

**MONTANA Public Safety Officer Standards and Training Council**  
**Meeting Agenda ~ October 14, 2020**  
**Face to Face Meeting 8:00 a.m. ~ 12:00 p.m.**  
**Department of Transportation**  
**2701 Prospect Ave.**  
**Helena, MT 59620**

**Dial-in Participant Information**

Dial-in number: (866) 576-7975

Access code: 612394

- I. 8:00 a.m. ~ Call meeting to order, roll call, identify and welcome guests.**
- II. 8:05 a.m. ~ Pledge of Allegiance and Invocation**
- III. 8:10 a.m. ~ Approval of minutes for February 19, 2020 Council meeting**
- IV. 8:15 a.m. ~ Public Comment/Guest Issues**
- V. 8:30 a.m. ~ Contested Case Arguments**
  - A. Matthew Harman Recommendation**
  - B. Logan Hodke Stipulation**
  - C. Patrick Sullivan Stipulation**
  - D. Paige Pavalone Stipulation**
- VI. 9:00 a.m. ~ Old Business**
  - A. Pretrial Services/Misdemeanor Probation Basic Academy ~ Rick SyWassink**
  - B. Kyle Adams Update**
  - C. Legislative Update**
    - 1. Interim Law & Justice Committee Memorandum**
    - 2. Board of Crime Control Statutes**
- VII. 9:30 a.m. ~ Break**
- VIII. 9:45 a.m. ~ New Business**
  - A. Committee Reports**
    - 1. Curriculum ~ Kevin Olson**
    - 2. ARM ~ Leo Dutton**
      - a. 2020 ARMs**

3. Case Status ~ John Strandell
4. Business/Policy ~ Kimberly Burdick
5. Coroner ~ Leo Dutton

**B. LEOB Syllabus**

**C. Legal Counsel Memoranda ~ Lewis Smith**

1. Officer Allegations and Public Information
2. Coroner Extensions

**D. Instructor Development Course ~ Dawson County Community College**

**E. Request for Waiver on One-Year training sunset**

**F. Director's Report**

1. Budget
2. Certificates Awarded ~ Around 980
3. Training Approved ~ Employees - 3,700, Courses - 984, Hours – 40,405
4. Equivalency Granted
5. Extensions Granted
6. Misconduct Article ~ “Wandering Officers”
7. Office Updates
  - a. Attorneys
    - i. Contested Case Counsel ~ Michael Fanning
    - ii. General Counsel ~ Lewis Smith

**G. 2021 Council Meeting Schedule**

1. Member Terms
2. 2021 Calendar

**IX. 12:00 p.m. ~ Meeting Adjourned**

\* Executive Sessions are closed to the public in order to protect the privacy rights of individuals. Times are approximate, except for public comment; actual times may vary depending on presentation/discussion time.

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MONTANA Public Safety Officer  
Standards and Training Council

February 19, 2020

Face to Face Meeting 8:00 a.m. 12:00 p.m.

Department of Transportation

2701 Prospect Ave

Helena, MT 59620

Members Present

- Tony Harbaugh Chairman by phone
- Jim Thomas
- Leo Dutton
- Kevin Olson
- John Strandell Acting Chairman
- Matt Sayler
- Kristine White
- Jess Edwards
- Wyatt Glade
- Tia Robbin by phone
- Ryan Oster
- Kimberly Burdick
- Jason Jarrett

1 Members Not Present

2

3 POST Staff Present

4 Perry Johnson Executive Director

5 Mary Ann Keune Administrative Officer

6 Katrina Bolger Paralegal/Investigator

7

8 Legal Counsel

9 Kristina Neal

10

11 Guests

12 Andrea Lower by phone

13 John Metropoulos by phone

14 Mark Kraft by phone

15 Bob Edwards by phone

16 Truman Tolson by phone

17 Brent Colbert

18 Russ Christoferson

19 Scott Mickelsen

20 Glen Stinar

21 Phil Drake

22 Dan Whitted

23 Bryan Lockerby

24 Cory Bailey

25 Frank Parrish

1 Kellie McBride

2 Gloria Soja

3 Amanda Cahill

4 Shelby DeMars

5 Shamani Shikwambi

6 Rick SyWassink

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1           WHEREUPON, the following proceedings were  
2 had:

3                           \* \* \* \* \*

4           CHAIRMAN STRANDELL: We'll call this  
5 meeting to order. Good morning, everybody. My  
6 name is John Strandell. I'm Chair of the meeting  
7 today. Chairman Harbaugh was not able to attend.  
8 He's still in Miles City, but will be with us on  
9 by phone. I'll start out the meeting by doing the  
10 roll call.

11           MR. JOHNSON: Tony Harbaugh.

12           MR. HARBAUGH: Here.

13           MR. JOHNSON: Kimberly Burdick.

14           MS. BURDICK: I'm here.

15           MR. JOHNSON: Leo Dutton.

16           MR. DUTTON: Here.

17           MR. JOHNSON: Jess Edwards.

18           MR. EDWARDS: Here.

19           MR. JOHNSON: Wyatt Glade.

20           MR. GLADE: Here.

21           MR. JOHNSON: Jason Jarrett.

22           MR. JARRETT: Yes, sir.

23           MR. JOHNSON: Kevin Olson.

24           MR. OLSON: Here.

25           MR. JOHNSON: Ryan Oster.

1 MR. OSTER: Here.

2 MR. JOHNSON: Tia Robbin.

3 MS. ROBBIN: Here.

4 MR. JOHNSON: Matt Sayler.

5 (No response)

6 MR. JOHNSON: I haven't heard from him.

7 I thought he was, he would be attending, so maybe  
8 he'll get here. John Strandell.

9 ACTING CHAIRMAN STRANDELL: Here.

10 MR. JOHNSON: Jim Thomas.

11 MR. THOMAS: Here.

12 MR. JOHNSON: Kristine White.

13 (No response)

14 MR. JOHNSON: Again, I think we got a  
15 room for her last night, so she's probably in  
16 town, maybe running a little late. Okay.

17 ACTING CHAIRMAN STRANDELL: We'll  
18 introduce ourselves around the table, and have  
19 them be introduced then on staff, please.

20 MS. NEAL: Kristina Neal, contract Legal  
21 Counsel.

22 MS. BOLGER: Katrina Bolger, paralegal  
23 investigator.

24 MS. BURDICK: Kimberly Burdick, public  
25 member.

1 MR. GLADE: Wyatt Glade, Board of Crime  
2 Control, County Attorneys.

3 MR. THOMAS: Jim Thomas, public member.

4 MR. EDWARDS: Jess Edwards, Blackfeet  
5 Law Enforcement.

6 MS. KEUNE: Mary Ann Keune,  
7 administrative support for POST.

8 MR. JARRETT: Jason Jarrett, Gallatin  
9 County Sheriff's Office, Detention.

10 MR. OSTER: Ryan Oster representing the  
11 Police Chiefs.

12 MR. DUTTON: Leo Dutton, Sheriff, Lewis  
13 & Clark County, representing Montana Sheriffs and  
14 Peace Officers Association.

15 MR. OLSON: Kevin Olson representing  
16 Department of Corrections.

17 ACTING CHAIRMAN STRANDELL: John  
18 Strandell, I'm the state law enforcement  
19 representative.

20 MR. JOHNSON: Perry Johnson, Bureau  
21 Chief of the POST Bureau.

22 ACTING CHAIRMAN STRANDELL: We have a  
23 lot of guests here today. If we could start in  
24 the gallery, if you could introduce yourself just  
25 for the record. Would you start, sir.

1 MR. DRAKE: I'm Phil Drake with the  
2 Great Falls Tribune.

3 MS. SOJA: Gloria Soja with the Lewis &  
4 Clark County Criminal Justice Services.

5 MS. McBRIDE: Kelly McBride with Lewis &  
6 Clark County Criminal Justice Services.

7 MR. BAILEY: Cory Bailey, Helena Police  
8 Department.

9 MR. CHRISTOFERSON: Russ Christoferson  
10 with the Motor Carrier Services.

11 MR. LOCKERBY: Bryan Lockerby, DCI.

12 MR. STINAR: Glen Stinar, Law  
13 Enforcement Academy.

14 MR. MICKELSEN: Scott Mickelsen,  
15 President, Dawson Community College.

16 MR. SHIKWAMBI: Shamani Shikwambi,  
17 Dawson Community College.

18 MR. SyWASSINK: Rick SyWassink,  
19 Department Chair, Criminal Justice, Dawson  
20 Community College.

21 MR. PARRISH: Frank Parrish, Montana  
22 State University.

23 MR. WHITTED: Dan Whitted, Toole County  
24 Coroner, with the Coroner's Association.

25 MR. COLBERT: Brent Colbert, Lewis &

1 Clark County Sheriff's Office.

2 ACTING CHAIRMAN STRANDELL: Did we miss  
3 anybody?

4 (No response)

5 ACTING CHAIRMAN STRANDELL: Okay. What  
6 I'd like to do is have everybody stand and we'll  
7 do the pledge of allegiance, please.

8 (Pledge of allegiance)

9 ACTING CHAIRMAN STRANDELL: If I could  
10 call on Sheriff Dutton to give us an invocation.

11 (Invocation)

12 ACTING CHAIRMAN STRANDELL: Then I  
13 forgot to have the people on the phone introduce  
14 themselves. Sheriff Harbaugh, can you start,  
15 please.

16 MR. HARBAUGH: Tony Harbaugh, Council  
17 Chair. I am in absentia today, and have asked  
18 John Strandell to conduct the meeting in person  
19 there. Thank you.

20 ACTING CHAIRMAN STRANDELL: Tia.

21 (No response)

22 ACTING CHAIRMAN STRANDELL: Are you  
23 there, Tia?

24 MR. METROPOLIS: Jon Metropolis, for  
25 Missoula Correctional Services.

1 MS. ROBBIN: Tia Robbin, public member.

2 MS. LOWER: Andrea Lower, Pretrial  
3 Services, Gallatin County.

4 MR. KRAFT: Mark Kraft, Sidney Police  
5 Department.

6 ACTING CHAIRMAN STRANDELL: Is there  
7 anybody else on the phone that hasn't identified  
8 themselves?

9 (No response)

10 ACTING CHAIRMAN STRANDELL: Hearing  
11 none, we'll move to the next agenda item. It  
12 would be the approval of the October 2nd, 2019  
13 Council minutes. Have all of the members had a  
14 chance to review the minutes, and have any  
15 corrections or changes?

16 (No response)

17 ACTING CHAIRMAN STRANDELL: Seeing none,  
18 do I have motion to approve?

19 MR. DUTTON: Motion to approve the  
20 minutes.

21 MR. EDWARDS: I'll second.

22 ACTING CHAIRMAN STRANDELL: Motion by  
23 Sheriff Dutton, seconded by Chief Edwards. All in  
24 favor of the motion, say aye.

25 (Response)



1 about the telecommunicator CPR as well.

2 ACTING CHAIRMAN STRANDELL: Yes, once  
3 she gets here we'll find time then to allow her to  
4 do that.

5 MS. BURDICK: Okay. Thank you.

6 ACTING CHAIRMAN STRANDELL: Okay.  
7 Hearing no issues out there, is everybody here  
8 then for an agenda item then, a specific agenda  
9 item? Okay.

10 MR. METROPOLIS: So this is Jon  
11 Metropolis. May I ask a question?

12 ACTING CHAIRMAN STRANDELL: Yes, Jon.  
13 Go ahead.

14 MR. METROPOLIS: I have a comment from  
15 Missoula Correctional Services, which I will refer  
16 to as MCS, regarding agenda item Roman Numeral  
17 VI(C). Am I to deliver that comment now or during  
18 that, or after that agenda item is addressed?

19 ACTING CHAIRMAN STRANDELL: You can do  
20 it now if you wish.

21 MR. METROPOLIS: Okay. So this is a  
22 public comment that -- this is a comment that MCS  
23 has made on a couple of occasions in this process  
24 in the past. I appreciate that the people who  
25 have heard it have tried to follow along. I'm not

1 sure I've been crystal clear, but there has been  
2 some improvements made in the change to 23.13.215  
3 ARM, but they have not gone to deliver the  
4 comments. Here's the comment.

5 As drafted in the new Subsection (5),  
6 Pretrial Services Officers are required to go to  
7 the firearms proficiency training. By statute  
8 they have the authority to make arrests, and  
9 they're not required to carry firearms, and MCS's  
10 officers don't carry firearms. And so there  
11 doesn't appear to be a rational reason to impose  
12 firearms training on them. And I don't mean just  
13 MCS, I mean Pretrial Services Officers.

14 And there's probably a way to -- When I  
15 say there is no rational reason, I don't mean that  
16 physical impossibility to comply, but there is no  
17 rational reason to do so, and Pretrial Services  
18 Officers not carrying a firearm, already by  
19 statute authorized to make arrests.

20 So the imposition of this requirement is  
21 a fairly heavy burden, and even if pre-existing or  
22 existing today Pretrial services entities can  
23 fulfill it with quite a lot of work, and  
24 expenditure of resources including money, gives a  
25 barrier to entry, and it makes it difficult for

1 not only our people and our businesses, but for us  
2 to provide the services that we need to our  
3 communities.

4 So we would, again, respectfully comment  
5 that we think this Subsection (5) should be  
6 written so that it's clear that Pretrial Services  
7 Officers who are not carrying firearms do not have  
8 to go through the firearms proficiency training  
9 before they can make an arrest. Thank you for  
10 your attention.

11 ACTING CHAIRMAN STRANDELL: Okay. Thank  
12 you. Is there any other comments or discussion?  
13 We'll move on to --

14 MR. JOHNSON: This is Perry. So if I  
15 can.

16 ACTING CHAIRMAN STRANDELL: Go ahead.

17 MR. JOHNSON: Hey, today during our  
18 meeting we usually start out by saying: Before  
19 you speak, please identify yourself. So for  
20 instance, if Ryan is going to speak, "This is  
21 Ryan," because we're going to transcribe our  
22 minutes, and those are the official record for the  
23 POST Council, so it really helps our  
24 transcriptionist if you'll do that.

25 So this is Perry. And I think during

1 public comment, I would direct your attention to a  
2 letter from Steve Ette from the Gallatin County  
3 Court Services. Andrea Lower is on the phone also  
4 as a member of that group. And the letter is in  
5 your packets. Everybody should have that.

6 It starts with, "Mr. Johnson, after  
7 receiving the agenda." So there are several  
8 things on here that they asked to be able to  
9 discuss today with the Council. And if it's okay  
10 with you guys, I would defer to Andrea if she  
11 wants to work through that list; or if she wants  
12 to, I can lead that conversation as well. So  
13 what's your pleasure?

14 ACTING CHAIRMAN STRANDELL: I would  
15 prefer that you lead the conversation.

16 MR. JOHNSON: Okay. So Andrea, this is  
17 actually your opportunity then to participate with  
18 the Council, and I'll just start out by posing the  
19 questions that you did in the letter that we  
20 received yesterday.

21 So number one is, "During the planning  
22 phase of the Pretrial Services and Misdemeanor  
23 Probation Officer Academy, there was a plan to  
24 have an after action review of the last Academy.  
25 Will the POST Council and the Montana Law

1 Enforcement Academy be scheduling an after action  
2 review of the last course with the agencies before  
3 making changes to the course?"

4 Glen Stinar is in the room -- he's the  
5 Law Enforcement Academy Bureau Chief -- and so is  
6 Bryan Lockerby, the Administrator of DCI under who  
7 both the POST Bureau and the Academy fall under.

8 And Kevin Olson is in the room. He was  
9 a party to the development of the curriculum, so  
10 I'm going to, probably going to lean on Kevin a  
11 little bit with this conversation, because I was  
12 outside the scope of those conversations with that  
13 group as the curriculum was developed, so I wasn't  
14 really aware that there was some after action  
15 issue there.

16 MR. OLSON: This is Kevin. And Andrea,  
17 please feel free to chime in. I thought the POST  
18 action review was going to be done by Andrea and  
19 the folks that she looked to in the development of  
20 the curriculum. Am I wrong, Andrea?

21 MS. LOWER: You know, I don't know that  
22 it was defined who was going to set up a meeting.  
23 I know that there was discussion regarding the  
24 different players, you know, from the different  
25 agencies that were observing throughout the

1 course, and like for example, Ravalli County  
2 helping through the firearms course, to sit down  
3 and actually look at the survey that was put out  
4 following, you know, that survey that was done  
5 following the course, which is also in the  
6 material. And with holidays getting in the way,  
7 everybody returning back to work after the first  
8 of the year.

9 But there was discussion I know to sit  
10 down, go through the course, see how things went,  
11 what went well, what didn't, and to prepare for  
12 class No. 2 now.

13 MR. DUTTON: So should we -- This is  
14 Leo, just for those of you confused. I didn't  
15 want to get a thing with Tony. Anyway, the part  
16 about assigning who it is that's going to call for  
17 the meeting and get a date, because that's my  
18 recollection is that the people that were the  
19 subject matter experts were going to evaluate it,  
20 come back with a recommendation saying, "This  
21 worked. This didn't. This is our  
22 recommendation." Because we have no way of  
23 knowing.

24 But that's my recollection of what Kevin  
25 said. So if we could assign somebody, and then

17  
1 they pick a date, and then, okay, they'll have  
2 something back to us, that would be great.

3 MS. LOWER: This is Andrea. Absolutely  
4 I can set something up with the parties that were  
5 involved in the training, and some of the other  
6 trainers of Kevin's staff that participated, and  
7 see how things went. I can set up a date in the  
8 near future and send out an email.

9 MR. OLSON: Thank you, Andrea. This is  
10 Kevin.

11 MR. JOHNSON: This is Perry again. I'll  
12 go to the next question then. "How was Dawson  
13 County Community College (DCC) selected as the  
14 possible provider of the Pretrial Services and  
15 Misdemeanor Probation Officer Academy?"

16 Part 2, "Have other colleges or  
17 universities been given the opportunity to submit  
18 proposals on this process?"

19 Part 3, "Will the POST Council/MLEA be  
20 requesting proposals from other colleges or  
21 universities for this Academy course?"

22 Actually -- this is Perry still. Dawson  
23 Community College was -- I reached out to them,  
24 asking them if they would even have any interest  
25 in developing a venue and a training cadre that

1 would be responsive to this Basic Academy class.

2 And the reason for that is that follows  
3 conversations with Glen that the Academy doesn't  
4 have the ability, especially now while they're  
5 under construction, for the population that may be  
6 required, but he also doesn't have the staff to do  
7 that.

8 This was, everybody is aware that this  
9 was a discipline that was developed by the  
10 Legislature, and there was no accommodation in  
11 regards to any financial consideration to the  
12 Academy or to POST to certify more officers, to  
13 train more officers, or to house more officers.

14 So that's the reason that I reached out  
15 to Dawson. The reason I reached out to Dawson is  
16 because I'm familiar with their background in  
17 regards to a criminal justice degree program that  
18 they've got there, that they've had for years. In  
19 fact, I think Chief Oster was a graduate of that  
20 Academy back in the day.

21 So I guess they weren't selected. They  
22 were recruited to at least give us a proposal. So  
23 there has been -- This is the first time this  
24 Council as a whole has had the opportunity to take  
25 a look at the proposal or even to consider it. So

1 that would be part No. 1.

2 "Have other colleges or universities  
3 been given the opportunity to submit proposals?"  
4 Any college or university can submit a proposal.  
5 That's the bottom line.

6 The conversation that we've had with  
7 Dawson has been really met enthusiastically by  
8 that staff. They're very interested in having a  
9 relationship with the MLEA and POST Council. If  
10 other colleges, Flathead Community College, if  
11 U of M, if MSU had an idea that they wanted to  
12 look at this proposal, I would encourage it.

13 But I would keep in mind, too, that the  
14 last Pretrial Service Academy only had 15 people,  
15 and that was a population that needed to be  
16 trained.

17 And so when you consider where we look  
18 at in the future, what the population of that  
19 group might be, and the investment that they may  
20 have to make -- Dawson is here today. They're  
21 ready to talk about this -- I think it's going to  
22 be a significant exposure to that Academy.  
23 They're going to have pony up some resources and  
24 some staff.

25 And I like having Glen and Kevin both in

1 the room because they both know what it takes to  
2 put together a curriculum, and to house people,  
3 and to make that commitment to the law enforcement  
4 community in Montana. So that's Part 2.

5 "Will the POST Council be requesting  
6 proposals from other colleges or universities?" I  
7 would remind everybody that part of the issue here  
8 is that one year from date of hire to get trained.  
9 You have one year as a Public Safety Officer to be  
10 hired and to get your Basic Academy training.

11 So last year I think we put together --  
12 on a wing and a promise. I think it went together  
13 very quickly, and I think for the most part it  
14 went pretty smoothly -- but we've still got that  
15 issue out there of people that have been hired in  
16 the last year that need to get to that Academy.

17 And I'll remind you also that there is  
18 the ability to expand that footprint of that one  
19 year to 18 months. The POST Council has delegated  
20 the authority to me to review those requests for  
21 an extension, and to grant them.

22 But the bottom line is if there is  
23 people out there that are already at a year, if we  
24 are recruiting other proposals, then I think that  
25 you're going to have an issue where you're going

1 to bump into that time frame, where people are  
2 going to be outside the scope of that 12 months  
3 requirement, and probably or possibly that 18  
4 months requirement as well.

5 So Andrea, was there anything else you  
6 wanted to speak to in regards to that one?

7 MS. LOWER: This is Andrea. The only  
8 thing that had been brought up during discussion  
9 is if it is not required to have an RFP process in  
10 selection as additional training facilities, for  
11 example, like for example use Fort Harrison if  
12 there is need for, you know, other training  
13 facilities.

14 But if this was going to be a future  
15 move, looking down the road for expansion, Helena  
16 is centrally located, and just future needs of the  
17 Academy itself. And I don't want it to be a stop  
18 gap of, "We have this small group of people that  
19 need to be trained once a year, and they're the  
20 exceptions to their regular course and staff at  
21 the Academy."

22 MR. JOHNSON: This is Perry again. I'll  
23 speak to that just a little bit, because I think  
24 even since Kevin was the Administrator at the  
25 Academy, we've had off site Basic Academy classes.

1 And I refer to the Basic Coroner Academy class  
2 that's been off site. We actually, several years,  
3 ago this Council approved off site venue for P&P  
4 themselves to utilize a different venue other than  
5 the Academy.

6 In regards to central Montana, I'll just  
7 say that it's as far for those guys from Glendive  
8 to attend the Basic Academy classes in Helena as  
9 it is for those guys in Helena to go to Glendive,  
10 or Sidney, or Sheridan County, or Ravalli County,  
11 or any other county.

12 And while I appreciate that we've got a  
13 great venue right now for those other Basic  
14 Academies -- and I think that the proof's in the  
15 pudding -- the expansion of the Academy, the  
16 expansion of the housing and the ability to host  
17 those classes is there, I think that we still have  
18 to look at a different venue in regards to this  
19 class, because the bottom line is we don't have  
20 the ability to train additional Basic Academies  
21 with the staff that we've got right now. But  
22 that's it right there.

23 And I guess the way that I look at this,  
24 I don't think Dawson is coming to us with a stop  
25 gap solution. I think that they're -- and they

1 can speak to this later in the day -- but my  
2 conversations with them is that they're very  
3 interested in being a resource to the State of  
4 Montana for this Basic Academy, and maybe even  
5 some other training opportunities as well. So I  
6 guess that's kind of where I would direct your  
7 attention on that.

8 I think I already answered that next  
9 question. "Why was DCCC considered over other  
10 colleges that are closer to the majority of the  
11 Pretrial Services and Misdemeanor Probation  
12 agencies?"

13 They've got a criminal justice program.  
14 They've got the ability to put instructors in the  
15 room that can instruct firearms, and defensive  
16 tactics, and criminal justice programs. So I  
17 guess that was a built-in resource that was  
18 apparent to me.

19 And maybe there is other colleges out  
20 there that can take you out to the range, and can  
21 put you in a gym, and do defensive tactics, but I  
22 know for sure that that's been part of the program  
23 at Dawson County Community College.

24 I'd go to the next question then. One  
25 of the items mentioned by an Academy graduate was

1 that the majority of the instructors were not  
2 familiar with Pretrial Services or Misdemeanor  
3 Probation duties and responsibilities.  
4 Considering that the requirements of Pretrial  
5 Services or Misdemeanor Probation Officer include  
6 either possessing a bachelors degree or the  
7 equivalency in experience, will DCCC be teaching a  
8 theoretical approach?"

9 I think that it states that they're  
10 required to have a bachelors degree. The statute  
11 states that they have to have a degree. So I  
12 think that an associates degree could probably  
13 work in that regard, or the equivalency, and that  
14 could be law enforcement experience or other  
15 experience in community services, such as  
16 counseling. And I guess I would let Dawson  
17 Community College speak to the theoretical  
18 approach during their presentation.

19 But I guess I would say this -- and  
20 Kevin, I need you to chime in on this, because I  
21 think we built something from nothing to begin  
22 with, and I think we had to start somewhere, and  
23 that's the conversation that we had. And I guess  
24 I would look at Glen as well, or all of the  
25 officers in the room.

1           Every Academy class is going to be a  
2 little bit different, and we hope that every one  
3 of them, we get to build on it a little bit, and  
4 improve it a little bit. So I'd look at this as a  
5 baseline, and I hope that's what it is, because  
6 we've had those conversations, and --

7           MR. OLSON: This is Kevin. And if you  
8 remember correctly, Perry, during our Curriculum  
9 Review Committee meetings -- and Jim and Glen were  
10 there -- we looked at this as a three year process  
11 to get it level, knowing first hand, starting out,  
12 that DOC would be providing the vast majority of  
13 the instructors, and realizing that we don't have  
14 any expertise in Misdemeanor or Pretrial Services  
15 type functions.

16           The goal was in the first year we  
17 provide the trainers; and then the second year,  
18 Andrea's group would identify topic matter experts  
19 in the various courses. And Glen was committed,  
20 and I believe he still is -- we're only in  
21 February -- of doing an instructor development  
22 course, so that Andrea's group could identify  
23 potential instructors, we can match on the staff,  
24 take the instructor development course, and then  
25 be able to hit the ground in the second year, and

1 by the third year, we should be at a place where  
2 we're comfortable.

3 So DOC would be completely out, and it  
4 would be kind of self-sufficient, like the  
5 Coroners group. So that was the original plan was  
6 a three year plan.

7 MR. JOHNSON: I would move to the next  
8 one then. "What are the qualifications of the  
9 instructors, to include the adjunct instructors?  
10 Will any of the instructors be POST certified as  
11 instructors or as Pretrial Services or Misdemeanor  
12 Probation Officers? Will the instructors have  
13 practical experience?"

14 This is Perry again. I think that your  
15 answer to that was responsive to those questions  
16 right there, that we're trying to develop a  
17 program, and that includes a commitment from the  
18 Academy that officers that are interested in being  
19 trained as instructors will have access to that  
20 training, and be part of the program as it moves  
21 forward.

22 So Andrea, I feel like I'm kind of  
23 rushing through this stuff, but you jump in when  
24 you need to.

25 MS. LOWER: That's fine. Go ahead.

1           MR. JOHNSON:   Okay.   "Is MLEA and POST  
2 moving forward with offering the instructor  
3 development course for the officers who  
4 volunteered to help teach the Academy?"

5           I guess I'm just going to look at Glen  
6 Stinar, who is in the gallery today, to respond to  
7 that. I had a conversation with him yesterday in  
8 regards to that, so --

9           MR. STINAR:   This is Glen at the  
10 Academy. As soon as the people are identified,  
11 we'll get some dates. That's our commitment.

12          MR. JOHNSON:   Thank you.

13          MS. LOWER:    Thank you.

14          MR. JOHNSON:   "Is the POST Council or  
15 MLEA going to privatize other Academy courses, or  
16 is the exception only being considered for the  
17 Pretrial Services and Misdemeanor Probation  
18 Academy?"

19                 In regards to privatizing other Academy  
20 courses, I think we already spoke to that. We've  
21 got other Basic Academies, specifically the  
22 Coroner's Academy, Basic Academy, that is  
23 instructed by outside instructors. Sometimes they  
24 use the venue at MLEA if it's available. Other  
25 times they're in Great Falls, or some other

1 location could be approved as well.

2 So at this point I think that that's an  
3 ongoing conversation. Glen, you can correct me if  
4 I'm wrong. But if we identify other assets or  
5 resources out there that would help us move our  
6 training program forward, we probably --

7 MR. STINAR: Sure. This is Glen with  
8 the Academy again. You know, the Law Enforcement  
9 Officer Basic course is the only one required to  
10 be conducted at the Academy. We've had a lot of  
11 conversations with MSPOA, and MACOP, and other  
12 groups about the need to expand the amount of  
13 basic courses we offer, based on the demand.

14 And we realize that one of our courses  
15 of action should be looking at other venues where  
16 we can provide the same, or where the same quality  
17 of training can be provided, without necessarily  
18 having so much direct involvement with the Academy  
19 staff.

20 As Perry mentioned, we are building  
21 bigger capacity, but we still don't have the  
22 staff. Everybody was on the same page, and we  
23 said if we just gave the Academy more instructors,  
24 we could do more things. That's that third leg  
25 that we can't control. You know, we've increased

1 bed capacity, we've invested heavily in the  
2 infrastructure, so we have the capacity. We don't  
3 have staffing.

4 So we think that as one of those courses  
5 of action, particularly for agencies in eastern  
6 Montana, if we can provide a place for Correction  
7 Detention Basic classes, instructor development,  
8 some of the things that traditionally happen at  
9 the Academy, that it would provide the same  
10 quality of service, at a greater level of  
11 convenience, and ability for the agencies of  
12 Montana.

13 I think that's sort of the conversation  
14 Perry and I have had. So things don't stay the  
15 same forever. We're just trying to figure out how  
16 do we queue up the next generation for success.

17 MR. JOHNSON: So I think then that's  
18 responsive to that next question. "Pretrial  
19 Services and Misdemeanor Probation are being  
20 singled out. Why?" And I don't think they are.  
21 I think that we're looking at every opportunity  
22 that we have to train officers in Montana, and do  
23 it as effectively and efficiently as we can.

24 In regards to the next question, "What  
25 is the cost estimate of DCCC operated Academy? In

1 the proposal it mentioned \$125 per week, room and  
2 board, plus the normal cost of the Academy.

3 Currently the only cost for the Academy is for  
4 room and board, excluding travel and equipment."

5 And I'm going to go ahead and capture  
6 that next point as well in this, because it's all  
7 about cost. "How will the additional travel cost  
8 affect the agencies sending staff? For example,  
9 Billings travel will be reduced by 30 miles one  
10 way or 60 miles round trip for a total of \$132."  
11 I won't read it all, but travel is an issue there.

12 Also the question, "Could staff remain  
13 at DCCC over the weekends? Would they still  
14 receive room and board? Would this cost extra?"

15 And I guess that will be part of the  
16 proposal that we hear from Dawson Community  
17 College. But it's my understanding that that \$125  
18 a week is exactly what they are charging, which is  
19 identical to what Montana Law Enforcement Academy  
20 is charging for students or officers when they  
21 obtain travel -- or training there.

22 In regards to travel, I'm just going to  
23 go back to the same point that I made before.  
24 It's going to cost people money to train officers  
25 in Montana. And I guess I want to make sure that

1 everybody recognizes Pretrial Service and  
2 Misdemeanor Probation isn't mandated by anyone.  
3 It not a statutory requirement, like having a law  
4 enforcement office, a Sheriff's Office, a Police  
5 Department. You have to have those officers, and  
6 they have to be trained.

7 This is an elective program. And my  
8 understanding is that it's going to catch  
9 traction. There is going to be people that are  
10 going to use this, and it's going to benefit their  
11 communities, and it's going to cost them some  
12 money. That's the bottom line.

13 So it's going to cost people in Glendive  
14 that much money to drive to Helena. So I guess  
15 maybe I'm not being fair, but I feel like I am.  
16 If it's going to cost the people in Glendive that  
17 much money, or the people in Bozeman that much  
18 money, what's the difference?

19 There's a good resource there. There's  
20 room and board. There's instructors available.  
21 And it looks like a good opportunity to me. But  
22 the bottom line is Pretrial Services cost money.

23 And I'm glad that Kelly McBride is in  
24 the room, and Leo, because Lewis & Clark County  
25 has invested in that. They know that it's costing

1 money, and it's going to keep costing money. But  
2 the benefits to the community is there.

3 So I hope that we've gone over the  
4 questions. I guess when Dawson Community College  
5 has an opportunity to speak on the agenda items we  
6 can talk to them about cost, and weekends, and  
7 stuff, but other than that, I think, Mr. Chairman,  
8 we went through it.

9 ACTING CHAIRMAN STRANDELL: This is  
10 John. Andrea, do you have any follow up or  
11 questions pertaining to the letter that we  
12 received?

13 MS. LOWER: This is Andrea. I have some  
14 feedback. What was the question again?

15 ACTING CHAIRMAN STRANDELL: Just if you  
16 had any further discussion or feedback.

17 MS. LOWER: No. I just appreciate that  
18 you guys addressed the questions that we had  
19 discussed the other day on the phone, and I look  
20 forward to hearing the remainder of the  
21 conversation today. Thank you.

22 ACTING CHAIRMAN STRANDELL: You're  
23 welcome. Is there any other discussion on this  
24 issue? I'm sure we'll have further discussion  
25 when Dawson Community gets up and makes their

1 proposals.

2 (No response)

3 ACTING CHAIRMAN STRANDELL: Seeing none,  
4 just for the record, Matt has joined us.

5 MR. SAYLER: I went to the Academy  
6 first.

7 ACTING CHAIRMAN STRANDELL: Kristine.  
8 I'm sorry. You snuck in on us. Good morning.

9 MS. WHITE: Yes, Kristine White.

10 ACTING CHAIRMAN STRANDELL: Kim, is your  
11 speaker here?

12 MS. BURDICK: -- (inaudible) -- She did  
13 just say that was going to -- (inaudible) --

14 UNKNOWN SPEAKER: I can until wait until  
15 it comes up -- (inaudible) --

16 ACTING CHAIRMAN STRANDELL: Okay. I'll  
17 let you make that call when we come to it.

18 Next agenda item. We'll go to the Bob  
19 Edwards stipulation. Go ahead, Mr. Johnson.

20 MR. JOHNSON: This is Perry again. Did  
21 somebody else join the call while we were talking?  
22 If you did join the call, could you identify  
23 yourself?

24 MR. EDWARDS: This is Bob Edwards.

25 MR. JOHNSON: Hi, Bob. Thanks for

1 calling in.

2 So this agenda item relates to Bob  
3 Edwards stipulation, and this is a conversation  
4 that started with our Case Status Committee that's  
5 comprised of the Chair of the committee John  
6 Strandell, Jim Thomas, and Tony Harbaugh.

7 Several years ago, two years ago  
8 probably right now, Bob Edwards' certificate was  
9 revoked. And during the course of the process  
10 that enables him due process, he reached out, and  
11 hired an attorney to represent him. The attorney  
12 represented him through conversations with  
13 Kristina Neal, our contested case attorney; and  
14 then reached out and asked if there was any other  
15 solution rather than a revocation of the  
16 certificate.

17 We met with them back in the middle of  
18 January, with Bob and his attorney up in Great  
19 Falls. We talked about what we thought may be a  
20 suitable resolution short of revocation, and the  
21 product that you see on Page 103, 104, and 105 is  
22 a stipulated agreement that would provide for Bob  
23 to agree to remain away from law enforcement, not  
24 serve as a Public Safety Officer for a period of  
25 five years after his last date as Sheriff.

1           What that actually ends up doing is it  
2 would provide for Bob's certificate to be  
3 reinstated, or his status as a Public Safety  
4 Officer to be reinstated on January 1st, 2024. If  
5 Bob ever decided to become a Public Safety Officer  
6 again in any discipline, he would be required then  
7 to attend a Basic Academy. There would be no  
8 recognition of his previous training in regards to  
9 Basic Academy training, and he would start over.

10           So it comes to the Council today for  
11 your decision.

12           ACTING CHAIRMAN STRANDELL: This is  
13 John. And just to let the Council know that the  
14 Case Status Committee is in support of this  
15 stipulation and agreement. Is there any questions  
16 or discussion?

17           (No response)

18           ACTING CHAIRMAN STRANDELL: Has  
19 everybody had a chance to read the agreement?

20           MR. OLSON: This is Kevin, and I've just  
21 got to ask why we would stipulate to this.

22           MR. JOHNSON: This is Perry. I think we  
23 had that conversation as a Case Status Committee,  
24 and I think that really it comes down to a cost  
25 benefit analysis to the Council. We recognized

1 what our case looked like; and we recognized what  
2 Bob's case looked like as well. And we thought  
3 that there was a benefit to the Council to take a  
4 step back, take a look at it, and to agree to  
5 this.

6 MR. OLSON: This is Kevin. I appreciate  
7 that, but wouldn't that same analysis apply to  
8 everybody that we decertify? Would we be giving a  
9 stipulation to everybody that we decertify?

10 MS. NEAL: This is Kristina, and Mr.  
11 Olson, I would agree there. I think this was a  
12 unique opportunity or position, just because of  
13 Mr. Edwards' not wanting to return into law  
14 enforcement. And a lot of the individuals that we  
15 do seek revocation on, they're wanting to  
16 immediately return into -- I mean that's the  
17 bitter fight that we have is them wanting to  
18 continue a career in law enforcement. And we were  
19 in a different situation in this capacity.

20 MR. OLSON: This is Kevin, and once  
21 again, I hear what you're saying. But when we  
22 decertify somebody else, we don't give them the  
23 opportunity to return in five years. Is that what  
24 we're going to do going forward now? And I get  
25 the cost benefit analysis -- I really do -- but

1 what I see here is everyone we decertify is going  
2 to come forth and say, "I'll take a five year  
3 sabbatical, and then I can return." And that's  
4 the only concern I have.

5 MR. JOHNSON: This is Perry again. And  
6 I don't know if John, or Tony, or Jim want to  
7 speak to that at all.

8 ACTING CHAIRMAN STRANDELL: This is  
9 John. I really struggled with this, too, quite  
10 honestly. We had some very deep discussion in  
11 committee about the stipulation.

12 But the reason I'm comfortable with it  
13 is that Bob Edwards has agreed that he isn't going  
14 to return to law enforcement. If he comes back  
15 after five years, or tries to come back after five  
16 years, he has to go back to the Basic Law  
17 Enforcement Academy, he has to meet all those  
18 challenges, and then the certificate would be on  
19 probation for one year following that.

20 So based on that criteria, the  
21 circumstances, that's what made me support this,  
22 and agree to do it, and bring it forward before  
23 the Council.

24 You know, the cost analysis I think is  
25 an argument, but that didn't weigh as heavily as

1 what I just outlined, so -- Ryan.

2 MR. OSTER: This is Ryan. Can I just  
3 ask a couple questions? So he was not, in the  
4 position he had, he was not required to have a  
5 basic certificate, right --

6 ACTING CHAIRMAN STRANDELL: That's  
7 correct.

8 MR. OSTER: -- when this incident  
9 happened. And according to the stipulation he  
10 could return to that position if he was elected,  
11 because he's not required to have a basic  
12 certificate. So he's only agreeing not to return  
13 to law enforcement in a position that would  
14 require that.

15 So I guess I would just ask: Is that  
16 fair to do to those other disciplines that are  
17 required to have a basic certificate? I'm not  
18 sure it does. I think it does raise some  
19 questions, or some level of --

20 ACTING CHAIRMAN STRANDELL: This is  
21 John. I guess in response to that is being on the  
22 Case Status Committee all these years -- and Jim  
23 and Tony, you guys can speak up, too -- but we  
24 deal with each case individually, depending on the  
25 circumstances, the facts, the details; and then

1 we've done that for years now.

2 The sanctions that we place on a  
3 certificate is based on that individual case, and  
4 we look at things like trying to be consistent  
5 with the sanctions that we do, to be consistent  
6 across the board. And in honesty, too, you have  
7 to look at each individual case and evaluate it  
8 based on the merits of that case.

9 MR. OSTER: This is Ryan. Just to  
10 follow up. Then it would be that he could still  
11 be serving without a basic certificate now.

12 ACTING CHAIRMAN STRANDELL: He could if  
13 he was elected.

14 MR. OSTER: If he was elected, we  
15 wouldn't even be having this conversation.

16 MR. JOHNSON: This is Perry. That's  
17 right. That's right. And I guess just for the  
18 people in the room that aren't aware of that, the  
19 Sheriff is the only elected official -- actually  
20 he's the only Public Safety Officer that doesn't  
21 need to be certified by the Council because of  
22 that electoral process.

23 So I guess the answer to that is he  
24 could, you know, if there was an election  
25 tomorrow, he could sign up. But I think that what

1 Kristina said is Bob doesn't have -- the way that  
2 he has portrayed himself to us during those  
3 conversations, he doesn't have any intention to  
4 ever come back to law enforcement. And they  
5 understood when this was signed that it was open  
6 to discussion and approval by this Council.

