PUBLIC SAFETY OFFICER STANDARDS**
2 **AND TRAINING COUNCIL, STATE OF MONTANA**

3 **IN THE MATTER OF THE) CASE NO. 12-06**
4 **REVOCATION OF THE)**
5 **CERTIFICATE OF DONALD DUCK)**

6 **NOTICE OF POST ACTION**
7 **AND OPPORTUNITY FOR HEARING**

8 To: Donald Duck
9 1313 Disneyland Railroad
 Anaheim, CA 92802

10 **PLEASE TAKE NOTICE THAT:**

11 The Public Safety Officer Standards and Training Council (POST) believes
12 that you, Donald Duck, are unqualified to continue to hold POST certification
13 because of actions which violate POST A.R.M. 23.13.702, providing grounds for
14 sanction, suspension, or revocation of POST certification, and the Public Safety
15 Officers Code of Ethics, found in A.R.M. 23.13.203.

16 **POST has therefore taken action against you, pursuant to § 44-4-403,**
17 **MCA and ARM 23.13.703(5)(c) and revoked your POST certificate. From the**
18 **date of this Notice you no longer hold a valid POST certification as a public**
19 **safety officer in Montana. Pursuant to § 7-32-303(8), MCA, it is unlawful for**
20 **you to act as a detention/correction officer once your POST certification has**
21 **been revoked.**

22 Below are the assertions of fact and law upon which I, the Executive
23 Director of POST, have taken this action.

24 **I. ASSERTIONS OF FACT**

25 1. Donald Duck was hired by the Department of Corrections (DOC),
26 Montana State Prison (MSP) on May 16, 2008, as a correctional officer.

27 2. Mr. Duck was awarded a Basic Corrections/Detention Officer

1 Certificate on January 30, 2009.

2 3. Mr. Duck resigned from the DOC, MSP on March 10, 2012.

3 4. Mr. Duck resigned while under investigation for: (1) “violation of
4 policy, directives, or other employer regulations”; (2) “neglect or failure to carry out
5 assigned duties and responsibilities”; (3) “sabotaging, impeding, interfering, or
6 failing to cooperate with any authorized Department or law enforcement
7 investigation”; (4) “inappropriate behavior,” including “failure to wear pants in the
8 workplace.”

9 5. On March 13, 2012, Cynthia Davenport of the MSP, Human Resource
10 office sent a letter to POST, informing POST of misconduct by Donald Duck.

11 6. According to DOC’s investigation MC 12-2-11, conducted by
12 Investigator Pluto and Investigative Technician Goofy, Donald Duck continuously
13 attended work without appropriate clothing.

14 7. The DOC investigation found that Mr. Duck was ordered repeatedly
15 to put on appropriate clothing. Mr. Duck continuously refused to dress
16 appropriately for work.

17 8. POST sent a letter to Mr. Duck on October 23, 2014, notifying him of
18 the allegations against him, and requesting a response within 30 days.

19 9. On November 14, POST received a response dated November 10,
20 2014, from Mr. Duck.

21 10. In his response, Mr. Duck admitted he did not wear pants to work, but
22 excused his behavior as “normal for a duck.”

23 11. On November 19, 2014, POST sent another letter to Mr. Duck
24 requesting releases of information for his personnel file, medical information, and
25 criminal history.

26 12. POST received the requested releases on November 22, 2014.

27

1 13. POST sent an additional letter to Mr. Duck on December 15, 2014,
2 requesting a response within 30 days.

3 14. Mr. Duck did not respond.

4 15. Through the release of information signed by Donald Duck, POST
5 obtained a copy of his personnel file.

6 16. The file contains a record of the investigation conducted into Mr.
7 Duck.

8 17. POST's investigation of the allegations against Mr. Duck included
9 review of Mr. Duck's personnel file from DOC and the investigation into Mr. Duck.

10 18. The POST investigation revealed the following:

11 19. Mr. Duck appeared to work without pants on in August of 2014.

12 20. DOC administrators spoke to Mr. Duck repeatedly regarding his attire
13 during August and September of 2014.

14 21. During these discussions, Mr. Duck's response was "what do you
15 expect? I'm a duck."

16 22. After a number of other staff and inmates became uncomfortable, Mr.
17 Duck was terminated for cause.

18 23. Mr. Duck is unqualified to hold a Montana POST certificate, and
19 good cause exists to revoke his certificate.

20 **II. ASSERTIONS OF LAW**

21 24. POST properly exercises jurisdiction in this matter pursuant to Mont.
22 Code. Ann. § 44-4-403.

23 25. The assertions of fact detailed above implicate the following
24 provisions of the Montana Code Annotated and the Montana Administrative Rules:
25 **§ 44-4-403, MCA. Council duties -- determinations -- appeals.**

26 (1) The council shall:

27 ...

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

3 **ARM 23.13.702. Grounds for Sanction, Suspension, or Revocation of POST**
4 **Certification**

5 (1) The executive director or the council will consider any
6 legitimate allegation made against any public safety officer that may
7 result in the sanction, revocation, or suspension of that officer's
8 certification.

8 (2) The grounds for sanction, suspension, or revocation of
9 the certification of public safety officers are as follows:

9 ...

10 (g) neglect of duty or willful violation of orders or policies,
11 procedures, rules, or regulations;

12 (h) willful violation of the code of ethics set forth in ARM
13 23.13.203;

14 (i) other conduct or a pattern of conduct which tends to
15 significantly undermine public confidence in the profession;

15 ...

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

18 **ARM 23.13.203. Code of Ethics**

19 (4) The oath of the public safety officers' code of ethics is:

20 ...

21 (i) "I will at all times ensure that my character and conduct is
22 admirable and will not bring discredit to my community, my agency,
23 or my chosen profession."

24 26. Under the above-cited provisions, the POST Executive Director has
25 determined, as a matter of law, that Mr. Duck's actions, as stated above in the
26 ASSERTIONS OF FACT, constitute severe violations of POST ARM
27 23.13.702(2)(g), (h), (i), and (l), as well as severe violations of POST ARM
28 23.13.203(4)(i), as a matter of law.

1 27. The POST Executive Director is authorized to suspend, sanction, or
2 revoke a POST certificate pursuant to Mont. Code Ann. § 44-4-403, and ARM
3 23.13.703(9)(d), where grounds exist for sanction, suspension, or revocation under
4 POST ARM 23.13.702 and 23.13.203.

5 28. As a matter of law, the POST Executive Director has determined that
6 Donald Duck is not suitable to hold POST certificates as a public safety officer in
7 Montana and full revocation of his POST certificate is appropriate, based on his
8 actions and violations of POST ARMS, as stated in Paragraph 25.

9 **III. OPPORTUNITY FOR HEARING**

10 Under the Montana Administrative Procedure Act (Title 2, Chapter 4,
11 Montana Code Annotated), this matter must be resolved formally, as it involves
12 “licensure to pursue a profession or occupation. Montana Code Ann. § 2-4-603(2).
13 In this case, you can proceed with this matter by either of the following:

14 a. **If you do not contest the assertions of fact or law contained in this**
15 **Notice, you need not take any action.**

16 b. If you do contest the allegations of fact or assertions of law contained
17 in this Notice, you are entitled to a hearing as provided by the Montana
18 Administrative Procedure Act (Mont. Code Ann. §§ 2-4-601, *et seq.*). You have a
19 right to be represented by an attorney as such hearing and during related
20 proceedings. **If you want to have a hearing to contest the POST’s action**
21 **outlined in this Notice, you must notify the Hearing Examiner, Mark Murphy,**
22 **3840 Kiki Drive, Helena, Montana 59602, in writing, within thirty (30) days of**
23 **the date this Notice was signed. If you do not notify the Hearing Examiner**
24 **within thirty 30 days of the date of this Notice, you waive your right to a**
25 **hearing.**

26 By requesting a hearing within the allowed time, you are not waiving the
27 ability to resolve this matter by settlement. During the hearing process, a

1 disposition may be made by stipulation, agreed settlement, consent order, or default.
2 If you wish to discuss a settlement, or for any other questions regarding this case,
3 please contact contested case legal counsel for POST:

4 Sarah M. Clerget
5 Assistant Attorney General
6 Agency Legal Services Bureau
7 1712 Ninth Ave
8 P.O. Box 201440
9 Helena, MT 59620
10 (406) 444-5797
11 sclerget@mt.gov

12 If you request a hearing and there is no settlement of the matter during the
13 early hearing processes, the matter will proceed to a hearing. The Hearing
14 Examiner will make findings of fact, conclusions of law, and a proposed order
15 based on the evidence presented at the hearing. The full POST Council will then
16 review the Hearing Examiner's findings and conclusions and vote on whether to
17 accept, reject, or modify them pursuant to § 2-4-621, MCA.

18 **IV. POSSIBILITY FOR DEFAULT**

19 Failure to give notice, in writing, of your request for a hearing within thirty
20 (30) days of the date of this Notice, or a failure to otherwise appear, respond, or
21 contest POST's action throughout any contested case hearing process you request,
22 will be considered a waiver of your right to a hearing and, if a hearing process has
23 already begun, a default order against you may be entered. It is your responsibility
24 to maintain valid contact information with POST or the Hearing Examiner and
25 notify both POST and the Hearing Examiner of any change in contact information
26 during the pendency of any contested case proceeding you initiate.

27 DATED this _____ day of April, 2015.

Perry Johnson, Executive Director
Montana POST Council

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CERTIFICATE OF SERVICE

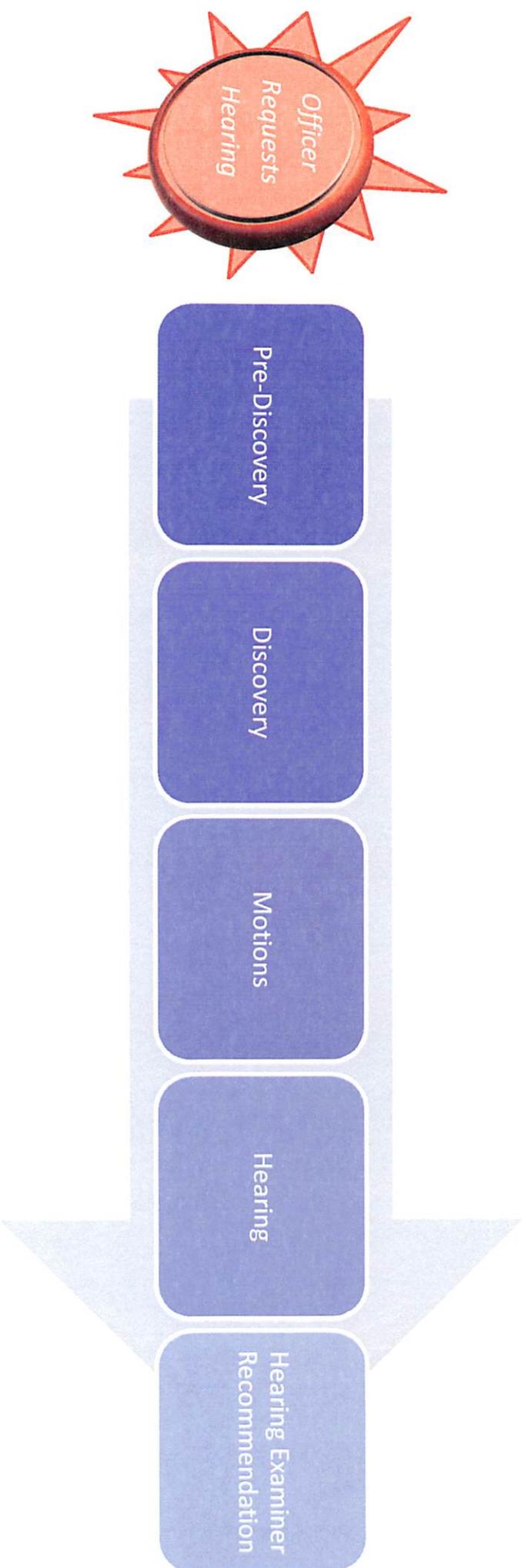
I hereby certify that I caused a true and accurate copy of the foregoing Notice of POST Action and Opportunity for Hearing to be mailed to:

Mr. Donald Duck
1313 Disneyland Railroad
Anaheim, CA 92802

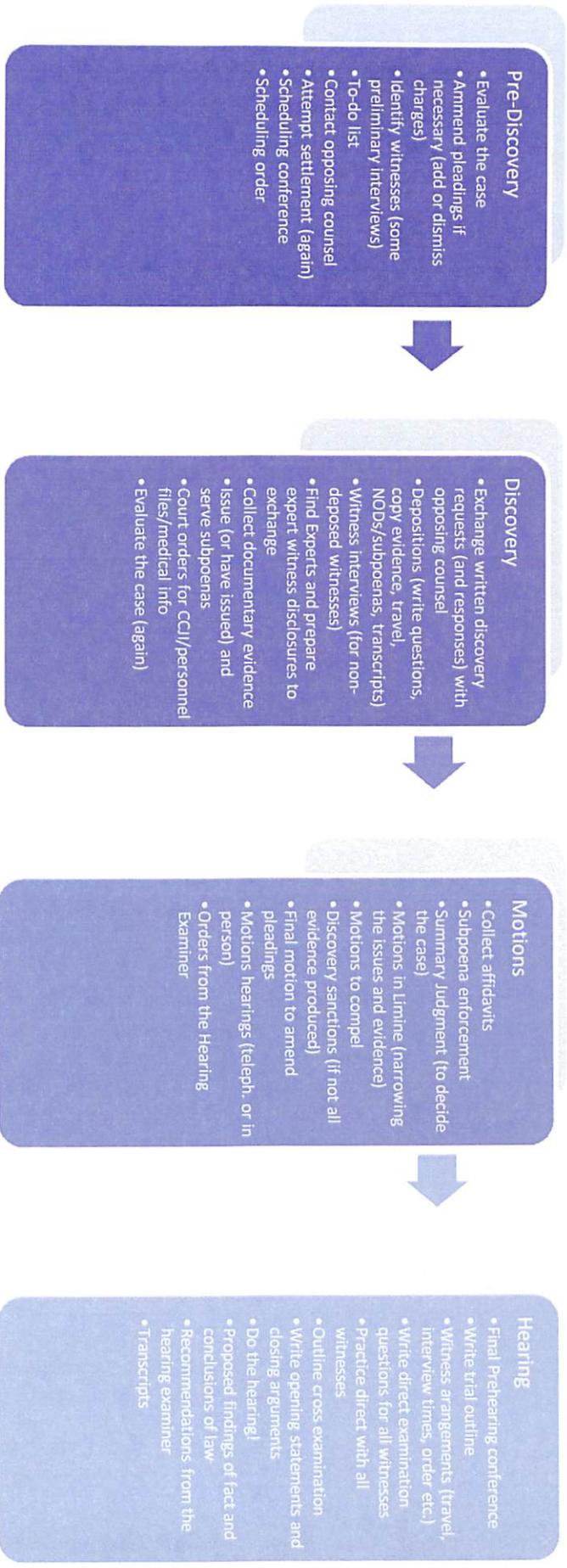
Mark Murphy
3840 Kiki Drive
Helena, MT 59602