7 MR. OLSON: This is Kevin. If he's got  
8 no intention of coming back to law enforcement,  
9 why are we doing this stipulation?

10 MR. JOHNSON: This is Perry again. The  
11 reason that was presented to us was he believes  
12 that it would hurt his employment opportunities in  
13 the future if he were to try to go into a private  
14 field, that they would look at, "Have you ever  
15 been revoked or suspended?" He thinks that would  
16 damage his opportunities in the future.

17 ACTING CHAIRMAN STRANDELL: Leo.

18 MR. DUTTON: This is Leo. Two parts.  
19 One, as for the Sheriff, you've already pointed  
20 out that POST has no authority to jump in and say  
21 you can't be Sheriff. We don't have an agreement  
22 with that, we only have an agreement with the POST  
23 certificate. So yes, he could return for Sheriff,  
24 but we have no authority, and nor should we  
25 suggest that we do. So that's gone.

1           Secondly, stipulations, those kind of  
2 things, I think if you looked over the past five  
3 years, the Status Committee hasn't flat cut  
4 everybody. I think if you took a case history --  
5 this may be different -- but I think sometimes we  
6 don't see them. I think that you sanction, and  
7 move on, and as a board, we hear you sanctioned  
8 and moved on.

9           This one had notoriety to it, so we knew  
10 about it, and we're supposed to be objectively  
11 blind to it for the actual facts of the case, but  
12 we knew about it. I think this fits very well  
13 with what we've been asked by the disciplines to  
14 not automatically chop.

15           Now, Kevin is right. Are we going to do  
16 this? I think that opportunity -- I think that  
17 opportunity to request audience with the Status  
18 Committee or the board is there now to negotiate,  
19 and there are several cases that went beyond us.  
20 So this isn't new really. This is the opportunity  
21 to appeal, and to come up with something that's  
22 individual.

23           So I don't see this is an aberrancy. I  
24 think this is something we've done in the past.  
25 But maybe I'm wrong, and I have been once.

1                   ACTING CHAIRMAN STRANDELL: This is  
2 John. You're absolutely correct, Leo, that  
3 statement.

4                   MR. HARBAUGH: John, this is Tony, and I  
5 would --

6                   ACTING CHAIRMAN STRANDELL: Go ahead,  
7 Tony.

8                   MR. HARBAUGH: I think just to make sure  
9 that everyone is clear, any individual -- any  
10 individual -- who has been decertified by the POST  
11 Council could run for Sheriff in the next  
12 election, even with a decertification.

13                   And I think to go back to the details of  
14 this particular case, the economics of it does  
15 play a part in that, because if it's strictly  
16 about decertifying the Sheriff, is that cost  
17 something that became a priority.

18                   And I think for those of us on the  
19 Status Committee, there were a lot of things that  
20 went into their consideration to reach this  
21 stipulated agreement. But I just want to make  
22 sure everyone is clear. Even though it's been  
23 said you don't have to have that certification to  
24 be a Sheriff, you can run for Sheriff even after  
25 you've been decertified. So if we're attempting

1 just to prevent that, we're not going to do it  
2 based on how much money we're spending for  
3 fighting a case similar to this. Thank you.

4 ACTING CHAIRMAN STRANDELL: Thanks,  
5 Tony. Jim.

6 MR. THOMAS: This is Jim Thomas. To  
7 answer your question, Kevin, about why would  
8 someone want to keep their certificate if they  
9 don't plan on ever being in law enforcement again.

10 We see that a lot in the Case Status  
11 Committee. They'll actually say, "Well, I have no  
12 intention of ever being in law enforcement again,  
13 but I want to keep my certificate." And I think  
14 for them -- it appears to me anyway -- it comes  
15 down a lot of times to principle, and to their  
16 reputation. They don't want to go down, you know,  
17 in the media or whatever, that they've been  
18 decertified.

19 So a lot of times it comes to that, and  
20 we see that fairly often. People say, "No, I  
21 don't want to do that anymore, but yes, I want to  
22 keep my certificate."

23 ACTING CHAIRMAN STRANDELL: Is there any  
24 further discussion?

25 (No response)

1           ACTING CHAIRMAN STRANDELL: We have Bob  
2 Edwards on the phones. Do you have any comments,  
3 Bob?

4           MR. EDWARDS: I can barely hear some of  
5 it. Can you hear me all right?

6           ACTING CHAIRMAN STRANDELL: Yes, go  
7 ahead.

8           MR. EDWARDS: I'm trying to find gainful  
9 employment, and there has been some hindrance.  
10 I'm not intending to come back into law  
11 enforcement, but it's a loss of a professional  
12 certificate or license can hinder that, and it's  
13 starting to come into play a couple times. That's  
14 one reason I would like it back.

15           ACTING CHAIRMAN STRANDELL: Okay. Is  
16 there any other discussion? Comments? We need a  
17 formal motion?

18           MR. JOHNSON: I think you do.

19           ACTING CHAIRMAN STRANDELL: Do we have a  
20 motion to move forward on this?

21           MR. DUTTON: I would make a motion that  
22 we accept the stipulation.

23           ACTING CHAIRMAN STRANDELL: Do we have a  
24 second?

25           MR. JARRETT: Second.

1           ACTING CHAIRMAN STRANDELL:   J.J.

2   seconds.   Any further discussion?

3           (No response)

4           ACTING CHAIRMAN STRANDELL:   Seeing none,  
5   All in favor, say aye.

6           (Response)

7           ACTING CHAIRMAN STRANDELL:   Opposed.

8           (No response)

9           ACTING CHAIRMAN STRANDELL:   Motion  
10   passes.   I think it's time to take a quick break.  
11   Like ten minutes and come back.

12           MR. EDWARDS:   This is Bob Edwards.   If I  
13   may, I didn't hear it.   (Inaudible)

14           ACTING CHAIRMAN STRANDELL:   It was a  
15   motion passed to accept the stipulation agreement.

16           MR. EDWARDS:   Thank you.

17   (Recess taken)

18           ACTING CHAIRMAN STRANDELL:   We'll call  
19   the meeting back to order.   We'll go right into  
20   old business.   Mr. Johnson.

21           MR. JOHNSON:   Well, this is Perry again.  
22   Do we still have Tony and Tia on the phone?

23           MR. HARBAUGH:   Yes.   This is Tony.   I'm  
24   on.

25           MS. ROBBIN:   Yes.

1           MR. JOHNSON: Okay. Just a side note,  
2 in the six and a half years I've been doing this,  
3 I think this is the first meeting we've had all 13  
4 Council members participate. So I know that's a  
5 long drive especially in February, but for you  
6 guys that had to travel, I really appreciate it.  
7 Thank you. Leo. Leo fell out of bed and rolled  
8 over here.

9           So we're on sub (6) letter "A," Letter  
10 of Advice. This is something that we asked the  
11 Attorney General for last year. And we were  
12 asking for a definition of two years. So that's  
13 in your packet, so that you can see that we did  
14 get a response, and that the definition of two  
15 years is two years.

16           So Dan Whitted just walked out, and that  
17 was the definition that we were really looking for  
18 for the Coroners in Montana, because they have a  
19 requirement to be trained, get 16 hours of ongoing  
20 training every two years. And so we needed that  
21 so that they understood.

22           MR. DUTTON: This is Leo. The question  
23 really became: Was it the end of the calendar  
24 year, or date to date? And that's what  
25 precipitated the question of if we were certified

1 on December 4th, did it expire December 4th, or  
2 did it go to the end of the month, and that's why  
3 we requested that. This is Leo going back on  
4 mute.

5 MR. JOHNSON: Move right along.

6 ACTING CHAIRMAN STRANDELL: Any  
7 discussion on that, or further discussion?

8 (No response)

9 ACTING CHAIRMAN STRANDELL: Seeing none,  
10 go ahead.

11 MR. JOHNSON: This is a letter of advice  
12 on pages 112.

13 Oh, hey, wait a minute. Before we walk  
14 away from that, I did provide some additional  
15 information here. So historically, what Leo just  
16 said was there has been a question about does two  
17 years mean two years, or does it mean the end of  
18 the year. Now we know it means two years. If  
19 your training ended, your 16 hours ended on  
20 December 4th, you need to get trained before  
21 December 4th two years from now.

22 We have hosted for the last five or six  
23 years that Advanced Coroner Training, Death  
24 Investigation Training, and we've used the venue  
25 of the Cascade County Sheriff's Office up in Great

1 Falls for that period of time to host the 16 hour  
2 training.

3 The Montana Coroners Association does  
4 the same thing. They host 16 hours of training  
5 every year. We do, too, but they hold theirs in  
6 the spring, either the end of April or the first  
7 part of May.

8 We have an Administrative Rule that says  
9 -- it's found on Page 108, so actually 108 has,  
10 "Coroners must complete 16 hours of continuing  
11 Coroner education at least once every two years."  
12 That is consistent with the statute.

13 The Council will not grant extensions  
14 after the expiration of the two year time limit.  
15 That's an Administrative Rule, and that can be  
16 waived. And the reason that I want to bring that  
17 to your attention is because this year we had our  
18 Death Investigation Training in Great Falls -- and  
19 I'll just pull a number out of my hat -- first of  
20 December. Okay. First of December.

21 Next year it might be the 7th of  
22 December. So there will be that one week time  
23 period that there is a lapse there. And I would  
24 say that they can ask for that extension prior to  
25 that, but many of them don't even recognize it.

1 They just sign up for that training.

2 So I'm wondering if that's something  
3 that as we talk about Administrative Rules in the  
4 future, if that's something that we can go back  
5 and take a look at with our ARM Committee, if  
6 there is an appetite for that with the Council.

7 ACTING CHAIRMAN STRANDELL: This is  
8 John. Any discussion? Leo.

9 MR. DUTTON: This is Leo. Do you think  
10 there is an opening, instead of going from date to  
11 date, to the end of the calendar? Does that  
12 enable procrastination, or does that help with --  
13 if you took it on December 4th, and it would be to  
14 the end of the date -- I mean end of December.

15 MR. JOHNSON: This is Perry. I'll just  
16 refer right back to that AG Letter of Advice that  
17 we got. They said it's date to date. So I think  
18 that's what we have to base it on. We can't  
19 change the statute, but we can change our  
20 Administrative Rule that says they can ask for  
21 that extension even past that date, because the  
22 other ones can. The other disciplines can.

23 The Coroner one, for some reason, that's  
24 in the Administrative Rule. And before I suggest  
25 it to an ARM Committee, I thought the Council

1 should probably take a bite out of that.

2 ACTING CHAIRMAN STRANDELL: This is  
3 John. Any concerns about doing that, or Perry  
4 okay moving in that direction?

5 (No response)

6 ACTING CHAIRMAN STRANDELL: Good to go.

7 MR. JOHNSON: Okay. That will take us  
8 to Page 112. This relates to Tribal Detention and  
9 Corrections Officers. Our question was: Are they  
10 Public Safety Officers requiring certification by  
11 POST?

12 And you can see there that that second  
13 to the last paragraph in that letter, well,  
14 actually the last three, "A Tribal Detention  
15 Officer meets none of the statutory definitions,  
16 and is not a person required by law to meet the  
17 qualification or training standards established by  
18 the Council. Therefore, POST is not required to  
19 provide certification under Montana Code Annotated  
20 44-4-403."

21 This was an important distinction for us  
22 because we have historically certified Tribal  
23 Correction Officers or Detention Officers. And  
24 when we really got to looking at the definitions  
25 and statutes, we thought, "Oh, I wonder if we're

1 coloring outside the lines." So I think that we  
2 have. We'll adjust our business practice now to  
3 be consistent with what the statute is.

4 MR. DUTTON: This is Leo. Does this  
5 preclude them from going to the Law Enforcement  
6 Academy?

7 MR. JOHNSON: That wouldn't be a  
8 question for the POST Council. I think that would  
9 be a question for the Department of Justice and  
10 the Law Enforcement Academy.

11 MR. OLSON: This is Kevin. So would the  
12 same apply to Law Enforcement Officer Basic  
13 certificates that we issue to Tribal Officers?

14 MR. JOHNSON: No.

15 MR. OLSON: Because correct me if I'm  
16 wrong, Chief. Your officers come down and get  
17 POST certified with the Law Enforcement Officer  
18 Basic, but being that they're Tribal Law  
19 Enforcement Officers, wouldn't this same  
20 definition apply?

21 MS. BOLGER: This is Katrina. The  
22 reason for the Detention Officer specifically is  
23 because our statute defines a Detention Officer  
24 employed by a county or a Corrections Officer  
25 employed by DOC.

1 MR. OLSON: Okay.

2 MS. BOLGER: So that's sort of the  
3 distinction. Our definition of a Peace Officer is  
4 anybody who can make an arrest by the virtue of  
5 their employment.

6 MR. OLSON: Okay.

7 ACTING CHAIRMAN STRANDELL: This is  
8 John. Any further discussion on that?

9 MR. OSTER: This is Ryan. Real quick  
10 then. I guess so if the Academy takes them and  
11 trains them, then will we issue a certificate to  
12 them, or are we just saying no?

13 MR. JOHNSON: This is Perry. I think  
14 based on this decision that we have here, we don't  
15 have a certification relationship with them. I  
16 think we'd be outside the scope of what we're even  
17 authorized to do.

18 MR. EDWARDS: This is Jess. But I do  
19 think all the other Tribes, they would follow the  
20 bureau policy, so would all of the bureau  
21 corrections, except for the Blackfeet actually is  
22 going to take over their corrections in the next  
23 two years. So that kind of makes me wonder, if  
24 they're going to take it over, then I don't know  
25 where to send it.

1 MR. OLSON: This is Kevin. Once again,  
2 I'm winding the clock back many, many years.

3 But I do know when I was at the Academy  
4 that BIA did not recognize the Correction  
5 Detention Officer Basic course. Those officers  
6 working in the BIA facilities or facilities that  
7 were being paid by BIA had to send their officers  
8 to New Mexico to be trained.

9 MR. GLADE: This is Wyatt. I don't know  
10 the answer to whether POST or the Academy has to  
11 accept Tribal Corrections Officers, but I just  
12 want to point out that all this Letter of Advice  
13 says is that Tribal Detention Officers are not  
14 Public Safety Officers. It doesn't say they can't  
15 come to the Academy.

16 ACTING CHAIRMAN STRANDELL: This is  
17 John. Any further discussion? Jim.

18 MR. THOMAS: This is Jim. Just one last  
19 question. So there are Tribal Detention Officers  
20 now that have POST certifications; is that right?

21 MR. JOHNSON: Yes.

22 MR. THOMAS: How does this letter change  
23 our Case Status Committee if we have one of those  
24 come before us for sanction, or does it change it?

25 MS. BOLGER: This is Katrina. The

1 Administrative Rule, one of our Administrative  
2 Rules allows POST to recall a certificate, meaning  
3 -- and we've done that before with some Pretrial  
4 Service and Misdemeanor Probation Officers who  
5 didn't attend a Basic that was approved by the  
6 Council, and were issued a certificate that  
7 basically didn't exist. And so we recalled those  
8 certificates as being issued in error.

9 MR. JOHNSON: So this is Perry. I think  
10 in response to your question, Jim, I think if that  
11 came in front of the Case Status Committee, I  
12 think we'd take a look at it and say we would just  
13 recall it because it was issued in error. And  
14 then whatever the allegation may be, that would  
15 probably go back to the BIA or to the agency to  
16 deal with. They wouldn't be a POST certified  
17 Montana Public Safety Officer.

18 ACTING CHAIRMAN STRANDELL: Okay. Any  
19 further discussion?

20 (No response)

21 ACTING CHAIRMAN STRANDELL: Seeing none,  
22 we'll move on.

23 MR. JOHNSON: Okay. So we're at 2019  
24 ARM discussion Pages 113 through 123. Then there  
25 is a handout. So Kristina, you're up.

1 MS. NEAL: So this is Kristina, and I  
2 just would say this is the time for your  
3 discussion on the proposed 2019 ARM amendments.

4 And I would point out that the  
5 amendments were published, we had a public hearing  
6 on them, there was discussion, we brought in  
7 public comment both orally and written. And so at  
8 this point, it's really your discussion time, and  
9 no further public comment could take place without  
10 violating the public meeting laws and a potential  
11 due process for those that spoke or provided  
12 written comment within the time frames that were  
13 allotted to come in to this point. So it's really  
14 your opportunity for a discussion.

15 On Pages 113 through 123 are the  
16 proposed amendments. And then the notice of  
17 amendment, which is your handout, is what I did  
18 with the help of Katrina, took all of the oral and  
19 written comments that we received, and condensed  
20 them, and issued a response to that, and that's  
21 what's in the notice of amendment.

22 And then also based on that then, we  
23 also proposed amendments that are changes to the  
24 proposed amendments, and you can see those on  
25 23.13.215, 23.13.702, and it has the changes to

1 the proposed amendments.

2 ACTING CHAIRMAN STRANDELL: Perry, do  
3 you have anything to add?

4 MR. JOHNSON: Actually no. I'm going to  
5 ask Kristina to advise them. What's their next  
6 step now?

7 MS. NEAL: I believe your next step will  
8 be to have discussion amongst the Council as far  
9 as accepting the proposed amendments, including  
10 the changes that are from the original proposal  
11 and to the new matters that are in the notice of  
12 amendment.

13 ACTING CHAIRMAN STRANDELL: Hearing  
14 that --

15 MS. NEAL: Those options.

16 ACTING CHAIRMAN STRANDELL: -- is there  
17 any discussion among the Council on this? Leo.

18 MR. DUTTON: This is Leo. In regards to  
19 being the Chairman of the ARMs Committee, we have  
20 met. We received these from the Business Plan  
21 Committee, and went over them, looked at it. What  
22 we did discuss is all of the comments that had  
23 been made, and looked at your responses, looked to  
24 see if they comported with how we looked at it as  
25 well -- not that we're attorneys, but we do

1 represent the discipline.

2 As we looked through there, we still had  
3 some changes a little bit from the Business Plan,  
4 and that's why you got the handout, I believe,  
5 that there were some changes in response to that.

6 I think they've been well vetted. If  
7 you want to look through them and read them, go  
8 ahead. But I'm just giving you the background of  
9 where they have been. They have sailed quite a  
10 few miles, but this is the last step. Back to  
11 you, sir.

12 ACTING CHAIRMAN STRANDELL: Thanks, Leo.  
13 Any further discussion by the Council?

14 MR. JOHNSON: This is Perry. I'll just  
15 kind of piggyback what Leo just said. I think  
16 that the ARM Committee met a couple of times, so  
17 did the Business Plan Committee.

18 And I'll remind you that back in April  
19 of last year, the whole Council met, we talked  
20 about Administrative Rules, and we had a special  
21 meeting, and we met with stakeholders, and this is  
22 the product that we end up with.

23 So I think it's been pretty inclusive,  
24 and I think that you ended up with a pretty good  
25 product here. I think there is a lot more

1 specificity that the stakeholders were looking  
2 for, and I think with the language in there is  
3 more easily understood by the stakeholders. You  
4 don't need to have your attorney sit next to you  
5 in order to understand them. And I think it's a  
6 pretty good final product.

7 MR. DUTTON: But you do.

8 MR. JOHNSON: I get to. Yeah. So --

9 MR. DUTTON: This is Leo again. I think  
10 one of the biggest contentious issue was in  
11 23.13.702 on Page 121, and that went through some  
12 major overhaul about exactly the words, I think in  
13 sub(g). If you look down in (3)(g), that seemed  
14 to be the most hotly contested, that I could tell,  
15 because of the comments that we got, and looking  
16 at it, did the comments change it, or how did that  
17 relate to it.

18 So if you want to look at that, you'll  
19 see that the underlying portion is changed, but  
20 still making the standard. And I think sometimes  
21 what we struggled with is, okay, are we fair and  
22 honest to everybody? Is everybody going to like  
23 this?

24 And the answer is no, not everybody is  
25 going to, because it wasn't a popularity contest.

1 But is it fair? Is it something that meets the  
2 standards? And I know that we want to move the  
3 tape measure of what the standards are. You've  
4 heard that speech before, so I won't put you to  
5 sleep with that.

6 But it's important to remember that we,  
7 this body, represents standards, so if we don't do  
8 our job, then who reports to the citizenry? Who  
9 reports to the people? And that's how we looked  
10 at it from our committee is: There is no one else  
11 that stands up other than this body to the public  
12 and say, "Our profession is honest." And if  
13 they're not honest, then that certificate goes to  
14 this body, and that's who we report to.

15 We not only report to each one of our  
16 disciplines, but we report to the citizens who  
17 yell foul, or that the cops good old boy system  
18 exists, but it doesn't here. And that's the  
19 difficulty of putting this together is, yes, it  
20 seems in some places harsh, but it's a standard.  
21 And that's why it's there.

22 So just a background of why some things  
23 may have changed, and some things may have got  
24 altered, Mr. Chair.

25 ACTING CHAIRMAN STRANDELL: Thanks, Leo.

1           MR. OSTER: This is Ryan. I just wanted  
2 to just point out that 23.13.702 does include some  
3 new language, just like you were talking about.  
4 This is a major change, because once this goes  
5 through, it now requires that an agency  
6 administrator -- it's in plain language now --  
7 must report certain things to POST, so that --

8           And I think that is what drove some of  
9 the discussion. I don't think that discussion was  
10 bad. I think that discussion was healthy, and I  
11 think the product we come out with is good. I  
12 know everybody put a lot of time into trying to  
13 figure out how do you make it so it's not  
14 ambiguous, yet not need a lawyer to discern it.

15           Not everybody is going to like it. I  
16 think we all understand that. But I think this  
17 did get to the point where we were at in April  
18 where you had agency administrators saying, "We  
19 would like -- we don't want to be required to  
20 report policy violations and minor infractions,"  
21 and then from there we got into the language that  
22 would have required a misdemeanor speeding ticket  
23 to be sent into POST to investigate.

24           I think where we ended up with, quite  
25 frankly everybody might be mad, and that means

1 success. If everybody's not happy on some level,  
2 then I think maybe we struck a balance where we  
3 need to be. And I think this is -- We spent quite  
4 a bit of time hashing over what you guys sent us,  
5 and I don't know how we can make it any better at  
6 this point.

7 But I just do want to -- because I know  
8 as soon as this passes, you're going to have some  
9 folks out there, "Why are we required to report?"  
10 So I want to go on the record as their  
11 representative, "You've got to pay attention  
12 because this is a big change. This says you must  
13 report to POST."

14 ACTING CHAIRMAN STRANDELL: Thanks.

15 MR. SAYLER: This is Matt. I just want  
16 to clarify. The handout is the most current  
17 version, right? Just because there is just some  
18 differences. I just wanted to make sure.

19 MS. BOLGER: This Katrina. This handout  
20 reflects what has to be submitted to the Secretary  
21 of State's Office to say, "The Council has made a  
22 final decision." So this would actually be sent  
23 to DOJ rule reviewers, they would look it over,  
24 and it would be submitted as an official record.

25 ACTING CHAIRMAN STRANDELL: Okay. Any

1 further discussion?

2 MR. JOHNSON: This is Perry. I'll point  
3 out that earlier today we had public comment from  
4 Jon Metropolis, who represents Missoula  
5 Correctional Services, and he talked about there  
6 has been some movement in regards to the  
7 Administrative Rule, and that's on your handout  
8 that's 23.13.215.

9 And he talked about that training  
10 requirement at the Basic Academy level where those  
11 officers must obtain firearms training; and when  
12 he talked about that there was some movement on  
13 the part of the Administrative Rules Committee and  
14 the Business Plan Committee, that movement was the  
15 striking of that final sentence there under sub(5)  
16 that says, "The Officer must successfully complete  
17 the firearms proficiency requirements provided in  
18 this rule at least once a year."

19 So there is still a requirement at the  
20 Basic Academy that they take a firearms  
21 proficiency course, that they shoot a target to  
22 qualify; but if they don't carry a firearm in  
23 their course of duty, they don't have to qualify  
24 annually. They just have to know that when they  
25 are done with their Basic Academy class, they're

1 firearms proficient.

2 And some of the background on that is  
3 those guys from Missoula Correction or from Lewis  
4 & Clark County Court Services, they can go to  
5 work, once they've got that certification, for  
6 anybody that's got a pretrial service agency, and  
7 they could carry a firearm. And then they would  
8 need to be begin that annual proficiency  
9 requirement.

10 But that's how we got there. So I think  
11 that was a significant change, and I think that  
12 still meets the goals of the Council in regards to  
13 keeping our community safe.

14 ACTING CHAIRMAN STRANDELL: Any further  
15 discussion?

16 (No response)

17 ACTING CHAIRMAN STRANDELL: This is  
18 John. I'd like to commend the committees for the  
19 work that you did on this. This took a long time,  
20 and a lot of effort, and a lot of work. Thank you  
21 for your work on that, and the POST staff that  
22 contributed. And so thank you.

23 So now we need a motion to approve,  
24 correct?

25 MS. NEAL: That would be correct.

1           ACTING CHAIRMAN STRANDELL: Does someone  
2 want to make a motion to approve this process?

3           MR. EDWARDS: I'll make a motion.

4           ACTING CHAIRMAN STRANDELL: Jess makes  
5 the motion.

6           MR. THOMAS: This is Jim. I'll second.

7           ACTING CHAIRMAN STRANDELL: Jim seconds.  
8 Any further discussion?

9           (No response)

10          ACTING CHAIRMAN STRANDELL: All those in  
11 favor, say aye.

12          (No response)

13          ACTING CHAIRMAN STRANDELL: Opposed.

14          MR. HARBAUGH: Aye.

15          ACTING CHAIRMAN STRANDELL: That was an  
16 aye, Tony?

17          MR. HARBAUGH: Yes.

18          ACTING CHAIRMAN STRANDELL: You slipped  
19 in on the opposition side of that, so --

20          MR. HARBAUGH: There must be a delay  
21 here. I think we've experienced that in the past.

22          MR. DUTTON: We've known that, sir.

23          ACTING CHAIRMAN STRANDELL: Tia, just  
24 for the record, were in you favor or opposed?

25          MS. ROBBIN: I voted in favor.

1           ACTING CHAIRMAN STRANDELL: Okay.  
2 Unanimous. Okay. Moving on to Item (e), old  
3 business. Oh, I'm sorry. I skipped one, (d).

4           MR. JOHNSON: (d) Pretrial Services.  
5 The material for that is found on Pages 124 to  
6 142, and it begins with that syllabus that was  
7 presented to the Pretrial Officer Basic class back  
8 in November. Then you see some evaluation  
9 material in there as well.

10           So this is an item just for the Council  
11 to be aware of what that looked like, and have any  
12 further discussion that you might want.

13           ACTING CHAIRMAN STRANDELL: This is  
14 John. Based on this, is there any discussion by  
15 members?

16           (No response)

17           ACTING CHAIRMAN STRANDELL: Seeing none,  
18 we'll move on to the next. Now we go to (e).

19           MR. JOHNSON: This is the Ross  
20 Drishinski District Court petition, Pages 143 to  
21 149. I think I'll ask Kristina to speak to this.

22           MS. NEAL: So this was pursuant to our  
23 last POST Council meeting. I filed a petition for  
24 judicial review. Mr. Drishinski was -- The POST  
25 Council voted to revoke his certification, and

1 went before the Board of Crime Control, which  
2 overruled the POST Council's decision; and then we  
3 filed this petition in District Court seeking  
4 judicial review of the Board of Crime Control's  
5 decision.

6 At this point we're still pending  
7 decision -- not necessarily a decision -- but a  
8 ruling from the District Court setting forth a  
9 briefing schedule, and so really all that's  
10 happened on this matter in District Court, is that  
11 we filed the petition, and waiting for the  
12 District Court to issue a briefing schedule.

13 We really haven't pushed the District  
14 Court to issue that briefing schedule because we  
15 also have -- and you'll see it later in the agenda  
16 -- Kyle Adams, which has been fully briefed with  
17 similar issues before another District Court Judge  
18 within Lewis & Clark County, and we're kind of  
19 waiting to see what that ruling is to help provide  
20 guidance in the Drishinski matter as well then.

21 ACTING CHAIRMAN STRANDELL: This is  
22 John. Any questions on that?

23 MR. JARRETT: Kristina, this is Jason.  
24 What is your best guess assessment of the merits  
25 as it goes forward right now, or your best guess?

1 MS. NEAL: So my best guess is I think  
2 there is some true merit to the argument with  
3 regard to the Board of Crime Control. What I  
4 think what would happen is it may go back for  
5 additional briefing.

6 And what I imagine Mr. Drishinski will  
7 say is that then the POST Council decision is  
8 wrong, and ask the District Court to fully review  
9 the POST Council decision, is the direction I  
10 foresee this case potentially going, and the  
11 briefing in this case then.

12 MR. JARRETT: John, this is Jason. Do  
13 you predict that we're going to need to try to do  
14 some legislative action coming up on this, to get  
15 Board of Crime Control, really define that  
16 relationship, and who has that authority  
17 eventually, or might the Courts take this?

18 ACTING CHAIRMAN STRANDELL: This is  
19 John. I'll let Perry address that, because we did  
20 introduce legislation at the last session on that  
21 issue.

22 MS. NEAL: This is Kristina, and I'll  
23 let Perry address it as well, but it is my  
24 understanding that POST does have proposed  
25 legislation specifically with regard to the Board

1 of Crime Control's involvement in the appeal  
2 process for POST.

3 MR. JOHNSON: This is Perry. When we  
4 get to New Business, J.J., we'll have a  
5 conversation about that historical effort to get  
6 that legislation. I've had conversations with --  
7 Oh, Bryan stepped out of the room -- with Bryan  
8 Lockerby also in regards to where DOJ might come  
9 down in regards to that, whether they support it  
10 or not. It wasn't opposed last time, that  
11 legislative attempt, but I think it's still a  
12 valid concern.

13 MR. GLADE: This is Wyatt. A question  
14 for Kristina. It looks like the issue -- and I  
15 think you mentioned this, but just for everybody's  
16 guidance -- has been raised and briefed in the  
17 Thad White case?

18 MS. NEAL: This is Kristina. It has  
19 been raised in the Thad White case. The Thad  
20 White case is somewhat different, in that Mr.  
21 White is actually appealing the Board of Crime  
22 Control's decision.

23 His case, though, I think it even  
24 highlights kind of the messiness of this issue.  
25 He has listed the Board of Crime Control as the

1 Respondent in his case because it was the final  
2 agency decision; and in Mr. White's case, which is  
3 coming up, POST filed a motion to intervene, and  
4 he has objected to POST even being into his  
5 matter, and we're pending a decision in that  
6 matter.

7 So it is the Board of Crime Control  
8 that's defending the Thad White decision. In the  
9 Kyle Adams case, which is further down in the  
10 agenda, that has been fully briefed in front of a  
11 District Court Judge here in Helena that we're  
12 waiting a decision on as well then.

13 MR. GLADE: This is Wyatt. Is that the  
14 case where they raised the separation of powers  
15 argument in the Kyle Adams case?

16 MS. NEAL: This is Kristina. Yes. It  
17 would be the Kyle Adams matter that's pending  
18 before Judge Reynolds at this point in time.

19 MR. GLADE: This is Wyatt again. While  
20 we're talking about this, I am the representative  
21 for the Board of Crime Control, and I also am the  
22 Custer County Attorney.

23 There is an interim study related to the  
24 Board of Crime Control, and this is an issue that  
25 probably ought to be brought to the attention of

1 that study, if it hasn't already.

2 MR. JOHNSON: This is Perry. Just in  
3 response to that, several months ago I spoke with  
4 Peter Ohman, the Chair of the Board of Crime  
5 Control, and he raised this issue with me. He  
6 said it didn't make sense to him that we were  
7 still in this situation. So I don't know if  
8 that's something that he intends to bring to that  
9 study group, or would you suggest that this is  
10 something that you could bring to them then,  
11 Wyatt, or --

12 MR. GLADE: I certainly could. I am not  
13 on the study commission. The County Attorneys are  
14 represented on that Commission, I believe, or at  
15 least are attending the meetings.

16 What I could do is bring it to the  
17 attention of the Board of Crime Control, if you  
18 would like me to do that, and make sure that it is  
19 discussed; but also encourage POST to send a  
20 representative to those meetings.

21 MR. JOHNSON: This is Perry again then.  
22 This one ear is a little sensitive. Were you  
23 suggesting that you'd volunteer for that?

24 MR. GLADE: I think that's what I did.

25 MR. JOHNSON: That's what this ear

1 thought.

2 ACTING CHAIRMAN STRANDELL: Got his  
3 attention. He's even writing a note. Since we've  
4 got that handled, Wyatt, thank you. Any further  
5 discussion?

6 (No response)

7 ACTING CHAIRMAN STRANDELL: We're going  
8 to move on to -- I don't know. We've already  
9 talked about Thad White.

10 MR. JOHNSON: This is Perry again. I  
11 think that we started to capture some of that.  
12 I'd ask again for Kristina to just go ahead and  
13 capture those, Thad White and Kyle Adams, because  
14 all of these are kind of part and parcel of the  
15 business that we've been involved in with the  
16 Board of Crime Control and the Court. So --

17 MS. NEAL: So Mr. White -- This is  
18 Kristina. Mr. White's case went before a Hearings  
19 Examiner. The Hearings Examiner issued finding of  
20 fact and conclusions of law that recommended  
21 revocation of Mr. White's certification. It went  
22 before the hearing before this full Council, who  
23 unanimously recommended the same.

24 It went before the Appeals Committee of  
25 the Board of Crime Control, and then it went to

1 the full Board of Crime Control, with all of, each  
2 entity recommending revocation for Mr. White.

3 Mr. White then appealed the Board of  
4 Crime Control's final decision. And you'll notice  
5 it's in Hill County versus Lewis & Clark County  
6 because that's where Mr. White resides, and so  
7 either location can be -- because it can either be  
8 the location of the Board of Crime Control or Mr.  
9 White. And he has chosen to file in Hill County.

10 And he listed the Montana Board of Crime  
11 Control as the Respondent in the matter because  
12 the Board of Crime Control was the entity that had  
13 the final decision.

14 POST has filed a motion to intervene,  
15 because it's obviously the POST certification  
16 that's affected. And Mr. White has objected to  
17 POST intervening in the matter, and we're still  
18 pending a decision from the District Court Judge.

19 So the Board of Crime Control has filed  
20 a response to Mr. White's petition. And the Court  
21 is still, that's still pending before the District  
22 Court as well.

23 His situation is a little bit, even a  
24 little bit messier in that Mr. White was an  
25 employee of the Department of Corrections, and

1 since the Department of Corrections -- Board of  
2 Crime Control is now under the Department of  
3 Corrections, Agency Legal Services had to come in  
4 to represent the Board of Crime Control in this  
5 particular situation.

6 And so right now, those are the  
7 attorneys that are activity involved in this  
8 particular matter.

9 UNKNOWN SPEAKER: That's a lot of  
10 attorneys.

11 MS. NEAL: There is a lot of attorneys  
12 in this case. Yes.

13 And I'll just go on. Mr. Adams is  
14 similar. Mr. Adams is actually the appeal from  
15 POST. Mr. Adams, we were successful before the  
16 Hearings Examiner on findings of fact and  
17 conclusions of law, recommending his revocation of  
18 his certification. It went before the full  
19 Council, who voted to adopt the Hearings Examiner.

20 Then it went before the Board of Crime  
21 Control, who recommended that Mr. White's  
22 certification be provided back to him. POST filed  
23 a petition before the District Court, and that has  
24 been fully briefed -- I think it's in your packet  
25 -- and it's in front of Judge Reynolds here in

1 Lewis & Clark County. And really it has been --  
2 when I filed my reply brief sometime late summer,  
3 and has been pending before Judge Reynolds since  
4 then. So we're really awaiting a decision in the  
5 Kyle Adams matter.

6 ACTING CHAIRMAN STRANDELL: Okay. Thank  
7 you. Any questions or discussion?

8 (No response)

9 ACTING CHAIRMAN STRANDELL: Seeing none,  
10 we'll move on to Interim Law and Justice  
11 Committee.

12 MR. JOHNSON: This is Perry. You'll  
13 find that material about the Interim Law and  
14 Justice Committee, memos from Bryan Lockerby to  
15 that committee on Pages 221, 222, 223 and 224. So  
16 Bryan doesn't testify usually. He provides a  
17 written comment to them to put into their record.

18 On Page 225, you'll see under 2152029,  
19 the temporary report to the Law and Justice  
20 Interim Committee Statute. Under sub (3) of that  
21 statute it states, "The Department of Justice and  
22 the Public Safety Officer Standards and Training  
23 Council shall report to the Law and Justice  
24 Interim Committee."

25 So that provides for an opportunity for

1 the POST Council to have a representative to speak  
2 to that committee, or to provide a written comment  
3 to them during each of their meetings if you wish.

4 Bryan has availed himself of that  
5 opportunity. And so this is kind of a weird spot  
6 for me to be in -- right -- because I work for the  
7 Department of Justice now, and I provide support  
8 to the Council, but I'm a Department of Justice  
9 staff member now.

10 So it would feel funny for me to be  
11 charged with the responsibility to testify in  
12 front of that committee on behalf of the Council,  
13 and it just seems to me it would be more  
14 appropriate to have a Council member make a report  
15 if there is anything that you feel is necessary to  
16 report to that committee.

17 MR. JARRETT: Perry, this is Jason.  
18 What's your assessment of how it's going so far?  
19 Or are you throwing one of us under the bus?

20 MR. JOHNSON: I think that we have  
21 identified some issues, but we identified those  
22 during the course of that legislative process as  
23 well.

24 And so I guess the thing that I would  
25 bring to you -- and I wish Bryan was still in the

1 room, because this conversation really relates to  
2 not only the POST Council, but to the Department  
3 of Justice. Right?

4 My testimony, when I still was the  
5 Executive Director of the POST Council, in front  
6 of the Legislature was I think it's appropriate  
7 for this body to be independent and autonomous --  
8 I think it is -- because 12 percent of all of our  
9 Public Safety Officers are Department of Justice  
10 staff members.

11 And when we talked about how it got  
12 messy with the Department of Corrections because  
13 we took an action, and now the Board of Crime  
14 Control under the Department of Corrections has  
15 had to go out and get different Counsel. I think  
16 I can see that coming.

17 And in fact, part of our conversation  
18 later is going to be: We're going to looking for  
19 different Legal Counsel, because Kristina is going  
20 to invest more into her family and less into us.  
21 Right? So she represents the Council; and now in  
22 this capacity, I have to represent the Department  
23 of Justice.

24 So what we have seen already is we've  
25 had conversations with guys that have had

1 allegations of misconduct against them where  
2 they've looked at me and said, "Well --" and I'm  
3 not making this up. I hate to even have to say  
4 that, but -- "Well, you're buddies with Bryan  
5 Lockerby, and he don't like me."

6 Well, I don't know what that has to do  
7 with anything, you know, because really the Case  
8 Status Committee is still intact. Nothing has  
9 changed there. But there is a perception out  
10 there, I think, that could be difficult to  
11 overcome; and I guess I would go so far as to say  
12 it's difficult for me to overcome.

13 I still think that the appropriate  
14 configuration of the Council was the way that it  
15 was before. That's just what I think. When you  
16 ask me how is it going, I think considering that  
17 transition, I think it's been successful. We've  
18 really worked hard to move in the right direction.  
19 We are working hard.

20 I think the Case Status Committee that  
21 meets the most frequently, they recognize that. I  
22 think the proof's in the pudding. We've met more  
23 frequently with our Business Plan Committee and  
24 our Administrative Rule Committee.

25 So I think we're trying to maintain that

1 real solid relationship in regards to DOJ and the  
2 Board of Crime Control. But when you ask, you  
3 know, where does this go. Because the sunset's in  
4 here, you know, June 30th of 2021, this statute  
5 goes away, and then they're going to have that  
6 conversation next year starting in January about  
7 what we're going to do with it.

8 That's going to come back to you guys.  
9 What do you think? How is it working? I'll be  
10 honest with you. If any of you said, "I notice  
11 any difference," I'd be surprised -- I really  
12 would -- because I think that consistently we've  
13 continued to meet.

14 October was our first meeting after that  
15 legislation. It's February now. Mary Ann's still  
16 baking. We still put a pot of coffee on. We  
17 still talk about your business. But I don't know.  
18 I guess -- John is part of the Department of  
19 Justice, so John has always been part of that  
20 examination of any record of an allegation from  
21 the Department of Justice.

22 But I think that -- John can speak for  
23 himself. I think he was able to wear the hat of  
24 the POST Council Chair of that committee, and be  
25 very effective and impartial and fair. But I

1 guess I have a hard time taking that old Sheriff's  
2 hat off, saying, "How come the Department of  
3 Justice is making those decisions instead of you  
4 guys, that represent all of the elements of the  
5 public safety community?"

6 That was a long diatribe there that  
7 probably got you nothing, J.J. That will teach  
8 you.

9 ACTING CHAIRMAN STRANDELL: This is  
10 John. I'll just say one thing, I guess, that the  
11 main reason, in my mind, my opinion, the main  
12 reason that we were transferred under DOJ was  
13 finances, but there was concern there by some  
14 subcommittee members about the amount of money we  
15 were asking for, the needs that Perry had  
16 presented in his budget, and the subcommittee took  
17 it on as a way that DOJ hopefully can help with  
18 that.

19 Whether that's been the case or not, I  
20 don't know. I'm not involved in the day-to-day  
21 stuff because I try to stay away from that. But I  
22 do agree with Perry. I think the transition went  
23 well. I know Administrator Lockerby is very  
24 careful not to interfere with any practice or  
25 decisions that we have to make as a Council.

1           He's very sensitive to that, and make  
2           sure that he doesn't intervene or make decisions,  
3           I think, dealing with Perry that may transform  
4           into something at the Council level, because he  
5           does recognize, and him and I have had that  
6           discussion, that the Council needs to be  
7           independent, they need to be objective, they need  
8           to make decisions on their own, and then we don't  
9           need DOJ directing that.

10           And I know that Administrator Lockerby  
11           has been very sensitive to that in dealing with  
12           that issue, and making sure that the Council --

13           I can say this: He's never approached  
14           me, or done anything with me in my capacity --  
15           because he's my boss, he's my direct supervisor --  
16           that has made me be concerned about my role here  
17           on the POST Council. He's been very careful with  
18           that. And so that's my two cents.

19           But I do agree with Perry that I think  
20           there is some perception issues out there. I've  
21           heard of that, especially when we're dealing with  
22           DOJ employees that come before Case Status, come  
23           before the Council. You know, the question has  
24           been, "How can you be objective if you're being  
25           managed by the Department of Justice?" And that's

1 just something that we have to deal with each time  
2 before Status Committee.

3 And what I do is if I feel like I can't  
4 be objective on a certain circumstance, then I  
5 recuse myself, and I leave it up to Jim and Tony  
6 then to weigh in, and support Perry on what he  
7 needs to do.

8 MR. JARRETT: Perry, Jason, just to  
9 follow up. I'm sorry.

10 UNKNOWN SPEAKER: Go ahead.

11 MR. JARRETT: In the transition, having  
12 a big dad now, is there significant economy to  
13 having that be a part of DOJ, or is that just more  
14 administrative work, and more meetings, and  
15 more --

16 MR. JOHNSON: Yes. You know --

17 MR. JARRETT: -- copy paper?

18 MR. JOHNSON: That question I think  
19 comes from being in Administration for a long  
20 time, because going into, leaving an agency with  
21 three staff members, and going into an agency  
22 that's got 800 or 900, that's completely  
23 different.

24 And in regards to that transition, and  
25 that additional bureaucracy, there has been

1 absolutely no savings. But I'll qualify it by  
2 saying this: We're looking at some options right  
3 now that may provide some of that. There is other  
4 staff that may be available through the Department  
5 of Justice to enable us to do some things that  
6 we're struggling with now. And for example,  
7 scanning, processing daily paperwork.

8 And you know, people in the room would  
9 probably be surprised, but Mary Ann would stand  
10 right up now, and put her hand on a Bible, and  
11 raise her hand and say, "We process notice of  
12 terminations, notice of appointments every week,  
13 and some weeks there might be a 100. Some days  
14 there might be 50." And that never goes away.  
15 That's how dynamic the public safety population is  
16 in Montana. So we can look at that.

17 The other part of it is: I'll look at  
18 you and say this: I didn't want any changes to  
19 begin with. I didn't. They stepped up and said,  
20 "What can we do to help you?," and I said, "You  
21 know, right now we've got a three member staff  
22 that's been together for six years, and before we  
23 start feeding any of that away, we're going to  
24 really carefully evaluate what goes away from this  
25 office into somebody else's hands," because it's

1 taken so long to get our processes, so that the  
2 things that go into a transcript are accurate.

3 Because seven years ago, eight years  
4 ago, they weren't, or they weren't happening at  
5 all. And I know that because it didn't happen for  
6 me. So if there has been a check rein on this at  
7 all, I guess it's been me checking and saying,  
8 "Hey, before we do that, I want to make sure that  
9 if we're going to farm some of our work product  
10 out, that it's going to be accurate when we get it  
11 back."

12 And we're having those conversations  
13 right along. Part of it actually even involves  
14 this conversation about attorneys. There may be  
15 some opportunity there to job share an attorney  
16 with another division of the Department of  
17 Justice, and that's kind of an exciting idea for  
18 us. I think we would still need independent  
19 Counsel, but I think it's something that we can  
20 wrap our arms around, and I think that would be a  
21 benefit to us. So again --

22 MR. OSTER: This is Ryan. I would just  
23 -- I guess to bring this around to where we  
24 started, I get the fact you that you can't make  
25 that report to the Interim Committee. I would

1 just say this, and for your sensitive ear, I  
2 watched what happened to Mr. Glade here. I'm not  
3 volunteering for anything here.

4 But in January, we're going to go into a  
5 legislative session, and if this interim committee  
6 hasn't heard of any problems, then there are no  
7 problems -- right -- or no reason to make any  
8 changes.

9 So I mean I guess if the Council wants  
10 to voice those concerns, if there are concerns, or  
11 our desire to move it back the way it was or -- I  
12 mean I think we all understand you don't unring a  
13 bell very easily, but that that somebody -- and  
14 again, I would think it would fall to the POST  
15 Chairman -- to make a report, but if there is  
16 something to report, it needs to get reported.  
17 Otherwise if they don't hear from this group for  
18 two years, you can't blame them for saying there  
19 is no problems.

20 MS. BOLGER: This is Katrina. I have a  
21 question for Kristina. In this Subsection (3),  
22 does the Council have the option not to report?  
23 Because it says "shall."

24 MS. NEAL: This is Kristina. And the  
25 way that I would read that would be some minimal

1 reporting, whether it's a written report or  
2 something that's fairly minimal at least, has to  
3 occur from the Council. So I would agree with  
4 you, Katrina.

5 MR. JOHNSON: This is Perry. I would  
6 recommend then we hold a meeting prior to each Law  
7 and Justice Interim Committee meeting with the  
8 Business Plan Committee, and provide information  
9 that we have that you guys don't, that would allow  
10 you to put together a brief narrative like this to  
11 put into the record with the Law and Justice  
12 Interim Committee.

13 ACTING CHAIRMAN STRANDELL: This is  
14 John. I would agree with that. I think that's a  
15 good idea.

16 MR. OSTER: This is Ryan. So we would  
17 be asking one committee to speak for the Council  
18 then?

19 ACTING CHAIRMAN STRANDELL: Well, I  
20 think it would -- this is John. I think it would  
21 be a good idea to have it go through the Chairman  
22 reporting on the committee's findings or  
23 information.

24 MR. OSTER: I'm trying to get you off  
25 the hook here, believe me, because I saw you

1 physically recoil in your seat there.

2 ACTING CHAIRMAN STRANDELL: Tony, are  
3 you hearing the discussion here?

4 MR. HARBAUGH: Yes. I don't remember  
5 the term that was used about the ears, but I would  
6 tentatively -- and I think I'll use the term  
7 "volunteer" very carefully -- I would tentatively  
8 volunteer to be part of that, to work in  
9 conjunction, not only with the Committee, but with  
10 Chief Johnson as well to help relay that report to  
11 the Interim Committee.

12 Obviously I'm at the other end of the  
13 state, and if I can make it work, I'll absolutely  
14 be there.

15 ACTING CHAIRMAN STRANDELL: For the  
16 record, I'd volunteer to help with that process.

17 MR. JOHNSON: Okay. This is Perry again  
18 then. I always look at Kevin Olson because he's  
19 been around this process for so long. Are we  
20 missing anything here?

21 MR. OLSON: This is Kevin. No. I think  
22 I agree with Katrina. The plain meaning of the  
23 statute is that you shall report. The substance  
24 of what that report looks like is really going to  
25 be the issue. And I don't have a crystal ball or

1 anything, but really I agree with Ryan. You know,  
2 it could be a heavy lift to unring the bell.

3 I agree with John that from the  
4 information I have, the decision to put POST with  
5 DOJ was a financial thing. And for what it's  
6 worth, historically the same thing happened with  
7 Board of Crime Control. There was this  
8 presumption that there was a savings or something  
9 to put Board of Crime Control with DOC.

10 So as you talk about your reports, other  
11 than we don't like it -- The report can't just  
12 say, "We don't like it," you know. The report can  
13 say, "We could in essence encounter some  
14 conflicts," like we did with Thad White. I mean  
15 those are things that could be mentioned in the  
16 report. But other than "We don't like it," I  
17 don't think my experience with the Legislature is  
18 that's not the strategy you want to take before  
19 these committees. You want to talk about  
20 anticipated issues, but --

21 ACTING CHAIRMAN STRANDELL: Leo.

22 MR. DUTTON: Just for my edification and  
23 background, this started because we were -- when I  
24 say "we," Perry and staff -- were asked to do more  
25 work than personnel that they had, and we were

1 looking at how to fix that. So one of the fixes  
2 that we all agreed was to submit a budget that was  
3 almost twice the size, in hopes that we would get  
4 that and to complete the work.

5 Now, the question, if I was sitting at a  
6 legislative committee, as a Representative or  
7 Senator, or whatever they are, I would say, "You  
8 put in a budget request to get all this work done.  
9 Are you getting it done currently with the staff  
10 you have? Has there been any impedance to the  
11 people that you serve? And the people that said  
12 they were going to help, have they? So have you  
13 got the extra staff from Justice to complete the  
14 work that we needed to do?" And I know you're  
15 really busy, but I think that's something that  
16 needs to be brought up.

17 Because that was, when it boiled down to  
18 finance, because we put in -- I say "we" -- the  
19 POST Council put in the budget that we needed more  
20 money, that threw up the flag of ice fishing that  
21 they had something on the line; and then instead  
22 of giving you more money, looked to combine it  
23 with something else to maybe lessen the impact.

24 I don't know all the background, but  
25 that's just how I'm looking at it. But I think we

1 really need to make the point of: "No, we haven't  
2 been able to do all the things that we wanted to  
3 do. That's why we submitted the budget," not  
4 insulting anyone of them.

5 But here's the issue about bringing  
6 people over quality, because once you send  
7 something out that's got errors on it, it takes  
8 more effort to fix it than it would have been to  
9 do it right the first time.

10 I think those things that we can bring  
11 up. What are we still lagging on? Bill Dial used  
12 to say we were treading with our nose barely above  
13 water. Some of us that's more room than others.  
14 But for the most part, we were in kind of dire  
15 finance, or dire straits with our labor force that  
16 we had. I think they need to hear that.

17 If that's the case now, you guys have  
18 been pretty quiet about it, and just doing the  
19 work, and we don't see you. But that's something  
20 they need to hear about. Is it working?  
21 Otherwise, like Ryan said, "Hallelujah. We fixed  
22 it." Back to you, sir.

23 ACTING CHAIRMAN STRANDELL: This is John  
24 again. I think the consensus here would be then  
25 to go through Business Committee, and I'll

1 volunteer to help with that. And I think we need  
2 to have a report ready to go for the next session  
3 that goes before this Law and Justice Committee,  
4 and I think we need to identify some of the  
5 problem areas that we've experienced.

6 Leo's outline I think is great. You  
7 know, has Department of Justice assisted with  
8 meeting some of the shortfalls and shortcomings,  
9 with some of the process and the workload that you  
10 guys have experienced.

11 So I think with that, we can just agree.  
12 Is everybody in consensus to do that? And then  
13 move on, and maybe we can even meet prior, because  
14 our next meeting, POST Council meeting will be in  
15 the summer, fall?

16 UNKNOWN SPEAKER: June, I believe.

17 MS. KEUNE: In May.

18 ACTING CHAIRMAN STRANDELL: Maybe we  
19 could even --

20 MS. BOLGER: -- (inaudible) -- my  
21 daughter's birthday is on Friday. We usually meet  
22 on Wednesday.

23 ACTING CHAIRMAN STRANDELL: So do you  
24 think -- That's what I would propose is maybe have  
25 a draft report with some ideas and areas that we

1 need to talk about ready for the next Council  
2 meeting for review, or is that too quick?

3 MR. JOHNSON: This is Perry. I don't  
4 think it's too quick, but I think we're going to  
5 have to take a look at that schedule for that Law  
6 and Justice Interim Committee, if we're going to  
7 report every time. Then prior to that, maybe I  
8 could get together with Kimberly, and at least put  
9 together at least a draft. And it could just be a  
10 short telephone meeting, because they always are,  
11 right?

12 -- (inaudible) --

13 ACTING CHAIRMAN STRANDELL: I think it's  
14 important that we have some type of report before  
15 that committee prior to the next session, because  
16 if we only report at the next session, whatever  
17 the circumstance would be, I think that is going  
18 to cause concern. So I think we need to be  
19 preemptive on that.

20 MR. JOHNSON: Okay. I'll keep in touch  
21 with you then.

22 ACTING CHAIRMAN STRANDELL: I would  
23 recommend we take another quick break if we can,  
24 ten minutes. I'm kind of an hour on the hour  
25 break type guy.

1 UNKNOWN SPEAKER: Very predictable.

2 (Recess taken)

3 ACTING CHAIRMAN STRANDELL: We'll get  
4 started again. Tony, Tia, you guys still on the  
5 line?

6 MS. ROBBIN: I'm here.

7 MR. HARBAUGH: I'm here.

8 ACTING CHAIRMAN STRANDELL: All right.

9 UNKNOWN SPEAKER: Leo, it's time.

10 MR. DUTTON: Thank you.

11 ACTING CHAIRMAN STRANDELL: We'll go  
12 right into new business; is that correct?

13 MR. JOHNSON: Yes.

14 ACTING CHAIRMAN STRANDELL: Committee  
15 reports, Curriculum, Kevin.

16 MR. OLSON: I have no report.

17 ACTING CHAIRMAN STRANDELL: ARM, Leo.  
18 Do you have a report on your ARM Committee? I  
19 thought we already discussed that.

20 MR. DUTTON: Didn't we kind of discuss  
21 most of that?

22 ACTING CHAIRMAN STRANDELL: I think so.

23 MR. DUTTON: No, we didn't. All right.  
24 Well, I'm working on my report right now as I sit.  
25 What page are we on?

1 MR. JOHNSON: 227. This is Perry.

2 MR. DUTTON: All right. Direct your  
3 attention to Page 227. Seems how Perry's  
4 sensitive ear might have a better recollection, I  
5 do have some, but go ahead, Perry.

6 MR. JOHNSON: This is Perry. I think  
7 this is the point where we might ask Amanda Cahill  
8 from the American Heart Association to participate  
9 with our Council. We got consideration from the  
10 Chairman prior to this.

11 So Pages 227, 228, and 229, we're  
12 talking about ARMs now. We just completed and  
13 approved ARMs from 2019. That's what our business  
14 was this morning.

15 The business now in front of you is for  
16 the next opportunity to take a look at a different  
17 set of amendments to our ARMs. And you know, it  
18 seems like in the last six years, we've never been  
19 done looking at Administrative Rules, because I  
20 think Administrative Rules really need to reflect  
21 what this profession does.

22 So with that, I guess I would either  
23 give it to Kimberly or give it to Amanda,  
24 whichever one of them would want to speak to this.

25 MS. BURDICK: This is Kimberly Burdick,

1 public member. I guess by way of introduction,  
2 Amanda Cahill with the American Heart Association.

3 Amanda reached out to me and Perry at  
4 least I think a year ago, a couple of years ago,  
5 in regards to proposing legislation at that time,  
6 and it ended up morphing into adding ARMs instead  
7 for a telecommunicator CPR for dispatchers. So  
8 with that brief introduction, Amanda has agreed to  
9 describe or explain what we are trying to do, and  
10 what we are proposing.

11 MS. CAHILL: Thanks, Kimberly. I hope  
12 the Council can hear me. Again, I'm Amanda  
13 Cahill. I work for the American Heart  
14 Association, American -- (inaudible) --  
15 Association, which is a non-profit, non-partisan  
16 organization, whose mission is to be a relentless  
17 force in the world, of long healthier lives.

18 So with that, and that's why I'm here  
19 today. As Kimberly mentioned, we've been working  
20 on this for about 18 months. This is something  
21 that's happening in a lot of states through both  
22 legislation and administrative rules.

23 So really the overall goal and thought  
24 behind this is it shouldn't matter where you are.  
25 If you call 911, and you need to be given

1 direction on how to do CPR, that 911 dispatcher  
2 should be trained in how to tell you to do that.

3 When I explain this to people,  
4 especially in kind of the civilian world outside  
5 of law enforcement or medical care, they can't  
6 believe that that doesn't already exist, and I  
7 know for a lot of PSAPs it does exist, and they do  
8 have that training. But for those that don't,  
9 this becomes a really important piece of training.

10 And so as all of you know, that the  
11 first step in saving a life is oftentimes five  
12 standard CPR, so getting that, if that's a  
13 neighbor or loved one, parent, double or even  
14 triples in some studies your chance of survival.  
15 So that's the why, right?

16 And then really I know that it's very  
17 interesting to this Council how, and so that's  
18 really what we have spent kind of the last year  
19 reviewing, both at the American Heart Association,  
20 and then as Kimberly was -- APCO, working with the  
21 American College of Emergency Physicians, and  
22 there is really a lot of great, no cost training  
23 out there, that fit the bill of what is laid out  
24 in this ARM.

25 So there is some online trainings that

1 take between 90 minutes to two-and-a-half hours  
2 that have all of the components laid out in their  
3 requirements. They could be done. And then you  
4 can also print a certificate of completion.

5 Arizona State Heart Safe, work together,  
6 and we have those kind of laid out, so they could  
7 be placed on the EMS division website, which we've  
8 talked to them about, and they're very support of  
9 could also be placed, or the APCO website, or  
10 wherever folks would look from PSAPs to go ahead  
11 and point their staff to these trainings.

12 So really I don't think it's a big list.  
13 I know that there are EO's putting in any  
14 requirements, have a lot of questions, and issues,  
15 and that's why I'm here today, to answer questions  
16 and talk through anything else that there might be  
17 concern with.

18 MR. SAYLER: This is Matt. I know I  
19 asked this before, but did we ever get anything  
20 for certain on whether or not dispatchers are  
21 covered under Good Samaritan?

22 MS. CAHILL: That's a good question. So  
23 it doesn't look like dispatchers are covered under  
24 Good Samaritan now, how I have read the law and  
25 asked our legal team to review it. So it would be

1 the same as any other call essentially now that a  
2 911 dispatcher or a PSAP is taking.

3 But what we do see, we haven't seen any  
4 case law across the country of a dispatcher who  
5 provided the instruction and was unsued. What we  
6 are seeing crop up a lot is they didn't provide  
7 the instruction, and they were sued, or the PSAP  
8 was sued.

9 MR. SAYLER: So is it something that  
10 we're going to look through legislative action to  
11 have them added to the Good Samaritan?

12 MS. CAHILL: You know, that is tort  
13 reform. That's like a major legislative  
14 undertaking with a two-thirds majority  
15 requirement. So that wouldn't be something  
16 American Heart Association would work through, but  
17 I would sure support and testify if that were the  
18 pleasure of this Council to work on -- (inaudible)  
19 --

20 MR. SAYLER: I guess just to kind of  
21 follow up with that, I think it would be tough to  
22 require them to do something that they're not  
23 protected while doing, is my concern.

24 MS. CAHILL: Right now, if they take EMD  
25 -- which all new people have to take EMD is my

1 understanding -- they are receiving this training,  
2 but it's not being implemented.

3           So I think that requiring them to  
4 actually have the training to provide the good  
5 service is more protective than not providing the  
6 training, having some who are not getting CPR  
7 instruction, I think that's actually where your  
8 liability is the strongest and most worrisome,  
9 because that's what we're seeing in other states,  
10 is people then, you know, are pushing this  
11 legislation because they were sued, and because  
12 they weren't requiring the training. That's where  
13 their liability issue actually came in.

14           MR. OLSON: This is Kevin. They'd still  
15 be covered under qualified immunity, so --

16           MR. SAYLER: That was kind of my  
17 question, because in reading it, this more  
18 specifically says like peace officer, volunteer  
19 fire, EMT, ambulance operator. So that's why I  
20 was concerned would they fit into that structure.

21           MR. OLSON: I defer to the attorneys  
22 sitting around the table, but I believe they would  
23 still be, unless they were acting so grossly out  
24 of scope, then they could subject themselves to  
25 personal liability; but other than that, they

1 would be subjected to qualified immunity, just  
2 like a Law Enforcement Officer or a Correction  
3 Detention Officer.

4 MR. OSTER: This is Ryan. But by  
5 putting it into the ARM, you're directly putting  
6 that as part of their scope of their employment,  
7 right?

8 MR. THOMAS: This is Jim. How many of  
9 our PSAP's don't do EMD?

10 MS. BURDICK: That I do not know. I  
11 think that over half of the PSAPs in the state  
12 currently have EMD implemented, or they're in the  
13 process of implementing it. I think the numbers  
14 continue to go up, and I believe that they will  
15 continue to go up, but of course I don't think  
16 we're ever going to get to 100 percent. I'd be  
17 surprised if we did. It would be great if we did.  
18 But I think with each Academy class, I think those  
19 odds increase.

20 ACTING CHAIRMAN STRANDELL: Leo. I'm  
21 sorry.

22 MR. DUTTON: I see this as a similarity  
23 of the probation or the pretrial. One, I think  
24 you're starting this as a tiered system, where  
25 we're going to teach it in the Basic Academy -- is

1 that right -- that we hope to teach EMD in the  
2 Basic Academy. Just like the pretrial, we're  
3 going to teach them to shoot, but it's your own  
4 agency that says you either implement it or you  
5 don't.

6 So we accept no liability. We're  
7 teaching you as a basic. We're trying to say we  
8 want to -- I'll use the word -- promulgate this  
9 opportunity throughout the state, so that when you  
10 get this, this is where you're going to be trained  
11 in this. Now it's up to your individual agency  
12 whether they want to continue that. That was the  
13 first part of my thought.

14 The second part is: Whoever teaches  
15 this at the Academy, are we going to help them  
16 maintain, or can we swing a deal with some kind of  
17 company that does this, that pays to train the  
18 trainer, the instructor. They shouldn't --  
19 (inaudible) -- of their own when they go through  
20 the CPR training, or some agency or somebody going  
21 to come in and take that component?

22 MS. BURDICK: Kimberly Burdick again.  
23 So as far as the Academy goes, there is a train  
24 the trainer component outside of the Academy. So  
25 they do have an EMD program that is taught in the

1 Academy, but that program they do, and they will  
2 go to agencies, and they will give a train the  
3 trainer, so they can teach their people in their  
4 agencies.

5 As far as CPR goes, telecommunicator  
6 CPR, yes, that is all part of that. I mean that  
7 is taught. So I would not anticipate that being  
8 separate.

9 But as Amanda said, there are the links  
10 -- I don't know if -- I have links anyways, but  
11 for the free training, so let's say they did not  
12 want to implement EMD, and let's say that's all  
13 they wanted to do was just the telecommunicator  
14 CPR, then they could have all of their staff  
15 trained in telecommunicator CPR, and then yes,  
16 implement that part of it at least in their  
17 agencies.

18 MR. DUTTON: Okay. That answers it.

19 Thank you.

20 ACTING CHAIRMAN STRANDELL: Ryan.

21 MR. OSTER: This is Ryan. But this goes  
22 way beyond the Academy training, this is requiring  
23 it every two years, right? And so we just talked  
24 about a two calendar year, and extensions, and all  
25 of that, so do we need to think about that?

1 MR. OLSON: This is Kevin. But if I  
2 read this correctly, that two year training can be  
3 acquired online, correct, at no cost?

4 MS. BURDICK: Right --

5 MR. OLSON: So all they have to do is do  
6 the online, and submit their certificate to --

7 MS. BOLGER: This is Katrina. This  
8 requirement falls during our ethics training.  
9 It's in the same category as the ethics training  
10 that we require every two years. We don't care if  
11 it's POST certified, we don't care if you all sat  
12 down and watched a video, we don't care what you  
13 do or how you do it. It's just you need to do it  
14 every two years. If you guys don't use it, fine,  
15 whatever, that's up to the agency. But this is  
16 just to ensure that everybody gets their update if  
17 they do -- (inaudible) --

18 MR. OSTER: This is Ryan again. If they  
19 do implement what?

20 MS. BOLGER: Providing telephonic CPR.

21 MR. JOHNSON: This is Perry. This would  
22 require that every two years. I would just speak  
23 to this, in that what we're really trying to  
24 capture here is that ongoing training. It starts  
25 at the Basic Academy for Public Safety

1 Communicators. In fact, there is three days of  
2 EMD now. Whether you have EMD or not, you get it.

3 This captures those people that haven't  
4 been there since they implemented EMD four or five  
5 years ago. So this would make a requirement that  
6 you at least get the training. There is no  
7 requirement in here that you apply it. It doesn't  
8 mandate any agency to use it. But it makes sure  
9 that they have got that available if they need it.

10 In regards to the cost or the training,  
11 there is nobody that's going to walk into every  
12 dispatch center in Montana. They're going to be  
13 able to go online, pick this up.

14 And Amanda and Kimberly have done a  
15 tremendous amount of research, and everything that  
16 you see here, while it might appear to be onerous  
17 or quite a burden, is captured in that 90 minute  
18 or two-and-a-half hour training that you get  
19 online from -- for free. I think the state of  
20 Wisconsin has a tremendous program that they say,  
21 "You guys can have it." There is another one.

22 MS. CAHILL: Arizona.

23 MR. JOHNSON: Arizona. And they said,  
24 "You guys can have it. We think it's that  
25 important."

1           And I guess I always come back to what  
2 -- You know, I've heard a lot of people on the  
3 Council say this. Kevin says it the best. Man,  
4 if your family is going through an area, he wants,  
5 and so do I, that family to have access to good  
6 public safety. Good cops, good dispatchers, the  
7 ability to, if there is a crisis, that we can  
8 respond to it.

9           So I think that it puts the requirement  
10 and the tools in everybody's tool box. They have  
11 to decide whether they're going to use it, but  
12 they're going to have to get it. Same as that  
13 ethics training.

14           MR. OSTER: This is Ryan again. I would  
15 just point out, though, that that's fine if half  
16 of the PSAPs don't want to use it. There is no  
17 requirement they do. But their folks better have  
18 this every two calendar years or they are outside  
19 of their scope should they use it. So it is  
20 putting a training burden that Administrators  
21 better pay attention to.

22           MS. BOLGER: This is Katrina. This is  
23 part of the audit process. Right? Every month I  
24 send an audit to an officer. And so far, we've  
25 had 100 percent compliance with those audits.

1 They need their 20 hours of training, they need to  
2 show that they've had their ethics training.

3 Some of them get their ethics training  
4 the day that they get the audit letter. That's  
5 fine. Whatever. And we don't use that as a  
6 punitive. If you look at our policy on those  
7 audits, it is not a punitive thing. We would tell  
8 them, "Okay. You're not up to date. You have six  
9 months. Here's some free resources to get  
10 yourself up to date." There is not a penalty  
11 attached to that 20 hour training audit, and  
12 that's what this is a part of.

13 ACTING CHAIRMAN STRANDELL: Kim.

14 MS. BURDICK: This is Kimberly again.  
15 And I just want to point out that with EMD  
16 programs, no matter if they are a vendor driven or  
17 what they are teaching at the Academy, King County  
18 EMD, there is a recertification continuing  
19 education component to all EMD programs that I am  
20 aware of.

21 So every two years, for instance, our  
22 dispatchers are APCO certified, and they have to  
23 have 24 hours of continuing education every two  
24 years, and they have to recertify, and --  
25 (inaudible) --

1           ACTING CHAIRMAN STRANDELL:   Jim.

2           MR. THOMAS:   This is Jim.   And we were  
3 talking about starting at the Academy with EMD  
4 training.   I don't know if it's still the case,  
5 but I know when I was at the Academy, there were  
6 quite a few -- (inaudible) -- there were some  
7 PSAPs that do not send their dispatchers to the  
8 Academy.   I don't know if that's still happening  
9 now, but there was then.   So they're not going to  
10 get that initial EMD training.

11           MS. BURDICK:   And not POST certified.  
12 -- (inaudible) --

13           MR. JOHNSON:   Let's bite on that apple  
14 then -- this is Perry -- because I've been aware  
15 of that for the last six and a half years since I  
16 started here, and I was never aware of that  
17 before.   But Billings doesn't send any dispatcher.  
18 Billings, Montana doesn't have a POST certified  
19 dispatcher that I'm aware of.   But they don't work  
20 for a Police Department, or Sheriff's Office, or a  
21 911 center, they work for the Fire Department.

22                       But the statute is specific that they  
23 must be trained and POST certified.   And we've  
24 never talked about it before at one of our Council  
25 meetings.   So you know, without putting the monkey

1 on anybody's back, I wonder what you think about  
2 that, Wyatt.

3 MR. GLADE: I'm going to move. What do  
4 I think about Billings' practice of not sending  
5 its dispatchers to POST training? Is that the  
6 question?

7 MR. JOHNSON: Yes.

8 MR. GLADE: I wouldn't want to jump in  
9 the middle of Billings issue. If they have to be  
10 POST certified, they have to be POST certified,  
11 right, by statute?

12 MR. OLSON: I'll throw Wyatt a lifeline  
13 here for a second. This is Kevin. So the statute  
14 is clear on that, but unlike the statute  
15 pertaining to the rest of Public Safety Officers,  
16 where the statutes pertain to other Public Safety  
17 Officers says if they don't get it, they lose  
18 their job.

19 With Public Safety Communicators it's  
20 permissive. It says if they don't get it, it "may  
21 be" cause for termination. It doesn't say it  
22 "shall be" cause for termination. It "may be"  
23 cause. So that --

24 MS. BOLGER: I don't think 44-4-404 is  
25 permissive, though. It says they just need an

1 Administrator's --

2 MR. OLSON: But if you go back and you  
3 look at the statute specific on Public Safety  
4 Communicators --

5 MS. BOLGER: Right.

6 MR. OLSON: And not to get -- I  
7 certainly don't want to argue law with three  
8 attorneys sitting at the table. But the specific  
9 statute overrules the general statute. And so to  
10 that end, Ann Kindness (phonetic) was the primary  
11 instructor for MLEA, and then she just got tired.  
12 I mean it was too much of a burden for her.

13 And I do know this, that their  
14 on-the-job training far exceeds anything that the  
15 Academy does. Now, do I condone it? I'm not  
16 going there. I'm like Wyatt. I'm not going to  
17 jump in the middle of Billings issues. But that's  
18 the distinction, is when we looked at that years  
19 ago, it was like, "Well, what are you going to do  
20 if they don't come?" If they don't want to use it  
21 as cause for termination, they just --

22 MR. GLADE: And it would be a hard  
23 argument to not send your dispatcher to the  
24 training, and then terminate them because they  
25 didn't go to the training. Again, I'm not going

1 to -- (inaudible) --

2 MR. JOHNSON: Well, this is Perry again.  
3 The statutes are specific. And it doesn't say  
4 that POST doesn't have a place at that table. It  
5 says the agency may terminate them. But our laws,  
6 our rules, say dispatchers are Public Safety  
7 Officers, and our rules don't make an exception  
8 for anybody that chooses not to go to the Academy.  
9 They must be certified. There is no discretion  
10 there. That's what the rules say.

11 So we've never had it on the agenda, so  
12 it probably, that would need to be something that  
13 we'd have to bring back to it to make an agenda  
14 item, and I guess maybe I'm even sorry now that --

15 UNKNOWN SPEAKER: That I brought it up.

16 MR. JOHNSON: -- back that up, I  
17 probably would. But I don't know. Could it?

18 MR. THOMAS: This is Jim. So if they're  
19 not POST certified, then what sanctioning could we  
20 impose?

21 I mean I understand what your argument  
22 is. There are rules and they need to be followed,  
23 but --

24 MR. JOHNSON: I don't know. I think it  
25 gets -- Kevin is right. It gets so that's such a

1 web there that you would have to have an analysis  
2 done, and maybe that's something for the next  
3 Council meeting you might want to ask Kristina to  
4 take a look at, and at least bring back to the  
5 Council the statutes and the Administrative Rules  
6 as they all interact with each other, so that  
7 instead of being speculative about what the  
8 wording is, you know, really how it works, and how  
9 they all interact, that probably would be a  
10 healthier way to deal with it.

11 In regards, though, to this  
12 Administrative Rule, I think it's really well  
13 thought out. I think Kimberly and Amanda have  
14 really worked to make sure that it's attainable.

15 And I recognize what your point is,  
16 Ryan. That is going to be a training burden on  
17 every PSAP in Montana on every staff member, but  
18 this is what I hear all the time, and so does  
19 Katrina, and so does Mary Ann.

20 When we're talking to public safety  
21 communicators on the phone, and saying, "Well,  
22 you've got to have those 20 hours every two  
23 years," we're hearing from them this -- and I bet  
24 you hear it, too -- "Man, it's hard to get out of  
25 dispatch to get 20 hours of training." It is hard

1 to get it, because if they were anything like me  
2 when I was a Sheriff -- I don't know, maybe Leo  
3 puts a priority on it -- I didn't send my  
4 dispatchers to a lot of training.

5 So to have an opportunity for even an  
6 hour and a half or two hours of training every two  
7 years for free, and they don't have to leave the  
8 dispatch center, it looks like a win-win for  
9 everybody to me, but -- Jason.

10 MR. JARRETT: This is Jason. Forgive my  
11 lack of history on this, and I certainly support  
12 that program. But what's the history of POST  
13 Council deciding kinds, types, and levels of  
14 service for individual agencies?

15 Because this appears a little different  
16 than our standards for Public Safety Officers in  
17 terms of ethics or basic skills, but we're  
18 actually requiring a level of service of an  
19 individual agency with this. Have we done that  
20 before?

21 MR. JOHNSON: This is Perry. We're not  
22 requiring a level of service, we're requiring a  
23 training component.

24 So I guess I would use the analogy we do  
25 that right now with firearms, we do it with SWAT,

1 we do it with firearms instructor. They have to  
2 meet these components in order to qualify for that  
3 training component. That doesn't mean you have to  
4 be an instructor, but if you want to be an  
5 instructor, you have to do that. If you want to  
6 be a firearms instructor, you have to do this.

7 The same is for firearms qualification.  
8 You've got to shoot that course every year as a  
9 minimum course, right? I think our history, I  
10 think it would be consistent with what our history  
11 has been.

12 MS. BURDICK: So we did have some  
13 discussion, and that was mentioned, you know,  
14 under No. 3 on 227, Page 227, and there are --  
15 (inaudible) -- and different bullets points, one  
16 through -- (inaudible) -- 15,215.

17 So Amanda, she explained that very well  
18 because that question was proposed before. And  
19 she said -- and maybe you want to speak to that as  
20 far as the training. So you don't want to watch a  
21 YouTube video, bring up a YouTube video that says  
22 telecommunicator CPR, or something similar, and  
23 say, "met the requirements."

24 So that's one of the reasons why these  
25 different things were itemized, to ensure that the

1 training that is received, specifically like the  
2 Wisconsin training, online training, does cover  
3 all the very important areas of delivery of  
4 telecommunicator CPR.

5 MR. JOHNSON: So this is Perry again.  
6 So in regards to Leo's ARM Committee, can I  
7 continue?

8 MR. DUTTON: Yes, please.

9 MR. JOHNSON: You'll notice under the  
10 firearms proficiencies on Page 228 and 229, there  
11 is another suggested edit to the Administrative  
12 Rule, and that is under (2)(a) at the top of 229,  
13 is to identify the handgun as a primary duty  
14 handgun; and then under (2)(f), to talk about  
15 another firearm, a secondary or back up handgun;  
16 and even to define a different course of fire for  
17 that firearm.

18 And this comes out of Leo's ARM  
19 Committee. And so if you wanted to expand on  
20 that, Leo.

21 MR. DUTTON: There was a comment made to  
22 differentiate, so you had the ability to qualify  
23 with your primary, we'll call it primary duty  
24 handgun, and then those officers that are carrying  
25 a backup, an ankle holster, that were a little bit

1 more definitive and not quite as exhaustive as  
2 before; that most things, when we talked about it,  
3 if you're down to using your backup weapon, you're  
4 not shooting 25 yard TRC. It's close quarters  
5 combat.

6 So we looked at that, and talked about  
7 changing the distance, and generally there is a  
8 380, it could be a revolver, and that's what led  
9 to that discussion. Back to you, Perry.

10 MR. JOHNSON: This is Perry. That was  
11 well accepted by your committee.

12 MR. DUTTON: Yes.

13 MR. JOHNSON: So they bring it to the  
14 Council for consideration.

15 And then finally under 216 at the bottom  
16 of 229, I think that's the last component there,  
17 is they changed some language, or added some  
18 language, about approving locations other than the  
19 Academy for Basic or Basic equivalency courses.  
20 And they have defined the ability for any  
21 discipline to have a Basic equivalency course as  
22 well.

23 So for example, the Basic equivalency  
24 course now for Law Enforcement Officer Basic is a  
25 32 hour one week class. In fact, they're meeting

1 this week. I think we've got 16 officers. Kevin  
2 with P&P, they've got an eight week course now.  
3 If he had a candidate from out of state, they  
4 could develop another equivalency course that may  
5 enable them to recognize training, and then  
6 integrate that person without sending them through  
7 the full Academy.

8 Detention already has it; PFC could do  
9 that; Coroner could do that as well. And so we're  
10 just putting it in rule that that's a possibility.

11 Then finally that last part, sub (3),  
12 instead of referencing notification requirements  
13 in another statute, we just say what that statute  
14 says, is that a public safety employee's employing  
15 authority must provide written notice to POST  
16 within ten days of the appointment, termination,  
17 resignation, or death of a Public Safety Officer,  
18 just to make it a little clear so they don't have  
19 to open their book, and then open another book to  
20 find what the requirement is.

21 So Mr. ARM Chairman, it's all yours.

22 MR. DUTTON: That's my report. Thank  
23 you. So we have discussed some of these, and I  
24 know we've brought them up, but we wanted to bring  
25 these before you for your consideration and

1 acceptance. If you need some time to look at  
2 those or have further discussion, we're open to  
3 that.

4 And again, I believe these -- Did these  
5 from Pages 227 to 229, did they go to the Business  
6 Committee as well?

7 UNKNOWN SPEAKER: Yes.

8 MR. DUTTON: I was thinking they did,  
9 when we talked to them about it had come over from  
10 you guys. So if you have anything to add, I  
11 appreciate it.

12 MR. JOHNSON: This is Perry. I think  
13 that at this point we're actually looking for the  
14 ability, for the decision from the Council that  
15 these are acceptable edits that you want to move  
16 forward, and then we start the process. We do the  
17 hearing again; we take written, and verbal, and  
18 public comment; and then before anything happens,  
19 you'll see a product from the attorney that says,  
20 "These are what the comments were. These are the  
21 responses," and then it would come back to you  
22 guys as a finished product.

23 But we have to get there first in  
24 regards to this TCPR, and this firearm stuff.

25 MR. THOMAS: Mr. Chairman, this is Jim.

1 I'd like to make a motion that we accept the  
2 recommendations, and move the process forward.

3 ACTING CHAIRMAN STRANDELL: Do we need a  
4 motion or just consensus?

5 UNKNOWN SPEAKER: Do we need a motion?

6 MR. JOHNSON: I think you need a motion.

7 ACTING CHAIRMAN STRANDELL: We have a  
8 motion by Jim. Does somebody want to second that?

9 MS. BURDICK: Second.

10 MR. JOHNSON: Kimberly did.

11 ACTING CHAIRMAN STRANDELL: Motion and a  
12 second. All in favor, say aye.

13 (Response)

14 ACTING CHAIRMAN STRANDELL: Opposed.

15 (No response)

16 ACTING CHAIRMAN STRANDELL: Motion  
17 passes.

18 MR. DUTTON: We missed the people on the  
19 phone, Mr. Chair.

20 ACTING CHAIRMAN STRANDELL: Tony and  
21 Tia, are you guys voting?

22 MR. HARBAUGH: I didn't have the time to  
23 say aye.

24 ACTING CHAIRMAN STRANDELL: Are you  
25 there, Tia?

1 MS. ROBBIN: I support it as well.

2 Thank you.

3 MR. GLADE: This is Wyatt. I just  
4 wanted to comment on the TCPR rule, and I'm not  
5 saying anything that hasn't been said, but I would  
6 echo Mr. Oster's comment that when we talked about  
7 liability earlier, the way I see this, this  
8 establishes a baseline for training, these people  
9 that have to have this training, right?

10 I see more liability in the failure to  
11 keep current than I do in people actually  
12 administering this advice over the phone. That's  
13 the first thing that a personal injury attorney is  
14 going to look for in one of these situations is,  
15 "Are you current on your training when you  
16 administered this advice over the telephone?"