DATED: _____

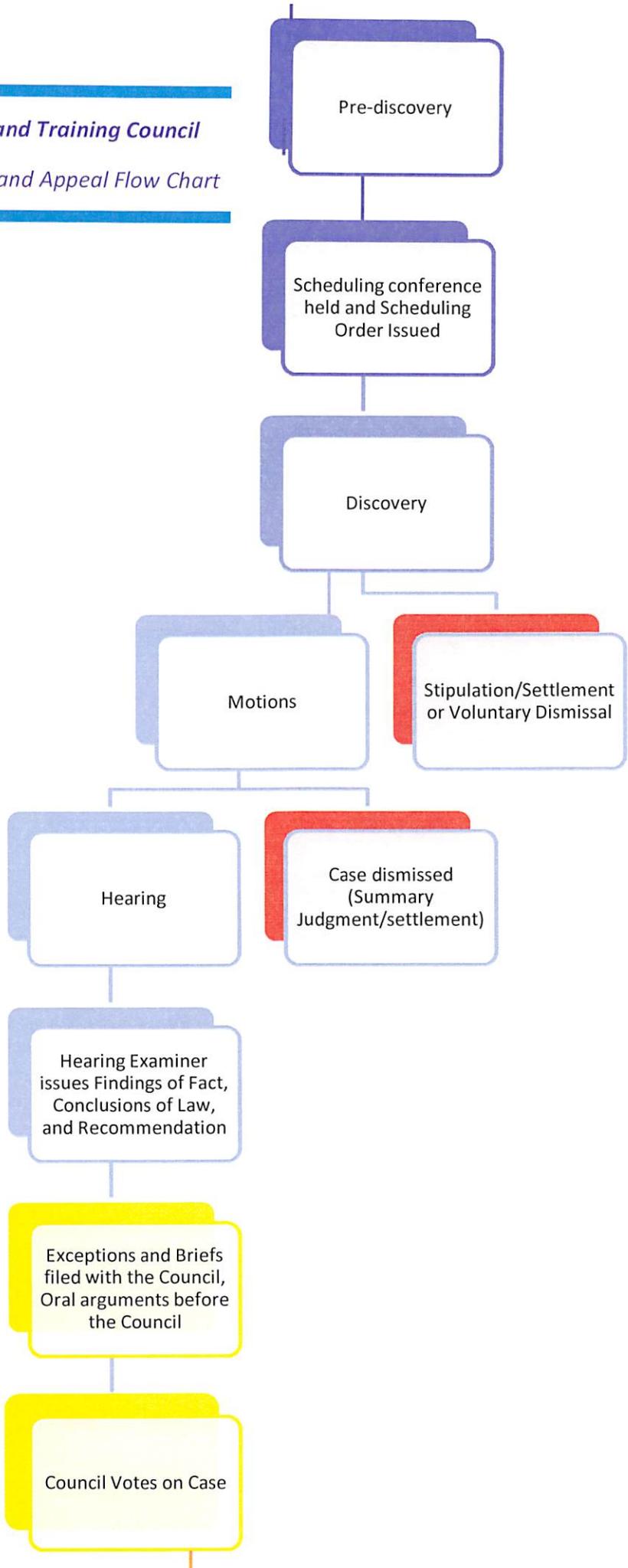
MAPA Overview

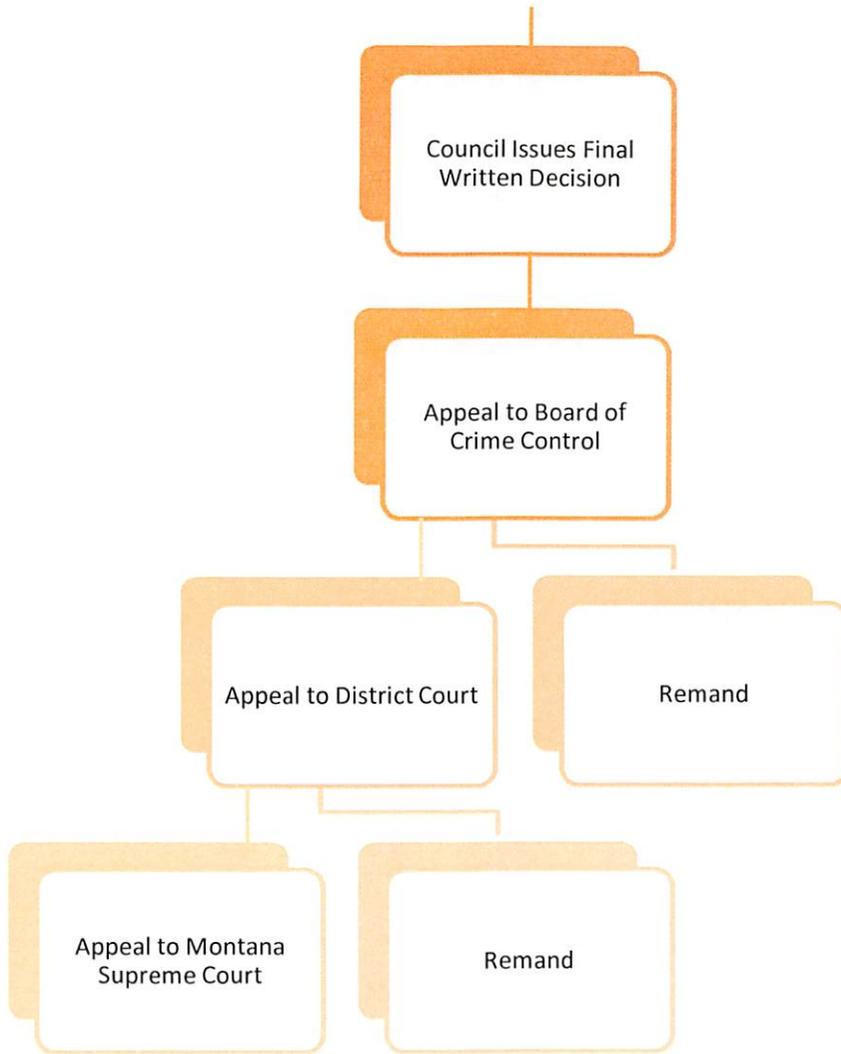


MAPA Progression Detailed

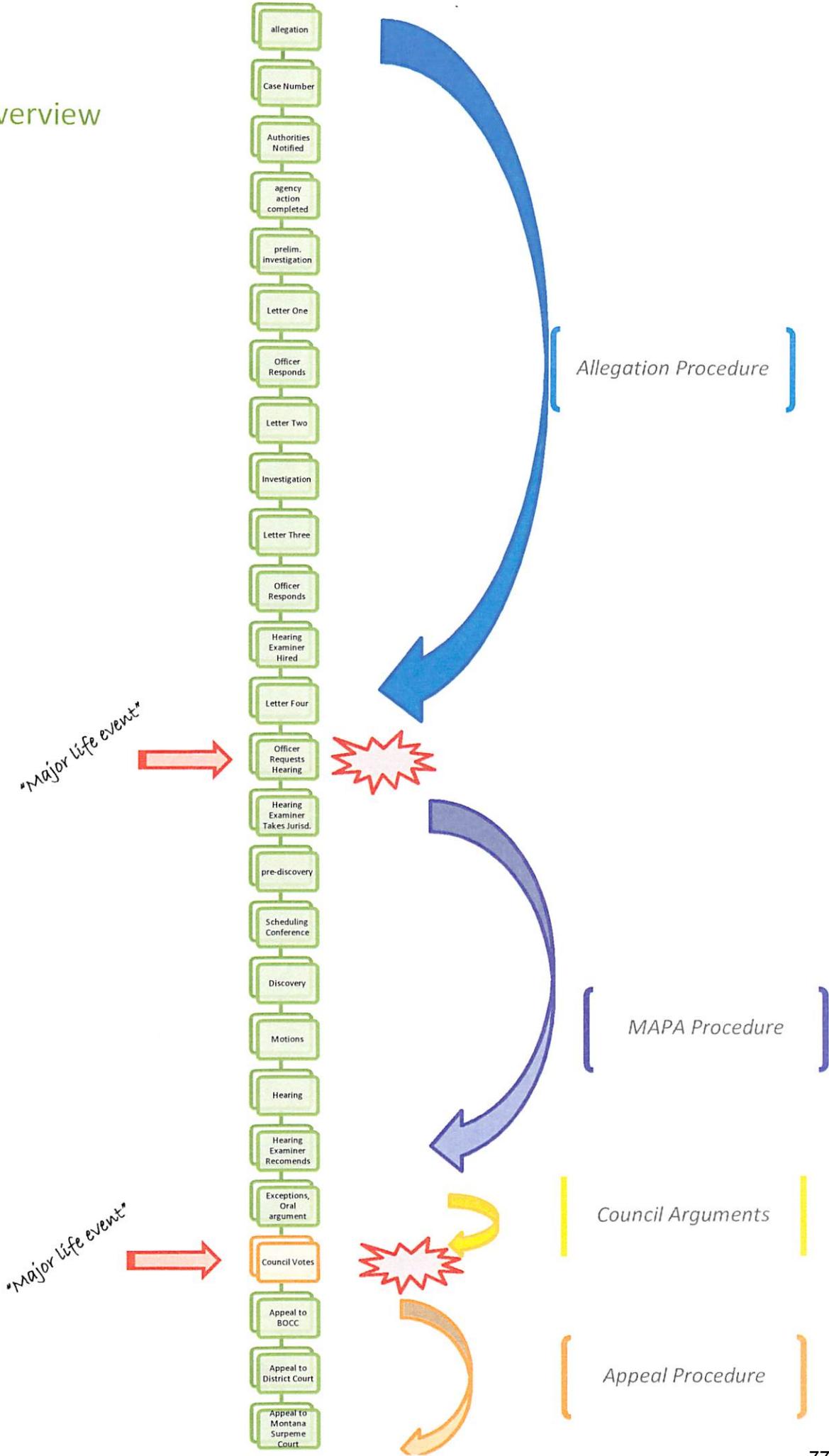


Peace Officer Standard and Training Council
MAPA, Council Argument, and Appeal Flow Chart





Flow Chart Overview



Letter from Sheriff Dutton



Lewis & Clark County Sheriff's Office

221 Breckenridge • Helena, MT 59601-4230

Office 406-447-8235

Fax 406-449-8452

Sheriff Leo C. Dutton



Undersheriff David M. Rau

March 19, 2015

Perry Johnson, Executive Director
Montana Public Safety Officer Standards and Training Council
2260 Sierra Road East
Helena, Montana 59602

Dear Perry,

Please accept my sincerest apologies for my delayed letter of appreciation. Last year your organization donated funds to our regional Office Involved Shooting (OIS) class. The class was a huge success to which your agency was given a substantial amount of credit for throughout the two-day session. First being the administrators class on the first day and again on the second day for the peace officers who were directly involved.

Since the OIS class last August I have received very positive feedback regarding the content of the class, as well as a show of gratitude for all of the sponsors. One officer stated that he was contemplating resigning his position with Law Enforcement as a result of the nightmares and lack of education regarding the aftermath stories. After attending this class he is now optimistic that he can help others who may be put in similar situations.

Your generous donation was an investment of riches to our warriors on the front line.

Again, thank you for everything.

Sincerely,

A handwritten signature in blue ink that reads "Leo C. Dutton".

Leo C. Dutton, Sheriff

LD/hg

Dedication ~ Courage ~ Accountability ~ Professionalism ~ Integrity ~ Loyalty ~ Compassion

RECEIVED

Budget Report

41100 Department of Justice ORG Budget Summary by OBPP Prog, Fund, Subclass

Data Selected for Month/FY: 01 (Jul)/2015 through 12 (Jun)/2015

This report compares ORG Budgets (ORG_BD) to Actuals expended amounts

Business Unit	(All)
Program Year	(All)
FY BudPer	(All)
Month	(All)
Source of Auth	(All)
Fund Type	(All)
Acct Lvl 2	(All)
Account	(All)
Acct Lvl 1	(All)
Account Type	E
Project	(All)
Ledger	(All)

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OBPP Program	Fund	Subclass	Org	ORG Budget	Actuals Amt	A Accrual Amt	ORG Bud Balance
19 POST COUNCIL				315,622.00	240,660.09	(10,608.00)	85,569.91
	01100 General Fund			315,622.00	240,660.09	(10,608.00)	85,569.91
		200H1 POST COUNCIL		265,564.00	225,416.07	(10,608.00)	50,755.93
			19HB2 POST BUDGET ESTAB ORG HB2	265,564.00	0.00	0.00	265,564.00
			2517 POST Program	0.00	225,416.07	(10,608.00)	(214,808.07)
		200H2 POST LEGAL (RST)		50,000.00	15,244.02	0.00	34,755.98
			19HB2 POST BUDGET ESTAB ORG HB2	50,000.00	0.00	0.00	50,000.00
			2517 POST Program	0.00	15,244.02	0.00	(15,244.02)
		200Z1 WORKERS COMP. REDUCTION		58.00	0.00	0.00	58.00
			19HB2 POST BUDGET ESTAB ORG HB2	58.00	0.00	0.00	58.00
Grand Total				315,622.00	240,660.09	(10,608.00)	85,569.91

Legislative Update



The Montana House and Senate adjourned Sine Die, on April 28, 2015, the 87th day of the 64th Regular Session

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Bill Draft Number: LC0231 Current Bill Text: [Previous Version\(s\)](#)

Bill Type - Number: HB 100

Short Title: Generally revise laws relating to the public safety officer training council

Primary Sponsor: [Frank Garner](#) (R) HD 7

Chapter Number: 196

[All Available Audio/Video for this Bill](#)

Bill Actions - Current Bill Progress: Became Law

Bill Action Count: 50

Print Friendly

Action - Most Recent First	Date	Votes Yes	Votes No	Committee / Audio
Chapter Number Assigned	04/08/2015			
(H) Signed by Governor	04/08/2015			
(H) Transmitted to Governor	03/30/2015			
(S) Signed by President	03/27/2015			
(H) Signed by Speaker	03/27/2015			
(H) Returned from Enrolling	03/24/2015			
(C) Printed - Enrolled Version Available	03/24/2015			
(H) Sent to Enrolling	03/23/2015			
(H) 3rd Reading Passed as Amended by Senate	03/23/2015	98	1	
(H) Scheduled for 3rd Reading	03/23/2015			
(H) 2nd Reading Senate Amendments Concurred	03/20/2015	100	0	
(H) Scheduled for 2nd Reading	03/20/2015			
(S) Returned to House with Amendments	03/12/2015			
(S) 3rd Reading Concurred	03/12/2015	49	0	
(S) Scheduled for 3rd Reading	03/12/2015			
(S) 2nd Reading Concurred	03/11/2015	49	0	
(S) Scheduled for 2nd Reading	03/11/2015			
(C) Printed - New Version Available	02/21/2015			
(S) Committee Report--Bill Concurred as Amended	02/21/2015			(S) Public Health, Welfare and Safety
(S) Committee Executive Action--Bill Concurred as Amended	02/20/2015	7	0	(S) Public Health, Welfare and Safety
(S) Rereferred to Committee	02/17/2015	50	0	(S) Public Health, Welfare and Safety
(S) Committee Report--Bill Concurred	02/14/2015			(S) Public Health, Welfare and Safety
(S) Committee Executive Action--Bill Concurred	02/13/2015	6	0	(S) Public Health, Welfare and Safety
(S) Hearing	02/04/2015			(S) Public Health, Welfare and Safety
(S) Referred to Committee	01/23/2015			(S) Public Health, Welfare and Safety
(S) First Reading	01/23/2015			
(H) Transmitted to Senate	01/22/2015			

(H) 3rd Reading Passed	01/21/2015	94	5	
(H) Scheduled for 3rd Reading	01/21/2015			
(H) 2nd Reading Passed	01/20/2015	93	7	
(H) Scheduled for 2nd Reading	01/20/2015			
(H) Committee Report--Bill Passed	01/16/2015			(H) Judiciary
(H) Committee Executive Action--Bill Passed	01/16/2015	17	4	(H) Judiciary
(H) Hearing	01/14/2015			(H) Judiciary
(H) First Reading	01/05/2015			
(H) Referred to Committee	12/23/2014			(H) Judiciary
(C) Introduced Bill Text Available Electronically	12/15/2014			
(H) Introduced	12/15/2014			
(C) Pre-Introduction Letter Sent	11/10/2014			
(C) Draft in Assembly/Executive Director Review	10/27/2014			
(C) Draft in Final Drafter Review	10/23/2014			
(C) Bill Draft Text Available Electronically	10/22/2014			
(C) Draft in Input/Proofing	10/22/2014			
(C) Draft to Drafter - Edit Review [CMD]	10/22/2014			
(C) Draft in Legal Review	10/22/2014			
(C) Draft Back for Redo	10/22/2014			
(C) Draft to Drafter - Edit Review [CMD]	10/20/2014			
(C) Draft in Legal Review	10/16/2014			
(C) Draft to Requester for Review	09/15/2014			
(C) Draft Request Received	07/07/2014			

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Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name	Mi
Requester	Department of Justice by Law and Justice Interim Committee		
Drafter	Weiss	Rachel	
By Request Of	Public Safety Officer Standards and Training Council		
Primary Sponsor	Garner	Frank	

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Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Law Enforcement (see also: Criminal Procedure)		Simple	LEN
Public Officers and Employees		Simple	POFF
Safety (see also: Health)		Simple	SAF

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Additional Bill Information

Fiscal Note Probable: No

Preintroduction Required: Y

Session Law Ch. Number: 196

DEADLINE

Category: General Bills

Transmittal Date: 02/27/2015

Return (with 2nd house amendments) Date: 04/11/2015

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Section Effective Dates

Section(s)	Effective Date	Date Qualified
All Sections	08-APR-15	

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05/13/2015 10:12 AM Mountain Time

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AN ACT REVISING THE DUTIES OF THE PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL RELATED TO CERTIFICATION OF PUBLIC SAFETY OFFICERS; REMOVING REFERENCES TO THE GENERAL EDUCATIONAL DEVELOPMENT TEST; ALLOWING CERTAIN MENTAL HEALTH PROFESSIONALS TO EXAMINE AND EVALUATE THE MENTAL HEALTH OF A PEACE OFFICER CANDIDATE; ALLOWING SUBSTITUTION OF A STANDARDIZED MENTAL HEALTH EVALUATION INSTRUMENT FOR THE MENTAL HEALTH EXAMINATION; REVISING CERTAIN COURSE REQUIREMENTS; REMOVING APPLICATION REQUIREMENTS BEFORE THE COUNCIL ISSUES A CERTIFICATE TO A PUBLIC SAFETY OFFICER WHO MEETS CERTAIN EDUCATIONAL AND PROBATIONARY REQUIREMENTS; ESTABLISHING THE COUNCIL AS A CRIMINAL JUSTICE AGENCY FOR THE PURPOSES OF THE MONTANA CRIMINAL JUSTICE INFORMATION ACT; AMENDING SECTIONS 7-32-303 AND 44-4-403, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-32-303, MCA, is amended to read:

"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 ~~passed the general educational development test and been issued an equivalency certificate~~ 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 equivalency course ~~within 120 days of the date of the failure of the equivalency 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;

~~upon application to the Montana public safety officer standards and training council, 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."

Section 2. Section 44-4-403, MCA, is amended to read:

"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."

Section 3. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 0100, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2015.

President of the Senate

Signed this _____ day
of _____, 2015.