17 So I see that POST is not responsible  
18 for maintaining records for continuing education  
19 hours. I would just hope there would be some way  
20 we could emphasize to the people who are  
21 supervising people administering this advice how  
22 important it is to keep current on your training.

23 ACTING CHAIRMAN STRANDELL: That's a  
24 good point. Thanks. Any further discussion?

25 (No response)

1           ACTING CHAIRMAN STRANDELL:   Seeing none,  
2 we'll move on to Case Status.   In your packet on  
3 Page 230 to 232, you'll see an outline of the  
4 activity within the Case Status Committee.   As  
5 Perry had stated, we still meet once a month,  
6 review a lot of different cases.

7           On the back Page 232 gives you an idea  
8 of the current cases that we have.   I'm sorry.   I  
9 don't think there is anything else to report on  
10 that.   You can read that at your pleasure.

11           But anyway, your Case Status Committee  
12 continues to stay very active and engaged in  
13 working on a variety of different allegations of  
14 misconduct type claims.

15           MR. JOHNSON:   This is Perry.   I just  
16 want to make sure that we emphasize.   A lot of  
17 people think that if we get an allegation, we take  
18 an action on it.   So at the top of Page 232,  
19 you'll see we closed 54 cases.   We didn't take  
20 action on 54 certificates.   We reviewed them and  
21 closed them.

22           Then we have a total of 68 cases that  
23 are open.   And then in addition to those, we're  
24 tracking 13 different sanctions, either probation  
25 or suspensions, that relate to those officers as

1 well.

2           So the footprint is pretty big, but it's  
3 significant that just yesterday that Case Status  
4 Committee met, reviewed 25 cases, and nine of them  
5 were new in the last four or five weeks, and  
6 that's kind of -- that's pretty significant. We  
7 look at eight to fifteen new cases every month or  
8 six weeks.

9           ACTING CHAIRMAN STRANDELL: Then just  
10 the volume of paperwork that the committee members  
11 review every month, you know. We get a booklet  
12 that thick, 400 some pages of documents in there,  
13 and it's very important that each committee member  
14 review and understand what's in that packet, so  
15 that when we meet with Perry and staff, we can be  
16 familiar with the allegations, the documents that  
17 have been provided.

18           And I know I spend -- I'm not a fast  
19 reader, but I bet you I spend two to three hours  
20 going through that packet easily. Jim, would  
21 you --

22           MR. THOMAS: I would double that. That  
23 doesn't include the time watching videos --

24           ACTING CHAIRMAN STRANDELL: Right.

25           MR. THOMAS: -- that we sometimes need

1 to look at.

2 ACTING CHAIRMAN STRANDELL: I guess I'm  
3 a fast reader compared to you.

4 MR. THOMAS: Well, I'm from Alabama.

5 ACTING CHAIRMAN STRANDELL: Any  
6 questions there?

7 (No response)

8 ACTING CHAIRMAN STRANDELL: Business  
9 policy.

10 MS. BURDICK: So I think we've discussed  
11 almost everything that we've needed to discuss in  
12 the meeting here with the ARM Committee  
13 especially. Is there anything that is left?

14 MR. JOHNSON: This is Perry. I think  
15 Pages 233 and 234 would be that legislative  
16 discussion that we talked about before.

17 This is a statute that we worked on  
18 during the last legislative session, and it died  
19 in the Judiciary Committee. It failed to make it  
20 out of committee. So this is the one that we  
21 removed the oversight or review by the Board of  
22 Crime Control, if you chose to pursue it as a  
23 legislative package again.

24 Pages 235 through 239 relate to another  
25 statute that -- I'm sorry -- another legislative

1 package that we brought to the Legislature last  
2 time as well. I can't remember if it made it out  
3 of committee.

4 MS. BOLGER: It didn't.

5 MR. JOHNSON: It didn't. And it died in  
6 the House Judiciary. So the other one died in the  
7 Senate Judiciary, this one died in the House  
8 Judiciary.

9 I think we should just speak to one at a  
10 time as to what the Council's pleasure may be.  
11 And this could be in regards to reporting to the  
12 Board of Crime Control interim committee -- I'm  
13 sorry. Not the Board of Crime Control -- the Law  
14 and Justice Interim Committee.

15 These bills last time came out of that  
16 committee. They adopted them separately, and they  
17 moved them out of committee. I think this would  
18 be an opportunity during that POST Council report  
19 to that committee, if you choose to present this  
20 to them, I think that you could do that. I think  
21 there is an opportunity there.

22 I think in regards to that second  
23 component there, those Pages 235 to 239, if you  
24 ask me -- and I guess you don't even have to ask  
25 me. I would say that this first one is more

1 significant to the business of the Council than  
2 the second one.

3 I think that Board of Crime Control  
4 review adds expense to what we're doing, and adds  
5 time and attorney time to what we're doing. And I  
6 think that it would be a good business move on  
7 behalf of what we're trying to do. So I'll leave  
8 it to you guys to decide what direction you want  
9 to go.

10 MR. SAYLER: This is Matt. I think last  
11 time we talked to basically the Board of Crime  
12 Control hearing, whoever loses just appeals it to  
13 District Court anyways, is what's going to happen,  
14 so we're just trying to skip that step in the  
15 process. Perry.

16 MR. GLADE: This is Wyatt. I represent  
17 the Board of Crime Control, and I think that I  
18 made my comments on this before, but I'll say them  
19 again.

20 The way this is handled by the Board of  
21 Crime Control is the appeals from the POST  
22 determination go to a committee, a three member  
23 committee, and the three member committee then  
24 makes a decision to uphold, or to support or not  
25 support POST's committee decision. And then that

1 goes to the full board, full board meeting, and  
2 they decide to whether to accept the committee's  
3 recommendations at that point. So it's two level  
4 review at the Board of Crime Control level.

5 I haven't been on the Board of Crime  
6 Control for a long time. I think it's three years  
7 or so. And my three years have been spanning the  
8 shift from being quasi-independent much like POST  
9 was, to being a part of the DOC.

10 And I would just say at the last full  
11 board meeting that I went to -- it was in  
12 September. I think I attended the December by  
13 phone -- but at any rate, that's when the  
14 Drishinski appeal came up. And I believe I did  
15 not take part in that vote because while I wasn't  
16 on POST when the events occurred, I am on POST  
17 now.

18 But I would just say that the process is  
19 -- I didn't like it. I didn't like the level of  
20 information we were provided. I didn't feel like  
21 we were in a good position to be making a decision  
22 reviewing not only the POST decision, but the  
23 subcommittee's decision. It was just very  
24 confusing.

25 And I don't know if that's a function of

1 the confusion that ensues, a shift in an agency  
2 from being administratively attached to DOC, to  
3 DOJ, to being moved to DOC. There is going to be  
4 some confusion with a shift that large. And I'm  
5 referring to the Board of Crime Control, the  
6 confusion at that level.

7 But I guess what I'm saying is  
8 personally I support this. I don't know if I have  
9 the big picture, so to speak, of why the Board of  
10 Crime Control is reviewing POST in the first  
11 place. I assume that has a lot to do with some of  
12 the federal rules with administering grants to the  
13 states. They've got these levels of review to fit  
14 their standards.

15 But so much has changed in the last  
16 couple of years with both POST and the Board of  
17 Crime Control, that this is kind of a function of,  
18 "We're going to make these changes because it's  
19 good for the budget," but there is all of these  
20 little things that are still dangling out there,  
21 the conflicts that we're seeing with attorneys not  
22 being able to represent their clients because  
23 they're now working for one agency or the other,  
24 that conflicts with DOC, now sitting  
25 administratively reviewing the DOJ. That didn't

1     happen before.

2             I guess I don't know if I'm making a  
3     cogent statement here.  Maybe that's because the  
4     whole situation is confusing, but that's the way  
5     it seems to me.  And I think the rest of the board  
6     members feel the same.  I can't speak for them  
7     individually, but that's what I say.  Leo, you're  
8     on the board.  Do you have any comment on that?

9             MR. DUTTON:  This is Leo.  And I've been  
10    there about seven or eight years for Board of  
11    Crime Control.

12            Initially we went through, or we were an  
13    autonomous board with an Executive Director, and  
14    when the last minute change by the Legislature  
15    eliminated that, put us under the Department of  
16    Corrections, the Department of Corrections didn't  
17    -- they didn't want the change, nor did they ask  
18    for it, but someone did, and someone granted their  
19    wish.

20            The problem that we have is when we make  
21    a decision, the people that don't really  
22    understand, so they attempt to have what they  
23    consider a fair hearing.  They'll listen to the  
24    person who is appealing, but they're not getting  
25    both sides.  That's what I saw.

1 I have seen this where they listen to  
2 the individual who is appealing only, and some of  
3 the -- they may look at the written testimony, but  
4 they're allowing the emotional testimony from the  
5 person who is appealing, and they're reading the  
6 condensed information from POST.

7 So it doesn't seem in equity, in the  
8 sense of equity, it's not there. It's not like a  
9 trial or anything like that, nor should they be  
10 doing that at all. I mean they should be  
11 reviewing what they read.

12 It was set up this way because initially  
13 Board of Crime Control was under Justice, and they  
14 had advice from the Department of Justice. Now  
15 they don't have that, and in the transition that  
16 has not happened. The question was do you want  
17 Department of Corrections reviewing something that  
18 has to do with Justice, as you already stated.

19 So it is problematic. I support this  
20 going back through there. The issue of them  
21 seeing that, and not really understanding what the  
22 full picture is has been disturbing as a member of  
23 the Board of Crime Control. I'm not allowed to  
24 talk about it, I'm not allowed to vote, and I've  
25 been basically gaveled down a couple of times when

1 I say, "You're not getting the full picture," and  
2 "You can't speak." They've not known me very long  
3 or they would have known I can talk a lot.

4 But anyway, I think for the point of  
5 order part of it is they don't allow that, and I  
6 find that very problematic.

7 ACTING CHAIRMAN STRANDELL: Ryan.

8 MR. OSTER: Just a quick question. This  
9 is Ryan. So a number of years back when we first  
10 took a look at this, I was under the impression  
11 that this exists because at one time POST was a  
12 subset of Board of Crime Control.

13 UNKNOWN SPEAKER: That's correct.

14 MR. OSTER: So this thing is old, and  
15 everybody has been moved since then, and I think  
16 that's a good selling point to the Legislature.  
17 And I think we do need to move forward with this  
18 piece on its own, and see -- you know, this will  
19 be, what, the third swipe at it.

20 ACTING CHAIRMAN STRANDELL: This is  
21 John. Perry, correct if I'm wrong, but didn't you  
22 talk to one of the committee members, and they  
23 voted it down; and asked why, and the question was  
24 that they wanted a buffer there because it would  
25 help decrease the workload in District Court.

1 MR. JOHNSON: Yes.

2 ACTING CHAIRMAN STRANDELL: Something  
3 along that nature? So there is misinformation  
4 there just in their mind about what we were trying  
5 to do, and attempt to do, remove this. In their  
6 mind, I'm sure they were dealing with the workload  
7 in District Courts, and more Judges, and in their  
8 mind they were thinking it was going to impact the  
9 Courts more if you remove that, so --

10 MR. OSTER: Which it isn't because  
11 they're going to automatically --

12 ACTING CHAIRMAN STRANDELL: Exactly.

13 MR. OLSON: So this is Kevin. Just for  
14 clarity sake, though. Wyatt, the three member  
15 committee that hears the appeal are board members,  
16 they're not staff members.

17 MR. GLADE: Correct.

18 MR. OLSON: So they're not DOC people.

19 MR. GLADE: No.

20 MR. OLSON: And the board ultimately  
21 supports or denies the recommendation from the  
22 three member committee, not Corrections.

23 MR. GLADE: Correct.

24 MR. OLSON: And the board itself is  
25 still an autonomous unit.

1           MR. GLADE: It is. And to respond,  
2 Kevin, my comments are more directed toward the  
3 organizational format of the meeting and the  
4 information provided to the board members.

5           MR. OLSON: Not to interrupt you, Wyatt.  
6 That's where I was headed, too, is because I think  
7 -- and I'm going to call on Kristina -- but I've  
8 said this before. Department of Labor oversees 51  
9 regulatory committees, and not one of those has an  
10 intermediary appellate unit designated like POST  
11 going to the Board of Crime Control, and then  
12 going to the Court.

13           Second of all, just the little bit I  
14 know, Kristina, isn't it true that really you look  
15 at the appeal process from other regulatory  
16 functions, they have to cry foul on a process.  
17 They can't rehash the facts. They can't take  
18 additional testimony, correct?

19           MS. NEAL: This is Kristina. And you're  
20 correct in both of those instances. I mean you'd  
21 be reviewing a record, and there's deference to  
22 Hearings Examiner and the POST Council's record.

23           And so I think in reference to what Mr.  
24 Dutton said, what happens is that -- and it  
25 happens even at like our committee, which is the

1 review committee. I would be present, and then  
2 the officer's present, and then allow the officer  
3 to give a statement. And so that officer's  
4 already testified, and so that kind of highlights  
5 maybe that testimony, instead of just looking at  
6 that record from the Hearings Examiner and the  
7 findings of fact.

8 And because it's an open meeting, there  
9 is also an opportunity for public comment. So for  
10 example, the officer's mom might stand up and say  
11 during the public comment, "Here's my thoughts  
12 about the case," and in reality, and then that's  
13 what I would argue is, "No. Your deference has to  
14 be to that record that's already been made in  
15 front of that finding, the findings of fact and  
16 conclusions of law by that Hearings Examiner, and  
17 you would have to give deference to that."

18 But you're right. When you're there,  
19 they've got two bodies speaking to them at that  
20 point, and it really should be a cold record  
21 review at that point.

22 MS. BOLGER: This is Katrina. Having  
23 witnessed a couple of these appellate review  
24 committee meetings, I don't know all of the Board  
25 of Crime Control's functions, but they obviously

1 are not an administrative licensing board that  
2 follows MAPA on a daily basis. They're not  
3 familiar with these processes as much as our staff  
4 would be.

5 Additionally, there is no standard of  
6 review for an agency's review of another agency.  
7 And so we don't know if they can hear more or not.  
8 I mean --

9 MR. OLSON: This is Kevin once again. I  
10 just go back to what we have all been told when  
11 we're hearing it for the first time of what we can  
12 expect, and what we can't expect, and what we can  
13 ask, and what we can't ask, you know, unless we  
14 open up the entire record, you know.

15 And I kind of find it crazy that we have  
16 to adhere to those established rules of  
17 administrative proceedings, but like Wyatt says,  
18 it appears that they don't know or don't have the  
19 ability to really devise a process that would meet  
20 the standards of a review.

21 MR. JOHNSON: This is Perry. I'll just  
22 piggyback on that. I quit going to the Board of  
23 Crime Control's committee meeting on review  
24 because they want to do it all over again. If I'm  
25 sitting there, they want to interrogate me.

1           And the fact of the matter is is by the  
2 time it gets to them, you guys have made a  
3 decision. The record should be complete in front  
4 of that committee. And so I don't even want to be  
5 in the room anymore because I don't think that  
6 it's appropriate that there is additional  
7 consideration at that point. They need to look at  
8 the record and make a decision based on that.

9           So there is no requirement for me to be  
10 there, and our experience has been it's been  
11 counter-productive. It hasn't been productive for  
12 us.

13           So I guess, Ryan, you said that you  
14 support it. I don't know if you guys want to make  
15 a motion then that this could be part of that  
16 report to the Law and Justice Interim Committee,  
17 because I think we get pretty good traction out of  
18 them. I think, like Ryan said, this will be the  
19 third time.

20           The first time it didn't go through  
21 only, I think, because it was part of a bigger  
22 package that there was some things that got  
23 shredded in the process, and we didn't get any  
24 package out of that two sessions ago. This time  
25 we sent it through as a single bill.

1           ACTING CHAIR STRANDELL: Does anyone  
2 want to make a motion to that effect?

3           MR. OSTER: This is Ryan. I would go  
4 ahead and make that motion, but I would do that  
5 that we separate this piece out on its own. The  
6 rest of -- So the changes to 44-4-403, we talked  
7 about at the Business Plan. And I think Perry,  
8 you just said it here a little bit ago. These are  
9 far less important to the day-to-day operation of  
10 POST. And so I would move that we send -- where  
11 am I at?

12           MR. JOHNSON: This is Perry. I think  
13 you'd want to limit it to Pages 233 and 234.

14           MR. OSTER: Yes. 44-4-40 -- yeah. So  
15 the first bite of that there, yes.

16           ACTING CHAIRMAN STRANDELL: So your  
17 motion, Ryan, would be send on the changes to  
18 44-4-403?

19           MR. JOHNSON: And 44-7-101.

20           ACTING CHAIRMAN STRANDELL: 44-7-101?

21           MR. JOHNSON: Right.

22           MR. OSTER: I guess, but then if you go  
23 to 236, there's further changes to 403 there, so  
24 I'm not really sure what my motion is. I need a  
25 second.

1           MR. JOHNSON: This is Perry. I think  
2 that for purposes of this piece of legislation, I  
3 think that if you limit it to these two pages 233  
4 and 234, I think that provides for the best  
5 opportunity to change this, to succeed with that  
6 legislative language.

7           MR. OSTER: Yes.

8           ACTING CHAIRMAN STRANDELL: Does  
9 everybody understand the motion? Jim.

10          MR. THOMAS: I was just going to second.

11          ACTING CHAIRMAN STRANDELL: Jim has  
12 seconded the motion. Ready for discussion?

13          (No response)

14          ACTING CHAIRMAN STRANDELL: Hearing  
15 none, all in favor, say aye.

16          (Response)

17          ACTING CHAIRMAN STRANDELL: Tony, Tia?

18          MR. HARBAUGH: Aye.

19          MS. ROBBIN: Aye.

20          ACTING CHAIRMAN STRANDELL: Opposed.

21          (No response)

22          ACTING CHAIRMAN STRANDELL: Motion  
23 passed. Did we also discuss then on --

24          MR. HARBAUGH: John.

25          ACTING CHAIRMAN STRANDELL: Yes.

1           MR. HARBAUGH:  If I may, I think when  
2           that discussion takes place with the interim  
3           subcommittee, that it might be appropriate to  
4           include some historical discussion in regards to,  
5           as Ryan said, earlier back when POST was a subset  
6           of the Board of Crime Control; and maybe to  
7           include in that discussion that that was the point  
8           in time when the division of staff took place.

9           Prior to POST becoming an autonomous  
10          body, the entire staff of the Board of Crime  
11          Control was available for POST endeavors as well.  
12          And when I came on the POST Council, we were going  
13          through that situation at the time where we had  
14          effectively lost, I think the equivalent at that  
15          time was seven or eight FTE's that were considered  
16          POST staff as well.

17          ACTING CHAIRMAN STRANDELL:  Yes, I  
18          agree, Tony.  That's a great idea.  I think the  
19          history is very, very important.

20          MR. JOHNSON:  This is Perry.  I think  
21          then we'll pull this out, and then we'll put  
22          together a script or a history that whoever  
23          presents this to the Board of Crime Control will  
24          have it not only in a written format, but they can  
25          read it into the record if that's necessary.

1 MR. OSTER: The interim committees.

2 MR. JOHNSON: Yes.

3 ACTING CHAIRMAN STRANDELL: Any further  
4 discussion on that?

5 (No response)

6 ACTING CHAIRMAN STRANDELL: Now how  
7 about the second part of this? Should we take  
8 action on that, 235 through 239?

9 MR. JOHNSON: There is a lot of material  
10 there. And I will point out to you that Kevin has  
11 got to leave. We've done a lot of stuff in the  
12 last six years -- stuff being a technical term,  
13 right? We've moved a lot of things, we've edited  
14 ARMs, we've gone to the Legislature. The Council  
15 has changed the component or the composition even  
16 of our Council from an autonomous group now to a  
17 part of the DOJ.

18 And I say all that stuff because we have  
19 been really dynamic. And there are people in our  
20 stakeholder groups that think we've been too  
21 dynamic, that we're trying to grab some power,  
22 that we're doing some things that aren't healthy  
23 for this profession.

24 So while I think that there is some  
25 benefit to this legislative packet, I want to at

1 least have an opportunity for discussion to say  
2 how much is too much. When do we want to slow  
3 down and take a breath? If we come in with one  
4 legislative proposal, is that enough, or isn't it?  
5 Because nothing --

6 We're doing business, right? And we'll  
7 continue to keep the lights on, and we'll continue  
8 to do the things that we've been doing. But  
9 sometimes I think it's better to let the  
10 stakeholders catch up, instead of leaving them  
11 behind and saying, "Hey." Let's have some more  
12 conversations before we change this stuff, because  
13 where they might think it's a power grab, actually  
14 it's just a business decision. I don't feel like  
15 it's a power grab, but I've heard -- and you guys  
16 should hear it, too. And maybe you have. Maybe  
17 your associations have said, "POST out ran their  
18 headlights."

19 ACTING CHAIRMAN STRANDELL: This is  
20 John. So then would it be a good idea to maybe  
21 table this, give us time to review it a little bit  
22 more carefully, and consider it, bring it up at  
23 the next meeting? Because we'll still have time  
24 then for introduction, if needed, or if it's  
25 agreed upon that we do that.

1           MR. JOHNSON: This is Perry. I think  
2 that's a good idea.

3           ACTING CHAIRMAN STRANDELL: Okay.

4           MR. JOHNSON: But it's up to you guys.

5           ACTING CHAIRMAN STRANDELL: Thoughts?

6           MR. DUTTON: This is Leo. Just so long  
7 as everybody goes back and has an opportunity to  
8 have a meeting with their disciplines, and talk  
9 about this, and you're available, or someone is  
10 available to say, "Here's the background. Here's  
11 the reason."

12           And if a Council member here is somewhat  
13 either confused, or has a little push-back, I  
14 think it's better to have the push-back  
15 conversations here rather than out where we can't  
16 answer it.

17           So what I'm saying is if you have  
18 push-back, this is the time to talk about it here,  
19 where we have people that can talk about it, have  
20 history. If you're going to your various  
21 associations and talking about it, and can't  
22 explain it, that's going to be more problematic  
23 than just pushing it through.

24           I agree with the open idea, and making  
25 sure that they understand, but also we want to be

1 clear in our message, this is why we're doing it.  
2 Back to you.

3 ACTING CHAIRMAN STRANDELL: Okay.

4 MR. JOHNSON: This is Perry then. How  
5 about I do this. Between now and the next Council  
6 meeting, how about you allow me, and Katrina, and  
7 Mary Ann to sit down, and break this apart, and  
8 provide you guys with the rationale why we're  
9 doing it, what's the reason for each one of these  
10 changes.

11 And I think if you see it in that  
12 format, it will be a lot more understandable, and  
13 I think it will be a lot easier for you if  
14 somebody asks a question, say, "Hey, this is why  
15 we're doing this. This is what it looks like."

16 ACTING CHAIRMAN STRANDELL: I think  
17 that's a good idea. Is everybody in agreement on  
18 that?

19 MR. TOLSON: Perry, this is Truman.  
20 That's a great idea.

21 ACTING CHAIRMAN STRANDELL: Tony? Tia?  
22 Did you guys hear that?

23 MR. HARBAUGH: Yes. I think it sounds  
24 excellent.

25 MS. ROBBIN: Sounds fine to me.

1           MR. JOHNSON: Thank you, Truman. That's  
2 once in a row today for me then.

3           ACTING CHAIRMAN STRANDELL: Should mark  
4 that on the calendar.

5           MR. TOLSON: Well, I'm -- (inaudible) --  
6 I'm doing bailiff today, so -- (inaudible) -- but  
7 I like that one.

8           MR. OSTER: John. This is Ryan. So I  
9 just keep reading this, and we talked about this  
10 at the Business Plan, and I can't seem to --

11           So No. 5 there on Page 237 talks about  
12 the Council delegating stuff to the Bureau Chief.  
13 And I think we really need to look at that,  
14 because he's not our staff anymore, right? He  
15 doesn't work for the Council, he works for DOJ.  
16 And we get into this goofy thing of where we're at  
17 now.

18           And that, to be honest, is one of my  
19 biggest concerns with -- and why it's separated  
20 that out, is because I don't think we want to go  
21 up there and have that fight. I think we end up  
22 losing stuff that's important to us.

23           So if we're going to take a bite at some  
24 of this, I think we need to look at that one, and  
25 figure out if that's a hill we want to die on.

1           MR. JOHNSON: This is Perry. I agree  
2 with that, but I think that comes back then to  
3 that statute that we talked about earlier, that  
4 one that actually puts us under DOJ and has got a  
5 sunset. So where are we with that?

6           ACTING CHAIRMAN STRANDELL: The  
7 discussion we had earlier with the --

8           MR. OSTER: The report to the interim  
9 committee has a sunset, right?

10          MR. JOHNSON: Well, that statute has got  
11 a sunset, too.

12          ACTING CHAIRMAN STRANDELL: 24.

13          MS. BOLGER: So unless something is  
14 brought forward to put funding in, or to do  
15 something, we're going to revert back, and you  
16 guys will have a staff with no paycheck, and no  
17 budget, and no nothing. So unless something is  
18 brought forward to the Legislature in the next  
19 session, that's the situation you guys will be in.

20          ACTING CHAIRMAN STRANDELL: Let's  
21 incorporate that then into the group discussion  
22 that we were going to have as part of Kim's  
23 committee, and just make that part of that same  
24 process.

25          MR. JOHNSON: Okay. That's a real deep

1 issue. That one is complicated.

2 ACTING CHAIRMAN STRANDELL: Are we done  
3 with Kim's committee? See, every time you don't  
4 think you have nothing to talk about, it turns  
5 into an hour discussion. Okay. Coroner, Leo.

6 MR. DUTTON: Okay. Page 240. What we  
7 wanted to discuss was a letter from Scott Larson  
8 that talked about some of the things that the  
9 Crime Lab is offering to do in relation to the  
10 Coroners division. I won't bless you with my  
11 reading ability. If you have it, you can look  
12 through it.

13 There are seven different points on here  
14 that are important. And the other guy from the  
15 Coroners Association left. But these are  
16 important when you start looking through suspected  
17 deaths from drug related issues, cost recovery.

18 And there is one thing that is not in  
19 here that probably will be. Go to Bullet 7,  
20 because I know about that. Don't ask me -- unless  
21 Brent can remember -- what ABMDI means. It's a  
22 level of certification. I could make something  
23 up, you wouldn't know it, but I won't. So we'll  
24 just say I don't.

25 They have scholarships for Coroners or

1 Deputy Coroners to get training that's out of St.  
2 Louis that certifies a Coroner. Now, we talked  
3 about what's the difference in court? What  
4 advantage is it that your Coroner or Deputy  
5 Coroner is certified?

6 So there was some I would say ambiguity,  
7 or ambivalence of, "Well, maybe it adds more  
8 credibility when you go to court." But anytime  
9 that you can say you're certified probably adds to  
10 your authenticity when you do go to court, and  
11 say, "Here's specific training that I attended.  
12 I'm saying that the cause and manner is this," and  
13 it is probably met with more -- what's the word --  
14 believability than being a Coroner, Deputy  
15 Coroner.

16 I know that the training we provide is  
17 good. Any time education is offered, take  
18 advantage of it. They're offering two  
19 scholarships. I think we got one of them, didn't  
20 we, Brent?

21 MR. COLBERT: We did, yes.

22 MR. DUTTON: And then Great Falls got  
23 the other one. So we're going to try it out, see  
24 how it goes. They got a grant to do some training  
25 on death investigation and related to opiate

1 related deaths, and what you should be looking  
2 for.

3 One other thing that's not on here that  
4 Perry brought in on our last, that POST puts on --  
5 I guess I'll report to you about your training  
6 that you put on in regard to the Great Falls.

7 This time, man, I thought it was a home  
8 run. We had a one day, one day was all animal  
9 related. I mean it could have been a TV show,  
10 "When animals attack." And it was death  
11 investigations about bear attacks, mountain lion  
12 attacks, and --

13 UNKNOWN SPEAKER: Gerbil attacks?

14 MR. DUTTON: We know about the Gerbil  
15 attacks, but they're self-induced. But anyway,  
16 the issue of bears, and lions, and things like  
17 that were very interesting, and it makes you want  
18 to pack a shotgun anytime you go berry picking.

19 But there were elements brought up there  
20 that were just for officer safety, not for just  
21 Deputy Coroners, but for officers investigating,  
22 if you're going in to look for a bear attack, that  
23 none of us knew. And we came back, and today,  
24 look, if you get a report of an animal, you don't  
25 know, you just know it's a death, but proximity

1 suggests that it might be an animal attack.

2 We didn't understand you may be walking  
3 into a potential area where a bear or a mountain  
4 lion has begun to bury their cache. As it relates  
5 to officer safety, it was huge. None of us knew  
6 that. None of us other than the Fish and Game  
7 guys. But what we did learn is to send Fish and  
8 Game guys in first, and then follow them in. If  
9 there is no screams of anguish, we'll follow on  
10 in.

11 But the information passed on was great.  
12 And so if you're wondering what your POST staff  
13 does, that was an awesome deal as far as my job as  
14 a Coroner.

15 There are several other things you can  
16 read in there. If you see anything that you have  
17 questions on, make sure and ask. And that's my  
18 report.

19 ACTING CHAIRMAN STRANDELL: Thanks, Leo.

20 MR. TOLSON: Leo, this is Truman. That  
21 acronym that you're talking about is the American  
22 Board of Medicolegal Death Investigators.

23 MR. DUTTON: Very good. Glad you're by  
24 a computer.

25 UNKNOWN SPEAKER: It's Medicolegal.

1 MR. DUTTON: ABMDI?

2 ACTING CHAIRMAN STRANDELL: Yes.

3 MR. DUTTON: I don't see an "L" in  
4 there.

5 MR. JOHNSON: Medicolegal is one word.

6 MR. DUTTON: Oh, I guess I flunked  
7 phonics.

8 MR. JOHNSON: Yeah, there you go.

9 ACTING CHAIRMAN STRANDELL: Okay. Are  
10 we done with committee reports then?

11 MR. JOHNSON: Yes.

12 ACTING CHAIRMAN STRANDELL: Do you want  
13 to move on to LEOB syllabus?

14 MR. JOHNSON: The next three items are  
15 for your review. The Law Enforcement Officer  
16 Basic syllabus has changed a little bit, so I  
17 would ask you guys to review each of these. And I  
18 don't know if you want to do it collectively or by  
19 one motion, but to review the syllabus for the  
20 LEOB, Basic Coroner, and the CDOB, the Correction  
21 Detention Officer Basic, make a motion to approve  
22 them.

23 ACTING CHAIRMAN STRANDELL: I would  
24 recommend that we just do it as one motion unless  
25 somebody objects. Would that be correct?

1 MR. THOMAS: This is Jim. I'll move  
2 that we accept the -- (inaudible) --

3 ACTING CHAIRMAN STRANDELL: Do I have a  
4 second?

5 MR. OSTER: I'll second. This is Ryan.

6 ACTING CHAIRMAN STRANDELL: Any further  
7 discussion?

8 (No response)

9 ACTING CHAIRMAN STRANDELL: All in  
10 favor, say aye.

11 (Response)

12 ACTING CHAIRMAN STRANDELL: Tony, Tia?

13 MR. HARBAUGH: Aye.

14 MS. ROBBIN: Aye.

15 ACTING CHAIRMAN STRANDELL: Any  
16 opposition?

17 (No response)

18 ACTING CHAIRMAN STRANDELL: Motion  
19 passes. Okay.

20 MR. JOHNSON: This is Perry. That  
21 brings us to that proposal. Do you want to take a  
22 break, or do you want to keep going, or --

23 ACTING CHAIRMAN STRANDELL: What's  
24 everybody's -- is there anything else to talk  
25 about under Item (e)?

1 MR. JOHNSON: Yes. We have a  
2 presentation from Dawson Community College.

3 ACTING CHAIRMAN STRANDELL: Let's take a  
4 quick break, and then you guys can prepare, and  
5 we'll get you right on the agenda right after  
6 that. How is that?

7 (Recess taken)

8 ACTING CHAIRMAN STRANDELL: We'll get  
9 started again. Okay. I'll let Mr. Johnson  
10 introduce our presenters.

11 MR. JOHNSON: This is letter (e). This  
12 is the proposal, or at least the discussion for  
13 Pretrial Services/Misdemeanor Probation Basic  
14 Academy. And this is a presentation I think from  
15 Scott Mickelsen, who is the President of the  
16 Dawson County Community College. So Scott, the  
17 floor is yours.

18 MR. MICKELSEN: All right. Well, thank  
19 you. You know, I'm excited to be here. And when  
20 I took over being the President of Dawson  
21 Community College four years ago, I have had  
22 people call me on the phone and say just think  
23 about -- (inaudible) -- and yes, yes, yes. And I  
24 said, "I'm here because there is opportunity."  
25 And I'm here for you today because there is more

1 opportunity.

2           And Dawson Community College, we've been  
3 growing, we've been adding new programs, we've  
4 been creating partnerships, and the reason we've  
5 been doing that is because those opportunities  
6 exist.

7           So we're excited. You know, when Perry  
8 reached out to Dawson Community College, had the  
9 initial discussion with Rick, I was pretty excited  
10 because one of the first conversations I had in  
11 eastern Montana was from a Police Chief. He  
12 polled the Sheriff, local elected officials,  
13 statewide elected officials, is why can't we do  
14 this in eastern Montana, because the cost for them  
15 to come to Helena is so great. They can't travel  
16 back on a weekend to spend quality time with their  
17 families, so they stay in Helena.

18           So there was a lots of issues, and so  
19 when this opportunity came up, I says, "Yes, we  
20 are on board," and Rick has just been going,  
21 going, going. There is no grass that grows under  
22 that guy's feet, which I appreciate.

23           So you know, we're equipped. We've had  
24 a criminal justice program for a number of years.  
25 When I travel states that border Montana, when I

1 visit high schools, when I visit my counselors,  
2 they all talk about criminal justice at Dawson  
3 Community College. And so it's a program that's  
4 been around a long time. We're very proud of it.  
5 And we're excited about this potential  
6 partnership.

7 We have classes, we have labs, we have  
8 the classrooms, we have instructors, we have  
9 adjunct instructors. We're ready to go. We've  
10 got dorms. And yes, we will be open on the  
11 weekends. We are there to serve the people of  
12 eastern Montana, the people of Montana. We've got  
13 students that stay in the dorms over the weekend.  
14 We provide food and housing for them on the  
15 weekends.

16 I was reading in this, and it said the  
17 cost \$125. If that is what the cost of the  
18 Academy is, that's what our cost will be. We're  
19 not going to charge any more. This isn't a money  
20 maker for us. This is a service to provide to law  
21 enforcement people across the state of Montana.

22 Just to cover a couple other things.  
23 You know, if there are things that we need to do  
24 better, then we'll get on board, and we'll make  
25 them better.

1           About three years ago we went through a  
2 new strategic plan, and an action plan, and  
3 throughout that it talks about excellence. And in  
4 this partnership, we will do everything in our  
5 power to achieve excellence in these classes. And  
6 I know Rick does that in his classes now; his  
7 administration at the college, his faculty and  
8 staff, we all strive for that excellence.

9           It talked about in here, you know, the  
10 cost to the individuals -- and I respect the  
11 letter. The good thing about the letter is it  
12 lets us look at other things maybe we hadn't  
13 thought of, and allows us to make the program  
14 better, make the partnership better.

15           And the one thing the gentleman was  
16 talking about Gallatin County, what the cost would  
17 be for them to travel. And the way that I  
18 understand it, these classes won't be exclusively  
19 at Dawson Community College in Glendive. They can  
20 still come to Helena, and receive those classes, I  
21 believe. And so if it is more cost effective for  
22 them to come this direction, they can do that.  
23 But for those in eastern Montana, if it's more  
24 cost effective for them to go to Dawson Community  
25 College, then that option would be there for them.

1           So we stand ready to partner on this.  
2 We're excited about it. As President, I fully  
3 support this initiative, my Board of Trustees  
4 fully supports this initiative, and I know the  
5 people in eastern Montana support this initiative,  
6 so we're pretty excited about it. So thank you.

7           MR. JOHNSON: Thanks, Scott. This is  
8 Perry. I just want to point out, though, for the  
9 Council members, full disclosure is Glen doesn't  
10 have any intention of offering this program. And  
11 at this point, the conversation that we had  
12 earlier with Andrea -- she may still be on the  
13 phone -- was if another college wanted to bite on  
14 this, this Council would take a proposal from  
15 them.

16           At this point, though, the clock is  
17 running. And we all acknowledge that. We know  
18 there is a one year window, there is an 18 month  
19 window. And we don't even know what the demand is  
20 going to be for this Basic Academy class.

21           But at this point, so that you guys are  
22 aware, and so the Council is aware, this looks  
23 like our opportunity or the opportunity that's out  
24 there for this instruction for this discipline.  
25 And it's the only conversation we're having with

1 anybody else right now.

2 MR. MICKELSEN: Thanks. I appreciate  
3 that. I was just going to say, you know, I  
4 appreciate knowing that, and we'll do everything  
5 in our power to make it work for everybody  
6 involved.

7 MR. JARRETT: I have a question. This  
8 is Jason. On this, thinking through this  
9 proposal, what assumptions are you making about  
10 the number of students that you're expecting?

11 MR. MICKELSEN: I'll let Rick talk -- I  
12 think 15, but I'll let Rick --

13 MR. SyWASSINK: Basically all we need to  
14 work with, J.J., is what numbers you've had so  
15 far. We don't know. You guys don't know either  
16 really -- (inaudible) --

17 MR. JARRETT: (Inaudible)

18 MR. SyWASSINK: And I'm not trying to be  
19 smart about it. I'm just saying we're going to  
20 have to kind of see where that all goes. You  
21 know, we'll have to make adjustments accordingly  
22 as far as costs or all that kind of stuff. We  
23 don't know what the -- it's a new program, so --

24 MR. MICKELSEN: So our classes, so our  
25 spring semester will be done about the middle of

1 May, so June is approaching fast. We do have room  
2 in our dorms. We have food service that has a  
3 summer contract, so they can be there to feed  
4 people. We've got places where people can sleep.  
5 If it's 30 people, we can do 15 in a session, and  
6 maybe run two sessions over the summer. I don't  
7 know. So whenever we get to that, when we see  
8 what it is, we will make it work.

9 MR. SyWASSINK: Actually if you went  
10 over that, let's say just hypothetically, J.J., if  
11 we went over that 15, we could handle 15.

12 MR. JARRETT: I'm not worried about big  
13 numbers. I'm worried about the small numbers.

14 MR. SyWASSINK: We can handle that.  
15 That's not a problem.

16 MR. MICKELSEN: You know, we teach a lot  
17 of classes where we've got six, seven kids, if  
18 they need it, so we make it work.

19 And you know, one of the great things  
20 about a community college is we're nimble, we're  
21 quick, we're innovative, and we'll make it work.

22 ACTING CHAIRMAN STRANDELL: Ryan, did  
23 you have a question?

24 MR. OSTER: This Ryan. I was curious.  
25 Do we know how many of these exist in the state,

1 and what their turnover rates have been in the  
2 past few years?

3 UNKNOWN SPEAKER: There is a significant  
4 geographic shift because it's the larger  
5 population base that are using these programs, and  
6 that's a concern for you.

7 MR. JOHNSON: This is Perry. I don't  
8 think that we even know, but I don't think it's  
9 necessarily the larger population bases. I know  
10 that we've got, for example, Ravalli County,  
11 they've got misdemeanor probation. That's a  
12 pretty small population. Lewistown, pretty small  
13 population.

14 But I think that the opportunity for  
15 expansion -- and Gloria's sitting in the room.  
16 She's part of the one right here in Lewis & Clark  
17 County. They started out with two, now they've  
18 got four, right?

19 MS. SOJA: We do, and with permission --  
20 this is Gloria Soja -- with permission, I do have  
21 some of that information that may be helpful.

22 Because the pilot project, the pretrial  
23 services pilot project, originally involved five  
24 counties. So you have Missoula, Lewis & Clark,  
25 you have Butte-Silver Bow, Yellowstone. But see,

1 you have these counties involved, but you also  
2 have the additional. Cascade is coming on board.  
3 We have Flathead looking at coming on board. And  
4 so other counties are looking at coming on board  
5 that project.

6 So I think we are going to over the next  
7 two years see a need, a higher need, as far as  
8 turnover. We went from two officers to four.  
9 We've lost one officer, you know, he left the  
10 agency, so we're in the process of hiring one, so  
11 we'll have one coming on board here hopefully  
12 within the next couple weeks. So that's the start  
13 point, right? Like that year starts counting  
14 then.

15 I know that Billings has, I believe  
16 Billings has some positions open. I know that  
17 Butte-Silver Bow, they just had a change, so the  
18 person that was doing it for them, there are now  
19 two individuals there, two different individuals  
20 there, so there is at least a couple there. It's  
21 coming.

22 MS. BOLGER: This is Katrina. That's  
23 also not considering all of the private entities  
24 that are also -- (inaudible) --

25 MS. SOJA: Yes, like Gallatin County has

1 their own pretrial.

2 MR. GLADE: This is Wyatt. I think that  
3 there is going to be a lot more people coming for  
4 training for this particular thing, and I'm  
5 specifically talking about pretrial monitoring. I  
6 think this has been building from the County  
7 Attorneys Association.

8 One of the things we've tried to push  
9 over the last couple of years is that diversion  
10 project for some of the lower level drug offenses,  
11 rather than sending that evidence to the lab,  
12 rather than eating up a bunch of OPD time, and  
13 Court time.

14 What we pitched to the Legislature last  
15 time was to try to divert those cases early into a  
16 treatment course, and there would be a diversion  
17 agreement where -- the way I've got it structured,  
18 the defendant pleads guilty, and the case is  
19 suspended, they go through treatment. If they  
20 successfully complete and don't get in trouble in  
21 the meantime, we dismiss the case.

22 So instead of ever going to the DOC, the  
23 whole reason we're charging these people is to get  
24 them into treatment, they get it, and that's their  
25 shot. Saves some money for the OPD, for the lab,

1 for the Court system, for the DOC ultimately.

2 But what we lack, and why it didn't  
3 work, is because we didn't have somebody to  
4 supervise those people during that period of  
5 diversion. And what we've done in Custer County  
6 is we contract with a private company to do that,  
7 or Misdemeanor Probation and Pretrial Services.

8 But what I'm building to here is I think  
9 that at the next legislative session this is going  
10 to be something that's pretty important. I know a  
11 bunch of the legislators are looking at trying to  
12 implement a pretrial diversion plan that's  
13 consistent state-wide; County Attorneys are trying  
14 to do this.

15 No one could predict whether it's going  
16 to happen or not, but if it does happen, we're  
17 going to need people who are trained to supervise  
18 these defendants during this time period, and I  
19 think it's going to be Pretrial Services. So I  
20 think there is going to be a need.

21 UNKNOWN SPEAKER: Matt, I just was going  
22 to say I know for certain that one of you  
23 definitely will need to -- because he's been  
24 through officer basic.

25 But also coming to work every day, and

1 look through the jail log, and everybody's  
2 released to Pretrial Services. If you do a  
3 felony, you are released to Pretrial Services,  
4 rather than just a straight recognizance. I can  
5 see it definitely being something that's going to  
6 get real big.

7 MR. JOHNSON: This is Perry. I think  
8 that then we're probably at a point where we need  
9 to have a consensus from the Council that this is  
10 a program -- as long as we've already looked at  
11 the syllabus for Pretrial Service, we developed  
12 that curriculum, and we're looking for now a  
13 partnership that's standing in front of us to move  
14 this program forward.

15 And I wish I would have asked Glen to  
16 speak before he left, but really what he did tell  
17 us today is we're building the infrastructure, but  
18 we're not building the staff to accommodate more.  
19 So we can maybe train more cops, but to try to  
20 entertain an additional, a new discipline, he  
21 doesn't have the horses to pull that plow.

22 These guys do, and they're ready to go.  
23 And I think that what I would ask you to consider  
24 is what Scott has said to us today. He made  
25 reference to the letter from Gallatin Court

1 Services. I think that it's important that we  
2 make sure that the stakeholders that are involved  
3 in this still have a seat at the table, that you  
4 guys acknowledge that they have something to bring  
5 to the table.

6 And it's very important, I think, that  
7 you recognize that's where the expertise is, and  
8 if we're going to build it, like what Kevin talked  
9 about, we start with a three year plan. It's got  
10 to get better. And if that means adding time,  
11 adding more classroom, or adding more online, then  
12 I think that ability to be nimble I think is --  
13 There is an advantage to the Council to enter into  
14 a partnership with you.

15 But at this point, I don't think that  
16 I'm aware of another option. And I think that  
17 this appears to be an excellent opportunity to  
18 enter into a relationship with these guys that are  
19 really committed to public safety in the state of  
20 Montana.

21 MR. MICKELSEN: Can I say one more  
22 thing? In a community college, we're not going to  
23 go back and say, "Okay. This is what we're going  
24 to teach, this is how it's going to be." You've  
25 got the curriculum; but we also look for other

1 people.

2           Sometimes we form advisories, and we  
3 bring in the best minds and the best ideas to make  
4 this possible. That's another beauty of the  
5 community college, is we just don't say, "You know  
6 what, here it is. We're just going to go offer  
7 it." We can make connections.

8           And Rick has got more connections than  
9 just about anybody I know. And so I know that we  
10 can build a quality program with people. It's all  
11 about that partnership, and we're excited about  
12 it.

13           ACTING CHAIRMAN STRANDELL: Jim.

14           MR. THOMAS: This is Jim. I guess I'm  
15 -- and you kind of touched on it briefly there,  
16 quality control.

17           On Page 142, and some of the comments  
18 about the previous -- (inaudible) -- we had toward  
19 the end there -- (inaudible) -- had no idea what  
20 we even do on a daily basis. And I was in a  
21 meeting yesterday where that kind of was brought  
22 up also about the class.

23           So can you briefly touch on your -- I  
24 mean I don't want to see another comment from, you  
25 know, like that again. I really don't.

1 UNKNOWN SPEAKER: Neither do we.

2 MR. MICKELSEN: I'll talk broadly about  
3 how we deal with that. So we have an assessment  
4 process through the entire college, and we have an  
5 assessment process within learning. So we have  
6 objectives for courses, we have student learning  
7 outcomes, we have assessments that we do to  
8 measure those outcomes, so that what we say we're  
9 going to teach, what the students need to learn,  
10 what business and industry, our partners, say they  
11 need to learn, we're teaching to those standards.

12 So that's one way we control it. I'll  
13 let Rick -- he can probably get more specific on  
14 some of those things.

15 MR. SyWASSINK: This is Rick. The only  
16 thing I can add to Scott's comments -- and Perry,  
17 you brought it up -- this program, when we put it  
18 into place, we're just not going to go back and  
19 say, "This is what is going to happen." Okay. I  
20 have my own advisory board, but I'm going to  
21 develop another advisory board over this  
22 particular program.

23 Because as I'm reading comments in the  
24 book, like you were talking about, Jim, I read the  
25 syllabus, and the critiques, and everything else,

1 and you go, "Holy mackerel." There is some things  
2 not anybody knows. So those are things we need,  
3 and that's why -- we can make this go in June, but  
4 we need to get at it, because spend some time  
5 pulling it together, and revisiting all of the  
6 instructional material, and syllabi, and all that  
7 kind of stuff.

8 So we will work with everybody. That's  
9 not a problem. You guys are not going to be shut  
10 out at all. And I'm big on -- as Scott and  
11 Shamani can tell you, I'm big on networking, and  
12 getting the information. So that's where I'm  
13 going to go with it.

14 MR. JOHNSON: This is Perry. And you  
15 know, just to build on that, there is a pilot  
16 program that Gloria talked about, but Gallatin  
17 County has been doing this for 20 years, 25 years.  
18 There is some expertise out there, and I think  
19 what Kevin referred to earlier was we really  
20 expect that cadre of people with that skillset, or  
21 that knowledge already built, to continue to  
22 participate.

23 And I think that they have made that  
24 commitment, and they did during those  
25 conversations with your Curriculum Committee even.

1           So I think that advisory group that you  
2 pulled together, just because Lewis & Clark is  
3 only a couple years old doesn't mean they don't  
4 have some expertise.

5           MR. SyWASSINK: Absolutely.

6           MR. JOHNSON: You know, Butte's the same  
7 way.

8           MR. SyWASSINK: Everybody has got  
9 something to contribute, and that's where we want  
10 to go with it and make sure it works well for all  
11 your people to go out there. Hey, it's no  
12 different than the cops being out on the street.  
13 We want to make sure that these guys are safe and  
14 doing their job right, and like Perry said,  
15 serving the public as we're supposed to, be  
16 training and educating our students. So that's  
17 kind of my approach to --

18           ACTING CHAIRMAN STRANDELL: Ryan.

19           MR. OSTER: This is Ryan. Just a quick  
20 question. Probably don't even need to ask it. So  
21 adjunct instructors are required to have the  
22 instructor development in order to teach POST  
23 certified classes, which Glen said they're going  
24 to work on, right?

25           MR. JOHNSON: Right.

1           MR. OSTER: College instructors that  
2 they may use, where do they fall into this mix?

3           MR. JOHNSON: This is Perry. They would  
4 only need their bio to foundation them as  
5 qualified to teach. So keeping in mind, we don't  
6 give a certificate to anybody that's not a Public  
7 Safety Officer.

8           So for example, if the Reid Interview  
9 School comes to Montana, none of their instructors  
10 are POST certified in Montana. The foundation for  
11 their instruction comes from their experience, and  
12 their education, and their bio. That's what it's  
13 based on.

14          MR. SyWASSINK: Ryan, just curious.  
15 This is Rick again. Our adjunct instructors, one  
16 was the Chief Deputy at the Sheriff's Office, 20  
17 some years experience. Myself, I'm not currently  
18 an active officer, but I have my masters degree  
19 and 45 years experience. County Attorney. So  
20 we've got the staff that meets the qualifications,  
21 I think, to teach.

22          MR. OSTER: This is Ryan again. I'm not  
23 questioning that --

24          MR. SyWASSINK: Oh, no. I'm not  
25 arguing. Just so you know --

1           MR. OSTER: I'm just saying we sit here,  
2 and we do things, and then we go, "Wow, that  
3 doesn't fit with our ARMs."

4           MR. SyWASSINK: No, I understand. Just  
5 to let you know, that's a thumbnail. I'm just  
6 looking at three other instructors this week, so  
7 we've got a lot going on in that respect.

8           Are there any other questions anybody  
9 has? I'll answer them. I'm not shy. Neither is  
10 Scott. Believe me.

11           If you have questions, I've handed out  
12 my cards. I'll give them to the rest of you. If  
13 you have questions, please email me or call me.  
14 It's not a big deal. If he's not around, I'll  
15 talk to you. No problem. Do you have anything  
16 else, boss?

17           MR. MICKELSEN: I don't. We're just  
18 excited about it, look forward to it.

19           MR. SyWASSINK: I'll get out of your  
20 way.

21           ACTING CHAIRMAN STRANDELL: Is there any  
22 action?

23           MR. SyWASSINK: Thanks for the  
24 opportunity.

25           MR. MICKELSEN: Yes, thanks.

1           MR. JOHNSON: I think I would suggest  
2 that following discussion, you guys make a  
3 decision whether or not this is the program that  
4 you want to endorse for the Pretrial Services  
5 Basic Academy.

6           ACTING CHAIRMAN STRANDELL: Do we have a  
7 motion on that?

8           MR. GLADE: I'll make the motion to  
9 endorse Dawson Community College Pretrial Services  
10 Misdemeanor Probation Basic Academy.

11          MR. THOMAS: I second.

12          ACTING CHAIRMAN STRANDELL: Motion and  
13 second. Jim seconds.

14          MS. KEUNE: Wyatt first.

15          ACTING CHAIRMAN STRANDELL: Any further  
16 discussion?

17          MR. SAYLER: This is Matt. Can I just  
18 ask one question? There will be -- are we going  
19 to have like a year that we're going to test this  
20 out, or is it --

21          MR. JOHNSON: This is Perry. I think  
22 that's up to you fellows. I think that the motion  
23 provides an opportunity for a Basic Academy, and I  
24 think that the proof will be in the pudding by  
25 this summer, how it's presented, and how it's

1 received.

2 And we should probably come back and  
3 have a further discussion in October at our  
4 meeting, and maybe invite these fellows back to  
5 get their perspective, and then take a look at the  
6 evaluations of the course from the students that  
7 participate, and then make a decision as to how we  
8 want to move forward.

9 ACTING CHAIRMAN STRANDELL: Do you want  
10 to amend your motion, Jim, to include that?

11 MR. JOHNSON: It was Wyatt's motion.

12 ACTING CHAIRMAN STRANDELL: Or Wyatt's.  
13 I'm sorry.

14 MR. GLADE: I would like to amend the  
15 motion to include that. I'm not exactly sure how  
16 to word that. I mean are we going to say endorse  
17 this for a period of six months? Eight months?

18 UNKNOWN SPEAKER: Initial class.

19 MR. GLADE: An initial class.

20 ACTING CHAIRMAN STRANDELL: An  
21 evaluation of --

22 MR. GLADE: With evaluation to follow,  
23 and further Board action if necessary at that  
24 time.

25 ACTING CHAIRMAN STRANDELL: Does

1 everybody understand the motion? Jim, are you  
2 okay with that on the second?

3 MR. THOMAS: Yes.

4 MR. SyWASSINK: John, can I interject  
5 one thing?

6 ACTING CHAIRMAN STRANDELL: Yes.

7 MR. SyWASSINK: This is Rick. If you  
8 look on that proposal, the audit, the quality  
9 control of the classes and everything is in the  
10 proposal. That's up to POST and up to the  
11 Academy. They will review that, we will review  
12 their rules on quality control and the whole bit  
13 on the courses. So we put it in the proposal, and  
14 it's there for people to take a look at.

15 ACTING CHAIRMAN STRANDELL: Okay.

16 MR. OSTER: So this is Ryan. So this  
17 was a new program. POST was mandated to provide a  
18 basic training for this, right, and to provide  
19 certification. So is there anything else we have  
20 to do with this, or will this take care of our  
21 responsibilities with regards to this?

22 MR. JOHNSON: This is Perry. I think by  
23 building in the evaluation or the audit  
24 opportunity, I think what Rick just said in  
25 regards to the ability of MLEA and POST to have --

1 it's kind of a open campus where we can sit in a  
2 class and audit it, we can sit in all of them and  
3 audit it, we can ask our stakeholders to provide  
4 feedback.

5 I think we've gone beyond what our  
6 responsibility was, to be honest with you. We  
7 just had to approve a syllabus. But I guess just  
8 because, based on the conversations we've had  
9 before, I felt a lot more responsibility to at  
10 least make sure that there is a provider for the  
11 Basic Academy, because Kevin said no more; Glen  
12 said, "I can't do it," and so that's how we got to  
13 here today.

14 We reached out, or I reached out, and  
15 those guys responded. And so I think that the  
16 conversations I've had with Glen, it looks like  
17 it's a healthy relationship with us. I think that  
18 while he doesn't have staff to do the whole thing,  
19 he's even extended an offer to you fellows to use  
20 his Assistant Attorney General to cover some of  
21 the legal issues instruction.

22 UNKNOWN SPEAKER: Yes.

23 MR. JOHNSON: So that's kind of a leg up  
24 right there. And if the County Attorney has a  
25 Deputy County Attorney that wants to audit that

1 presentation, maybe adopt it at some point, that's  
2 some opportunity. But I think we did it. I think  
3 we covered what we were required to cover.

4 MS. BOLGER: This is Katrina. Aside  
5 from certifying and continuing to track training,  
6 -- (inaudible) -- and doing all the other  
7 day-to-day stuff we do for everybody.

8 MR. JOHNSON: Right.

9 ACTING CHAIRMAN STRANDELL: Any further  
10 discussion? Tony, Tia, do you guys understand the  
11 motion and the amended motion?

12 MR. HARBAUGH: Yes.

13 MS. ROBBIN: I do.

14 ACTING CHAIRMAN STRANDELL: Okay. Any  
15 further discussion?

16 (No response)

17 ACTING CHAIRMAN STRANDELL: All in  
18 favor, say aye.

19 (Response)

20 ACTING CHAIRMAN STRANDELL: Opposed.

21 (No response)

22 ACTING CHAIRMAN STRANDELL: Motion  
23 passes. Go ahead, Tony.

24 MR. HARBAUGH: Aye.

25 MR. JOHNSON: That takes us to -- are

1 you ready to move?

2 UNKNOWN SPEAKER: Let's do her.

3 MR. JOHNSON: That takes us to the  
4 Director's report. I seldom get an opportunity to  
5 speak to Jason Jarrett, but I'll take an  
6 opportunity now to direct your attention to Page  
7 253. At the bottom of that, you'll see that Jason  
8 retired -- congratulations -- back in December,  
9 and turned into a part-time employee. It's his  
10 intent to resign.

11 I've reached out to Stacy Otterstrom,  
12 the Governor's Appointment Secretary, to ask her,  
13 or to make her aware that there is an opening.  
14 They still do have some applications on file from  
15 when they appointed Jason.

16 But this material went out to all of the  
17 POST stakeholders that are detention  
18 administrators, and there's still an opportunity  
19 for others to apply if they want to. So this is  
20 an informational item on the agenda unless Jason  
21 wants to speak to it further.

22 MR. JARRETT: Leo and MSPOA probably  
23 should have that weigh-in. That was the one of  
24 the issues originally, so --

25 ACTING CHAIRMAN STRANDELL: This is

1 John. You'll stay with us, Jason, until we get a  
2 new -- (inaudible) --

3 MR. JARRETT: I've offered that at the  
4 convenience of the Council.

5 ACTING CHAIRMAN STRANDELL: Thank you.

6 MR. JARRETT: That's your -- you call  
7 air strike in on yourself all you want.

8 ACTING CHAIRMAN STRANDELL: We haven't  
9 had to utilize that yet, so --

10 MR. JARRETT: The more I'm around, the  
11 more opportunity for me to make an ass of myself.

12 ACTING CHAIRMAN STRANDELL: Thank you.

13 MR. JOHNSON: That takes us to Page 254.  
14 There is our operating budget right there in front  
15 of you. You can see that we started out with  
16 \$458,990. We have expended \$191,843. We have  
17 \$267,146 left in our balance. Our budget is in  
18 excellent shape.

19 ACTING CHAIRMAN STRANDELL:  
20 Certificates.

21 MR. JOHNSON: Certificates awarded were  
22 565 since we met last time. And then you can  
23 see --

24 -- (inaudible) --

25 MR. JOHNSON: How come? This was pretty

1 nice of you, Mary Ann. Hey, I've got to just stop  
2 for a minute and let you guys know. I don't know  
3 if Katrina or Mary Ann felt it, but we really felt  
4 unprepared for this meeting, because for the last  
5 month we've been moving our office into a  
6 different building.

7 So in regards to any kind of  
8 discretionary time, what we carved out for Case  
9 Status Committee meetings, and ARM Committee  
10 meetings, and Business Plan Committee meetings,  
11 boy, I'll tell you what, we have just been -- we  
12 have really had our oars in the water.

13 So if there is something that was  
14 missing for this meeting, that's the way it goes,  
15 because there was no way we were going to stay in  
16 the Maple Building and continue to operate,  
17 because they got the asbestos team in there  
18 cleaning that building out right now, and that's  
19 what they're doing, so --

20 But I think it translated okay. I think  
21 the move has gone pretty well. And I have to give  
22 credit to both Mary Ann and Katrina. They just  
23 bucked up, and started loading boxes, and away we  
24 went.

25 MS. KEUNE: Perry handily had an

1 appointment.

2 MR. JOHNSON: Well, when you get to be  
3 my age, there is a lot of appointments.

4 MS. BOLGER: He did have to take all of  
5 the stuff off of his walls.

6 MR. JOHNSON: Well, anyhow, I wish I  
7 wouldn't have started this.

8 UNKNOWN SPEAKER: Take down the Farrah  
9 Fawcett poster?

10 MR. JOHNSON: So here we go. We awarded  
11 565 certificates. We approved training this last  
12 section for 1,578 officers that comprised 2,394  
13 courses. And so we ended up approving 23,447  
14 hours of training.

15 Equivalency granted is found on Page 255  
16 and 256. And extensions granted are found on  
17 Pages 257 and 258.

18 Just looking back at some of the history  
19 of some of our meetings, at least since I started,  
20 often when we met six or six and a half years ago,  
21 extensions were -- sometimes we didn't have any,  
22 and sometimes we had one or two.

23 Now you see that we're having more  
24 extensions, but that's really predicated on the  
25 capacity of the Academy, you know, who they have

1 housing for, and the capacity of that staff to  
2 train people. So when they're built out this  
3 fall, I think that we can expect to see those  
4 extensions go down.

5 I included a couple of misconduct  
6 articles here, I guess for lack of a better word.  
7 One just relates to revocation, and while it might  
8 be an older article, I think it's still relevant.  
9 That's a good conversation that we should be aware  
10 of, especially when you consider there are some  
11 states don't have the ability to revoke at all.  
12 They do have the authority to issue certificates,  
13 but they can't make a sanction on it.

14 And then that other one, in regards to  
15 Colorado, your Case Status Committee, every time  
16 we meet, deal with honesty issues; every time  
17 without exception. And that's one of the biggest  
18 issues that we deal with. And we've had the  
19 ability to examine officer conduct, and take  
20 actions against certifications, based on the  
21 honesty or the integrity of the officers forever.

22 So I just included that because some  
23 states didn't have ability to do that, and some  
24 states actually used statute to allow them to do  
25 that.

1           Just in regards to office updates, I  
2 started already by telling you folks that we moved  
3 into the new building. We're in the Admin.  
4 Building now, so that's the building closest to  
5 the cafeteria on campus. We have the whole wing  
6 that's -- well, I guess that's the west wing.

7           MS. KEUNE: It is.

8           MR. JOHNSON: Keep that on.

9           UNKNOWN SPEAKER: Perry President.

10          MR. JOHNSON: That would be a demotion.  
11 So we did get moved.

12          I already mentioned that Kristina really  
13 wants to spend more time with her family, so we've  
14 started those conversations with DOJ in regards to  
15 what appears to be some pretty good opportunities.

16          We've also had some conversations with  
17 some other attorneys that are out there, and I'll  
18 keep you posted as that develops.

19          In regards to our modified position in  
20 our office, I guess what we've done there is we  
21 looked at our budget, and we've approached DOJ,  
22 and said, "Hey, we've got budget to do a modified  
23 FTE in our office and do an emergency hire." And  
24 we've had the same staff member there as a temp  
25 for over a year.

1           And when I gave cudos to Mary Ann and  
2 Katrina for that move, the same staff member, she  
3 just buckled down, and started working, and that's  
4 the way she is. She comes in, says "Good morning"  
5 in the morning to the rest of the staff, and sits  
6 down and goes to work.

7           So we approached DOJ. They took a look  
8 at it, and they said, "You do have budget  
9 available to do that, and we'll help you translate  
10 that individual into that position, so you'll have  
11 her for a year." So that's what our goal is.  
12 We'll start that process probably the first week  
13 of March, and then we'll interview, and we'll make  
14 a decision as to who will serve in that capacity.

15           The agency move I've gone over. The DOJ  
16 end of your report is just one of those reports  
17 that DOJ does every year. We're found in that  
18 report I think on Page 270 under the Short Term  
19 goals. Do I have that right?

20           MS. BOLGER: Yes.

21           MR. JOHNSON: 271, I guess, short term  
22 goals, for the POST Bureau. And then the long  
23 time goals are the things that we've always talked  
24 about during our Council meetings in regards to  
25 the ethics, the outreach to our agencies and our

1 officers, and then legal support staff are big  
2 deals for us.

3 So I think that's what I've got for you,  
4 Mr. Chairman.

5 ACTING CHAIRMAN STRANDELL: Okay. Is  
6 there anything else that we need to discuss?

7 (No response)

8 ACTING CHAIRMAN STRANDELL: Hearing  
9 none, do we have a motion to adjourn?

10 UNKNOWN SPEAKER: I move --

11 MR. HARBAUGH: John, this is Tony.

12 ACTING CHAIRMAN STRANDELL: Go ahead,  
13 Tony.

14 MR. HARBAUGH: Do we have an opportunity  
15 maybe to look at meeting dates or -- I guess I'm  
16 just curious if we get them on the schedule.

17 MS. KEUNE: They are on.

18 MR. JOHNSON: Okay. What are they?  
19 Mary Ann was just saying that they are on.

20 MS. KEUNE: We did. At the end of the  
21 last year you guys approved those.

22 ACTING CHAIRMAN STRANDELL: Mary Ann is  
23 looking for it, Tony. She had to take them off of  
24 Perry's wall.

25 UNKNOWN SPEAKER: When I looked the

1 other day, on the website it said June 3rd and  
2 October 2nd.

3 MS. KEUNE: Thank you.

4 MS. BOLGER: On the website is  
5 absolutely.

6 MR. HARBAUGH: I missed them. I  
7 apologize. Thank you.

8 MS. KEUNE: I should put those on the  
9 agenda next time.

10 ACTING CHAIRMAN STRANDELL: So are both  
11 of them here?

12 MR. JOHNSON: No. I think the  
13 conversation we had during our last meeting was we  
14 discussed the June 3rd meeting in Lewistown, and  
15 we discussed the October 2nd meeting in Kalispell.  
16 But that's open for discussion now.

17 MR. HARBAUGH: I have a conflict on the  
18 3rd, but that's not a big issue. I'll just have  
19 to do another one by phone if possible.

20 ACTING CHAIRMAN STRANDELL: Anybody else  
21 have conflicts or problems with that? Does it  
22 look okay?

23 UNKNOWN SPEAKER: I think that October  
24 2nd one is the MACOP conference, and I think it's  
25 in Kalispell.

1           ACTING CHAIRMAN STRANDELL: Is it?  
2           MR. JOHNSON: Are you okay with that  
3 then?

4           UNKNOWN SPEAKER: Can you function  
5 without me?

6           MR. JOHNSON: Probably not.

7           UNKNOWN SPEAKER: I don't have a west  
8 wing, but I'm pretty important.

9           MR. JOHNSON: Yes, you are.

10          ACTING CHAIRMAN STRANDELL: Okay. We'll  
11 stay with those dates unless --

12          MR. DUTTON: You might have a right  
13 wing.

14          ACTING CHAIRMAN STRANDELL: -- conflict,  
15 I guess, so --

16          MR. JOHNSON: Is Lewistown okay? Okay.  
17 I'll reach out and see if I can find a venue over  
18 there.

19          ACTING CHAIRMAN STRANDELL: The  
20 Sheriff's Office has a large conference room.

21          MR. JOHNSON: In the basement?

22                 (Inaudible conversation)

23          ACTING CHAIRMAN STRANDELL: I don't know  
24 what they have for a phone.

25          UNKNOWN SPEAKER: October 2nd is a

1 Friday?

2 UNKNOWN SPEAKER: According to the next  
3 box.

4 MS. BOLGER: The schedule is the October  
5 date was set to accommodate the Board of Crime  
6 Control convention maybe.

7 UNKNOWN SPEAKER: MPCIA is --  
8 (inaudible) --

9 UNKNOWN SPEAKER: Days.

10 ACTING CHAIRMAN STRANDELL: We can --

11 MS. KEUNE: That was a Friday. Maybe  
12 it's the 7th, is it? I don't know.

13 MR. DUTTON: For those that are hard of  
14 hearing, can you repeat the proposed dates again?

15 ACTING CHAIRMAN STRANDELL: We were  
16 talking June 3rd and October 2nd, but the 2nd  
17 probably won't work, Leo, because it's a Friday.

18 MS. KEUNE: How about if I email out  
19 what the next meeting dates are.

20 ACTING CHAIRMAN STRANDELL: Yes. Why  
21 don't you just verify that with us. Any further  
22 discussion? Jim made the motion to adjourn. Do I  
23 have a second?

24 MR. GLADE: Second.

25 ACTING CHAIRMAN STRANDELL: Wyatt

1 seconds. All in favor, say aye.

2 (Response)

3 ACTING CHAIRMAN STRANDELL: Thanks,  
4 everybody.

5 (The proceedings were concluded )

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

IN THE MATTER OF  
MATTHEW HARMAN'S  
CERTIFICATE REVOCATION

Case No. 18-30

**ORDER ON POST'S  
PREHEARING MOTIONS**

This matter is before the undersigned Hearing Examiner. On June 8, 2020, the Montana Public Safety Officer Standards and Training Bureau (POST) filed Motions requesting that the Hearing Examiner:

1. Deem POST's Discovery Request No. 8, a request for admission, conclusively admitted for all purposes of this litigation, and
2. Grant summary judgment in favor of POST, Mont. R. Civ. P. 56.

As of the date of this Order, Matthew Harman has not responded, nor has he provided any arguments as to why the Motions are not well taken.

The Motions are hereby **GRANTED**.

**1. ISSUE REGARDING DISCOVERY**

BACKGROUND

This case is before the Hearing Examiner on Mr. Harman's request for hearing on POST's revocation of his POST certification.

The parties agreed to a hearing schedule during a telephone conference, and a Scheduling Order was issued on April 10, 2020. POST timely served discovery requests on Mr. Harman on April 22, 2020. Following is the request for admission and Mr. Harman's response:

DISCOVERY REQUEST NO. 8 (Request for Admission): Please admit the authenticity, completeness and admissibility into evidence of the following documents, copies of which are available through the State of Montana's document transfer service, ePass:

<b>Exhibit No.</b>	<b>Description</b>
1	August 3, 2018 Notice of Termination from the Montana Women's Prison to POST concerning the involuntary termination of Matthew Harman
2	July 26, 2018 Termination Letter from the Montana Women's Prison to Matthew Harman
3	Matthew Harman's August 13, 2018 POST Transcript
4	June 6, 2018 Request for Investigation from Jessica Sosa to Paul Szczepaniak regarding Matthew Harman
5	June 11, 2018 Admin. Investigation Report, Case No. 060708-01 from Jessica Sosa to Jennie Hansen regarding Matthew Harman
6	June 9, 2018 General Report, Case No. 060708-01 from Jessica Sosa regarding Melissa Umhey Interview and Camera Review
7	June 6, 2018 General Report from Jessica Sosa regarding Matthew Harman Interview
8	June 11, 2018 Administrative Investigation Report, Case Number 060708-01 from Jessica Sosa regarding Tim Hosa Interview
9	June 6, 2018 General Report, Case Number MWP180601 from Michael Moorman regarding Lorie Witz Interview, page 1
10	June 1, 2018 Offender/Staff Request (OSR) Form from Melissa Umhey to "officer" regarding "Mrs. Witts"
11	July 11, 2018 Notice of Termination from the Montana Women's Prison to POST concerning the involuntary termination of "Lorie Johnston" a.k.a Lorie Witz-Johnston
12	December 7, 2018 Notice of POST Action in Case Number 18-43, revoking the POST certification of Lorie Witz-Johnston
13	June 5, 2018 audio recording of Michael Moorman interview with Officer Lorie Witz
14	June 6, 2018 audio recording of Jessica Sosa interview with Matthew Harman
15	June 26, 2018 audio recording of Matthew Harman's due process meeting with Department of Corrections
16	June 1, 2018 video recording from Montana Women's Prison second floor landing, DVR 5, camera number 3
17	December 6, 2019 audio recording of POST interview with Matthew Harman
18	December 30, 2019 Investigation Synopsis by Katrina Bolger regarding POST's investigation of Matthew Harman
19	POST Integrity Report 2013-Current, available at <a href="https://media.dojmt.gov/wp-content/uploads/Integrity-Report_102919.pdf">https://media.dojmt.gov/wp-content/uploads/Integrity-Report_102919.pdf</a>

RESPONSE: Deny. I have no access to ePass to verify any of these documents.

POST counsel informed counsel for Mr. Harman that access to ePass, the State of Montana's open system for document exchanges. *See* Montana's Official State Website, <https://app.mt.gov/epass/Authn/selectIDP.html>. In any event, the day after POST received Mr. Harman's discovery responses, POST mailed him a DVR-R containing Exhibits 1-19. Mr. Harman did not supplement his discovery requests. Despite attempts by POST counsel to contact Mr. Harman's counsel by email on June 5, 2020, POST did not receive a response to Discovery Request No. 8.

Pursuant to the Scheduling Order in this matter, "[a]ll discovery must be completed" by May 25, 2020. POST provided Mr. Harman ample time to review the documents on the DVR-R and supplement his discovery responses prior to the close of discovery (or even after). The Hearing Examiner's scheduling order set the motions deadline for on or before June 8, 2020. On June 5, POST requested that Mr. Harman supplement his discovery and advised that it would file any necessary discovery motions and a motion for summary judgment on June 8.

#### LEGAL STANDARD

The rules require parties to supplement incomplete requests for admission. Mont. R. Civ. P. 26(e)(1)(A). If a party fails to timely respond to a request for admission, it may be deemed conclusively admitted for all purposes of the litigation. Mont. R. Civ. P. 36(a)(3)(b). Though Mr. Harman may have had an argument on which to base an objection to the request for admission, he did not do so in response to the discovery

request, nor did he provide any argument in response to the instant motion that the request be deemed admitted.

Discovery Request No. 8 is deemed admitted for all purposes of this litigation.

## 2. ISSUE OF MOTION FOR SUMMARY JUDGMENT

The undisputed facts in the record demonstrate that Mr. Harman committed acts which constitute grounds for sanction of his POST certificates. Because Mr. Harman did not provide any evidence or raise any facts which dispute the facts set out by POST, there is no genuine issue of material fact as to whether his conduct fits within the “Grounds for Sanction, Suspension, or Revocation” of POST Certification outlined by POST’s Administrative Rules. Thus, as a matter of law, POST is entitled to summary judgment in its favor.

### STATEMENT OF UNDISPUTED FACTS

The undisputed facts, supported by evidence in the record, are as follows:

1. Matthew Harman admitted the truth and accuracy of each of the Assertions of Fact contained in POST’s *Notice of POST Action and Opportunity for Hearing*. Matthew Harman’s Answers to POST’s First Set of Combined Discovery Requests Including Requests for Admission (Harman Responses) at p. 5, Response to Discovery Request No. 6. Mr. Harman has admitted these facts:

Matthew Harman was appointed by the Montana Women’s Prison (MWP) as a Corrections Officer on September 11, 2001.

POST issued Mr. Harman a Detention/Correction Officer Basic certificate on May 22, 2003.

On November 16, 2006, POST issued Mr. Harman a Detention/Correction Officer Intermediate certificate.

The POST Council Bureau Chief received allegations of misconduct against Mr. Harman. The allegations against Mr. Harman included Mr. Harman receiving a complaint regarding a fellow officer from an inmate and providing that complaint to the subject officer; when Mr. Harman was questioned about providing the complaint to the subject officer, Mr. Harman lied to his employer and to POST about his actions.

POST's investigation of the allegations against Mr. Harman included a review of the MWP's investigative reports concerning Mr. Harman, a review of MWP's investigation of the Prison Rape Elimination Act (PREA) allegations against the other officer, review of the video of Mr. Harman allowing the officer to read the inmate's complaint, a review of Mr. Harman's personnel file, a review of the arbitrator's decision and other arbitration documents regarding Mr. Harman's termination, review of MWP's audio recorded interviews in the investigation of this and the underlying PREA complaint, review of information provided by Mr. Harman to POST in writing, and an interview of Mr. Harman.

Based upon the investigation, the evidence substantiated the allegation by a preponderance of the evidence that Mr. Harman received a complaint regarding a fellow officer from an inmate and provided that complaint to the subject officer; when Mr. Harman was questioned about providing the complaint to the subject officer, Mr. Harman repeatedly lied to his employer and to POST about his actions.

2. On August 6, 2018, POST received a Notice of Termination from MWP which indicated that Mr. Harman was terminated involuntarily on August 2, 2018. The Notice also provided that "Matthew Harman was terminated for just cause for a PREA violation and other DOC/MWP policy/procedural violations. Bolger Aff., ¶ 3-4; Notice of Termination (Exhibit 1).

3. Attached to the Notice of Termination (Exhibit 1) was a copy of a termination letter from MWP Associate Warden Alex Schroeckenstein to Mr. Harman. Bolger Aff., ¶ 3-4; Exhibit 2.

4. Mr. Harman's termination letter indicated that he showed a Prison Rape Elimination Act (PREA) complaint about R.O. Witz to R.O. Witz before he delivered the complaint to his lieutenant. The letter also states that Mr. Harman

was untruthful with the PREA investigator about this incident. Bolger Aff., ¶ 3-4; Exhibit 2 at p. 1.

5. On June 1, 2018, Inmate Melissa Umhey approached Mr. Harman and indicated she would like to file a PREA report and indicated she would like to prepare a written complaint. Ms. Umhey later provided her written complaint to Mr. Harman on an Offender/Staff Request form (often referred to as an OSR or a “kite”) regarding “Mrs. Witts.” Affidavit of Jessica Sosa (Sosa Aff.), ¶¶ 4, 7-13; June 6, 2018 Request for Investigation (Exhibit 4); June 11, 2018 Investigation Report by Jessica Sosa (Exhibit 5), pp. 1-2; June 9, 2018 General Report regarding Umhey Interview by Jessica Sosa (Exhibit 6); June 6, 2018 General Report regarding Harman Interview by Jessica Sosa (Exhibit 7), p. 1; Affidavit of Tim Hosa (Hosa Aff.), ¶¶ 3-4; June 11, 2018 General Report regarding Hosa Interview by Jessica Sosa (Exhibit 8); June 1, 2018 Offender/Staff Request Form by Melissa Umhey (Exhibit 10); June 6, 2018 audio-recorded interview of Matthew Harman by Jessica Sosa (Exhibit 14) at 00:00-01:12; Bolger Aff., ¶ 8; December 16, 2019 audio-recorded interview of Matthew Harman by Katrina Bolger and Perry Johnson (Exhibit 17) at 04:10-04:55.

6. After receiving Ms. Umhey’s complaint, Mr. Harman provided the document to Lorie Witz-Johnston (Officer Witz) to review. Sosa Aff., ¶¶ 5-13; Exhibit 6; Affidavit of Michael Moorman (Moorman Aff.), ¶¶ 5-6; June 6, 2018 General Report regarding Witz interview by Michael Moorman (Exhibit 9), ¶ 2; June 5, 2018 audio-recorded interview

of Lorie Witz by Michael Moorman (Exhibit 13) at 01:06-02:45; June 1, 2018 surveillance video footage of MWP second story landing (Exhibit 16) at 16:24:27-16:25:54.

7. On June 5, 2018, Lieutenant Michael Moorman interviewed Officer Witz regarding Ms. Umhey's complaint, and placed Officer Witz on administrative leave. Moorman Aff., ¶ 5; Exhibit 13.

8. During Officer Witz's June 5, 2018 interview with Lt. Moorman, Officer Witz stated that Mr. Harman had shared Ms. Umhey's complaint with her. *Id.*

9. Officer Witz admitted that she made an inappropriate comment about Ms. Umhey, and that she threw cold water on a showering inmate. *Id.*

10. On June 6, 2018, Jessica Sosa, PREA Coordinator for MWP, requested an internal investigation into Mr. Harman. Sosa Aff., ¶ 7; Exhibit 4.

11. Mr. Harman was interviewed by Ms. Sosa on June 6, 2018. Sosa Aff., ¶¶ 7-8; Exhibit 5 at p. 2; Exhibit 7; Exhibit 14.

12. Mr. Harman made inconsistent statements during his interview with Ms. Sosa on June 6, 2018, including: that Mr. Harman took Ms. Umhey's kite straight to Lt. Hosa; that Mr. Harman may have shown Officer Witz the kite; that Officer Witz read the kite while Mr. Harman was reading the kite; that Officer Witz read the kite while Mr. Harman was "rereading" the kite; that Mr. Harman saw Officer Witz's name on the top of the kite; that Mr. Harman didn't see Officer Witz's name on the kite; that Mr. Harman read the kite to make sure it was "pertinent"; and that Mr. Harman didn't read the kite. Sosa Aff., ¶¶ 7-9; Exhibit 5 at p. 2; Exhibit 7; Exhibit 14.

13. On June 9, 2018, Ms. Sosa reviewed MWP video footage from the area in which Mr. Harman and Officer Witz read the kite. Sosa Aff., ¶¶ 10-11; Exhibit 6; Exhibit 16 at 16:24:27-16:25:54.

14. Mr. Harman stated during his June 6, 2018 interview that Officer Witz read the kite while Mr. Harman was holding it and reading it. However, the video depicts Officer Witz holding the kite and reading it while Mr. Harman stands several feet away. Subsequently, Officer Witz hands the kite to Mr. Harman. *Id.*

15. On September 10, 2018, POST received a copy of MWP's investigation of the allegations against Mr. Harman. Bolger Aff., ¶¶ 6-7.

16. On December 16, 2019, POST Bureau Chief Perry Johnson and POST Paralegal/Investigator Katrina Bolger interviewed Mr. Harman. Bolger Aff., ¶¶ 8-9; Exhibit 17; Exhibit 18, pp. 3-4.

17. During his interview with POST, Mr. Harman claimed that Officer Witz read the kite while Mr. Harman was standing near her at the computer, proofreading something for Officer Witz. *Id.*

18. Mr. Harman does not contest any of the Assertions of Fact in POST's Notice of POST Action in this matter, including ¶ 6, which provides "... that Mr. Harman received a complaint regarding a fellow officer from an inmate and provided that complaint to the subject officer; when Mr. Harman was questioned about providing the complaint to the subject officer, Mr. Harman repeatedly lied to his employer and to POST about his actions." *See* Notice of POST Action; Harman Responses at p. 5, Response to

Request No. 6.