HOUSE BILL NO. 100

INTRODUCED BY F. GARNER

BY REQUEST OF THE PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

AN ACT REVISING THE DUTIES OF THE PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL RELATED TO CERTIFICATION OF PUBLIC SAFETY OFFICERS; REMOVING REFERENCES TO THE GENERAL EDUCATIONAL DEVELOPMENT TEST; ALLOWING CERTAIN MENTAL HEALTH PROFESSIONALS TO EXAMINE AND EVALUATE THE MENTAL HEALTH OF A PEACE OFFICER CANDIDATE; ALLOWING SUBSTITUTION OF A STANDARDIZED MENTAL HEALTH EVALUATION INSTRUMENT FOR THE MENTAL HEALTH EXAMINATION; REVISING CERTAIN COURSE REQUIREMENTS; REMOVING APPLICATION REQUIREMENTS BEFORE THE COUNCIL ISSUES A CERTIFICATE TO A PUBLIC SAFETY OFFICER WHO MEETS CERTAIN EDUCATIONAL AND PROBATIONARY REQUIREMENTS; ESTABLISHING THE COUNCIL AS A CRIMINAL JUSTICE AGENCY FOR THE PURPOSES OF THE MONTANA CRIMINAL JUSTICE INFORMATION ACT; AMENDING SECTIONS 7-32-303 AND 44-4-403, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Reserve Officers

Montana Code Annotated 2014

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7-32-201. Definitions. As used in this part, the following definitions apply:

(1) "Auxiliary officer" means an unsworn, part-time, volunteer member of a law enforcement agency who may perform but is not limited to the performance of such functions as civil defense, search and rescue, office duties, crowd and traffic control, and crime prevention activities.

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

(3) "General law enforcement duties" means patrol operations performed for detection, prevention, and suppression of crime and the enforcement of criminal and traffic codes of this state and its local governments.

(4) "Law enforcement agency" means a law enforcement service provided directly by a local government.

(5) "Law enforcement officer" means a sworn, full-time, employed member of a law enforcement agency who is a peace officer, as defined in [46-1-202](#), and has arrest authority, as described in [46-6-210](#).

(6) "Reserve officer" means a sworn, part-time, volunteer member of a law enforcement agency who is a peace officer, as defined in [46-1-202](#), and has arrest authority, as described in [46-6-210](#), only when authorized to perform these functions as a representative of the law enforcement agency.

(7) "Special services officer" means an unsworn, part-time, volunteer member of a law enforcement agency who may perform functions, other than general law enforcement duties, that require specialized skills, training, and qualifications, who may be required to train with a firearm, and who may carry a firearm while on assigned duty as provided in [7-32-239](#).

History: En. 11-1851 by Sec. 1, Ch. 85, L. 1977; R.C.M. 1947, 11-1855(part); amd. Sec. 251, Ch. 800, L. 1991; amd. Sec. 3, Ch. 82, L. 1999; amd. Sec. 10, Ch. 506, L. 2007.

Provided by Montana Legislative Services

and parole prior to the expiration of the prisoner's term subject to conditions imposed by the board of pardons and parole and the supervision of the department of corrections.

(17) "Peace officer" means any person who by virtue of the person's office or public employment is vested by law with a duty to maintain public order and make arrests for offenses while acting within the scope of the person's authority.

(18) "Persistent felony offender" means an offender who has previously been convicted of a felony and who is presently being sentenced for a second felony committed on a different occasion than the first. An offender is considered to have been previously convicted of a felony if:

(a) the previous felony conviction was for an offense committed in this state or any other jurisdiction for which a sentence of imprisonment in excess of 1 year could have been imposed;

(b) less than 5 years have elapsed between the commission of the present offense and either:

(i) the previous felony conviction; or

(ii) the offender's release on parole or otherwise from prison or other commitment imposed as a result of a previous felony conviction; and

(c) the offender has not been pardoned on the ground of innocence and the conviction has not been set aside at the postconviction hearing.

(19) "Place of trial" means the geographical location and political subdivision in which the court that will hear the cause is situated.

(20) "Preliminary examination" means a hearing before a judge for the purpose of determining if there is probable cause to believe a felony has been committed by the defendant.

(21) "Probation" means release by the court without imprisonment of a defendant found guilty of a crime. The release is subject to the supervision of the department of corrections upon direction of the court.

(22) "Prosecutor" means an elected or appointed attorney who is vested by law with the power to initiate and carry out criminal proceedings on behalf of the state or a political subdivision.

(23) "Same transaction" means conduct consisting of a series of acts or omissions that are motivated by:

(a) a purpose to accomplish a criminal objective and that are necessary or incidental to the accomplishment of that objective; or

(b) a common purpose or plan that results in the repeated commission of the same offense or effect upon the same person or the property of the same person.

(24) "Search warrant" means an order that is:

(a) in writing;

(b) in the name of the state;

(c) signed by a judge;

(d) a particular description of the place, object, or person to be searched and the evidence, contraband, or person to be seized; and

(e) directed to a peace officer and commands the peace officer to search for evidence, contraband, or persons.

(25) "Sentence" means the judicial disposition of a criminal proceeding upon a plea of guilty or nolo contendere or upon a verdict or finding of guilty.

(26) "Statement" means:

(a) a writing signed or otherwise adopted or approved by a person;

(b) a video or audio recording of a person's communications or a transcript of the communications; and

(c) a writing containing a summary of a person's oral communications or admissions.

(27) "Summons" means a written order issued by the court that commands a person to appear before a court at a stated time and place to answer a charge for the offense set forth in the order.

(28) "Superseded notes" means handwritten notes, including field notes, that have been substantially incorporated into a statement. The notes may not be considered a statement and are not subject to disclosure except as provided in [46-15-324](#).

Montana Code Annotated 2014

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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.

History: En. Sec. 2, Ch. 506, L. 2007.

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Montana Code Annotated 2014

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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.

History: En. Sec. 4, Ch. 506, L. 2007.

Provided by Montana Legislative Services

MONTANA
Public Safety Officer Standards and Training Council
Meeting Agenda August 11, 2011
Ohs Building, MLEA Campus
2260 Sierra Rd E., Helena, MT

Thursday August 11, 2011

I. 8:30 Call Meeting to Order

II. Introductions

Council Members Present: Winnie Ore-Chair, James Smith, Lewis Matthews, Tony Harbaugh, Harold Hanser, Steve Barry, Ray Murray, Dennis McCave, Greg Watson, Georgette Hogan-Boggio (conference), John Schaffer (conference)

Staff Members Present: Wayne Ternes-Executive Director, Clay Coker, Tana Meuer, Deborah Butler

Council Members Absent: Mike Anderson, Bob McCarthy

Staff Members Absent:

Guest: Kevin Olson-MLEA, John Strandell-DCI, Steve Kendley- Lake County resident, Terry Leonard – citizen of Polson, Ken Scott-resident of St Ignatius, John Swenson- Ronan, Dan Wadsworth-Ronan PD, Kerry Reynolds-Lake County Sheriff's Office, Jay Doyle-Lake County SO, Mitch Young-Lake County Attorney, James Raymond-Polson City Attorney, John Mitchell-Ronan PD, Doug Chase- Polson PD, John Stevens-Polson PD, Roy Horning-Polson resident, Bob Williams-Polson resident, Jim Kropp-FWP

III. Approval of Minutes from the June 20, 2011 conference call meeting

John Schaffer pointed out a correction needed on page 3.

Dennis McCave motioned to approve the minutes with the amended correction

Steve Barry seconded

Motion carries

IV. 8:45 Old Business

a. Complaint File update

Clay stated a couple complaints have been forwarded and only one new complaint added this year. He plans to get closure on 2010 complaints.

Dennis also commented that the purpose of what the curriculum review is for, is to establish what the standards are and to be able to identify the goals and objectives.

Dennis stated he would like the council to review the first topic September/October.

And Steve Barry graciously offered to establish a web base platform to put documents on to be accessed by password. This project will be worked on in October into November.

Steve Barry commented that ITSD already approved this particular platform; which is called Base Camp.

Dennis commented then in November into the first part of December, he would be looking for an internet or phone conference training on this review process for the Curriculum Committee to get together to go over the training process.

Dennis stated this will fall into place with Kevin's time line with getting the council course curriculums. Then in December we will get the PSC course curriculum; and in January we will start receiving the Law Enforcement Basic curriculum from Kevin:

January 4th will be Survival Skills;
February 1st, 2012 will be Health and Wellness,
March 7th –Traffic Enforcement,
April 4th –Investigations,
May 2nd – Patrol Operations,
June 6th -Human Behavior and Social Interaction,
July 11th – Law and Criminal Procedure. And this should cover the Law Enforcement Basic which will be submitted to the Council all by July.

In September, the Academy should be getting a new program manager for CDOB and getting them up to speed over the next few months. September 5th, 2012 will be the CDOB class.

The P&P course is about 2/3 done and will do an update during the October meeting.

Coroner basic will not be ready for December's course.

Reserve basic is still on hold with the work load we currently have.

Dennis commented on the discussion held by his committee about whether we should be certifying Reserve Officers and whether we should suspend Reserve certification since we do not know the training yet.

Discussion held.

Winnie commented that if we are going to suspend issuing basic certificates to Reserve Officers, then we better make a distinction why and stated we would need to generate a letter explaining the reason for suspension.

Dennis McCave made a motion to suspend issuing POST certification for Reserve Officers until the POST Council can establish a review process for the Reserve training.

Jim Smith seconded

Tony Harbaugh Opposed

Motion carries

Georgette Hogan-Boggio sustained.

2. Business Plan Committee – Steve Barry

No report

3. Professionalism & Integrity Committee – John Schaffer

No report, but has a September 14th meeting scheduled.

4. Policy Committee – Greg Watson

No report

6. Coroner Committee – Tony Harbaugh

Did not meet but are waiting on Derek VanLuchene to compile all previous information/material.

VIII. 3:30 Council Member Reports, Questions, and Discussion

~Jim Smith – no report

~Lewis Matthews – no report

~Harold Hanser – no report

~Steve Barry – recruiting for Warden position at MSP

~Ray Murray – no report

Montana Code Annotated 2014

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7-32-214. Basic training program required. (1) A reserve officer may not be authorized to function as a representative of a law enforcement agency performing general law enforcement duties after 2 years from the original appointment unless the reserve officer has satisfactorily completed a minimum 88-hour basic training program that must include but need not be limited to the following course content:

- (a) introduction and orientation--1 hour;
- (b) police ethics and professionalism--1 hour;
- (c) criminal law--4 hours;
- (d) laws of arrest--4 hours;
- (e) criminal evidence--4 hours;
- (f) administration of criminal law--2 hours;
- (g) communications, reports, and records--2 hours;
- (h) crime investigations--3 hours;
- (i) interviews and interrogations--2 hours;
- (j) patrol procedures--6 hours;
- (k) crisis intervention--4 hours;
- (l) police human and community relations--3 hours;
- (m) juvenile procedures--2 hours;
- (n) defensive tactics--4 hours;
- (o) crowd control tactics--4 hours;
- (p) firearms training--30 hours;
- (q) first aid--10 hours; and
- (r) examination--2 hours.

(2) The law enforcement agency is responsible for training its reserve officers in accordance with minimum training standards established by the council.

History: En. 11-1852 by Sec. 2, Ch. 85, L. 1977; R.C.M. 1947, 11-1856(2),(3); amd. Sec. 11, Ch. 506, L. 2007.

Provided by Montana Legislative Services



Montana Public Safety Officer Standards & Training Council

2260 Sierra Road East
Helena, MT 59602

Phone: (406) 444-9975

Fax: (406) 444-9978

dojmt.gov/post

APPLICATION FOR AWARD OF RESERVE CERTIFICATE

§§ 7-32-214, 44-4-403, MCA

Instructions: The applicant must complete this form and forward it to his or her agency head for the agency head's endorsement. The agency should then forward the completed form and attachments to the POST Council at the address above. The Council will notify the agency head of action taken. **Please note the requirements for the Reserve Certificate are:**

1) you must successfully complete the training outlined in § 7-32-214, MCA.

Did you complete the training outlined in § 7-32-214, MCA? Yes No

Training completion date: _____

2) you must be a reserve with your current agency for one full year.

Have you been a reserve with your current agency for one year or more? Yes No

If you do not meet these requirements, you will not be issued a Reserve Certificate.

Full Name: _____

Agency Name: _____

POST ID Number: _____

Date of Birth: _____

Phone: _____

E-mail Address: _____

Applicant Certification: I attest that the information contained on this application is true and correct to the best of my knowledge.

Signature of Applicant

Date

Agency Recommendation: I recommend that the certificate be awarded. I certify that the applicant has complied with the minimum training set forth in § 7-32-214, MCA, has been volunteering with this agency for at least one year, is of good moral character and is worthy of this award. My opinion is based on personal knowledge of the inquiry, and the personnel records of this jurisdiction substantiate the recommendation.

Printed Name of Agency Head

Signature of Agency Head

Date

E-mail: _____

Phone: _____

POST Council Use Only

Approved for _____

Approved by _____

Date Mailed _____

Date: _____ Cert. # _____

List of Public Safety Officers/
Potential Public Safety Officers

Police Deputy Sheriffs Undersheriffs Highway Patrol Fish & Game Wardens Park Rangers Campus Security Airport Police	7-32-303, MCA
Probation and Parole Officers	46-23-1003, MCA
Public Safety Communicators	7-31-201, MCA
Coroners	7-4-2905, MCA
Reserves (unclear why we aren't certifying)	7-32-201, MCA
Special Peace Officers (Railroads)	44-4-903, MCA
Railroad Personnel	69-14-1003, MCA
DCI Agents	44-2-113, MCA
Medicaid Fraud Agents	53-6-156, MCA
Gambling Control Investigators	23-5-113, MCA
Alcohol/Tobacco Agents	16-11-141, MCA
Juvenile Correction/Detention	41-5-1808, MCA
MCS and "employees" DOT designates as peace officers	61-12-202, MCA; 61-10-154, MCA; ARM 18.8.1401
Attendance/Truancy Officers	20-5-105, MCA
Public Misdemeanor Probation Officers	46-23-1005, MCA
Public and Private Pretrial Officers	46-9-505, MCA
Public Correction/Detention	44-4-401, MCA
Constables	3-10-702, MCA
MVD Compliance Specialists	61-4-122, MCA
Public Utilities Field Inspectors (employed by Motor Carrier Commission)	69-12-203, MCA
County Stock Inspector ?	7-21-3211, MCA
State Stock Inspectors & Detectives (brand inspectors)	81-1-201, MCA
Department of Labor and Industry (Weights and Measures Enforcement) ?	30-12-210, MCA
MVD out-of-state employees designated as peace officers ?	61-12-201, MCA

Case Files:
Cases opened/closed



Montana Public Safety Officer Standards and Training Council
Perry Johnson – Executive Director

2260 Sierra Road East
Helena, MT 59602

Phone: (406) 444-9975
Fax: (406) 444-9978

dojmt.gov/post

May 13, 2015

To: POST Council

From: Perry Johnson
Executive Director

Subject: Closure of Cases

This is my written report setting forth the circumstances and resolution of cases. After consultation with legal counsel and meeting with the Case Status Sub-committee of the POST Council, the following cases have been closed:

2011: One case from 2011 was closed.

11-12 Closed by officer's stipulated voluntary surrender.

There are no open cases remaining from 2011.

2012: No cases from 2012 were closed.

12-18 Is the only remaining open case from 2012. Pending Federal court (Colstrip officer) complaint resolution.

2013: No cases from 2013 were closed

There are 6 open cases for 2013.

2014: No cases from 2014 were closed

There are 2 cases open for 2014.

2015: One case from 2015 was closed

15-01 Closed by officer's stipulated voluntary surrender.

There are 8 open cases from 2015.

Perry Johnson, Executive Director
Montana POST Council

Approval/Denial of Certificate Requests



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

Pending Certification Report

Name	Instructor Type	Issue Date
APA ADULT PROBATION AND PAROLE		
2 Farley (Carter), Annette R	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
2 Ostwalt, Russell E	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
3 McKee, Laura J	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
3 Walsh, Creighton (Bud) J	MONTANA DEPARTMENT OF CORRECTIONS	04/21/2015
4 Rasmussen, Gina M	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
5 Rehbein, Amy R	MONTANA DEPARTMENT OF CORRECTIONS	04/21/2015
6 McJunkin, Daniel A	CARBON COUNTY SHERIFF'S OFFICE	04/14/2015
6 Rehbein, Amy R	MONTANA DEPARTMENT OF CORRECTIONS	04/21/2015
6 Walsh, Creighton (Bud) J	MONTANA DEPARTMENT OF CORRECTIONS	04/21/2015
7 Walsh, Creighton (Bud) J	MONTANA DEPARTMENT OF CORRECTIONS	04/21/2015
8 Dopp, Lloyd D	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
9 Farley (Carter), Annette R	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
10 Fulford, Brian J	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
11 Gonzalez, Arturo	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
12 Haas, Janet A	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
13 Heikens, Pam D	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
14 Beach, Larry	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/09/2015
14 Holloway, Landee N	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
15 Compton, Kenneth O	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/09/2015
15 Lahiff, Kimberly A	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
16 Johnson, Ryan D	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/09/2015
16 McKee, Laura J	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
17 Lindvold, Keith D	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/09/2015
17 Nash, Kelly R	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
18 Ostwalt, Russell E	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
18 Powell, James	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/13/2015
19 Parrish, Paul S	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
19 Pulse, William J	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/13/2015
20 Poole, Jared M	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
20 Scanlan, Josh M	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/13/2015
21 Purves, Cory A	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
21 Willson, Zeth	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/13/2015
22 Burke, William C	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/22/2015
22 Rasmussen, Gina M	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
23 Atkinson, Ann E	PINE HILLS YOUTH CORRECTIONAL FACILIT	05/04/2015
23 Schaack, Megan E	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
24 Smith, Heather D	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
25 Snell, Jeff A	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
26 Touchette, Michael A	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
27 Voiles, Reginald G	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
28 Werhonig, Lea (Evelena)	MONTANA DEPARTMENT OF CORRECTIONS	04/22/2015
29 Williams, Danny C	MONTANA DEPARTMENT OF CORRECTIONS	04/22/2015
30 Wolfe, Patty J	MONTANA DEPARTMENT OF CORRECTIONS	04/21/2015
31 Smathers, Roland H	MONTANA DEPARTMENT OF CORRECTIONS	04/21/2015
32 Jenicek, Michelle	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
33 Price, Michael D	DEPARTMENT OF CORRECTIONS	04/09/2015



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

Pending Certification Report

Name	Instructor Type	Issue Date
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Total APA Certificates 46

BAS Basic

5118	Ream, Aariad K	MONTANA HIGHWAY PATROL	04/06/2015
5119	Miller, Zachariah C	MONTANA HIGHWAY PATROL	04/06/2015
5120	Harwood, Jesse	BLACKFEET LAW ENFORCEMENT	04/06/2015
5121	Frank, Matthew T	BILLINGS POLICE DEPARTMENT	04/06/2015
5122	Williams, Steven D	DANIELS COUNTY SHERIFF'S OFFICE	04/06/2015
5123	White, Dale A	LINCOLN COUNTY SHERIFF'S OFFICE	04/06/2015
5124	Pape, Chris S	TROY POLICE DEPARTMENT	04/06/2015
5125	Marietti, Annette C	HELENA POLICE DEPARTMENT	04/06/2015
5126	Claridge, Spencer L	RICHLAND COUNTY SHERIFF'S OFFICE	04/06/2015
5127	Bielek, Kevin M	TOOLE COUNTY SHERIFF'S OFFICE	04/06/2015
5128	Harris, Aaron M	YELLOWSTONE COUNTY SHERIFF'S OFFICE	04/06/2015
5129	Hofer, Jimmy L	LIBERTY COUNTY SHERIFF'S OFFICE	04/06/2015
5130	Porter, Cody L	BOZEMAN POLICE DEPARTMENT	04/06/2015
5131	Lloyd, Thomas A	BOZEMAN POLICE DEPARTMENT	04/06/2015
5132	Weber, Marvin J	LEWIS AND CLARK COUNTY SHERIFF'S OFFI	04/09/2015
5133	Haegele, Michael A	LEWIS AND CLARK COUNTY SHERIFF'S OFFI	04/09/2015
5134	Bruce, Michael J	LEWIS AND CLARK COUNTY SHERIFF'S OFFI	04/09/2015
5135	Davis, John	LINCOLN COUNTY SHERIFF'S OFFICE	04/09/2015
5136	Fisher, Benjamin F	TROY POLICE DEPARTMENT	04/09/2015
5137	Holzer, Brandon P	LINCOLN COUNTY SHERIFF'S OFFICE	04/09/2015
5138	Hyslop, John E	LINCOLN COUNTY SHERIFF'S OFFICE	04/09/2015
5139	Croft, Jonathan	CARBON COUNTY SHERIFF'S OFFICE	04/09/2015
5140	Croft, Kyle	JOLIET POLICE DEPARTMENT	04/09/2015
5141	Drishinski, Ross A	PONDERA COUNTY SHERIFF'S OFFICE	04/09/2015
5143	Gregory, Fredric E	LAUREL POLICE DEPARTMENT	04/09/2015
5144	Williams, Norman D	HAMILTON POLICE DEPARTMENT	04/13/2015
5145	McJunkin, Daniel A	CARBON COUNTY SHERIFF'S OFFICE	04/14/2015
5146	Wootan, Brandon C	TOOLE COUNTY SHERIFF'S OFFICE	04/22/2015
5148	Loya, Shaun T	MISSOULA POLICE DEPARTMENT	04/22/2015
5149	Volinkaty, Jenna O	MISSOULA POLICE DEPARTMENT	04/22/2015
5150	Smies, Donald R	FAIRVIEW POLICE DEPARTMENT	05/04/2015
5151	Strong, Chad R	CONRAD POLICE DEPARTMENT	04/22/2015
5152	Evans, Thomas R	CUT BANK POLICE DEPARTMENT	05/07/2015
5153	Everett, James L	CUT BANK POLICE DEPARTMENT	05/07/2015

Total BAS Certificates 34

INT Intermediate

4690	O'Connor, Patrick G	ROOSEVELT COUNTY SHERIFF'S OFFICE	04/06/2015
4691	Thompson, Quentin B	CARBON COUNTY SHERIFF'S OFFICE	04/14/2015
4692	Andersen, Kyle K	FISH, WILDLIFE AND PARKS	04/06/2015
4693	Venezio, Jordan M	KALISPELL POLICE DEPARTMENT	04/06/2015
4694	Hochhalter, Loren D	RAVALLI COUNTY SHERIFF'S OFFICE	04/06/2015
4695	Josephson, Brian E	SANDERS COUNTY SHERIFF'S OFFICE	04/06/2015



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

Pending Certification Report

Name	Instructor Type	Issue Date
4696 Schmalz, Jeffery D	CARBON COUNTY SHERIFF'S OFFICE	04/14/2015
4697 Winslow, Thad Q	MSU POLICE DEPARTMENT/BOZEMAN	05/07/2015
4698 Ferguson, Jason R	SWEET GRASS COUNTY SHERIFF'S OFFICE	05/07/2015