### LEGAL STANDARD

Summary judgment is available in this administrative proceeding. ARMs 23.13.705(3), 713(2)(g); *Matter of Peila*, 249 Mont. 272, 815 P.2d 139 (1991). The purpose of summary judgment is to encourage judicial economy through the prompt elimination of questions not deserving of resolution by trial. *Harland v. Anderson*, 169 Mont. 447, 450, 548 P.2d 613, 615 (1976). “Summary judgment is proper under M. R. Civ. P. 56(c) if ‘the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law.’” *Runstrom v. Allen*, 2008 MT 281, ¶ 11, 345 Mont. 314, 191 P.3d 410 (citing *Fabich v. PPL Montana, LLC*, 2007 MT 258, ¶ 9, 339 Mont. 289, 170 P.3d 943).

The initial burden of proof is on the moving party, here POST, to establish that no genuine issues of material fact exist. *Westmont Tractor Co. v. Continental I, Inc.*, 224 Mont. 516, 521, 731 P.2d 327, 330 (1986). After the moving party has met its burden, the burden then shifts to the party opposing the motion, here Mr. Harman, to establish the existence of a genuine issue of material fact. *Sprunk v. First Bank System*, 252 Mont. 463, 466, 830 P.2d 103, 104 (1992). Mr. Harman must present facts of a “substantial nature” showing that genuine issues of material fact remain for trial. *Wangen v. Kecskes*, 256 Mont. 165, 172, 845 P.2d 721, 726 (1993).

### POST’S LAWS AND RULES

The Montana POST Council is a quasi-judicial board administratively attached to the Department of Justice. Mont. Code Ann. § 2-15-2029. The POST Council has a legislative mandate to “provide for the certification or recertification of public safety officers and for the suspension or revocation of certification of public safety officers” in Montana. Mont. Code Ann. § 44-4-403(1)(c). The Montana POST Bureau’s statutory purpose is to “provide staff support” to the Council. Mont. Code Ann. § 2-15-2028. The POST Council has also enacted administrative rules to effectuate its legislative mandates, including specific rules regarding contested cases. ARM §§ 23.13.101-721.

ARM § 23.13.702 (2017)<sup>1</sup> states the “Grounds for Sanction, Suspension, or Revocation” of POST Certification applied to Mr. Harman’s conduct in relation to the revocation of his POST certificates. ARM § 23.13.702(2)(a) (2017) states that “willful falsification of any information in conjunction with official duties, or any single occurrence or pattern of lying, perpetuating falsehoods, or dishonesty which may tend to undermine public confidence in the officer, the officer's employing authority, or the profession” is a ground for revocation of certification. Subsection (2)(g) states that “neglect of duty or willful violation of orders or policies, procedures, rules, or regulations” is an additional ground for revocation of POST certification. Subsection (2)(h) of ARM 23.13.702 also provides that “willful violation of the code of ethics set

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<sup>1</sup> POST has amended ARM 23.13.702, which took effect on December 22, 2018 and March 28, 2020. We use the current procedural ARMs to govern this proceeding, but the substantive ARMs that were in effect at the time of Mr. Harman’s violations to analyze whether his certification should be sanctioned based upon misconduct. *Saint Vincent Hosp. & Health Ctr. v. Blue Cross & Blue Shield*, 261 Mont. 56, 60-61 (1993) (use substantive law in effect at the time and current procedural law).

forth in ARM 23.13.203” is a ground for revocation of POST certification. ARM § 23.13.702(2)(i) provides that “other conduct or a pattern of conduct which tends to significantly undermine public confidence in the profession;” is grounds for revocation of POST certification. Subsection (2)(l) of ARM 23.13.702 states that “acts that are reasonably identified or regarded as so improper or inappropriate that by their nature and in their context are harmful to the employing authority's or officer's reputations, or to the public's confidence in the profession;” is grounds for revocation of POST certification.

The Code of Ethics to which ARM § 23.13.702(2)(h) refers is found in ARM § 23.13.203(3) (2017). Subsection (a) of the Code of Ethics states “My fundamental responsibility as a public safety officer is to serve the community, safeguard lives and property, protect the innocent, keep the peace, and ensure the constitutional rights of all are not abridged.” ARM § 23.13.203(3)(i) provides “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.”

Violation of any one of the subsections of ARM § 23.13.702(2) or engaging in conduct which violates any portion of the Code of Ethics in ARM § 23.13.203 constitutes “Grounds for Sanction, Suspension, or Revocation” of Mr. Harman’s POST certificates.

Mr. Harman violated ARM § 23.13.702(2)(a) by repeatedly providing false information regarding his handling of Ms. Umhey’s PREA allegations. During his June 6, 2018 interview with MWP PREA Coordinator Jessica Sosa, Mr. Harman first stated that he took Ms. Umhey’s kite directly to the Lieutenant after he read it because he saw

CO Witz's name at the top of the document. Later, he stated that he may have showed it to CO Witz, but he didn't think so. When Mr. Harman was confronted with the fact that CO Witz confirmed that Mr. Harman showed her the kite, then Mr. Harman claimed that he didn't read the kite until he was reading it with CO Witz. Mr. Harman stated that he didn't see any PREA allegations in the kite. *See Sosa Aff.*, ¶ 8; Exhibits 7, 14.

Additionally, when POST interviewed Mr. Harman, he described another version of events, om which he claimed that he and CO Witz were both at the computer when he absently found the kite in his pocket. Exhibit 17. This is directly contradicted by the video. Exhibit 16. The undisputed facts reflect Mr. Harman's repeated falsification of information regarding his official duties of taking and appropriately handling PREA allegations.

The undisputed facts reflect Mr. Harman violated subsection (2)(g) of ARM § 23.13.702 by violating the Department of Corrections policies 1.3.2, 1.1.17, and the Code of Ethics. *See Exhibit 2.* He violated policy which placed the safety and well-being of fellow officers and inmates in jeopardy.

The undisputed facts reflect Mr. Harman violated ARM § 23.13.702(2)(h) by engaging in conduct violative of ARM § 23.13.203(3)(a) and (i). Mr. Harman did not serve the community, safeguard lives and property, protect the innocent, or keep the peace by sharing a PREA allegation with the officer against whom the allegation was made. Mr. Harman also did not ensure that his character and conduct were admirable, by his actions, and he discredited the profession of public safety.

The undisputed facts reflect that Mr. Harman's actions tend to undermine confidence in his profession in violation of ARM § 23.13.702(2)(i). Mr. Harman's repeated falsehoods, failure to take responsibility for his actions, and the act of showing CO Witz a PREA allegation against CO Witz all work to diminish confidence.

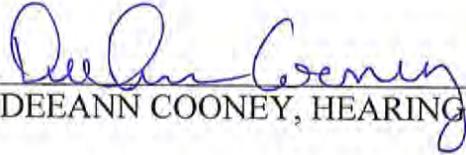
The undisputed facts demonstrated Mr. Harman has violated subsection (2)(l) of 23.13.702 and has harmed his reputation as an officer.

Based on the delineated violations of POST ARMs §§ 23.13.702(2)(a), (g), (h), (i), and (l), as well as violations of POST ARM § 23.13.203(3)(a) and (i), the Bureau Chief of POST revoked Mr. Harman's POST certificates. Mr. Harman appealed this action by POST by requesting a hearing. The purpose of summary judgment is to encourage judicial economy through the elimination of unnecessary trials. *Bonilla v. Univ. of Montana* 2005 MT 183 ¶14, 328 Mont. 41,45, 116 P.2d 823, 826.

In this case, POST has established that Mr. Harman admitted each of the facts alleged in the assertions of fact contained in POST's Notice. Those facts, further supported by Mr. Harman's discovery responses and POST's affidavits, eliminate any genuine issue of material fact. The undisputed facts supported by evidence in the record demonstrate Mr. Harman's actions violate the standards of conduct for public safety officers in Montana. There are no issues of fact to be determined at a hearing. POST is therefore entitled to summary judgment as a matter of law.

IT IS SO ORDERED.

DATED this 27<sup>th</sup> day of July 2020.

  
DEEANN COONEY, HEARING EXAMINER

pc: Michael Fanning, 2260 Sierra Road East, Helena, MT 59602  
Lyndon Scheveck, 2223 Montana Ave. #103, Billings, MT 59101

**RECEIVED**  
**JUL 20 2020**  
**MT POST Council**

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COUNSEL FOR POST

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

IN THE MATTER OF  
LOGAN HODKE'S CERTIFICATE  
SUSPENSION AND SANCTION

Case No. 19-49

**SETTLEMENT AGREEMENT**

THIS SETTLEMENT AGREEMENT (sometimes "Agreement") is agreed to between the Montana POST Council, acting through its Executive Director (Perry Johnson), and Logan Hodke (Mr. Hodke or Respondent).

**Factual and Procedural Posture.** POST issued Mr. Hodke a Peace Officer Basic certificate on February 1, 2016. Mr. Hodke engaged in misconduct in violation of POST's Administrative Rules when he was convicted of Driving Under the Influence of alcohol and refused cooperate with the investigating officer by refusing to provide a breath sample.

On May 16, 2020, POST filed a Notice of POST Action, sanctioning Mr. Hodke's POST certification. Mr. Hodke submitted a timely request for a hearing to the Hearing Examiner.

SETTLEMENT AGREEMENT  
PAGE 1

The parties agree to resolve this matter through a stipulated settlement as provided in Mont. Code Ann. § 2-4-603, and Mont. Admin. R. § 23.13.720. Based on the mutual covenants contained in this agreement, the parties agree as follows:

**Acknowledgment of Rights.** Respondent has read and understands each term of the Notice of POST Action and Opportunity for Hearing, and understands the various rights explained in that document. Those rights include the right to a contested case hearing before an impartial hearing examiner, the right to present evidence and testify and confront and cross-examine witnesses at the hearing, the right to be represented by legal counsel, the right to subpoena witnesses, the right to request judicial review and appeal, and all other rights under Mont. Code Ann. Title 2, ch. 4, pt. 6 (Montana Administrative Procedure Act), Mont. Code Ann. § 44-4-403, and other applicable law including rights and procedures contained in administrative rules, § 23.13.101 *et seq.*

**Waiver of Rights.** Respondent voluntarily and knowingly waives the rights listed above and elects to resolve this matter on the terms and conditions of this Settlement Agreement and acknowledges that no promise, other than those contained in this Settlement Agreement, and no threat or improper assertion has been made by the POST Council, the Executive Director or by any member, officer, agent, or representative of the POST Council to induce Respondent to enter into this Settlement Agreement.

**Admission of Violation.** Mr. Hodke admits each of the factual allegations contained in the Notice of POST Action and agrees those facts support disciplinary action under the Assertions of Law contained in the Notice of Post Action.

However, Mr. Hodke challenges the sanction proposed in the Notice of Post Action. Therefore, the parties agreed to resolve this matter through the negotiated agreed sanction set forth below.

**Agreed Sanction.** Mr. Hodke's POST certification as a peace officer is SUSPENDED for a period of three years. § 23.13.204(3), ARM.

***However***, enforcement of this suspension is ***stayed*** subject to MR. HODKE's scrupulous compliance with the following sanction and period of probation:

Mr. Hodke shall serve a three-year period of probation, commencing on the date of the Executive Director's signature on this Agreement. The terms of that probation include:

A. Mr. Hodke will be ineligible to receive any additional POST certificates (*e.g.* an intermediate certificate), although he will be earning credit for years of service, hours of training, or other qualifications during the probationary period, if he is working as a public safety officer. If Mr. Hodke successfully completes his probationary period, then he may apply to POST to receive any additional certificates for which he is eligible after the probationary period ends.

B. Mr. Hodke will abide by all Montana laws and rules, POST ARMs, and policies and procedures of any public safety agency who may employ him during his probationary period. If Mr. Hodke fails to abide by those laws, rules, and policies, or receives any warning, infraction, violation, conviction, loss of privileges, demotion, or other negative review of his conduct, whether such conduct occurred on or off duty, it may constitute a violation of this probation. Mr. Hodke will inform POST of any such potential violation.

If Mr. Hodke completes the three-year probationary period without breaching this Agreement the suspension will be vacated.

A breach of this Agreement is defined as a violation of an applicable standard of conduct for peace officers in the State of Montana. Mr. Hodke must strictly abide by all standards of conduct established in Montana Code Annotated as enumerated in Title 45, chapters 5 through 10, MCA and Title 61, chapter 8, part 4, MCA; all applicable administrative rules (Admin. R. Mont. §§ 23.13.101 to .721); and the Code of Ethics contained in ARM 23.13.203. Any misconduct defined in Admin. R. Mont. § 23.13.102 is a breach of this Settlement Agreement.

If Respondent breaches this Settlement Agreement before the probationary period is complete, and the facts of such a violation can be sustained by a preponderance of the evidence by the bureau chief of POST, then the bureau chief will initiate proceedings to impose the full three-year suspension of Mr. Hodke's POST certification. Such proceedings will be initiated by informal letter to Mr. Hodke in an attempt to resolve the

violation informally. If such informal resolution cannot be reached, POST will issue a Notice of POST Action pursuant to ARM 23.13.703(9)(d)-(e). In that case, the matter will proceed as a contested case action, but the only issue will be the existence of a breach of this Agreement; the present violation and the three-year suspension may not be challenged in an action to revoke the stay. The Executive Director of the POST Council shall have the right to impose the suspension for the violation of this Agreement and seek any appropriate penalty for the subsequent violation. If Mr. Hodke breaches this Agreement during the three-year period of probation, but that breach is not discovered and/or charged until after the probation period expires, the Executive Director may still declare a breach and suspend Respondent's POST certificate(s) for three years.

**Complete Agreement.** The parties agree that this will be a final compromise and settlement of issues enumerated and represents the parties' complete agreement. This agreement supersedes any prior negotiations, and the parties make no further agreements not set forth in this document.

**Public Record.** The parties acknowledge that this matter is public record subject to disclosure as provided by Mont. Code Ann. § 2-4-623 (Administrative Procedure Act), Title 2, Chapter 6, part 10 MCA (Public Records) and Mont. Admin. R. § 23.13.103.

**Final Agency Action.** The parties agree that this Agreement is not binding or enforceable until signed by both the Executive Director and Mr. Hodke and until the

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POST Council accepts the Agreement by motion. Mont. Admin. R. § 23.13.720. Upon approval by POST Council this Agreement becomes POST Council's final agency action.

Dated this 18<sup>th</sup> day of July, 2020

*Logan Hodke*  
Logan Hodke

Dated this 27<sup>th</sup> day of July, 2020

*Perry Johnson*  
Perry Johnson, Bureau Chief

TIMOTHY C. FOX  
Montana Attorney General  
MICHAEL L. FANNING  
Assistant Attorney General  
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COUNSEL FOR POST

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

IN THE MATTER OF  
PATRICK SULLIVAN'S  
CERTIFICATE SANCTION

Case No. 19-30

**SETTLEMENT AGREEMENT**

THIS SETTLEMENT AGREEMENT (sometimes "Agreement") is agreed to between the Montana POST Council, acting through its Executive Director (Perry Johnson), and Patrick Sullivan (Mr. Sullivan or Respondent).

**Factual and Procedural Posture.** POST issued Mr. Sullivan a Peace Officer Basic certificate on July 20, 2016. On September 7, 2018, POST issued Mr. Sullivan an Instructor certificate. Following a report from the Livingston Police Department, POST investigated allegations of misconduct.

On December 9, 2019, POST filed a Notice of POST Action, sanctioning Mr. Sullivan's POST certification. Mr. Sullivan submitted a timely request for a hearing to the Hearing Examiner.

The parties agree to resolve this matter through a stipulated settlement as provided in Mont. Code Ann. § 2-4-603, and Mont. Admin. R. § 23.13.720. Based on the mutual covenants contained in this agreement, the parties agree as follows:

**Acknowledgment of Rights.** Respondent has read and understands each term of the Notice of POST Action and Opportunity for Hearing, and understands the various rights explained in that document. Those rights include the right to a contested case hearing before an impartial hearing examiner, the right to present evidence and testify and confront and cross-examine witnesses at the hearing, the right to be represented by legal counsel, the right to subpoena witnesses, the right to request judicial review and appeal, and all other rights under Mont. Code Ann. Title 2, ch. 4, pt. 6 (Montana Administrative Procedure Act), Mont. Code Ann. § 44-4-403, and other applicable law including rights and procedures contained in administrative rules, § 23.13.101 *et seq.*

**Waiver of Rights.** Respondent voluntarily and knowingly waives the rights listed above and elects to resolve this matter on the terms and conditions of this Settlement Agreement and acknowledges that no promise, other than those contained in this Settlement Agreement, and no threat or improper assertion has been made by the POST Council, the Executive Director or by any member, officer, agent, or representative of the POST Council to induce Respondent to enter into this Settlement Agreement.

**Admission of Violation.** Mr. Sullivan admits the following amended assertions of fact:

1. Patrick Sullivan was appointed by the Livingston Police Department (LPD) as a Police Officer on July 16, 2015.
2. POST issued Mr. Sullivan a Peace Officer Basic certificate on July 20, 2016.
3. On September 7, 2018, POST issued Mr. Sullivan an Instructor certificate.

4. The POST Council Bureau Chief received allegations of misconduct against Mr. Sullivan that included: Mr. Sullivan engaging in a pattern of volatile and angry behavior and engaging in unsafe driving while angry.

5. POST's investigation of the allegations against Mr. Sullivan included review of the LPD's termination notice; review of Mr. Sullivan's written responses; review of Mr. Sullivan's personnel file; and several interviews to include an interview with Mr. Sullivan.

6. Based upon the investigation, the evidence substantiated the allegation by a preponderance of the evidence that Mr. Sullivan engaged in a pattern of volatile and angry behavior and engaged in unsafe driving while angry.

Mr. Sullivan admits these facts support sanction of his certification under the Assertions of Law contained in the Notice of POST Action.

Therefore, the parties agreed to resolve this matter through the negotiated agreed sanction set forth below.

**Agreed Sanction.** Pursuant to § 23.13.204(3), ARM. Mr. Sullivan's POST certification as a peace officer is **SUSPENDED** until such time as he can be found fit for duty after mental health fitness evaluation which is conducted at Mr. Sullivan's expense by a mental health professional of POST's choice; and Mr. Sullivan's certification as a peace officer will be placed on **PROBATION** for a period of five years upon his return to employment as a public safety officer, subject to Mr. Sullivan's scrupulous compliance with the following conditions during the period of probation:.

A. Mr. Sullivan will be ineligible to receive any additional POST certificates (*e.g.* an intermediate certificate), although he will be earning credit for years of service, hours of training, or other qualifications during the probationary period, if he is working as a public safety officer. If Mr. Sullivan successfully completes his probationary period, then he may apply to POST to receive any additional certificates for which he is eligible after the probationary period ends.

B. Mr. Sullivan will abide by all Montana laws and rules, POST ARMs, and policies and procedures of any public safety agency who may employ him

during his probationary period. If Mr. Sullivan fails to abide by those laws, rules, and policies, or receives any warning, infraction, violation, conviction, loss of privileges, demotion, or other negative review of his conduct, whether such conduct occurred on or off duty, it may constitute a violation of this probation. Mr. Sullivan will inform POST of any such potential violation.

C. Mr. Sullivan will follow all recommendations of the evaluation described above and maintain his fitness for duty.

If Mr. Sullivan completes the five-year probationary period without breaching this Agreement his certification will be removed from probation.

A breach of this Agreement is defined as a violation of an applicable standard of conduct for peace officers in the State of Montana. Mr. Sullivan must strictly abide by all standards of conduct established in Montana Code Annotated as enumerated in Title 45, chapters 5 through 10, MCA and Title 61, chapter 8, part 4, MCA; all applicable administrative rules (Admin. R. Mont. §§ 23.13.101 to .721); and the Code of Ethics contained in ARM 23.13.203. Any misconduct defined in Admin. R. Mont. § 23.13.102 is a breach of this Settlement Agreement.

If Respondent breaches this Settlement Agreement before the probationary period is complete, and the facts of such a violation can be sustained by a preponderance of the evidence by the bureau chief of POST, then the bureau chief will initiate proceedings to impose revocation of Mr. Sullivan's POST certification. Such proceedings will be initiated by informal letter to Mr. Sullivan in an attempt to resolve the violation informally. If such informal resolution cannot be reached, POST will issue a Notice of POST Action pursuant to ARM 23.13.703(9)(d)-(e). In that case, the matter will proceed as a contested case action, but the only issue will be the existence of a breach of this Agreement; the present violation and the revocation may not be challenged in an action. The Executive Director of the POST Council shall have the right to impose the revocation for the violation of this Agreement and seek any appropriate penalty for the subsequent violation. If Mr. Sullivan breaches this Agreement during the five-year period of probation, but that breach is not discovered and/or charged until after the

probation period expires, the Executive Director may still declare a breach and revoke Respondent's POST certificate(s) for three years.

**Complete Agreement.** The parties agree that this will be a final compromise and settlement of issues enumerated and represents the parties' complete agreement. This agreement supersedes any prior negotiations, and the parties make no further agreements not set forth in this document.

**Public Record.** The parties acknowledge that this matter is public record subject to disclosure as provided by Mont. Code Ann. § 2-4-623 (Administrative Procedure Act), Title 2, Chapter 6, part 10 MCA (Public Records) and Mont. Admin. R. § 23.13.103.

**Final Agency Action.** The parties agree that this Agreement is not binding or enforceable until signed by both the Executive Director and Mr. Sullivan and until the POST Council accepts the Agreement by motion. Mont. Admin. R. § 23.13.720. Upon approval by POST Council this Agreement becomes POST Council's final agency action.

Dated this 5<sup>th</sup> day of August, 2020

  
Patrick Sullivan

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Perry Johnson, Bureau Chief



**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*

## **Voluntary Surrender of POST Certificates**

I, the undersigned, **Paige Pavalone**, hereby stipulate and agree to voluntarily surrender all of 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 6th day of October, 2020

*s/Paige Pavalone/*  
**Paige Pavalone**

## Johnson, Perry

---

**From:** Rick SyWassink <rsywassink@dawson.edu>  
**Sent:** Sunday, August 2, 2020 9:43 PM  
**To:** Stinar, Glen; Johnson, Perry  
**Subject:** [EXTERNAL] After Action Report  
**Attachments:** After Action Report 1 (1).docx

Good Morning Guys,

Attached is the after-action report for the class we just sent. The first one I sent is a memo that was for my Admin. I needed to set some things square with them. You can disregard that one if you would. Sorry about that.

I will file a final after action when we get the results of the surveys back.

Thanks for your time and support.

Stay safe.

Rick

### CONFIDENTIALITY NOTICE:

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**PRELIMINARY  
AFTER-ACTION REPORT  
OF  
PRE-TRIAL SERVICES  
AND  
MISDEMEANOR PROBATION  
BASIC COURSE**

**JULY 7 – JULY 24, 2020**

**Rick SyWassink  
Criminal Justice Coordinator**

## **EXECUTIVE SUMMARY**

The purpose of this report is to give a preliminary after-action report to interested parties subsequent to the completion of the Pre-Trial Services and Misdemeanor Probation (PTSMP) Basic Academy held on the campus of Dawson Community College (DCC) campus in Glendive, Montana July 7-July 24, 2020. The report is preliminary due to the fact costs are still being calculated and the evaluations of the attending officers are not yet complete. Upon completion of these items, an update will be filed.

## **BACKGROUND**

The Montana Law Enforcement Academy (MLEA) located in Helena, Montana conducted training for a new class of Peace Officer in Montana. These officers conduct pre-trial services and misdemeanor probation services for the lower courts in the Montana Court System and by law are peace officers, which requires they must receive training at the MLEA. MLEA offered the first academy for this classification of Officer in 2019 at the MLEA.

Since the first academy a decision was made by the Public Safety Officers Standards and Training (POST) Board of directors to move the PTSMF Academy to the DCC campus after the submission of a proposal addressing the issue by DCC.

## **TASK ISSUE 1- CURRICULUM**

Officers attending the Academy are required to complete 140 hours of pre-determined course work. Twenty (20) of these hours are completed online through the management of the MLEA. The remaining 120 hours are completed in the classroom or with hands on training in the areas of defensive tactics and firearms training. Courses are instructed by certified instructors and compensated by DCC. Successful completion of the Academy is based on the online scores, successful qualification of the firearms training and a 2-hour final comprehensive test. All Officers in this group successfully completed the coursework and qualified on the firearms range.

## **TASK ISSUE 2- DEMOGRAPHICS OF OFFICERS**

This class consisted of officers from several jurisdictions. Seven (7) officers attended. Of these seven (7), one(1) was from Billings, two(2) from Bozeman, one (1) from Ravalli County, one(1) from Lincoln County, one (1) from Lewis and Clark County, and one (1) from Missoula County. Of these, three (3) were with private firms that contract with court services in jurisdictions and the rest were from county court services.

## **TASK ISSUE 3- HOUSING AND DINING FACILITIES**

In reviewing the previous academy class conducted at MLEA, one of the major complaints was the quality and portions of the food.

At DCC, Officers received three (3) meals a day, Monday through Friday. The Friday meals were prepared and distributed on Thursday evening. No meals were provided on the weekends. Several officers stayed for the weekends as they lived several hours from their residences. Those officers either cooked in their dorm rooms or availed themselves of restaurants in the area.

The first academy held had numerous complaints about the food quality and quantity. In the DCC Academy, snacks of coffee, fresh fruit, water and asundry power bars and snacks were provided in the classroom. Officers were continuously conferred with as to any problems with any of the food or the rooms. The only complaint registered was that the rooms needed air conditioning, but this was not an issue until the last few nights. Facilities and food were not complained about.

## **TASK ISSUE 4- CURRICULUM AND INSTRUCTORS**

As indicated earlier in this report, a specific curriculum must be taught as well as additional course work done online for a total of 140 hours (120 classroom/20 online). Instruction in the various topics was secured and provided by DCC. A variety of instructional methods to include lecture, and hands-on training were provided by the instructors.

Although student evaluations have not been completed, comments from the Officers indicated they were very satisfied with the instructors and their respective areas of expertise. There were at least two debriefings with the officers to obtain their thoughts and ideas for any new topics or changes to the current curriculum. These will be listed in Task Issue 5.

The dynamics of this class was incredibly unique. They were engaged in the classes and coursework from the opening presentation by Perry. They continued this throughout the course. They did things as a team. Nobody was an outcast or were operating alone. They were supportive of each other and networked very well. They would even exchange ideas and forms with each other so others could see how it was done in an individual's jurisdiction. Instructors commented on the group's cohesiveness and support of each other. It was a wonderful experience having them.

## **TASK ISSUE 5- CURRICULUM SUGGESTIONS**

This group of officers, as stated earlier were very engaged in the classroom experience. There was a large amount of expertise for officers who were in a new classification. They brought experience in the field to the class with them, which enriched the whole experience. As a result of the two (2) formal debriefings concerning subject matter, the following suggestions were made.

INTERTSTATE COMPACT- The content should be more applicable to misdemeanors. Demonstration and checklist for the various forms and procedures.

MIRANDA RIGHTS- Nice information to have but less time on spent on it.

FIREARMS- Although range time was greatly appreciated. Most of the officers do not carry a weapon on duty and some aren't even allowed to have handcuffs in their desk drawers.

COURTROOM TESTIMONY- This class was taught by the County Attorney and the officers found it very beneficial. They would like more of this.

NATIVE AMERICAN STUDIES- Many of the officers would like more hours on Native Americans and their cultures, etc. Maybe even have a Tribal Court Officer present on how procedures work on their reservation as many of the officers deal with Native American clients.

DANGEROUS DRUGS- More on behavior indicators and drug identification

UA- More on testing and collecting

RISK AND NEEDS ASSESSMENT and CASE PLANNING- These could be blended as one topic as one pertains to the other.

REPORT WRITING- More on this topic. Never can have enough.

MENTAL HEALTH 1<sup>st</sup> AID- Questionable if it needs 8 hours. This course is designed more for teachers in the schools.

I am going to join an organization called the National Association of Pretrial Services Agencies. They have a national certification program and they may be a good resource to improve subject matter.

## **CONCLUSION**

As can be seen there were some issues but considering this was the first one DCC as conducted, the training went well. We will be able to make further adjustments to increase the quality of the Academy and be able to learn in an effort to further additional academies to assist the state with their backlog.

Rick!  
Thank you for every thing  
this has been a fantastic  
and will remember it forever! Thank  
you!! *Jeely*

RICK,  
THANK YOU FOR A GREAT  
BASIC ACADEMY. YOU REALLY  
MADE THE TRAINING WORTHWHILE  
I AM POSITIVE YOU WILL MAKE  
IT AN EVEN BETTER EXPERIENCE IN  
THE FUTURE. THANKS AGAIN

*Kex*

Rick, Thank you  
for everything these  
past few weeks. You  
made this training  
100x better than it  
would have been.

Again, Thank you so  
much - Dillon

Rick  
Thank you for everything  
you have taught us. I  
really appreciated all the  
work you put into our  
training. I look forward to  
working with you in  
the future. *Vanessa*

Rick

Thank you so much for  
everything! You really put  
soo much effort into making  
this academy educational & fun.  
We couldn't have landed a better  
instructor

sincerely,  
*Keegan*

Rick!  
This was  
a great experience  
I thank you for making  
it happen and for sharing  
of this knowledge with us. Now  
that you've set one (almost) done, I  
can't wait to hear how they turn out!  
We appreciate you!!  
*Chibi*

Your kindness is  
the best thing since the  
electronic handheld  
talking device!

YOU'RE THE BEST!

Thank You

Dear Rick,  
Thank you for taking  
such great care of us all  
and creating a FUN training  
environment! I know you  
care a lot about this  
Academy and can't wait  
to see what you make of  
it in the future! - Molly  
P.S. Thanks  
Again!

**FILED**

AUG 27 2020

ANGIE SPARKS, Clerk of District Court  
By           JREIDGERS           Deputy Clerk

**MONTANA FIRST JUDICIAL DISTRICT COURT  
LEWIS AND CLARK COUNTY**

**PUBLIC SAFETY OFFICERS  
STANDARDS AND TRAINING  
COUNCIL, (POST)**

Plaintiff,

v.

**KYLE ADAMS,**

Defendant.

Cause No.: DDV-2019-995

**ORDER ON PETITION  
FOR  
JUDICIAL REVIEW**

Petitioner Public Safety Officers Standard and Training Council (POST) petitions for judicial review of the decision of the Board of Crime Control (BOCC) to restore Respondent Kyle Adams' POST certification. Kristina Neal represents POST. Adams opposes POST's petition. Eric Holm represents Adams.

The parties have briefed the petition. Neither party requested oral argument. On August 21, 2020, POST filed a notice of submittal pursuant to Local Rule 5F. The petition is ready for decision.

KN  
9/1/2020

1                   **FACTUAL AND PROCEDURAL BACKGROUND**

2                   POST is an administrative agency within Montana State government.  
3 POST issues certification to law enforcement and detention officers.

4                   Adams was a detention officer employed by the Yellowstone County  
5 Detention Facility (YCDF). On November 17, 2017, POST issued a notice  
6 revoking Adams' POST certification. POST alleged that Adams had violated  
7 POST standards by performing or not performing several acts as a detention  
8 officer as follows:

9                                 1.       On August 1, 2016, Adams logged security checks  
10 while on duty which he did not perform.

11                                2.       Also on August 1, 2016, Adams was playing solitaire  
12 on a computer while on duty and did not respond appropriately to a fight between  
13 inmates which broke out in front of him.

14                                3.       On February 7, 2017, Adams falsified a shakedown  
15 log when he recorded he had performed two cell shakedowns, which he had not  
16 completed.

17                   On June 28, 2018, Hearing Officer Caroline S. Holien held a hearing on  
18 POST's notice. Adams testified on his own behalf and called no other witnesses.  
19 POST called several law enforcement officers as witnesses.

20                   Hearing Officer Holien found that Adams was not POST certified when  
21 he became a detention officer on October 16, 2015 but attended the Montana Law  
22 Enforcement Academy and obtained his POST certification on December 16,  
23 2016.

24                   ////

1           On August 1, 2016, Adams was to complete a headcount at the detention  
2 center. His headcount did not match the facility's records. After three attempts  
3 by Adams to get a correct headcount, another officer was assigned to assist him.  
4 Adams' difficulty in completing the headcount caused the sergeant to review the  
5 security footage from that date.

6           One of Adams' duties was to conduct security checks which required the  
7 detention officer to walk the unit and physically check the security of each  
8 inmate. Hearings Examiner Holien found that Adams had claimed at least one  
9 security check which he did not perform.

10           Another of Adams' duties was to perform shakedowns of cells, even of  
11 cells with an empty bunk. All such searches must be recorded in the shakedown  
12 log. Hearings Examiner Holien found that Adams had not completed two  
13 shakedowns of cells with empty bunks but recorded that he had completed these  
14 shakedowns.

15           On August 1, 2016, two inmates on Adams' unit engaged in an argument  
16 that escalated into a fight. This occurred in front of Adams, who was playing  
17 solitaire on the computer. When the argument escalated, Adams shrank<sup>1</sup> his  
18 solitaire game and called for help. He waited at the door for help to arrive; he did  
19 not tell the inmates to go to their cells or otherwise attempt to take control of the  
20 situation.

21           Other officers arrived to help and told the inmates to go to their bunks.  
22 As these officers took control of the situation, Adams returned to his solitaire  
23 game to close it out. Adams was not able to identify the fighting inmates to the  
24 other officers coming to provide assistance.

---

<sup>1</sup> He didn't turn off the solitaire game; he merely reduced its image on the computer screen.

1 Lieutenant Bodine was assigned to investigate Adams' behavior on  
2 August 1. He watched the security video and personally interviewed Adams.  
3 Adams admitted to Bodine he had logged two security checks he did not do and  
4 had not been watching his unit when the fight broke out. Based on his  
5 investigation, Bodine concluded that Adams had failed to supervise his unit  
6 properly and had knowingly falsified the security and shakedown logs.

7 Hearing Officer Holien also found that on February 9, 2017, Adams had  
8 logged that he had done a shakedown of an inmate's cell. When a sergeant did a  
9 follow-up shakedown twenty minutes later, however, he found substantial  
10 contraband in the inmate's cell, including extra blankets, sheets, towels,  
11 underwear, shirts, pants, and socks. The sergeant also found coffee bags and a  
12 shampoo bottle all filled with juice. Adams admitted to the sergeant that he had  
13 done only a quick shakedown of the cell, where he just went and looked around.

14 On April 14, 2017, the YCDF sent POST the allegations regarding  
15 Adams' August 1 incidents. In response to POST's inquiries, Adams admitted he  
16 failed to monitor the unit when the fight broke out, and he had logged a security  
17 check he did not do. Adams also confirmed the admissions he had made to  
18 Lieutenant Bodine. Adams did not address the February 17 incident.

19 On May 30, YCDF sent POST another letter about the February incident.

20 The POST bureau chief interviewed Adams. Adams again admitted  
21 falsifying his logbooks and failing to supervise his inmates on August 1. He also  
22 admitted the shakedown he had done on February 9 was a quick shakedown.  
23 POST certification rules do not recognize a "quick shakedown."

24 Hearing Officer Holien concluded that the Code of Ethics applied to  
25 Adams even though he had not completed his POST certification by August 1,

1 2016. Hearing Officer Holien concluded that Adams' conduct in falsifying the  
2 logs, not supervising the inmates, not conducting the shakedowns properly, and  
3 his attempted minimization of the consequences of these actions or inactions  
4 supported revocation of Adams' POST certification. Hearing Officer Holien  
5 further concluded that Adams had demonstrated a lack of integrity which could  
6 not be corrected through further training. Hearing Officer Holien concluded that  
7 revocation of Adams' POST certification was appropriate.

8 On October 3, 2018, the POST Council reviewed Hearing Officer  
9 Holien's findings and conclusions, heard arguments from both POST's and  
10 Adams' attorneys. The Council voted unanimously to uphold Hearing Officer  
11 Holien's decision.

12 Adams appealed to the BOCC<sup>2</sup>. BOCC has intermediate appellate  
13 authority over decisions by the POST Council revoking an officer's POST  
14 certification. §§ 44-4-403(3); 44-7-101(2), MCA. Neither Adams nor his  
15 attorney appeared before the BOCC Appeal Review Committee. POST appeared  
16 both through its attorney and its executive director.

17 The Appeal Review Committee recommended that BOCC reverse  
18 Hearing Officer Holien's decision and restore Adams' certification to him.  
19 BOCC adopted the Appeal Review Committee's recommendations.

20 According to POST, BOCC rejected Hearing Officer Holien's findings  
21 and conclusions that Adams had been derelict in his duties during the fight in his  
22 unit, instead adopting Adams' version that he had promptly called for backup  
23 assistance.

24  
25  

---

<sup>2</sup> BOCC was originally named as a Respondent in POST's petition. Upon request of BOCC and with agreement, the parties agreed that BOCC could be dismissed as a party.

1 According to POST, BOCC concluded that Hearing Officer Holien's  
2 findings Adams falsified the security check logbook and the shakedown logbook  
3 were based on speculation. BOCC rejected Hearing Officer Holien's findings  
4 that Adams had admitted that he had logged shakedowns he did not perform, and  
5 that Bodine had been credible in testifying that Adams had knowingly falsified  
6 his logs. BOCC disregarded Hearing Officer Holien's findings with regards to  
7 the February 2017 incident and the testimony of the other YCDF officers and  
8 supervisors.

9 According to POST, BOCC disregarded Hearing Officer Holien's finding  
10 that Adams demonstrated a lack of integrity which could not be corrected by  
11 further training.

12 Based on this chronology, POST petitions for judicial review of BOCC's  
13 decision. POST asserts that BOCC impermissibly substituted its judgment on  
14 questions of fact and witness credibility for that of Hearing Officer Holien.  
15 Because of the different facts found by BOCC, BOCC also impermissibly  
16 changed the conclusions of law reached by Hearing Officer Holien, specifically  
17 whether the POST rules applied to Adams before he received his POST  
18 certification during the one year period before certification when Adams was to  
19 gain discipline specific experience with his employer. Hearing Officer Holien  
20 concluded these rules did apply to Adams, as did the POST Council upon its  
21 review and affirmation of Hearing Officer Holien's decision. BOCC concluded  
22 they did not.

23 POST argues that BOCC improperly supplanted Hearing Officer  
24 Holien's decision and the POST Council affirmation of that decision with its own  
25 judgment. POST requests this Court to find BOCC's decision to reverse the

1 decision of Hearing Officer Holien to be erroneous, arbitrary, capricious, and  
2 unlawful and to reimpose the suspension of Adams' POST certification.

### 3 STANDARD OF REVIEW AND ANALYSIS

4 This case in large part turns on questions of standards of review,  
5 specifically which standard of review ought the BOCC have used in its review of  
6 Hearing Officer Holien's decision and then which standard of review ought this  
7 Court use in reviewing POST's petition.

8 One of the basic rules of appellate review of a decision made by a  
9 hearing officer is to pay great deference to the hearing officer's ability to hear  
10 and observe witnesses. *Knowles v. State ex rel. Lindeen*, 2009 MT 415, ¶ 21, 353  
11 Mont. 507, 222 P.3d 595. This applies whether the reviewing entity is the  
12 Supreme Court, a district court, or an administrative board. The question is not  
13 whether the evidence might support different findings, but whether substantial  
14 evidence supports the findings made.

15 Mayer contends that the Board [of  
16 Psychologists] misapplied the standards  
17 governing its review of the Hearing  
18 Officer's decision. In reviewing a hearing  
19 officer's proposed decision, the Board may  
20 reject or modify the conclusions of law and  
21 interpretations of administrative rules, but  
22 the Board may not reject or modify the  
23 findings of fact unless the Board "first  
24 determines from a review of the complete  
25 record and states with particularity in the  
order that the findings of fact were not based  
upon competent substantial evidence or that  
the proceedings on which the findings were  
based did not comply with essential  
requirements of law." Section 2-4-621(3),

1 MCA. In reviewing findings of fact, the  
2 question is not whether there is evidence to  
3 support different findings, but whether  
4 competent substantial evidence supports the  
5 findings actually made. *Knowles*, ¶ 21; § 2-  
6 4-621(3), MCA. Competent evidence is  
7 evidence that is relevant and admissible.  
8 *Black's Law Dictionary* 635, 636, 639  
9 (Bryan A. Garner ed., 9th ed., Thomson  
10 Reuters 2009). Substantial evidence is  
11 "[e]vidence that a reasonable mind could  
12 accept as adequate to support a conclusion;  
13 evidence beyond a scintilla." *Black's Law*  
14 *Dictionary* 640.

15 *Mayer v. Bd. of Psychologists*, 2014 MT 85, ¶ 27, 374 Mont. 364, 321 P.3d 819.