Total INT Certificates 9

ADV Advanced

3032 Dennler, Jeremy J	BILLINGS POLICE DEPARTMENT	04/06/2015
3033 Vanuka, Robert A	BOZEMAN POLICE DEPARTMENT	04/14/2015
3034 McJunkin, Daniel A	CARBON COUNTY SHERIFF'S OFFICE	04/14/2015
3035 Schmalz, Jeffery D	CARBON COUNTY SHERIFF'S OFFICE	04/14/2015
3036 Kadner, Jonathan M	CASCADE COUNTY SHERIFF'S OFFICE	04/06/2015
3037 Johnson, Michael D	COLUMBIA FALLS POLICE DEPARTMENT	04/06/2015
3038 Shawback, Logan J	FLATHEAD COUNTY SHERIFF'S OFFICE	04/06/2015
3039 Pitman, Bo D	LINCOLN COUNTY SHERIFF'S OFFICE	04/22/2015
3040 Hayter, Kyle J	MONTANA HIGHWAY PATROL	04/06/2015
3041 Shope, Jade A	MONTANA HIGHWAY PATROL	05/07/2015
3042 Oliverson, Dave W	MONTANA HIGHWAY PATROL	05/07/2015
3043 Bonnell, Thomas J	MSU POLICE DEPARTMENT/BOZEMAN	05/11/2015
3044 Wemple, Matthew F	MSU POLICE DEPARTMENT/BOZEMAN	05/11/2015

Total ADV Certificates 13

SUP Supervisory

2776 Lingle, Timothy R	ROOSEVELT COUNTY SHERIFF'S OFFICE	04/14/2015
2777 Auch, Jacob A	RAVALLI COUNTY SHERIFF'S OFFICE	04/06/2015
2778 Jessop, Jesse D	RAVALLI COUNTY SHERIFF'S OFFICE	04/06/2015
2779 McJunkin, Daniel A	CARBON COUNTY SHERIFF'S OFFICE	04/14/2015
2780 Hochhalter, Loren D	RAVALLI COUNTY SHERIFF'S OFFICE	04/06/2015
2781 Bonnell, Thomas J	MSU POLICE DEPARTMENT/BOZEMAN	05/07/2015
2782 Knarr, Joseph D	FISH, WILDLIFE AND PARKS	05/07/2015

Total SUP Certificates 7

COM Command

2594 Egan, Kris L	COLSTRIP POLICE DEPARTMENT	05/07/2015
2595 Fuss, Michael L	BIG HORN COUNTY SHERIFF'S OFFICE	05/07/2015

Total COM Certificates 2

ADM Administrative

2585 Fuss, Michael L	BIG HORN COUNTY SHERIFF'S OFFICE	05/07/2015
2586 O'Fallon, Walter D	CASCADE COUNTY SHERIFF'S OFFICE	04/09/2015

Total ADM Certificates 2

DTB Detention/Corrections Basic

1761 Wood, Mira	BROADWATER COUNTY SHERIFF'S OFFICE	04/06/2015
1762 Wegener, Ashley M	CASCADE COUNTY JUVENILE DETN FACILIT	04/06/2015



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

Pending Certification Report

Name	Instructor Type	Issue Date
1763 Bracha, Kelly M	FERGUS COUNTY SHERIFF'S OFFICE	04/06/2015
1764 Metcalf, Jess M	GALLATIN COUNTY SHERIFF'S OFFICE	04/06/2015
1765 Rodgers, Brooklyn M	GALLATIN COUNTY SHERIFF'S OFFICE	04/06/2015
1766 Cornell (Greene), Deanna M	LINCOLN COUNTY SHERIFF'S OFFICE	04/09/2015
1767 Derryberry, James T	LINCOLN COUNTY SHERIFF'S OFFICE	04/14/2015
1768 Miller, Brendan E	LINCOLN COUNTY SHERIFF'S OFFICE	04/09/2015
1769 Miller, Travis	LINCOLN COUNTY SHERIFF'S OFFICE	04/09/2015
1770 Ruddock, Catherine D	LINCOLN COUNTY SHERIFF'S OFFICE	04/09/2015
1771 Clausen, Erik M	MISSOULA ADULT DETENTION FACILITY	04/22/2015
1772 Fawell, Timothy B	MISSOULA ADULT DETENTION FACILITY	04/06/2015
1773 Pearce, Anthony P	MISSOULA ADULT DETENTION FACILITY	04/22/2015
1774 Wheeler, Scott D	MISSOULA ADULT DETENTION FACILITY	04/06/2015
1775 Budd, Derick N	MONTANA STATE PRISON	04/22/2015
1776 Giebner, Brian C	MONTANA STATE PRISON	04/22/2015
1777 Kerr, Danny J	MONTANA STATE PRISON	04/09/2015
1778 Meaders, Aaron M	MONTANA STATE PRISON	04/22/2015
1779 Atkinson, Ann E	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/09/2015
1780 Crouch, Shirley	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/09/2015
1781 Gavette, Heather	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/09/2015
1782 Grenz, Michael C	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/09/2015
1783 Hellyer, Bret L	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/09/2015
1784 Huber, Gregory G	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/09/2015
1785 Juhnke, Shawn	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/09/2015
1786 Malloy, Lisa M	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/09/2015
1787 Navarro, Tony	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/13/2015
1788 Porter, Caitlin A	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/13/2015
1789 Rattey, Dominique	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/13/2015
1790 Roufley, Elaine R	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/13/2015
1792 Thomas, Jeremy M	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/13/2015
1793 Van Dyke, Ben C	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/13/2015
1794 Walsh, Connor	PINE HILLS YOUTH CORRECTIONAL FACILIT	04/13/2015
1795 Arends, Linda N	PONDERA COUNTY SHERIFF'S OFFICE	04/09/2015
1796 Farnstrom, Joan G	PONDERA COUNTY SHERIFF'S OFFICE	04/09/2015
1797 Sawyer, Judy A	PONDERA COUNTY SHERIFF'S OFFICE	04/09/2015
1798 Welch, Linda M	PONDERA COUNTY SHERIFF'S OFFICE	04/09/2015
1799 Verhage, Melissa K	RICHLAND COUNTY SHERIFF'S OFFICE	04/06/2015
1800 Widmar, Jack	TOOLE COUNTY SHERIFF'S OFFICE	04/22/2015
1801 Sanders, Jammie J	MONTANA STATE PRISON	04/06/2015
1802 Hampton, Dustin M	GALLATIN COUNTY SHERIFF'S OFFICE	05/07/2015

Total DTB Certificates 41

DTI Detention/Corrections Intermediate

2657 Larson, Wendi L	MONTANA STATE PRISON	04/06/2015
2659 Rose, Steven L	PONDERA COUNTY SHERIFF'S OFFICE	04/06/2015
2660 Woeppel, Kurtis S	MONTANA STATE WOMEN'S PRISON	04/06/2015
2661 Hergesheimer, Scott A	CASCADE COUNTY SHERIFF'S OFFICE	04/09/2015
2662 Rilley, Casey R	DAWSON COUNTY ADULT DET COR FACILITY	04/14/2015



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

Pending Certification Report

Name	Instructor Type	Issue Date
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Total DTI Certificates 5

DTA Detention/Corrections Advanced

244	Sharkey, Nancy M	MONTANA STATE PRISON	04/06/2015
245	Woepfel, Kurtis S	MONTANA STATE WOMEN'S PRISON	04/06/2015

Total DTA Certificates 2

DTS Detention/Corrections Supervisory

156	Rilley, Casey R	DAWSON COUNTY ADULT DET COR FACILITY	04/14/2015
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Total DTS Certificates 1

DIS Public Safety Communicators Basic

435	McGuire, Charles F	BUTTE/SILVER BOW LAW ENFORCEMENT	04/06/2015
436	Kessner, Cody K	CARBON COUNTY SHERIFF'S OFFICE	04/09/2015
437	Maddox, Janet M	CARBON COUNTY SHERIFF'S OFFICE	04/09/2015
438	McDowell, Aaron L	CARBON COUNTY SHERIFF'S OFFICE	04/09/2015
439	Rood, Anne	CARBON COUNTY SHERIFF'S OFFICE	04/09/2015
440	Westhaefer, Elizabeth A	CARBON COUNTY SHERIFF'S OFFICE	04/09/2015
441	Croft, Kyle	JOLIET POLICE DEPARTMENT	04/09/2015
442	Griffin, Daniel L	LAUREL POLICE DEPARTMENT	04/09/2015
443	McCartney (Ayers), Jessica L	LAUREL POLICE DEPARTMENT	04/09/2015
444	Sell, Brenda L	LAUREL POLICE DEPARTMENT	04/09/2015
445	Carson, Karen L	LINCOLN COUNTY SHERIFF'S OFFICE	04/09/2015
446	Holder, Jean	LINCOLN COUNTY SHERIFF'S OFFICE	04/09/2015
447	Williamson, Charlene M	LINCOLN COUNTY SHERIFF'S OFFICE	04/09/2015
448	Arends, Linda N	PONDERA COUNTY SHERIFF'S OFFICE	04/09/2015
449	Farnstrom, Joan G	PONDERA COUNTY SHERIFF'S OFFICE	04/09/2015
450	Sawyer, Judy A	PONDERA COUNTY SHERIFF'S OFFICE	04/09/2015
451	Welch, Linda M	PONDERA COUNTY SHERIFF'S OFFICE	04/09/2015
452	LeBrun, Benjamin C	RED LODGE POLICE DEPARTMENT	04/09/2015
453	Kunz, Cynthia	SHERIDAN COUNTY 911 COMMUNICATION C	04/09/2015
454	Peel, Heidi C	SHERIDAN COUNTY 911 COMMUNICATION C	04/09/2015
455	Ulrickson, Gretchen D	SHERIDAN COUNTY 911 COMMUNICATION C	04/09/2015
456	Arnold, Crystal A	STILLWATER COUNTY SHERIFF'S OFFICE	04/09/2015
457	Howell, Jeff S	STILLWATER COUNTY SHERIFF'S OFFICE	04/09/2015
458	Svenson (Cumin), April J	STILLWATER COUNTY SHERIFF'S OFFICE	04/09/2015
459	Timm, Alesha J	STILLWATER COUNTY SHERIFF'S OFFICE	04/09/2015

Total DIS Certificates 25

DIN Public Safety Communicators Intermediate

75	Boehm, Brian J	MSU POLICE DEPARTMENT/BOZEMAN	05/07/2015
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Total DIN Certificates 1

COR Coroner Basic

Report Date / Time: 05/12/2015 3:27 PM

Version: 2000.01

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PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

Pending Certification Report

Name	Instructor Type	Issue Date
1369 Croft, Jonathan	CARBON COUNTY SHERIFF'S OFFICE	04/09/2015