16 As this excerpt shows, BOCC had only limited authority to change  
17 Hearing Officer Holien's findings of fact. BOCC, however, had authority to  
18 correct Hearing Officer Holien's conclusions of law. Adams asserts that BOCC  
19 properly corrected Hearing Officer Holien's erroneous legal conclusion that  
20 POST's standards applied to Adams before he had received his POST training  
21 and certification.

22 The chronology on this argument is that Adams was hired as a detention  
23 officer at the YCDF without POST certification on October 16, 2015. He did not  
24 receive his POST training through the Montana Law Enforcement Academy until  
25 a year later in October 2016 and did not receive his POST certification until  
December 2016.

Meanwhile four of the five incidents alleged against Adams occurred on  
August 1, 2016: the inmate fight, a missed security check, and two incomplete  
shakedowns on empty bunks. The fifth incident, the quick shakedown, occurred

1 in February 2017, after Adams had received his POST certification.

2 Adams argues that by its own rules, a person is not bound to the POST  
3 standards until after he receives his POST certification: “All public safety  
4 officers must abide by the code of ethics as prescribed in ARM 23.13.203.  
5 Acceptance of POST certification is an agreement to abide by and adopt the code  
6 of ethics and refrain from the behaviors outlined in ARM 23.13.702.” ARM  
7 23.13.205(3).

8 The Court disagrees. The rule applies to “all public safety officers.” As  
9 applied to Adams, this term is defined in § 44-4-401(2)(b), MCA: “Public safety  
10 officer” means: . . . (b) a detention officer who is employed by a county and who  
11 has full-time or part-time authority or responsibility for maintaining custody of  
12 inmates in a detention center, as defined in 7-32-2241, or a youth detention  
13 facility, as defined in 41-5-103[.]” There is no requirement in this definition that  
14 a detention officer be POST certified before becoming a detention officer.

15 This conclusion is bolstered by consideration of ARM 23.13.205(1) and  
16 (2):

- 17 (1) To be eligible for the award of a  
18 certificate, each officer must be a full-  
19 time or part-time public safety officer as  
20 defined by 44-4-401, MCA, at the time  
21 the application for certification is  
22 received by the council.
- 23 (2) Public safety officers must complete the  
24 required basic training as set by the  
25 council.

26 These sections immediately precede the section to which Adams cites  
27 requiring “all public safety officers” to abide by the POST standards and clearly  
28 contemplate that even before certification a public safety officer such as Adams

1 must comply with the POST code of ethics and standards.

2 Thus, Hearing Officer Holien's conclusion that these standards applied to  
3 Adams before certification is supported by the text of the statutes and regulations.  
4 Adams' argument to the contrary is not supported, nor is BOCC's conclusion.

5 Having concluded that the POST rules did apply to Adams as a public  
6 safety officer before he received his POST certification does not end the Court's  
7 inquiry. Adams argues that even if the Court concludes the BOCC decision  
8 should be reversed, POST's codified burden of proof under which Adams had to  
9 prove his innocence rather than POST having to prove his guilt was  
10 unconstitutional.

11 As it read at the time of the hearing before Hearing Officer Holien, ARM  
12 23.13.714(8)(a) read:

13 (8) At the contested case hearing under ARM  
14 23.13.704(2):

15 (a) the respondent has the burden of proving by a  
16 preponderance of the evidence that there was no  
17 basis for the denial, sanction, suspension, or  
18 revocation of certification imposed by the director,  
as stated in the notice of agency action[.]

19 This rule was changed after Adams raised this issue to where it now  
20 reads:

21 (8) At the contested case hearing under ARM  
22 23.13.704(2):

23 (a) POST has the burden of proving by a  
24 preponderance of the evidence that there good  
25 cause for the denial, sanction, suspension, or  
revocation of certification imposed by the director,  
as stated in the notice of agency action[.]

1 As can be seen, the new rule reverses the burden of proof in these  
2 proceedings. Adams argues that by imposing the burden of proof on him, the  
3 regulation violates his right to due process. He analogizes the revocation of his  
4 POST certification to the imposition of penalties by several other governmental  
5 actions, such as criminal proceedings, *State v. McCaslin*, 2004 MT 212, 322  
6 Mont. 350, 96 P.3d 722; civil commitment proceedings, *In re J.S.*, 2017 MT 214,  
7 388 Mont. 397, 401 P.3d 197; and governmental confidentiality, *Great Falls*  
8 *Tribune v. Mont. PSC*, 2003 MT 359, 319 Mont. 38, 82 P.3d 876.<sup>3</sup>

9 In response, POST notes that in other proceedings, the person accused of  
10 wrongdoing may have the burden of proof to prove he did nothing wrong. POST  
11 points to proceedings involving the privilege of having a driver's license. *Jess v.*  
12 *State ex rel. Records and Driver Control*, 2008 MT 422, ¶ 8, 347 Mont. 381, 198  
13 P.3d 306:

14 When reviewing a District Court's ruling  
15 on a petition for reinstatement of a drivers'  
16 license, we determine whether the court's  
17 findings of fact were clearly erroneous, and  
18 whether its conclusions of law were incorrect.  
19 *Clark v. State ex rel. Driver Improvement*  
20 *Bureau*, 2005 MT 65, ¶ 6, 326 Mont. 278, ¶ 6,  
21 109 P.3d 244, ¶ 6. In such cases, the petitioner  
22 bears the burden of proving that the State's  
23 action was improper. *Widdicombe v. State ex*  
24 *rel. Lafond*, 2004 MT 49, ¶ 7, 320 Mont. 133,  
25 ¶ 7, 85 P.3d 1271, ¶ 7.

POST does not address the fact that the rule has been changed to impose  
the burden of proof on POST instead of Adams.

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<sup>3</sup> Though not referred to by Adams, the Court notes that proceedings to terminate parental rights in abused and neglected children proceedings places the burden on the State to prove its case by clear and clear evidence. *See, e.g., In re B.H.*, 2001 MT 288, 307 Mont. 412, 37 P.3d 736.

1           Having reviewed the file, the law and the arguments of the parties, the  
2 Court concludes for the following reasons that the decision of the BOCC should  
3 be reversed.

4           1.       The Court concludes BOCC substituted its judgment as to  
5 the findings of fact made by Hearing Officer Holien without going through the  
6 necessary step of reviewing the complete record and determining there was no  
7 substantial evidence in support of the hearing officer's findings. The Court  
8 concludes there was in fact substantial evidence, including Adams' own  
9 admissions and the testimony of the investigating officers. It was up to the  
10 hearing officer to weigh these officers' credibility; it was not left to BOCC to  
11 weigh credibility.

12           2.       As explained, BOCC applied an incorrect conclusion of law  
13 that Adams' behavior before he was POST certified was not to be measured  
14 against the POST code of ethics and regulations. Further, Adams by his own  
15 admission admitted to recording incorrect information in the logbooks and to not  
16 paying attention when the fight broke out among the inmates because he was  
17 busy playing solitaire on his computer. These are basic violations of any code of  
18 conduct expected of an employee. An employee should not misrepresent what he  
19 has done and should not be neglecting his duties to play computer games.

20           3.       The Court may agree that the previous administrative  
21 regulation imposing the burden of proof on Adams was not appropriate,<sup>4</sup> the  
22 Court concludes that Post did meet the burden of proving that Adams' behavior  
23 did not comply with his job duties and with POST standards.  
24  
25

---

<sup>4</sup> It has since been amended to place this burden of proof on POST, not the respondent.

1                   **IT IS ORDERED** that the decision of the BOCC is **REVERSED**.

2 This matter is REMANDED to BOCC with directions to reinstate the decision of  
3 Hearing Officer Holien.

4  
5                   DATED this 27 day of August 2020.

6  
7                     
8                   \_\_\_\_\_  
9                   JAMES P. REYNOLDS  
                    District Court Judge

10 cc:       Kristina Neal, attorney for POST, 4385 Wylie Drive, Helena, MT 59602  
11           Eric Holm, attorney for defendant, PO Box 3094, Billings, MT 59103

12 JPR/lb/DDV-2019-995 Order on Petition for Judicial Review

## Keune, Mary Ann

---

**From:** Johnson, Perry  
**Sent:** Tuesday, March 17, 2020 3:20 PM  
**To:** Keune, Mary Ann  
**Subject:** FW: 2020 March POST Status Update  
**Attachments:** 2020 March POST Status Update.docx

Please capture this message and attachment for the next POST Council agenda.

*Perry Johnson, Executive Director  
Montana Public Safety Officer Standards and Training Council  
2260 Sierra Road East  
Helena, Montana 59602  
(406) 444-9976 Desk  
(406) 444-9978 Fax  
(406) 475-5524 Cell*



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**From:** Lockerby, Bryan <BLockerby@mt.gov>  
**Sent:** Tuesday, March 17, 2020 3:14 PM  
**To:** Harbaugh, Tony <tharbaugh@ccsomt.com>; Johnson, Perry <PJohnson@mt.gov>  
**Subject:** 2020 March POST Status Update

Tony and Perry,

Here's a copy of my draft memo for L&J that will be meeting by phone conference. Let me know if you have any suggested changes or edits.

Thanks,

Bryan



# Memorandum

DCI

**To:** Law and Justice Interim Committee  
**From:** Bryan Lockerby, Administrator  
**CC:** Perry Johnson, POST Bureau Chief; Tony Harbaugh, POST Council Chairman  
**Date:** 3/17/2020  
**Re:** March 2020 status update regarding POST per MCA 2-15-2029

---

*The 2019 Montana legislature passed HB684 which merged Public Safety Officers Standards and Training (POST) with the Montana Department of Justice, under the Division of Criminal Investigation (DCI). The bill added POST as a Bureau to DCI with a two-year sunset and required regular updates to the Law and Justice Interim Committee.*

Part of the extensive upgrade to MLEA facilities includes a dry storage building to keep documents and records safe for a number of DOJ Divisions. The building was recently completed, and the movement of records was implemented. POST had multiple hard copy records that were transferred to the campus facility which will keep them safe and easier to access.

DOJ Legal and CSD staff have been supporting DCI's efforts to find internal legal resources that can support POST needs and bifurcate the conflicting role of Council to the Counsel vs. an attorney who handles contested cases. Qualified legal staff was identified through a potential partnership with the Gambling Control Division to achieve this goal. By this reporting time, it is still conceptual in nature, but steps are underway for a test implementation.

DOJ EPP is underway and respective Divisions within DCI are currently drafting requests for consideration. One of the requests is a partnership between MLEA and POST for a software tracking system that will follow an officer from the start of their career to termination or retirement. As officers are hired by agencies, receive continued training, added certifications, possibly switch careers between law enforcement agencies, the software tracks the officer and keeps the links unbroken. Currently, disparate systems do not complement each other and create gaps in the officer's career. A shared system would create increase efficiency in tracking.

1           **44-7-101. Functions.** (1) As designated by the governor as the state  
2 planning agency under the Omnibus Crime Control and Safe Streets Act of 1968, as  
3 amended, the board of crime control shall perform the functions assigned to it under  
4 that act. The board shall also provide to criminal justice agencies technical  
5 assistance and supportive services that are approved by the board or assigned by the  
6 governor or legislature.

7           ~~(2) The board shall consider all appeals brought from decisions of the~~  
8 ~~Montana public safety officer standards and training council pursuant to 44-4-403.~~  
9 ~~A board member designated as a member of the Montana public safety officer~~  
10 ~~standards and training council, as provided in 44-4-402, may not participate in~~  
11 ~~appeals brought to the board from decisions of the council. The board shall~~  
12 ~~promulgate rules governing the manner and method of the appeals.~~

13           **44-4-403. Council duties -- determinations -- appeals.** (1) The council  
14 shall:

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

17           (b) conduct and approve training; and

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

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

22           (3) A person who has been denied certification or recertification or whose  
23 certification or recertification has been suspended or revoked is entitled to a  
24 contested case hearing before the council pursuant to Title 2, chapter 4, part 6,  
25 ~~except that a decision by the council may be appealed to the board of crime control,~~  
26 ~~as provided for in 44-7-101. A decision of the council board of crime control is a~~  
27 final agency decision subject to judicial review.

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

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

- (1) “Allegation” means:
  - (a) a statement or accusation of misconduct made against a public safety officer to POST staff or the council by anyone;
  - (b) a statement or accusation of misconduct against a public safety officer made by the POST executive director acting upon any credible knowledge, information, or belief;
  - (c) the document or statement, prior to the notice of agency action, that initiates the informal denial, revocation, suspension, or sanction proceeding against an officer.
- (2) “Certification” or “certificate” means any certification granted by the council after completion of the specific requirements as set forth in these rules.
- (3) “Contested case” means:
  - (a) a civil administrative proceeding that progresses pursuant to notice and hearing as outlined in MAPA and these rules; or
  - (b) a proceeding initiated by a request for a hearing from the officer after the officer has received a notice of agency action imposing sanction, suspension, or revocation by the director when the case could not be settled at the preliminary stage of review, investigation, or informal proceeding.
- (4) “Conviction” means a judgment or sentence entered upon a guilty or nolo contendere plea or upon a verdict or finding of guilty rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury, without regard to the sentence imposed or whether the charge is later dismissed.
- (5) “Council” or “POST Council” or “POST” means the full 13-member public safety officer standards and training council as created by 2-15-2029, MCA.
- (6) “Director” or “executive director” means the bureau chief of the public safety officer standards and training bureau.
- (7) “Employing authority,” “employing agency,” or “governmental unit” means any entity that is statutorily empowered with administration, supervision, hiring or firing authority, training, or oversight over a public safety agency or officer. This may include but is not limited to: the chief of police, mayor, county attorney, city council, warden, sheriff, etc.
- (8) “Field training” means instruction, training, or skill practice rendered to an officer by another officer or officers on a tutorial basis during a tour of duty while performing the normal activities of that officer’s employment.
- (9) “Hearing examiner” means the chair or the council’s designated representative, who regulates the course of a contested case proceeding or other hearing held by the council, pursuant to 2-4-611, MCA and these rules. Powers of a presiding officer are the same as those of a hearing examiner.
- (10) “In-service training” means training provided within a law enforcement and/or public safety agency to review and develop skills and knowledge for the specific agency’s needs.
- (11) “Informal proceeding” means a proceeding that occurs before a MAPA contested case proceeding and includes but is not limited to: correspondence between POST and the officer accused of misconduct and his employing authority; investigation by POST; stipulation or settlement negotiations or agreement; or a sanction, suspension, or revocation imposed through a notice of agency action.
- (12) “MAPA” means the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, MCA.

(13) “Misconduct” means any action or conduct that could potentially result in sanction, suspension, or revocation of POST certification pursuant to ARM 23.13.702 or a violation of the code of ethics contained in ARM 23.13.203.

(14) “Misdemeanor probation/pretrial services officer” means a public safety officer who regularly performs the following functions as part of their work assignment:

(a) gathers information about pretrial defendants or misdemeanants through interviews and records checks;

(b) reports information regarding pretrial defendants or misdemeanants to a judge so the judge can determine the propriety of pretrial supervision, detainment, or sentence revocation;

(c) monitors pretrial defendants’ or misdemeanants’ compliance with court-ordered pretrial release or misdemeanor probation conditions;

(d) provides information and resources to pretrial defendants or misdemeanants to help prevent violations of court-ordered conditions; and

(e) reports violations of court-ordered conditions to the court.

(15) “MLEA” or “Academy” means the Montana Law Enforcement Academy.

(16) “Notice of agency action” means the document that:

(a) gives an officer the notice required under 2-4-601, MCA;

(b) informs the officer of the suspension, revocation, or sanction imposed by the POST director and the supporting reasons;

(c) initiates the 30-day time period in which an officer may request a hearing and thus initiate a contested case proceeding under MAPA.

(17) “Party” means one side, or its representative, in an informal or contested case proceeding, usually the respondent and/or POST.

(18) “POST-approved training” means training reviewed and approved pursuant to ARM 23.13.301 for which POST gives training credit, including but not limited to basic, regional, and professional courses.

(19) “POST certified instructor” means a public safety officer, as defined in these rules, who has met the requirements for and received an Instructor Certificate pursuant to these rules, and may apply for and receive approval for POST training credit pursuant to these rules, for trainings the officer conducts.

(20) “Presiding officer” means the chair of the council who holds all the same powers as a hearing examiner for the purpose of contested cases.

(21) “Public safety officer” means an officer, as defined in 44-4-401, MCA. Nothing in these rules may be construed to apply the requirements of 7-32-303 or 44-4-403, MCA to an elected official.

(22) “Respondent” means the public safety officer against whom an allegation of misconduct has been made, or the officer’s legal representative.

(23) “Revocation” means the permanent cancellation by the director or council of a public safety officer’s POST certificate, certification, and certifiability such that the performance of public safety officer duties is no longer permitted.

(24) “Roll call training” means instruction or training of short duration, less than two hours, within any law enforcement and/or any public safety agency, conducted when officers change shifts.

(25) “Sanction” means a consequence or punishment for a violation of ARM 23.13.702, 23.13.203, or the laws or rules of Montana.

(26) “Substance abuse” means the use of illegal drugs, other illegal substances, or legally acquired drugs in a manner that substantially limits the officer’s ability to perform the essential duties of a public safety officer, or poses a direct threat to the health or safety of the public or a fellow officer.

(27) “Suspension” means the annulment, for a time period set by the director or council, of a public safety officer’s POST certificate, certification, and certifiability, such that the performance of public safety or peace officer duties is not permitted during that period of time.

(28) “Voluntary surrender” means a public safety officer’s agreement to allow revocation of the officer’s certificate.

**23.13.201 Minimum Standards for the Appointment and Continued Employment of Public Safety Officers** (1) All public safety officers must be certified by POST and meet the applicable employment, education, and certification standards as prescribed by the Montana Code Annotated.

(2) In addition to standards set forth in the Montana Code Annotated, including but not limited to 44-4-404, MCA, all public safety officers must:

- (a) be a citizen of the United States or may be a registered alien if unsworn;
- (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 they could have been imprisoned in a federal or state penitentiary or a crime involving unlawful sexual conduct;
- (e) be of good moral character as determined by a thorough background check;
- (f) be a high school graduate or have been issued an equivalency certificate by the Superintendent of Public Instruction, or by an appropriate issuing agency of another state or of the federal government;
- (g) successfully complete an oral interview and pass a thorough background check conducted by the appointing authority or its designated representative;
- (h) be in good standing with POST and any other licensing or certification boards or committees equivalent to POST in any other state such that no license or certification similar to a POST certification has been revoked or is currently suspended in any other state;
- (i) possess a valid driver’s license if driving a vehicle will be part of the officer’s duties;
- (j) abide by the code of ethics contained in ARM 23.13.203; and
- (k) complete, within every two calendar years, 20 hours of documented agency in-service, roll call, field training, or POST-approved continuing education training credits, which include but are not limited to a professional ethics curriculum covering the following topics and any additional topics required by the council:
  - (i) a review of the Code of Ethics ARM 23.13.203 and Grounds for Denial, Sanction, Suspension, and Revocation ARM 23.13.702;
  - (ii) review of the annual POST integrity report;
  - (iii) discussion involving core values of each employing agency which may include integrity, honesty, empathy, sympathy, bravery, justice, hard work, kindness, compassion, and critical thinking skills;
  - (iv) review of agency policy and procedure regarding ethical and moral codes of

conduct;

(v) discussion of the similarities and differences between agency and POST consequences for actions that violate policy or rule.

(3) Every public safety communications officer, as a part of the training required in (2)(k), must complete every two calendar years, a telephone cardio-pulmonary resuscitation (TCPR) course. The required TCPR training shall follow evidence-based, nationally recognized guidelines for high quality TCPR which incorporates recognition protocols for out-of-hospital cardiac arrest (OHCA) and continuous education. The training must cover a minimum of the following topics:

- (i) Anatomy & physiology of the circulatory and cardiovascular system;
- (ii) Relationship between circulatory, respiratory, and nervous system;
- (iii) Signs and symptoms of acute coronary syndrome (ACS);
- (iv) Signs of life recognition;
- (v) Early recognition of the need for CPR;
- (vi) Agonal respirations;
- (vii) Hypoxic seizures and sudden cardiac arrest;
- (viii) Pathophysiology of sudden cardiac death/cardiac arrest;
- (ix) The role of T-CPR in cardiac arrest survival;
- (x) The importance of minimizing disruptions when T-CPR is in progress;
- (xi) Physiology behind the performance of the instructions;
- (xii) AEDs and the role they play in resuscitation;
- (xiii) Explanation, with practical training exercises, for different T-CPR instructions, including: adult, child, infant, neonate, pregnant patients, obese patients, and stoma patients;
- (xiv) Critical Incident Stress Management; and
- (xv) Unusual circumstances posing challenges to the delivery of T-CPR instructions, such as: patients with DNR orders, patient's on ventilators, post-op patients, obvious DOA, electrocution, drowning, strangulation, two rescuers- ventilations, cardiac arrest from trauma, and DNR/POLST orders

~~(4)~~(3) The POST Council is not responsible for maintaining records of continuing education hours acquired to satisfy the requirements of (2)(j), ~~and~~ (2)(k), ~~and~~ (3). The employing agency must maintain records of the administration of the oath and the continuing education hours acquired to satisfy (2)(j) and (2)(k). Agency records maintained under this rule are subject to audit by the executive director during normal business hours upon reasonable notice to the agency.

**23.13.215 Firearms Proficiency Standards** (1) Each agency that employs a public safety officer who is authorized to carry firearms during the work assignment must:

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

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

- (i) firearms safety;
- (ii) role of the instructor;

- (iii) civil and criminal liability exposure;
  - (iv) instructional techniques for firearms instructors;
  - (v) operation of the firing line;
  - (vi) range preparation;
  - (vii) handgun;
  - (viii) disabled officer techniques; and
  - (ix) low light shooting techniques.
- (c) keep on file in a format readily accessible to the council a copy of all firearms proficiency records, which must include:
- (i) date of qualification;
  - (ii) identification of the officer;
  - (iii) firearm manufacture and model;
  - (iv) results of qualifying; and
  - (v) course of fire used.
- (2) The minimum standards for annual firearms proficiency are:
- (a) Primary Duty Handgun – a minimum of 30 rounds, fired at ranges from point-blank to 15 yards with a minimum of 15 rounds at or beyond seven yards;
  - (b) Shotgun – minimum of five rounds fired at a distance ranging from point-blank to 25 yards;
  - (c) Precision rifle – a minimum of ten rounds fired at a minimum range of 100 yards;
  - (d) Patrol rifle – a minimum of 20 rounds fired at a distance ranging from point-blank to 50 yards;
  - (e) Fully automatic weapon – a minimum of 30 rounds fired at a distance ranging from point-blank to ten yards, with a minimum of 25 rounds fired in full automatic (short bursts of two or three rounds), and a minimum of five rounds fired semi-automatic;
  - (f) Secondary or Backup Handgun – a minimum of 12 rounds fired at a distance ranging from point blank to at or beyond seven yards, which includes a minimum of six rounds fired at or beyond seven yards.
- (3) The minimum passing score for annual firearms proficiency is 80% for each firearm on an IPSC Official Target or dimensional equivalent.
- (4) The MLEA sets the passing score for the Montana Law Enforcement Basic Firearms Qualification.
- (5) Before carrying a firearm or making an arrest, a misdemeanor probation/pretrial services officer must successfully complete the firearms proficiency requirements provided in this rule.

**23.13.216 Public Safety Officer Employment, Education, and Certification Standards**

(1) Except as provided in (2), the basic and basic equivalency training standards for employment, education, and certification set forth in 7-32-303(5)(a), (b), and (c), MCA, are applicable to all public safety officers, where an appropriate basic course or basic equivalency course exists in the public safety officer's field. The Council may approve a location other than the Montana Law Enforcement Academy for the basic or basic equivalency courses in the following disciplines: detention/corrections officer; probation and parole officer; misdemeanor probation/pretrial services officer; public safety communications officer; and coroner.

(2) The standards set forth in (1) do not apply to reserve officers.

~~(3) The notification requirements set forth in 7-32-303(4), MCA apply to all public safety officers. A public safety officer's employing authority must provide written notice to POST within 10 days of the appointment, termination, resignation, or death of a public safety officer.~~

### **23.13.301 Qualifications for Approval of Public Safety Officer Training Courses**

(1) The director or the director's designee may approve any request for POST training credit. Any person aggrieved by a determination made by the director under this rule may seek review of the decision by the POST Council.

(2) To obtain the status of POST-approved training, training courses must:

(a) meet the requirements for trainee attendance and performance, and the instructor requirements contained in these rules;

(b) be based upon generally recognized best practices;

(c) comport with Montana laws and court decisions;

(d) be at least two hours or more in length;

(e) be advertised and open to all public safety agencies; and

(f) contain course content that has been reviewed and approved by the agency hosting the training, or the employing authority of the officer receiving credit for the training, either before or after the training occurs, through the procedures set forth in (3).

(3) A POST-certified instructor seeking course credit for public safety officers must have an active POST certificate that is not revoked, suspended or on probation and must submit an application for accreditation to the director and retain documentation of:

(a) an education or training record that indicates the officer has received education or training in the specific field, subject matter, or academic discipline to be taught;

(b) material showing course content, including an agenda, syllabus and/or lesson plan and student handouts; and

(c) a copy of the course advertisement.

(4) To receive POST training credit, an agency hosting a training by any other person or entity for a public safety officer or officers must submit an application for accreditation to the director and retain documentation of:

(a) an instructor certification or training record and an instructor biography;

(b) material showing course content, including an agenda, syllabus and/or lesson plan and student handouts; and

(c) a copy of the course advertisement.

(5) It is the responsibility of the employing authority or any person or entity wishing to receive POST-approved training credit to retain the required documentation set forth in these rules and monitor the standards for training, trainee attendance, and performance as set by the council. Records maintained under this rule are subject to audit by the executive director or the director's designee during normal business hours upon reasonable notice to the agency.

**23.13.304 The Basic Courses** (1) The amount of training for which credit will be granted in any basic public safety officer's course will be prescribed by the council.

(2) Students in any basic public safety officers' course are required to complete instruction in the prescribed subject areas as directed by the council.

(3) The council will review and approve the curriculum for all basic public safety

officers' courses. The review may consist of examining and approving the course syllabus and/or a thorough review of individual course performance objectives and lesson plans which have been established for each designated training block within the prescribed subject areas.

(4) The council may approve changes from the course content established at the last review upon written application from the MLEA administrator, training agency, or training provider providing evidence that such change is compatible with the public interest.

**23.13.703 Procedure for Making and Receiving Allegations of Officer Misconduct and for Informal Resolution of Those Allegations by the Director**

(1) The POST Council will create, maintain, and adopt in public meetings a policy and procedure for processing and responding to allegations. The policy and procedure will be posted on POST's web site and made publicly available. It will comply with these rules and offer the director further guidance regarding the specific steps that the director and POST staff will take when responding to allegations.

(2) Any allegation made against a public safety officer that states potential grounds for denial, sanction, suspension, or revocation of POST certification must be made initially to the employing authority of the officer in question by the individual making the allegation, unless the employing authority is making the allegation. All allegations must be made in writing unless the director initiates the allegation. Anonymous allegations will not be considered unless the director determines that public safety may be threatened if POST takes no action on an anonymous allegation.

(3) Except as provided in this section, POST will not proceed with an allegation unless the individual making the allegation or POST staff has notified the employing authority of the allegation. This requirement does not apply if the allegation has been made against the highest ranking officer in the agency, who would otherwise constitute the employing authority, and there is some reason to believe that the investigation or public safety would be put in danger by such a notification.

(4) Within 30 days of being notified of the allegation, or in making its own allegation of misconduct, the employing authority must give POST a notice of the employing authority's investigation, action, ruling, finding, or response to the allegation, in writing, which must include a description of any remedial or disciplinary action pending or already taken against the officer regarding the allegation in question, and which may contain a recommendation from the employing authority regarding whether POST should impose a sanction. If the employing authority recommends POST impose a sanction, the employing authority must state what sanction the employing authority deems reasonable. POST shall consider but is not bound by the recommendation of the employing authority. If available, a copy of the initial allegation made to the employing authority and the employing authority's written response must be forwarded to the director. The employing authority may make a written request to the director for additional time to respond. Such a request must provide good cause as to the reason more time is required. The director may grant or deny requests for additional time at the director's discretion.

(5) After the employing authority has been notified and given the opportunity to act, the director or POST staff may accept an allegation.

(a) Any allegation submitted to the council must be submitted to the director or POST staff and may not be submitted to the full council or any individual member of the council.

(b) The allegation must provide at least the following information:

(i) the name, address, and telephone number of the individual making the allegation, which the director may keep confidential if the individual or public safety would be harmed by disclosure;

(ii) the name and place of employment of the officer;

(iii) a complete description of the incident;

(iv) the remedy sought;

(c) A person making an allegation must use the allegation form available from POST staff or submit an allegation in substantially similar format.

(d) An employing authority or the Montana Law Enforcement Academy may submit a written allegation on the agency's letterhead with supporting documents that the agency deems appropriate.

(6) The director may initiate an allegation, based on good cause and reliable information, and must follow the procedure set forth in this rule as if initiated by any other individual, including but not limited to submitting the complaint to the employing authority.

(7) After an allegation has been received or has been initiated by the director, the director, in consultation with contested case counsel for POST, will correspond with the respondent in writing.

(a) All such correspondence must be copied to the employing authority, unless the exception noted in (3) applies.

(b) The policy provided in (1), will outline the number and nature of these letters.

(c) The purpose of this correspondence is to allow the officer to respond to the allegation, allow the director and contested case counsel to gather more information, and allow the parties to reach an informal resolution.

(8) After an allegation is made by or filed with the director, the director, contested case counsel for POST, or other POST staff or designees will investigate the complaint.

(9) Following the review and investigation of an allegation, communication with the respondent, communication with the employing authority, and consultation with counsel for POST, the director may take any appropriate action, including but not limited to the following:

(a) engage in informal negotiations and settlement discussions and enter into a stipulation or memorandum of understanding with the officer or the officer's counsel, or otherwise informally resolve the complaint. An informal resolution reached before the MAPA contested case hearing stage under this subsection is not subject to approval by the council;

(b) accept the voluntary surrender of a certificate;

(c) make one of the following findings:

(i) No finding: The investigation cannot proceed for reasons that include but are not limited to: the complainant failed to disclose promised information to further the investigation; or the complainant wishes to withdraw the complaint; or the complainant is no longer available for clarification. This finding may also be used when the information provided is not sufficient to determine the identity of the officer(s) or employee(s) involved.

(ii) Not sustained: The investigation failed to discover sufficient evidence to prove or disprove the allegations ~~made or the investigation conclusively proved that the act or acts complained of did not occur.~~

(iii) Sustained: The investigation disclosed a preponderance of evidence to prove the allegation(s) ~~made.~~

(iv) Unfounded: The investigation disclosed that the complainant made a false allegation, the subject of the complaint was not involved in the incident, or the incident did not occur.

(v) Exonerated: The investigation disclosed that the incident occurred, but the subject of the complaint acted lawfully.

(vi) Policy failure: The investigation disclosed a preponderance of evidence to prove the allegation(s), but the subject of the complaint was acting in a manner consistent with the agency's policy and procedures, which requires a revision to the applicable policy as written.

(d) issue the appropriate denial, sanction, suspension, or revocation of a certificate;

(e) if a denial, sanction, suspension, or revocation is imposed, the director must provide a notice of agency action in writing to the officer, satisfying the notice required by 2-4-601, MCA;

(f) the officer may request contested case proceedings pursuant to 44-4-403, MCA and MAPA, as outlined in ARM 23.13.704.

(10) If a review of the conduct of an officer is pending before any court, council, tribunal, or agency, the director may, as a matter of discretion, stay any proceedings for denial, sanction, suspension, or revocation pending before the council, no matter what stage or process they have reached, until the other investigation or proceeding is concluded. If the case has already been assigned to a hearing examiner, the hearing examiner must grant a stay based on an application by the director or counsel for POST.

(11) In all cases in which a written allegation is submitted which does not culminate in a MAPA contested case hearing, the director must file a written report in the officer's POST file setting forth the circumstances and resolution of the case. All written correspondence with the officer and the officer's employing authority must also be maintained in the officer's POST file.



## **Montana Public Safety Officer Standards and Training Council**

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October 7, 2020

To: POST Council

From: John Strandell, Case Status Committee Chair

Subject: Closure of Cases

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

### **2015: No cases from 2015 were closed**

There are 3 open cases from 2015. One officer has requested a hearing and has reached a stipulation with POST to surrender her certification, one officer is serving a sanction, and one officer is suing POST in district court.

### **2016: No cases from 2016 were closed**

There are 3 open cases from 2016. Two are officers serving a sanction, and one is being appealed to district court.

### **2017: One Case from 2017 was closed**

17-37 was closed. The officer's stipulation was accepted at the last council meeting.

There are 4 open cases from 2017. One officer is serving a sanction, one officer is in violation of POST's sanction and POST is pursuing his revocation, one is in district court, and one is pending a Montana Supreme Court appeal deadline.

### **2018: One case from 2018 was closed**

18-14 was closed. The officer was involved in a motor vehicle accident while intoxicated. The officer entered into a stipulated agreement with POST to place her certification on probation for two years. The officer successfully completed her probation.

There are 4 open cases from 2018. In two cases, the officer is serving a sanction; one case is pending argument before the counsel; and one case is an active investigation.

**2019: Six cases from 2019 were closed**

19-64 was closed. The officer was charged with Aggravated DUI. Thereafter, he violated his conditions and showed up to work smelling of alcohol. The officer did not respond to POST's allegations and his certification was revoked.

19-60 was closed. The officer was alleged to have abused her authority, and to have been acting inappropriately with males in public. After its investigation, POST dismissed the case.

19-61 was closed. The officer was found to have falsified his inspection logs. The officer did not respond to POST's allegations and his certification was revoked.

19-52 was closed. The officer was charged with DUI drugs and had falsified official records. Her certification was revoked.

19-56 was closed. The officer was convicted of a felony sex offense. The officer did not respond to POST's allegations and his certification was revoked.

19-21 was closed. The officer was charged with partner/family member assault – strangulation for an incident that occurred when he was highly intoxicated in public. The officer later pled guilty to partner/family member assault. The officer's certification was revoked.

There are 24 open cases from 2019. Five officers are serving a sanction, three cases are on hold pending other matters and 16 cases are active investigations.

**2020: Twelve cases from 2020 were closed**

20-07 was closed. The officer engaged in inappropriate conduct on duty then lied about the conduct when he was questioned. The officer voluntarily surrendered his certification.

20-04 was closed. The officer was charged with possession of drug paraphernalia and used illegal drugs. The officer did not respond to POST's allegations and his certification was revoked.

20-09 was closed. The officer was alleged to have various performance deficiencies and to have lied about his deficiencies. After investigation, POST dismissed the case.

20-15 was closed. The officer was on administrative leave due to a DUI charge. While on leave, he sent sexually explicit messages to a female after she had requested that he stop. The officer did not respond to POST's allegations and his certification was revoked.

20-16 was closed. The officer engaged in inappropriate and unwanted physical contact with a coworker while on duty and was alleged to have engaged in sexual activities with another female. The officer voluntarily surrendered his certification.

20-02 was closed. The officer was charged with obstructing an officer after lying to an investigating officer about his identity. The officer was later investigated for rape. The officer's certification was revoked.

20-30 was closed. The officer had engaged in sexual conversations and contact with females who he had pulled over. The officer voluntarily surrendered his certification.

20-17 was closed. The officer engaged in an inappropriate relationship with a parolee who had been under his supervision and lied to his administration regarding the relationship. The officer did not respond to POST's allegations and his certification was revoked.

20-10 was closed. The officer was being investigated for inappropriate boundaries with inmates and lied about providing food to an inmate. The officer did not respond to POST's allegations and her certification was revoked.

20-03 was closed. The officer had made threatening and violent statements and gestures while on duty. Law enforcement had responded to three disturbances involving the officer as well. The officer did not respond to POST's allegations and his certification was revoked.

20-20 was closed. The officer was convicted of multiple felony sex offenses. The officer voluntarily surrendered his certification.

20-18 was closed. The officer was alleged to have engaged in off-duty misconduct and had provided false information to his supervisor. The officer did not respond to POST's allegations and his certification was revoked.

There are 24 active cases from 2020. All 24 cases are active investigations.

Since the last Council meeting, POST has **closed a total of 55 cases**.

POST currently has 51 active investigations.

POST currently has 6 cases which are in the MAPA process.

POST currently has 3 cases on judicial review.

POST currently has 1 case in district court in the form of a lawsuit.

POST currently has 8 new allegations to present to case status.

POST currently has 22 cases awaiting information from agencies.

POST currently has 3 investigations on hold pending other matters.

POST has **a total of 94 cases** which it is currently working on.

POST currently also has **13 cases** in which officers are serving sanctions.

**MLEA**

**Montana Law Enforcement Academy  
Law Enforcement Officer Basic Course  
Release - September 2020**

**Course Classifications**

***Administrative***

Orientation ONLINE	2
Orientation and Graduation/ evaluations	10
POST Council	1.5
Written Examinations	5
	<b>18.5</b>

***Law and Criminal Procedure***

Introduction to Constitutional Law ONLINE	2
Introduction to MCA title 45 ONLINE	4
U.S. Bill of Rights, MT Constitution Article II Search, Seizure and Arrest	2
Interviews, Statements, Interrogation and Miranda	4
Montana Criminal Code Title 45 and 46	4.5
Montana Traffic Code Title 61	3.5
Court Systems/preparation/testimony	4
Protective Orders, Full Faith and Credit	2
Domestic Violence/ Stalking and the Law	2
Search Warrants and Court Room Testimony includes Scenario's (2)	12
Minors and Youth Court Act	2
Civil Process	2
Risk Management and Liability Reduction ONLINE	4
Legal Issues in the Use of Force	4
Legal Issues in Indian Country	2
Laws of Gambling and Tobacco	2
	<b>56</b>

***Human Behavior and Social Interaction***

History of Law Enforcement ONLINE	2
Below 100	3
Ethics	2
Gender Diversity ONLINE	2
Sexual Harrassment	2
21st Century Policing/ Fair and Impartial Policing	6
Community Policing	2
Emotional Intelligence	2
Policing on Camera	2
CIT Montana	4
	<b>27</b>

<b>Patrol Operations</b>		
Patrol Operations		3.5
Patrol Readiness Training		24
Classroom	8	
Skill building exercises	8	
Walkthroughs	8	
Police Vehicle Operations ONLINE		4
Police Vehicle Operations Track		40
Youth Gangs		2
Mental Illness and Mental Health First Aid/Voices and scenario. QPR		16
CJIN		2
Report Writing		4
Child Protective Services		2
Outlaw Motorcycle Gangs		2
Patrol Negotiation		4
		103.5
<b>Investigations</b>		
Elder Abuse and Neglect		2
SAKI Investigations with Scenarios		16
Child Interviews		2
Drug Endangered Children ONLINE		2
Drug Endangered Children Classroom		2
Domestic Violence Victimology		2
Domestic Violence Investigation with Scenario		7
Crime Scene Photography		4
Evidence Analysis		8
Crime Scene Management includes DCI 4 hours		6
Computer Crimes		2
Dangerous Drugs		8
Criminal Intelligence Systems MATIC		2
Human Trafficking online		2
Human Trafficking classroom		2
Investigative Interviewing		11
Photo Lineup Class and Practical		2
Missing Persons Investigations - Juveniles, Indigenious Persons		4
		84
<b>Health and Wellness</b>		
Diet and Exercise		2
CPR/AED		4
First Aid/Stop the Bleed		1
Critical Incident Stress		3
Emotional Survival for Families		2
Physical Fitness (MPAT) mid term		4
		16

<b>Traffic Enforcement</b>	
Crash Investigation	4
TIMS traffic incident management system	4
Vehicle Stops classroom	4
Vehicle Stops practice	4
DUI Enforcement - SFST	40
Traffic Radar 4 hours classroom	4
	60
<b>Survival Skills</b>	
Firearms Classes and Range Simulator	16
Firearms Live Fire Range	40
Firearms Disabled Officer and Off Duty Considerations	2
Pat Downs and Searches	4
Defensive Tactics - Human Factors and Control Principals	4
Defensive Tactics Hands on Training	32
Threat Pattern Recognition	1
Handcuffing (separate from DT)	4
Chemical Agents and OC spray (During DT week)	8
MILO Simulations - Use of Force	4
Defensive Tactics - Confrontation Simulation	4
Calls for Service Scenarios	8
Final Assessment Rotations	12
	139

TOTAL HOURS

504 504

## Johnson, Perry

---

**From:** Rick SyWassink <rsywassink@dawson.edu>  
**Sent:** Sunday, August 2, 2020 9:56 PM  
**To:** Stinar, Glen; Johnson, Perry  
**Subject:** [EXTERNAL] Instructor Development

Good Morning Guys,

I am moving forward to start planning an Instructor Development Course here on campus after I return from the course at the end of August. In setting this up, I would be looking at holding one at DCC and am also thinking about holding one the week after that at our new campus at Lewistown.