Total COR Certificates 1

APP Adult Probation and Parole Basic

920	Farley (Carter), Annette R	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
920	Mahlum, Sonya	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
921	Green, Joshua E	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
922	Lahiff, Kimberly A	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
923	McKee, Laura J	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
924	Peek, Steven F	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
925	Rasmussen, Gina M	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
926	Sexton, Jason	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
927	Stevenson, Krystal	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
928	Voiles, Reginald G	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
929	Williams, Danny C	MONTANA DEPARTMENT OF CORRECTIONS	04/22/2015
930	Wolfe, Patty J	MONTANA DEPARTMENT OF CORRECTIONS	04/21/2015
931	Stasiak (Poole), Genevieve A	Gallatin County Office of Court Services	04/06/2015
932	Dopp, Lloyd D	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
933	Fulford, Brian J	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
934	Garmer, Andrew M	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
935	Gonzalez, Arturo	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
936	Haas, Janet A	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
937	Hansen, Jennie	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
938	Heidrick, Shawn	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
939	Holloway, Landee N	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
940	Kuhr, Katie	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
941	Lachenmeier, Joshua C	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
942	Lamb, Landon D	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
943	LaMere, Kenny K	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
944	Lizotte, Jeremy J	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
945	Lougee, Deana	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
947	Michel, Jamie	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
948	Moe, Cameron	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
949	Moore, Heather S	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
950	Mustain, Cheryl A	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
951	Nash, Kelly R	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
952	O'Brien, Erin	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
953	Ostwalt, Russell E	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
954	Poole, Jared M	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
955	Purves, Cory A	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
956	Reil, Sarah J	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
957	Roos, Amanda C	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
958	Saukam, Pip V	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
959	Schaack, Megan E	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
960	Smith, Heather D	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
961	Snell, Jeff A	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
962	Stanford, Steven M	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015



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Name	Instructor Type	Issue Date	
963	Thennis, Christin A	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
964	Touchette, Michael A	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
965	Waugh, Lawrence R	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
966	Werhonig, Lea (Evelena)	MONTANA DEPARTMENT OF CORRECTIONS	04/22/2015
967	Weston, Katherine	MONTANA DEPARTMENT OF CORRECTIONS	04/09/2015
968	Heikens, Pam D	PROBATION & PAROLE ADULT	04/06/2015
969	Parrish, Paul S	PROBATION & PAROLE ADULT	04/09/2015
970	Knott, Levi H	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
971	Pinnick, Brad F	MONTANA DEPARTMENT OF CORRECTIONS	04/21/2015
972	Reede, Amanda	MONTANA DEPARTMENT OF CORRECTIONS	04/21/2015
973	Blando, Dan	MONTANA DEPARTMENT OF CORRECTIONS	04/21/2015
974	O'Hara, Brock J	MONTANA DEPARTMENT OF CORRECTIONS	04/22/2015
975	Smathers, Roland H	PROBATION & PAROLE ADULT	04/21/2015
976	Studeney, Kristopher D	TREASURE STATE CORL TRAINING CENTER	04/21/2015
977	Jenicek, Michelle	UNASSIGNED	04/06/2015
978	Matkin, Holly	MONTANA DEPARTMENT OF CORRECTIONS	04/06/2015
979	Price, Michael D	DEPARTMENT OF CORRECTIONS	04/09/2015

Total APP Certificates 60

INS Instructors

4692	Anderson, Nichole A	MONTANA DEPARTMENT OF CORRECTIONS	PPCT DEFENSIVE TACTICS	04/14/2015
4693	Shelden, Shane	BILLINGS POLICE DEPARTMENT	LAW ENFORCEMENT BICYCLE	04/14/2015
4694	Lawrence, Neil D	BILLINGS POLICE DEPARTMENT	TASER	04/14/2015
4695	Wooley, Brandon W	BILLINGS POLICE DEPARTMENT	LAW ENFORCEMENT BICYCLE	04/14/2015
4696	Wooley, Brandon W	BILLINGS POLICE DEPARTMENT	OFFICER DOWN COMBAT CAS	04/14/2015
4697	Wooley, Brandon W	BILLINGS POLICE DEPARTMENT	BALLISTIC INJURY RESPONSE	04/14/2015
4698	Swanson, Steven R	BILLINGS POLICE DEPARTMENT	REACT TO ACTIVE SHOOTER	04/14/2015
4699	Turner, John M	FORT BENTON POLICE DEPARTMENT	FIREARMS: PISTOL & PATROL	04/14/2015
4700	Turner, John M	FORT BENTON POLICE DEPARTMENT	TASER	04/14/2015
4701	Purves, Cory A	MONTANA DEPARTMENT OF CORRECTIONS	PPCT	04/14/2015
4702	Purves, Cory A	MONTANA DEPARTMENT OF CORRECTIONS	OFFICE AND PERSONAL SECU	04/14/2015
4703	Campbell, Robert C	MISSOULA POLICE DEPARTMENT	TASER INSTRUCTOR	04/14/2015
4704	Winden, Shane M	BILLINGS POLICE DEPARTMENT	LAW ENFORCEMENT BICYCLE	04/14/2015
4705	Oster, Ryan L	HAMILTON POLICE DEPARTMENT	FIREARMS: PISTOL	04/14/2015
4706	Oster, Ryan L	HAMILTON POLICE DEPARTMENT	FIREARMS: PATROL RIFLE	04/14/2015
4707	Boeckel, Jeremy A	BILLINGS POLICE DEPARTMENT	TASER END USER COURSE	04/14/2015
4708	Punt, David E	BILLINGS POLICE DEPARTMENT	FIREARMS: PISTOL & SHOTGU	04/21/2015
4709	Schillinger, Jamie N	BILLINGS POLICE DEPARTMENT	FIREARMS: PISTOL & SHOTGU	04/21/2015
4710	Simpson, Christopher S	BILLINGS POLICE DEPARTMENT	FIREARMS: PISTOL & SHOTGU	04/21/2015
4711	Simpson, Christopher S	BILLINGS POLICE DEPARTMENT	EXPANDABLE BATON	04/21/2015
4712	Aguilar, Jordan D	BILLINGS POLICE DEPARTMENT	FIREARMS: PISTOL & SHOTGU	04/21/2015
4713	Kruger, Brett A	BILLINGS POLICE DEPARTMENT	FIREARMS: PISTOL & SHOTGU	04/21/2015
4714	Ihde, Brandon C	BILLINGS POLICE DEPARTMENT	FIREARMS: PISTOL & SHOTGU	04/21/2015
4715	Gunther, Glenn A	BILLINGS POLICE DEPARTMENT	FIREARMS: PISTOL & SHOTGU	04/21/2015
4716	Dennler, Jeremy J	BILLINGS POLICE DEPARTMENT	FIREARMS: PISTOL & SHOTGU	04/21/2015
4717	Gilluly, Michael J	BILLINGS POLICE DEPARTMENT	FIREARMS: PISTOL & SHOTGU	04/21/2015
4718	Berry, Jay T	BILLINGS POLICE DEPARTMENT	FIREARMS: PISTOL & SHOTGU	04/22/2015



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

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Name	Instructor Type	Issue Date
4719 Cagle, Harley R	BILLINGS POLICE DEPARTMENT FIREARMS: PISTOL & SHOTGU	04/22/2015
4720 Campbell, Earl C	BILLINGS POLICE DEPARTMENT FIREARMS: PISTOL & SHOTGU	04/22/2015
4721 Wanchena, Shawn D	BILLINGS POLICE DEPARTMENT FIREARMS: PISTOL & SHOTGU	04/15/2015
4722 Chartier, Jeff J	BILLINGS POLICE DEPARTMENT FIREARMS: PISTOL & SHOTGU	04/21/2015
4723 Becker, Bret A	BILLINGS POLICE DEPARTMENT FIREARMS: PISTOL & SHOTGU	04/15/2015
4724 Bolton, Walter T	MONTANA STATE PRISON VERBAL DEFENSE AND INFLUE	04/14/2015
4725 Bolton, Walter T	MONTANA STATE PRISON VERBAL DEFENSE AND INFLUE	04/14/2015
4726 Bolton, Walter T	MONTANA STATE PRISON INITIAL FIREARMS (16 HOURS)	04/14/2015
4727 Bolton, Walter T	MONTANA STATE PRISON ANNUAL FIREARMS (4 HOURS)	04/14/2015
4728 Bolton, Walter T	MONTANA STATE PRISON WEAPONS FAMILIARIZATION (4	04/14/2015
4729 Bolton, Walter T	MONTANA STATE PRISON HOSTAGE SURVIVAL (4 HOUR)	04/14/2015
4730 Bolton, Walter T	MONTANA STATE PRISON FATIGUE TO FULFILLMENT (8 H	04/14/2015
4731 Bolton, Walter T	MONTANA STATE PRISON PPCT DEFENSIVE TACTICS	04/14/2015
4732 Bolton, Walter T	MONTANA STATE PRISON EMERGENCY CARE AND SAFE	04/14/2015
4733 Bolton, Walter T	MONTANA STATE PRISON EMERGENCY CARE AND SAFE	04/14/2015
4734 Bolton, Walter T	MONTANA STATE PRISON PRISON RAPE ELIMINATION AC	04/14/2015
4735 Bolton, Walter T	MONTANA STATE PRISON PROFESSIONAL BOUNDARIES (04/14/2015
4736 Horrocks, Joe A	DILLON POLICE DEPARTMENT AR-15/M 16 BASIC OPERATION	04/14/2015
4737 Moore, Matthew G	MONTANA DEPARTMENT OF CORRECTIONS PPCT DEFENSIVE TACTICS	04/14/2015
4738 Sharkey, Nancy M	MONTANA STATE PRISON PROFESSIONAL	04/14/2015
4739 Gerstein, Donald R	MONTANA STATE PRISON PROFESSIONAL	04/14/2015
4740 Bolton, Walter T	MONTANA STATE PRISON MASTER	04/22/2015
4741 Owenby, Donna C	MSU POLICE DEPARTMENT/BOZEMAN CALL PROCESSING FOR TELE	05/07/2015
4742 Klundt, Kelsey K	CASCADE COUNTY JUVENILE DETN FACILIT PERSON AND CELL SEARCHES	05/07/2015
4743 Beall, Robert C	GREAT FALLS POLICE DEPARTMENT EMERGENCY VEHICLE OPERA	05/07/2015

Total INS Certificates 52



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

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Name	Instructor Type	Issue Date
DTB Detention/Corrections Basic		
1760 Wheat, Albert C MONTANA STATE PRISON		04/08/2015
Total DTB Certificates 1		

mailed 4/2/15



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

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Name	Instructor Type	Issue Date
INT Intermediate 4689 Peterson, Ryan J	ANACONDA-DEER LODGE LAW ENFORCEME	04/02/2015

Total INT Certificates 1



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

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Name	Instructor Type	Issue Date
APA ADULT PROBATION AND PAROLE ADVANCED		
7 Barthel, Michael J	DEPARTMENT OF CORRECTIONS	06/04/2015
Total APA Certificates 1		
BAS Basic		
5154 Harris, Joshua	SIDNEY POLICE DEPARTMENT	05/21/2015
5155 Kammerzell, Tyler L	SIDNEY POLICE DEPARTMENT	05/21/2015
5156 Beatty, Andrew L	MISSOULA COUNTY SHERIFF'S OFFICE	05/21/2015
5157 Tangen, Trevor A	HELENA POLICE DEPARTMENT	05/21/2015
5158 Driemeyer, Michael B	TOOLE COUNTY SHERIFF'S OFFICE	05/21/2015
Total BAS Certificates 5		
INT Intermediate		
4699 Woodland, Alesha	LIVINGSTON POLICE DEPARTMENT	05/02/2015
4700 Dickerson, George B	MSU POLICE DEPARTMENT/BOZEMAN	05/21/2015
Total INT Certificates 2		
ADV Advanced		
3045 Kloster, Adam J	MONTANA HIGHWAY PATROL	05/21/2015
Total ADV Certificates 1		
COM Command		
2596 Taylor, Robert L	MISSOULA COUNTY SHERIFF'S OFFICE	05/26/2015
Total COM Certificates 1		
DTB Detention/Corrections Basic		
1803 Enright, Ryder J	CASCADE COUNTY SHERIFF'S OFFICE	05/21/2015
1804 Heikkila, Erik A	CASCADE COUNTY SHERIFF'S OFFICE	05/21/2015
1805 Light, Cory J	CASCADE COUNTY SHERIFF'S OFFICE	05/21/2015
1806 Moore, Tracy L	CASCADE COUNTY SHERIFF'S OFFICE	06/02/2015
1807 Benson, Karla A	LEWIS AND CLARK COUNTY SHERIFF'S OFFI	05/21/2015
1808 Warren, Erin M	MISSOULA ADULT DETENTION FACILITY	05/21/2015
Total DTB Certificates 6		
DTA Detention/Corrections Advanced		
246 Caball, Edward A	GALLATIN COUNTY SHERIFF'S OFFICE	05/21/2015
247 Strey, Harold D	MONTANA STATE PRISON	05/21/2015
Total DTA Certificates 2		
DTS Detention/Corrections Supervisory		
157 Caball, Edward A	GALLATIN COUNTY SHERIFF'S OFFICE	05/26/2015



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

Pending Certification Report

Name **Instructor Type** **Issue Date**

Total DTS Certificates 1

APP Adult Probation and Parole Basic

980	Helms, Christopher M	DEPARTMENT OF CORRECTIONS	05/21/2015
981	Kattell, Tara L	DEPARTMENT OF CORRECTIONS	05/21/2015

Total APP Certificates 2

INS Instructors

4744	Dryden, Douglas S	SANDERS COUNTY SHERIFF'S OFFICE	MASTER	05/26/2015
4745	Dixon, Michael D	BELGRADE POLICE DEPARTMENT	DEFENSIVE TACTICS	05/26/2015
4746	Harmon, Robert C	MONTANA STATE PRISON	FIREARMS; PISTOL, SHOTGUN,	05/26/2015
4747	Fawcett, Samuel s	STEVENSVILLE POLICE DEPARTMENT	TASER & ARMED INTRUDER TR	05/29/2015

Total INS Certificates 4

Approval/Denial of Extension Requests



Montana Public Safety Officer Standards and Training Council
Perry Johnson – Executive Director

2260 Sierra Road East
Helena, MT 59602

Phone: (406) 444-9975
Fax: (406) 444-9978

dojmt.gov/post

Extension Requests

Montana POST Council Meeting
June 17, 2015

1. **Joseph Tihlarik – Deputy Sheriff, Valley County Sheriff’s Office**
Glen Meier, Sheriff, sent an extension request for Deputy Tihlarik to attend LEOB. Deputy Tihlarik was initially hired on May 2, 2014 into a temporary position. He was later hired into a permanent position on February 23, 2015. Due to LEOB 157 being full, Deputy Tihlarik has to wait until LEOB 158 to attend basic. Sheriff Meier was sent a conditional approval for Deputy Tihlarik, which means that Deputy Tihlarik needs to attend LEOB by November 2, 2015.
2. **Matthew Payne – Deputy Sheriff, Prairie County Sheriff’s Office**
Duncan Hedges, Sheriff sent an extension request for Deputy Payne to attend LEOB. Deputy Payne was hired on November 5, 2015. Sheriff Hedges intended to have Deputy Payne attend LEOB in September, but the class was full. Deputy Payne is 16th on the waiting list, but has been accepted to attend LEOB in January, 2016.
3. **Tanner Gomke – Detention Officer, Hill County Sheriff’s Office**
Jamieson Ross, Undersheriff sent an extension request for DO Gomke to attend CDOB. DO Gomke was hired on August 25, 2014. The Hill County Detention Center has been experiencing high turnover recently and has five open full time positions, which are being covered by part time employees and their seven full time employees working overtime. A six month extension would give the Sheriff until February 25, 2016 to send DO Gomke to CDOB.
4. **Kaine Bishop – Detention Officer, Hill County Sheriff’s Office**
Jamieson Ross, Undersheriff sent an extension request for DO Bishop to attend CDOB. DO Bishop was hired on July 9, 2014. The Hill County Detention Center has been experiencing high turnover recently and has five open full time positions, which are being covered by part time employees and their seven full time employees working overtime. A six month extension would give the Sheriff until January 9, 2016 to send DO Bishop to CDOB.
5. **Conner Tilleman – Detention Officer, Hill County Sheriff’s Office**
Jamieson Ross, Undersheriff sent an extension request for DO Tilleman to attend CDOB. DO Tilleman was initially hired on November 12, 2009, then he was terminated on April 21, 2010. He was rehired on January 23, 2015. The Hill County Detention Center has been experiencing high turnover recently and has five open full time positions, which are being covered by part time employees and their seven full time employees working overtime. However, because DO Tilleman’s initial appointment was in 2009, and the

council is only authorized to give one extension up to 180 days, the council cannot give him an extension to attend CDOB.

- 6. Lauren White – Detention Officer, Missoula County Sheriff’s Office**
Lt. Jeff Rodrick sent an extension request for DO White to attend CDOB. DO White was initially hired on June 15, 2014. DO White has been on light duty for six months due to a work-related injury and cannot get approval to attend CDOB 130. A 180-day extension would give her until December 15, 2015, to attend CDOB.
- 7. Coretta GreyBear – Police Officer, Fort Peck Dept. of Law and Justice**
Chief Jim Summers sent an extension request for Officer GreyBear to attend Legal Equivalency. Officer GreyBear was initially hired on June 23, 2014. A 180-day extension would give her until December 23, 2015, to attend EQ.
- 8. Mike Harris-Deputy, Daniels County Sheriff’s Office**
Sheriff Skip Baldry wrote:
“I have a deputy that worked for Rosebud Co Sheriff’s Office from January 2014 to November 2014(10 mons). He had a break in law enforcement service for approx. 5 months then I hired him on April 1, 2015 as a deputy for the Daniels County Sheriff’s Office. Now with the opinion from the atty general’s office stating that the one year time frame to attend MLEA starts with the initial law enforcement agency (Rosebud Co.) that hired said deputy/officer. I have received a letter of resignation from my deputy after being employed for 2 months because he will be out of compliance according to the atty general’s opinion. I have been contacted by Executive Director of P.O.S.T. Perry Johnson and he is standing behind the atty general’s opinion so at this time I need to request a 6 month extension for Deputy Sheriff Michael Harris Jr.”

Perry Johnson, Executive Director
Montana POST Council

Approval/Denial of
Equivalency Requests



Montana Public Safety Officer Standards and Training Council **Perry Johnson – Executive Director**

2260 Sierra Road East
Helena, MT 59602

Phone: (406) 444-9975
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<https://dojmt.gov/post/>

Basic Equivalency Requests

- 1. Frederick Lee – Deputy Sheriff, Roosevelt County Sheriff's Office**
Undersheriff John Summers sent a request for reciprocity and requested that Deputy Lee be allowed to attend the Legal Equivalency course. Deputy Lee complete a 531-hour basic at North Dakota's Lake Region State College. He worked for the Stark County Sheriff's Office as a Deputy from April 30, 2012 until January 1, 2015. He was hired with the Roosevelt County Sheriff's Office on March 2, 2015. Deputy Lee received conditional approval to attend the Legal Equivalency course that was held the week of March 30, 2015, which he did do.
- 2. Kris Soper – Detention Officer, Cascade County Sheriff's Office**
Scott Hergesheimer sent a request for reciprocity for DO Soper. DO Soper completed a 300-hour basic corrections officer course and a 160-hour special functions course at the Fred House Academy in Utah. He worked for the Utah Department of Corrections prior to when he was hired by the Cascade County Sheriff's Office on June 2, 2014. DO Soper was given conditional approval to take the CDOB exam on May 15, 2015.
- 3. Anthony Kearney – Police Officer, West Yellowstone Police Department**
Chief Scott Newell sent a request for reciprocity and requested that Officer Kearney be allowed to attend the Legal Equivalency course. Officer Kearney complete a 449-hour Park Ranger Training Program at Northern Arizon University. In addition, he has over 300 continuing training hours. He worked for the National Park Service as a seasonal Ranger for the seasons of 2010-2014. He was hired with the West Yellowstone Police Department on March 10, 2015.
- 4. Juan Trujillo – Chief of Police, Boulder Police Department**
Chief Trujillo sent a request for reciprocity for himself, under the direction of the city manager, and requested that he be allowed to attend the Legal Equivalency course. Chief Trujillo completed a 560-hour basic police officer course in Utah in 1999. He was employed as an officer with the Perry Police Department. He was hired at the Boulder Police Department on March 24, 2015.
- 5. David Chase – Undersheriff, Beaverhead County Sheriff's Office**
Sheriff Franklin Kluesner sent a request for reciprocity for Undersheriff Chase and requested that he be allowed to attend the Legal Equivalency course. Undersheriff Chase completed a 576-hour basic at the Bakersfield Law Enforcement Training Academy in California, and was certified in 1987. Undersheriff Chase worked as a police officer for the Bakersfield Police Department until he retired on July 21, 2010. He was hired by the Beaverhead County Sheriff's Office on March 30, 2015.

6. **Nathan Wortman – Deputy Sheriff, Richland County Sheriff’s Office**
Undersheriff Robert Burnison sent a request for reciprocity and requested that Deputy Wortman be allowed to attend the Legal Equivalency course. Deputy Wortman received his Associates Degree in Law Enforcement from Alexandria Technical and Community College in Minnesota. He has not worked as a peace officer in Minnesota. He was hired by the Richland County Sheriff’s Office on April 6, 2015.
7. **Christopher Burnett – Police Officer, Montana State University**
Chief Robert Putzke sent a request for reciprocity and requested that Officer Burnett be allowed to attend the Legal Equivalency course. Officer Burnett attended a 783.5-hour basic academy in Vermont. He received his basic certification there in November of 2005. Officer Burnett worked as a Vermont State Trooper from July of 2005 until April of 2015. He was hired by the Montana State University police on May 1, 2015.
8. **Coretta Grey Bear – Police Officer, Fort Peck Dept. of Law and Justice**
Chief Jim Summers requested that Officer Grey Bear be allowed to attend the Legal Equivalency course. Officer Grey Bear attended LEOB 101 in Montana. She received her basic certification in February of 2000. In November of 2005, she began working as a police officer in Oregon where she also received certification. She then worked in Arizona as a police officer from August of 2011 to August of 2012, when she did not complete the waiver test and resigned. She was hired by Fort Peck on June 23, 2014.
9. **Zachary DeGeyter-Police Officer, Bozeman Police Department**
Sgt. Chris Randle requested that Officer DeGeyter be allowed to attend the Legal Equivalency course. Officer DeGeyter attended a 600 hour basic academy in Indiana. He received his basic certification September 30, 2011. Zachary began his career in Law Enforcement in October 2011 working for Mishawake Police Department in Mishawake, Indiana and continued there until he was hired by the Bozeman Police Department in March 2015.
10. **Zachary Dorow-Police Officer, Bozeman Police Department**
Sgt. Chris Randle requested that Officer Dorow be allowed to attend the Legal Equivalency course. Officer Dorow attended a 665 hour basic academy in Louisiana. He received his basic certification January 4, 2012. Zachary began his Law Enforcement career on August 23, 2011 with the Baton Rouge Police Department in Baton Rouge, LA. He remained at that department until he accepted a position with the Bozeman Police Department in March, 2015.
11. **Benjamin King-Police Officer, Bozeman Police Department**
Sgt. Chris Randle requested that Officer King be allowed to attend the Legal Equivalency course. Officer King attended a 640 hour basic academy in Alaska. He received his basic certification February 26, 2014. Benjamin began his Law Enforcement career with the Petersburg Police Department in Petersburg, AK on January 7, 2013. He remained at that department until he accepted a position with the Bozeman Police Department in March, 2015.

Perry Johnson, Executive Director
Montana POST Council