I would like to get some help from MLEA Glen whether it would be you or someone else from the Academy to get at least the first one on campus done. What would you advise and once I get dates set up will let the two of you know so we can get a good pool of instructors and get more training underway.

We will also be putting a Reserve Academy together for probably late September so we can at least get that completed before the weather starts to play havoc. I will get the dates to you for inclusion on the board.

Also, they have reduced my teaching load so I can give this project the proper attention. I have been working with our regional economic planning commission and they are working on locating monies to help us fund the training and maybe even build a new building. Will keep you posted on that also.

As always thank you for any help and ii will be in touch later this week.

Stay safe.

Rick

**CONFIDENTIALITY NOTICE:**

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Sheriff's Office  
Lincoln County Montana

*Sheriff Darren Short*  
*Undersheriff Brad Dodson*

512 California Avenue  
Libby MT 59923  
406.293.4112  
Fax 406.293.3171

9/14/2020

Perry Johnson, Executive Director  
Public Safety Officer Standards and Training (POST) Bureau  
Helena, MT

**RECEIVED**  
**SEP 15 2020**  
**MT POST Council**

Director Johnson,

I very much appreciate last year's POST Council consideration and approval of my training credit for my tardy submission of the 2018 Desert Snow criminal interdiction training. As you may recall, I stepped down as undersheriff in 2016 after about five productive years in that position, and as I explained in my previous appeal for training hour credit, I did not know until last year that there was a one year time limit on submissions for POST credit. I've been earning POST training credit in Montana since 1991, and simply didn't know/notice the change in policy.

I have since reviewed my records during my period serving as undersheriff between 2011 and 2016, and found two hard-fought training courses that I never received POST credit for because I failed to actually submit for the credit. As a very busy agency administrator at the time, the necessary paperwork for course credit probably fell off my radar within minutes of course completion.

I am therefore requesting POST training credit for the following courses (*see attached*):

2/18-19, 2014	16 hours	FEMA ICS-300 Intermediate ICS
1/21-22, 2015	16 hours	FEMA ICS-400 Advanced ICS

I have not found my ICS-300 certificate. However, I do have my ICS-400 certificate in hand and as you are probably aware, ICS-300 is a mandatory prerequisite for attendance of ICS-400. I have found old email correspondence (attached) from the ICS-300 course instructor/host, Emergency Management Planner Kristal Kuhn, asking where she should mail my ICS-300 completion certificate, which I did respond to. However, I have not found that the certificate actually arrived, as I have no copy on file. Krystal Kuhn is no longer with Great Falls EMA.

I respectfully request POST training credit for both courses.



# Montana Public Safety Officer Standards & Training Council

2260 Sierra Road East  
Helena, MT 59602

dojmt.gov/post

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

RECEIVED

SEP 15 2020

## APPLICATION FOR INDIVIDUALS SEEKING POST CREDIT HOURS FOR ONLINE, OUT OF STATE, AND OTHER COURSES

ARM 23.13.301 & 23.13.302

**Instructions:** This form is to be completed and submitted by an officer who attended training (including online training) which was not already approved for POST credit hours. This form must be submitted after the training takes place. This form must be submitted within one year of completion of the training. This form is the only document the individual needs to submit to POST.

### Applicant Information:

Full Name: Brent Faulkner

Agency Name: Lincoln County Sheriff's Office

Date of Birth: \_\_\_\_\_

Work Phone: 406-293-4112 ext.1229

Personal Phone: \_\_\_\_\_

E-mail Address: bfaulkner@lcsomt.us

### Requirements:

Please note the requirements for POST credit are:

1) if the course is taught by a Montana public safety officer, the officer must be a certified instructor. If the course is not taught by a Montana public safety officer, you must retain the instructor biography.

- Is the instructor/s a Montana public safety officer?  Yes  No

- If the instructor/s is a Montana public safety officer, does the instructor/s have a POST instructor certificate?  Yes  No  N/A

- If the instructor/s is not a Montana public safety officer, do you have a copy of the instructor's biography/ies?  Yes  No  N/A

- If you do not have a copy of the instructor's biography, and you wish to request a waiver of the requirement that you retain the instructor's biography, please outline the efforts you made to obtain the biography below:

- Do you have a copy of the documentation of the above efforts?  Yes  No

2) you must complete this application and retain all required materials. Do NOT submit the materials to POST with this application.

Do you have the following materials:

- a copy of the course certificate of completion?  Yes  No

- course outline, lesson plan, or agenda?  Yes  No

- study guide or course syllabus?  Yes  No

- student materials & handouts?  Yes  No

**3) the course must be a minimum of two hours in length**

Is the course at least 2 hours in length?  Yes  No

**4) the course must be open and advertised to all public safety agencies**

Is the course open and advertised to all public safety agencies?  Yes  No

Do you have a copy of the course advertisement? (Not necessary for online courses)

Yes  No

**5) you must attend a minimum of 90% of the training**

Did you attend a minimum of 90% of the training?  Yes  No

**If you do not meet these requirements, you will not receive POST credit hours. The documents which you are required to retain may be audited by POST on a random basis.**

**Course Information:**

Course Name: Makor K9 Narcotic Detection Canine Training  
Date Taken: 11/4/2019 - 11/13/2019 Number of Course Hours: 80  
Course Provider: Makor K9 Training Center Course Location: Libby, MT  
Provider Website: makork9.com Lead Trainer: Mark Rispoli, mark@makork9.com

**Certification of Applicant:**

*My signature certifies that all required documentation has been obtained and will be retained and that all of the requirements of ARMs 23.13.301 and 23.13.302 have been met. I certify that I should be granted POST Training Credit Hours for this course.*

 9/12/2020  
Signature of Applicant Date

**Certification of Agency:**

*My signature certifies that all required documentation has been obtained and will be retained and that all of the requirements of ARMs 23.13.301 and 23.13.302 have been met. I certify that this officer should be granted POST Training Credit Hours for this course.*

Brad Dodson, Undersheriff  
Printed Name of Agency Head

 9/13/2020  
Signature of Agency Head Date

E-mail: bdodson@lcsomt.us

Phone: 406-293-4112 ext.3

***\*For Special Courses (Instructor Development, Firearms Instructor & SWAT Primary, proceed to page 3.***

For POST Staff Use:	
Reviewed by _____	Date _____

## 41100 Department of Justice

### Standard Budget Summary By Org, Account

Data Selected for Month/FY: 01 (Jul)/2021 through 04 (Oct)/2021

Business Unit	(All)
Program Year	(All)
FY_BudPer	(All)
Subclass	(All)
Month	(All)
Source of Auth	(All)
OBPP Program	(All)
Fund	(All)
Fund Type	(All)
Account	(All)
Account Type	(All)
Project	(All)
Ledger	(All)

[Return to Menu](#)

Org	Acct Lvl 2	Acct Lvl 1	Standard Budget	Actuals Amt	A Accrual Amt	Balance
05POST	POST		471,658.00	120,553.12	0.00	351,104.88
	<b>61100 Salaries</b>		188,710.19	61,292.17	0.00	127,418.02
		61000 Personal Services	188,710.19	61,292.17	0.00	127,418.02
	<b>61400 Employee Benefits</b>		77,078.81	24,010.55	0.00	53,068.26
		61000 Personal Services	77,078.81	24,010.55	0.00	53,068.26
	<b>62100 Other Services</b>		133,160.00	4,950.88	0.00	128,209.12
		62000 Operating Expenses	133,160.00	4,950.88	0.00	128,209.12
	<b>62200 Supplies &amp; Materials</b>		15,578.00	26,632.39	0.00	(11,054.39)
		62000 Operating Expenses	15,578.00	26,632.39	0.00	(11,054.39)
	<b>62300 Communications</b>		6,998.00	764.65	0.00	6,233.35
		62000 Operating Expenses	6,998.00	764.65	0.00	6,233.35
	<b>62400 Travel</b>		31,019.00	1,954.82	0.00	29,064.18
		62000 Operating Expenses	31,019.00	1,954.82	0.00	29,064.18
	<b>62500 Rent</b>		10,427.00	561.09	0.00	9,865.91
		62000 Operating Expenses	10,427.00	561.09	0.00	9,865.91
	<b>62700 Repair &amp; Maintenance</b>		65.00	0.00	0.00	65.00
		62000 Operating Expenses	65.00	0.00	0.00	65.00
	<b>62800 Other Expenses</b>		8,622.00	386.57	0.00	8,235.43
		62000 Operating Expenses	8,622.00	386.57	0.00	8,235.43
<b>Grand Total</b>			<b>471,658.00</b>	<b>120,553.12</b>	<b>0.00</b>	<b>351,104.88</b>

**Date Topic Title / Description**

**Bozeman Police Department**

<b>Tartaglia, Pete J.</b>		<b>026852</b>
7-10-2020	Equivalency Granted	Letter approving peace officer EQ sent. KB

Employees this Agency: 1

**Carbon Co. SO**

<b>Haworth, Katrina E.</b>		<b>023838</b>
4-23-2020	Equivalency Granted	Email approving peace officer EQ sent. KB

Employees this Agency: 1

**Conrad Police Department**

<b>Padilla, Ernest A.</b>		<b>026849</b>
5-06-2020	Equivalency Granted	Letter approving EQ sent.

Employees this Agency: 1

**Cut Bank Police Department**

<b>Bunch, Allister B.</b>		<b>027103</b>
8-11-2020	Equivalency Granted	Letter approving EQ sent. KB

Employees this Agency: 1

**Department of Justice/DCI**

<b>Sleese, Thomas</b>		<b>027101</b>
10-06-2020	Equivalency Granted	Letter approving peace officer EQ sent. KB

Employees this Agency: 1

**Dept Of Highways/Motor Carrier Serv Div**

<b>Williams, Christopher N.</b>		<b>017988</b>
4-23-2020	Equivalency Granted	Email approving peace officer EQ sent. KB

Employees this Agency: 1

**Eureka Police Department**

<b>Iker, Steve D.</b>		<b>020577</b>
7-10-2020	Equivalency Granted	Letter approving peace officer EQ sent. KB

Employees this Agency: 1

**Fish, Wildlife And Parks**

<b>Marsh, Austin</b>		<b>024196</b>
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Date	Topic	Title / Description
6-01-2020	Equivalency Granted	Letter approving peace officer EQ sent. KB

Employees this Agency: 1

**Flathead Co. SO**

Claridge, Spencer L.		022923
9-14-2020	Equivalency Granted	Letter approving Peace Officer EQ sent. KB

Employees this Agency: 1

**Great Falls Police Department**

Walker, Scott F.		027056
6-15-2020	Equivalency Granted	Letter approving peace officer EQ sent. KB

Employees this Agency: 1

**Kalispell Police Department**

Scheffler, Bradley J.		027137
10-06-2020	Equivalency Granted	Letter approving peace officer EQ sent. KB

Vukonich, Cale J.		027138
10-06-2020	Equivalency Granted	Letter approving peace officer EQ sent. KB

Employees this Agency: 2

**MSU Police Department Bozeman**

Gillilan, Kevin L.		026963
7-10-2020	Equivalency Granted	Letter approving peace officer EQ sent. KB

Employees this Agency: 1

**Madison Co. SO**

Marsh, Austin		024196
6-01-2020	Equivalency Granted	Letter approving peace officer EQ sent. KB

Pieprzyca, Noah R.		026882
4-23-2020	Equivalency Granted	Email approving peace officer EQ sent. KB

Employees this Agency: 2

**Missoula Co. SO**

Gorr, Stephen H.		026773
2-13-2020	Equivalency Granted	Letter approving peace officer EQ sent. KB

Employees this Agency: 1

Date Topic Title / Description

**Missoula Police Department**

<b>Haderlie, Michael G.</b> 027121		
10-06-2020	Equivalency Granted	Letter approving peace officer EQ sent. KB

<b>White, Jaeson D.</b> 026841		
4-23-2020	Equivalency Granted	Email approving peace officer EQ sent. KB

Employees this Agency: 2

**Montana State Women's Prison**

<b>Bidlake, Colin</b> 027004		
6-15-2020	Equivalency Granted	Letter approving CDOB EQ sent. KB

Employees this Agency: 1

**Pinesdale Police Department**

<b>Jessop Jr., Leon R.</b> 005744		
9-14-2020	Equivalency Granted	Letter approving Peace Officer EQ sent. KB

Employees this Agency: 1

**Ravalli Co. SO**

<b>Jessop Jr., Leon R.</b> 005744		
9-14-2020	Equivalency Granted	Letter approving Peace Officer EQ sent. KB

Employees this Agency: 1

**Richland Co. SO**

<b>Claridge, Spencer L.</b> 022923		
9-14-2020	Equivalency Granted	Letter approving Peace Officer EQ sent. KB

Employees this Agency: 1

**Sanders Co. SO Detention**

<b>Miller, Steven S.</b> 027111		
10-06-2020	Equivalency Granted	Letter approving CDOB EQ sent. KB

Employees this Agency: 1

**Yellowstone Co. SO Detention**

<b>Bidlake, Colin</b> 027004		
6-15-2020	Equivalency Granted	Letter approving CDOB EQ sent. KB

<b>Watterson, Bobby J.</b> 026706		
3-03-2020	Equivalency Granted	Letter approving CDOB EQ sent. KB

**Montana POST Council**  
**Employee Notes By Agency Report**  
Equivalency Granted

Date	Topic	Title / Description	
		Employees this Agency:	2
		Employees this Report:	25

*NOTE: Some employees may be associated with more than one Agency which can inflate the report total.*

Date	Topic	Title / Description
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**Beaverhead Co. SO**

<b>Craft, Paul L.</b>		<b>005410</b>
4-20-2020	Extension Granted	Coroner continuing ed extension approved. KB
<b>Wendt, David W.</b>		<b>008828</b>
4-20-2020	Extension Granted	Coroner continuing ed extension approved. KB

Employees this Agency: 2

**Beaverhead Co. SO Reserves**

<b>Wendt, David W.</b>		<b>008828</b>
4-20-2020	Extension Granted	Coroner continuing ed extension approved. KB

Employees this Agency: 1

**Beaverhead County Coroner**

<b>Craft, Paul L.</b>		<b>005410</b>
4-20-2020	Extension Granted	Coroner continuing ed extension approved. KB
<b>Wendt, David W.</b>		<b>008828</b>
4-20-2020	Extension Granted	Coroner continuing ed extension approved. KB

Employees this Agency: 2

**Blaine Co. SO**

<b>McGeshick, Clay J.</b>		<b>019390</b>
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

Employees this Agency: 1

**Broadwater Co. SO**

<b>Harris, Brandon J.</b>		<b>017263</b>
4-08-2020	Extension Granted	Coroner Cont. Ed. extension approved.

Employees this Agency: 1

**Broadwater Co. SO Coroner**

<b>Harris, Brandon J.</b>		<b>017263</b>
4-08-2020	Extension Granted	Coroner Cont. Ed. extension approved.

Employees this Agency: 1

**Broadwater Co. SO Detention**

<b>Harris, Brandon J.</b>		<b>017263</b>
4-08-2020	Extension Granted	Coroner Cont. Ed. extension approved.

Date	Topic	Title / Description
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Employees this Agency: 1

**Carbon Co. SO**

Croft, Jonathan		017461
4-13-2020	Extension Granted	Coroner continuing ed extension approved. KB

Employees this Agency: 1

**Carbon Co. SO Coroner**

Croft, Jonathan		017461
4-13-2020	Extension Granted	Coroner continuing ed extension approved. KB

Owen, Elizabeth J.		026425
5-18-2020	Extension Granted	Extension for PSC Basic Approved. KB

Employees this Agency: 2

**Carbon Co. SO Dispatch**

Owen, Elizabeth J.		026425
5-18-2020	Extension Granted	Extension for PSC Basic Approved. KB

Employees this Agency: 1

**Carbon Co. SO Reserves**

Croft, Jonathan		017461
4-13-2020	Extension Granted	Coroner continuing ed extension approved. KB

Employees this Agency: 1

**Carter Co. SO**

Kittelmann, Neil M.		000922
3-23-2020	Extension Granted	Extension for Coroner Training approved. KB

Employees this Agency: 1

**Carter Co. SO Coroner**

Kittelmann, Neil M.		000922
3-23-2020	Extension Granted	Extension for Coroner Training approved. KB

Employees this Agency: 1

**Cascade Co. SO**

Cichosz, Jason P.		009350
2-27-2020	Extension Granted	Letter approving extension for LEOB sent. KB

Date	Topic	Title / Description
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**Employees this Agency: 1**

**Chouteau Co. SO**

<b>Jacques, Adam E.</b>		<b>025146</b>
4-08-2020	Extension Granted	Coroner Continuing education extension approved.

**Employees this Agency: 1**

**Chouteau Co. SO Coroner**

<b>Jacques, Adam E.</b>		<b>025146</b>
4-08-2020	Extension Granted	Coroner Continuing education extension approved.

**Employees this Agency: 1**

**Custer Co. SO Detention**

<b>Grube, Tim</b>		<b>016863</b>
4-08-2020	Extension Granted	Coroner cont. ed. extension approved.

**Employees this Agency: 1**

**Darby Police Department**

<b>Moles, Jonathan R.</b>		<b>014561</b>
4-27-2020	Extension Granted	Extension for Coroner continuing ed approved. KB

**Employees this Agency: 1**

**Dawson Co. SO Detention**

<b>Keller, Alicia J.</b>		<b>022730</b>
7-28-2020	Extension Granted	Letter approving extension for CDOB sent. KB

<b>Najera, Maria</b>		<b>026350</b>
7-28-2020	Extension Granted	Letter approving extension for CDOB sent. KB

**Employees this Agency: 2**

**Deer Lodge County Coroner**

<b>O'Brien, Isabel K.</b>		<b>025382</b>
7-22-2020	Extension Granted	Coroner Continuing Ed. Extension granted. KB

**Employees this Agency: 1**

**Deer Lodge Police Department Reserves**

<b>Gregory, Heather C.</b>		<b>022644</b>
4-08-2020	Extension Granted	Coroner Cont. Ed. Extension approved.

Date	Topic	Title / Description
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**Employees this Agency: 1**

**Department Of Corrections-P & P**

<b>Cyr, Mitchell</b> 026599		
8-03-2020	Extension Granted	Letter approving extension for P&P sent. KB
<b>Gordon, Brett C.</b> 006618		
7-28-2020	Extension Granted	Letter approving extension for P&P Basic sent. KB
<b>Jones, Amy</b> 026624		
8-03-2020	Extension Granted	Letter approving extension for P&P sent. KB
<b>Nathe, Michael</b> 026529		
8-03-2020	Extension Granted	Letter approving extension for P&P sent. KB
<b>Roberts, Mickey</b> 026269		
7-28-2020	Extension Granted	Letter approving extension for P&P Basic sent. KB
<b>Schell, Erica M.</b> 026032		
8-03-2020	Extension Granted	Letter approving extension for P&P sent. KB
<b>Waldorf, Kylee</b> 026528		
8-03-2020	Extension Granted	Letter approving extension for P&P sent. KB

**Employees this Agency: 7**

**Dept Of Highways/Motor Carrier Serv Div**

<b>Branson, Jeffrey</b> 026570		
2-25-2020	Extension Granted	Letter approving extension for LEOB sent. KB

**Employees this Agency: 1**

**Dillon Police Department**

<b>Craft, Paul L.</b> 005410		
4-20-2020	Extension Granted	Coroner continuing ed extension approved. KB
<b>Pallas, Robert B.</b> 001255		
4-08-2020	Extension Granted	Coroner Cont. Ed. Extension approved.

**Employees this Agency: 2**

**Fallon Co. SO**

<b>Grube, Tim</b> 016863		
4-08-2020	Extension Granted	Coroner cont. ed. extension approved.

**Employees this Agency: 1**



Date	Topic	Title / Description
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**Employees this Agency: 1**

**Fort Peck Dept Of Law & Justice**

<b>Kunz, Pilar D.</b>		<b>024410</b>
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB
<b>Lingle, Timothy R.</b>		<b>011223</b>
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB
<b>McGeshick, Clay J.</b>		<b>019390</b>
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB
<b>Summers, John F.</b>		<b>008181</b>
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

**Employees this Agency: 4**

**Fort Peck Tribes/Roosevelt Co 911**

<b>Marottek, Leann M.</b>		<b>026417</b>
7-28-2020	Extension Granted	Letter approving extension for PSC Basic sent. KB
<b>Walker, Jessica A.</b>		<b>026289</b>
7-28-2020	Extension Granted	Letter approving extension for PSC Basic sent. KB

**Employees this Agency: 2**

**Gallatin County Office Of Court Services**

<b>Schell, Erica M.</b>		<b>026032</b>
8-03-2020	Extension Granted	Letter approving extension for P&P sent. KB

**Employees this Agency: 1**

**Glendive Police Department**

<b>Metcalf, Kevin R.</b>		<b>017825</b>
3-23-2020	Extension Granted	Extention for Coroner Training approved. KB

**Employees this Agency: 1**

**Golden Valley Co. SO**

<b>Pallas, Robert B.</b>		<b>001255</b>
4-08-2020	Extension Granted	Coroner Cont. Ed. Extension approved.

**Employees this Agency: 1**

**Golden Valley Co. SO Coroner**

<b>Pallas, Robert B.</b>		<b>001255</b>
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Date	Topic	Title / Description
4-08-2020	Extension Granted	Coroner Cont. Ed. Extension approved.

**Employees this Agency: 1**

**Granite Co. SO**

Dunkerson, Scott W.		010538
3-23-2020	Extension Granted	Extension for Coroner Education approved. KB

**Employees this Agency: 1**

**Granite Co.SO Coroner**

Dunkerson, Scott W.		010538
3-23-2020	Extension Granted	Extension for Coroner Education approved. KB

**Employees this Agency: 1**

**Great Falls Police Department**

Cichosz, Jason P.		009350
2-27-2020	Extension Granted	Letter approving extension for LEOB sent. KB

**Employees this Agency: 1**

**Great Falls Youth/Transition Center**

Jacques, Adam E.		025146
4-08-2020	Extension Granted	Coroner Continuing education extension approved.

**Employees this Agency: 1**

**Hamilton Police Department**

Moles, Jonathan R.		014561
4-27-2020	Extension Granted	Extension for Coroner continuing ed approved. KB

Weston, Bradley W.		018687
4-27-2020	Extension Granted	Extension for Coroner continuing ed approved. KB

**Employees this Agency: 2**

**Havre Police Department**

Verploegen, Amanda J.		021529
3-23-2020	Extension Granted	Coroner training extension sent. KB

**Employees this Agency: 1**

**Hill Co. SO**

Verploegen, Amanda J.		021529
3-23-2020	Extension Granted	Coroner training extension sent. KB

Date	Topic	Title / Description
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**Employees this Agency: 1**

**Hill Co. SO Coroner**

<b>Verploegen, Amanda J.</b>		<b>021529</b>
3-23-2020	Extension Granted	Coroner training extension sent. KB

**Employees this Agency: 1**

**Hill Co. SO Detention**

<b>Moss Jr, Duntrael Y.</b>		<b>026526</b>
6-03-2020	Extension Granted	Letter approving CDOB extension sent. KB

<b>Moss, Jace C.</b>		<b>026527</b>
6-03-2020	Extension Granted	Letter approving CDOB Extension sent. KB

<b>Stewart, Ryan J.</b>		<b>026687</b>
6-03-2020	Extension Granted	Letter approving CDOB extension sent. KB

**Employees this Agency: 3**

**Hill Co. SO Dispatch**

<b>Ralph, Tatiana A.</b>		<b>026400</b>
7-06-2020	Extension Granted	Letter approving extension for PSC basic sent. KB

**Employees this Agency: 1**

**Lake County Communications E-911**

<b>Pruitt, Stephanie J.</b>		<b>026295</b>
6-03-2020	Extension Granted	Letter approving PSC Basic Extension sent. KB

**Employees this Agency: 1**

**Madison Co. SO**

<b>Schroder, Craig B.</b>		<b>020468</b>
3-23-2020	Extension Granted	Extension for Coroner Training approved. KB

**Employees this Agency: 1**

**Madison Co. SO Coroner**

<b>Schroder, Craig B.</b>		<b>020468</b>
3-23-2020	Extension Granted	Extension for Coroner Training approved. KB

**Employees this Agency: 1**

Date	Topic	Title / Description
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**McCone Co. SO**

Harris, Dave I.		015515
4-27-2020	Extension Granted	Extension for Coroner continuing ed approved. KB

Keller, Alicia J.		022730
7-28-2020	Extension Granted	Letter approving extension for CDOB sent. KB

Employees this Agency: 2

**McCone Co. SO Coroner**

Harris, Dave I.		015515
4-27-2020	Extension Granted	Extension for Coroner continuing ed approved. KB

Employees this Agency: 1

**Meagher Co. SO**

Wendt, David W.		008828
4-20-2020	Extension Granted	Coroner continuing ed extension approved. KB

Employees this Agency: 1

**Meagher Co. SO Coroner**

Wendt, David W.		008828
4-20-2020	Extension Granted	Coroner continuing ed extension approved. KB

Employees this Agency: 1

**Mineral Co. SO**

Manning, Travis M.		024739
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

Employees this Agency: 1

**Missoula 911 Center**

Merrill, Forrest S.		018072
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

Employees this Agency: 1

**Missoula Co. SO**

Merrill, Forrest S.		018072
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

Employees this Agency: 1

Date	Topic	Title / Description
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**Missoula Co. SO Coroner**

<b>Merrill, Forrest S.</b>		<b>018072</b>
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

Employees this Agency: 1

**Missoula Co. SO Detention**

<b>Barnes, Matthew R.</b>		<b>026728</b>
10-04-2020	Extension Granted	Extension for CDOB approved. KB

Employees this Agency: 1

**Missoula Co. SO Reserves**

<b>Merrill, Forrest S.</b>		<b>018072</b>
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

Employees this Agency: 1

**Montana State Prison**

<b>Josephson, David</b>		<b>019630</b>
7-06-2020	Extension Granted	Letter approving extension for CDOB sent. KB

<b>Marjerison, Tristan</b>		<b>026484</b>
9-09-2020	Extension Granted	Extension for CDOB approved.

Employees this Agency: 2

**Musselshell Co. SO**

<b>Manning, Travis M.</b>		<b>024739</b>
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

Employees this Agency: 1

**Musselshell Co. SO Coroner**

<b>Manning, Travis M.</b>		<b>024739</b>
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

Employees this Agency: 1

**Phillips Co. SO**

<b>Metcalf, Kevin R.</b>		<b>017825</b>
3-23-2020	Extension Granted	Extention for Coroner Training approved. KB

<b>Myers, Nicolas J.</b>		<b>023401</b>
3-24-2020	Extension Granted	Extension for Coroner Training approved. KB

Montana POST Council  
Employee Notes By Agency Report  
Extensions Granted

Date	Topic	Title / Description
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Employees this Agency: 2

**Phillips Co. SO Coroner**

Metcalf, Kevin R.		017825
3-23-2020	Extension Granted	Extention for Coroner Training approved. KB
Myers, Nicolas J.		023401
3-24-2020	Extension Granted	Extension for Coroner Training approved. KB

Employees this Agency: 2

**Pinesdale Police Department**

Jessop, Jesse D.		010498
4-27-2020	Extension Granted	Extension for Coroner continuing ed approved. KB

Employees this Agency: 1

**Pondera Co. SO**

Cichosz, Jason P.		009350
2-27-2020	Extension Granted	Letter approving extension for LEOB sent. KB
Mayers, Jeffrey R.		026476
6-03-2020	Extension Granted	Letter approving LEOB extension sent. KB

Employees this Agency: 2

**Pondera Co. SO Coroner**

Cichosz, Jason P.		009350
2-27-2020	Extension Granted	Letter approving extension for LEOB sent. KB
Mayers, Jeffrey R.		026476
6-03-2020	Extension Granted	Letter approving LEOB extension sent. KB

Employees this Agency: 2

**Poplar Police Department**

Frederick, Jason L.		008852
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB
Lingle, Timothy R.		011223
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

Employees this Agency: 2

**Powell County Coroner**

Gregory, Heather C.		022644
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**Montana POST Council**  
**Employee Notes By Agency Report**  
Extensions Granted

Date	Topic	Title / Description
4-08-2020	Extension Granted	Coroner Cont. Ed. Extension approved.

Employees this Agency: **1**

**Ravalli Co. SO**

<b>Blair, Zachary D.</b>		<b>026018</b>
5-13-2020	Extension Granted	Extension for CDOB Approved. KB
<b>Hachenberger, Emily G.</b>		<b>023040</b>
4-27-2020	Extension Granted	Extension for Coroner continuing ed approved. KB
<b>Jessop, Jesse D.</b>		<b>010498</b>
4-27-2020	Extension Granted	Extension for Coroner continuing ed approved. KB
<b>Moles, Jonathan R.</b>		<b>014561</b>
4-27-2020	Extension Granted	Extension for Coroner continuing ed approved. KB
<b>Mykhaylyuk, Volodymyr S.</b>		<b>025072</b>
4-27-2020	Extension Granted	Extension for Coroner continuing ed approved. KB
<b>Weston, Bradley W.</b>		<b>018687</b>
4-27-2020	Extension Granted	Extension for Coroner continuing ed approved. KB

Employees this Agency: **6**

**Ravalli Co. SO Coroner**

<b>Jessop, Jesse D.</b>		<b>010498</b>
4-27-2020	Extension Granted	Extension for Coroner continuing ed approved. KB
<b>Moles, Jonathan R.</b>		<b>014561</b>
4-27-2020	Extension Granted	Extension for Coroner continuing ed approved. KB
<b>Weston, Bradley W.</b>		<b>018687</b>
4-27-2020	Extension Granted	Extension for Coroner continuing ed approved. KB

Employees this Agency: **3**

**Ravalli Co. SO Detention**

<b>Blair, Zachary D.</b>		<b>026018</b>
5-13-2020	Extension Granted	Extension for CDOB Approved. KB
<b>Hadley, Sierra D.</b>		<b>026789</b>
7-22-2020	Extension Granted	CDOB Extension granted. KB

Employees this Agency: **2**

**Ravalli Co. SO Reserves**

<b>Mykhaylyuk, Volodymyr S.</b>		<b>025072</b>
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**Montana POST Council**  
**Employee Notes By Agency Report**  
Extensions Granted

Date	Topic	Title / Description
4-27-2020	Extension Granted	Extension for Coroner continuing ed approved. KB

Employees this Agency: 1

**Red Lodge Police Department**

Croft, Jonathan		017461
4-13-2020	Extension Granted	Coroner continuing ed extension approved. KB

Employees this Agency: 1

**Roosevelt Co. SO**

Cantrell, Orin J.		020322
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

Frederick, Jason L.		008852
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

Kunz, Pilar D.		024410
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

Lingle, Timothy R.		011223
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

McGeshick, Clay J.		019390
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

Summers, John F.		008181
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

Employees this Agency: 6

**Roosevelt Co. SO Coroner**

Cantrell, Orin J.		020322
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

Jankoviak, Sibley		023849
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

Kunz, Pilar D.		024410
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

Lingle, Timothy R.		011223
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

McGeshick, Clay J.		019390
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

Reinhart, Joseph J.		023366
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Date	Topic	Title / Description
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB
<b>Scotson, Jack C.</b>		<b>008850</b>
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB
<b>Summers, John F.</b>		<b>008181</b>
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

**Employees this Agency: 8**

**Roosevelt Co. SO Detention**

<b>Cantrell, Orin J.</b>		<b>020322</b>
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB
<b>McGeshick, Clay J.</b>		<b>019390</b>
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB
<b>Reinhart, Joseph J.</b>		<b>023366</b>
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

**Employees this Agency: 3**

**Roosevelt Co. SO Reserves**

<b>Cantrell, Orin J.</b>		<b>020322</b>
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

**Employees this Agency: 1**

**Rosebud Co. Coroner**

<b>Fulton, Virgil A.</b>		<b>009427</b>
4-13-2020	Extension Granted	Coroner continuing ed extension approved. KB
<b>Raymond, Keith P.</b>		<b>026040</b>
3-23-2020	Extension Granted	Extension for Coroner Training approved. KB

**Employees this Agency: 2**

**Rosebud Co. SO**

<b>Fulton, Virgil A.</b>		<b>009427</b>
4-13-2020	Extension Granted	Coroner continuing ed extension approved. KB

**Employees this Agency: 1**

**Rosebud Co. SO Detention**

<b>Long, Roy A.</b>		<b>026375</b>
5-11-2020	Extension Granted	Extension for CDOB approved. KB

Date	Topic	Title / Description
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**Employees this Agency: 1**

**Rosebud Co. SO Dispatch**

<b>Reisewitz, Jenniffer L.</b>		<b>026374</b>
3-23-2020	Extension Granted	Letter approving extension for PSC sent. KB

**Employees this Agency: 1**

**Rosebud Co. SO Reserves**

<b>Fulton, Virgil A.</b>		<b>009427</b>
4-13-2020	Extension Granted	Coroner continuing ed extension approved. KB

**Employees this Agency: 1**

**Scobey Police Department Reserves**

<b>Kunz, Pilar D.</b>		<b>024410</b>
5-04-2020	Extension Granted	Coroner continueing ed extension approved. KB

**Employees this Agency: 1**

**Sheridan County Coroner**

<b>Brooke, Shawn M.</b>		<b>025462</b>
5-06-2020	Extension Granted	Coroner Continuing Ed. Extension approved. KB

<b>Peters, Michael A.</b>		<b>026080</b>
5-06-2020	Extension Granted	Coroner Continuing Ed. Extension approved. KB

**Employees this Agency: 2**

**Stevensville Police Department Reserves**

<b>Hachenberger, Emily G.</b>		<b>023040</b>
4-27-2020	Extension Granted	Extension for Coroner continuing ed approved. KB

**Employees this Agency: 1**

**Teton Co. SO**

<b>Grove, Mark G.</b>		<b>017407</b>
3-24-2020	Extension Granted	Extension for Coroner Training approved. KB

<b>Myers, Nicolas J.</b>		<b>023401</b>
3-24-2020	Extension Granted	Extension for Coroner Training approved. KB

<b>Van Setten, Keith L.</b>		<b>001922</b>
3-24-2020	Extension Granted	Extension for Coroner Training approved. KB

Date	Topic	Title / Description
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**Employees this Agency: 3**

**Teton Co. SO Coroner**

<b>Grove, Mark G.</b>		<b>017407</b>
3-24-2020	Extension Granted	Extension for Coroner Training approved. KB

<b>Van Setten, Keith L.</b>		<b>001922</b>
3-24-2020	Extension Granted	Extension for Coroner Training approved. KB

**Employees this Agency: 2**

**Toole County Coroner**

<b>Whitted, Daniel B.</b>		<b>006633</b>
4-08-2020	Extension Granted	Coroner Cont. Ed. Extension approved.

**Employees this Agency: 1**

**Yellowstone Co. SO**

<b>Bancroft, Shane</b>		<b>009271</b>
4-13-2020	Extension Granted	Coroner continuing ed extension approved. KB

<b>Juhl, Valerie V.</b>		<b>013413</b>
4-13-2020	Extension Granted	Coroner continuing ed extension approved. KB

<b>Marketon, Jessica J.</b>		<b>024417</b>
4-13-2020	Extension Granted	Coroner continuing ed extension approved. KB

**Employees this Agency: 3**

**Yellowstone Co. SO Coroner**

<b>Bancroft, Shane</b>		<b>009271</b>
4-13-2020	Extension Granted	Coroner continuing ed extension approved. KB

<b>Juhl, Valerie V.</b>		<b>013413</b>
4-13-2020	Extension Granted	Coroner continuing ed extension approved. KB

<b>Marketon, Jessica J.</b>		<b>024417</b>
4-13-2020	Extension Granted	Coroner continuing ed extension approved. KB

**Employees this Agency: 3**

**Employees this Report: 152**

*NOTE: Some employees may be associated with more than one Agency which can inflate the report total.*



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NEWS

# What are 'wandering officers'? Experts break down troubling policing pattern

In the first study of its kind, scholars find these police officers pose risks to the communities they serve, but information about them is not easy to come by.



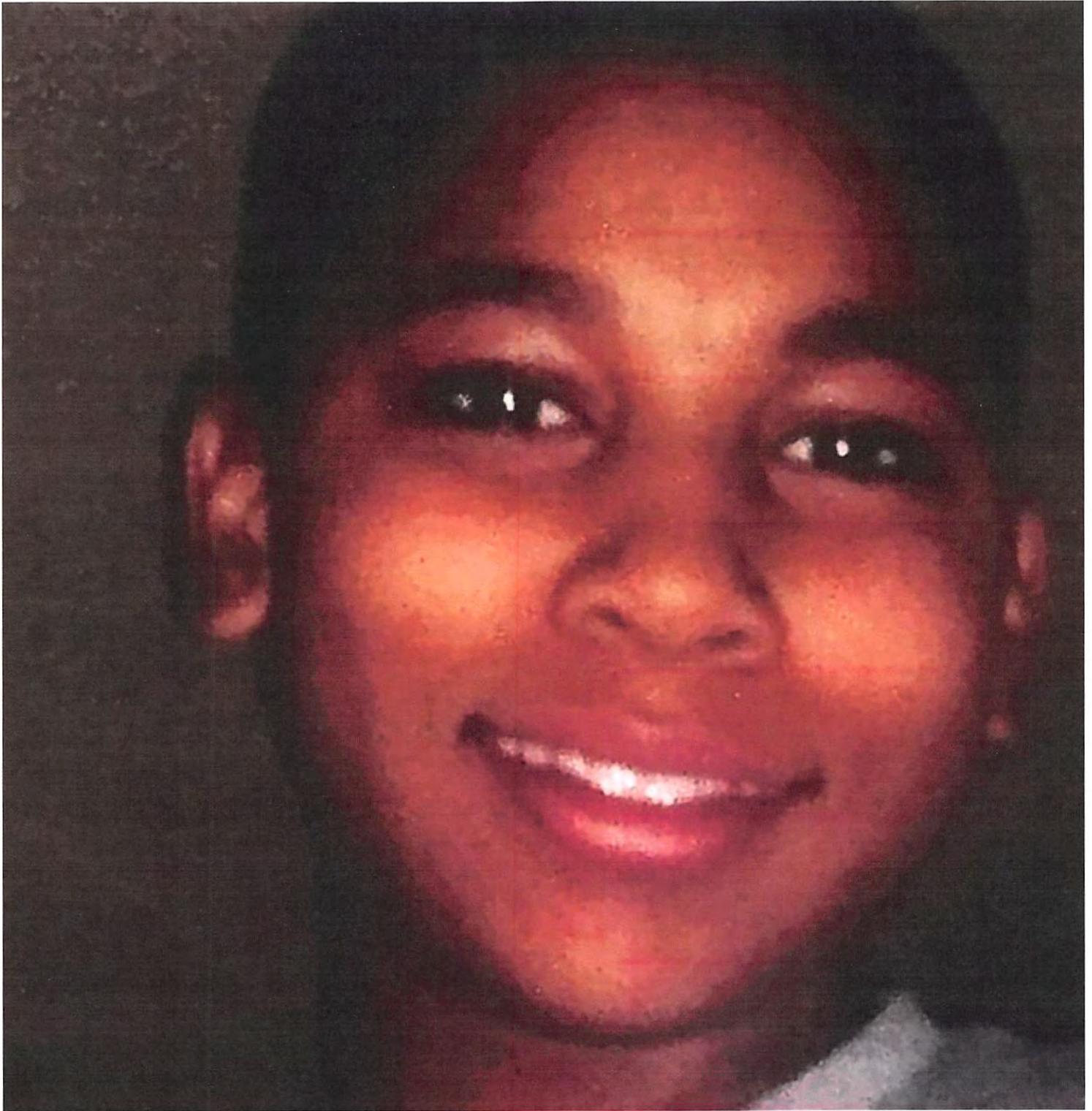
— Good cop, bad cop? TODAY illustration

Sept. 9, 2020, 12:36 PM MDT

By Ashley Capoot

On a snowy afternoon in November 2014, 12-year-old Tamir Rice spent his final moments throwing snowballs and playing with a toy gun at a park in Cleveland.

A man called the police and said Rice was scaring people with a gun that was "probably fake," but according to audio from the Cleveland police dispatch radio, his description of the gun was never relayed to responding officers.



— Tamir Rice was 12 years old when he died. Family photo

Minutes later, surveillance footage from a nearby recreation center shows a squad car pulling into the park where Rice was standing. Only two seconds after arriving at the scene, then-officer Timothy Loehmann fatally shot the boy.

A grand jury reviewed the incident in 2015, but Loehmann was never charged and kept his job at the department.

This was not the first time Loehmann had caused concern for his supervisors. He had been allowed to resign from duty at another department about 12 miles from Cleveland after the deputy chief said that he exhibited a “dangerous loss of composure” while training with firearms. In an internal 2012 police memorandum, the deputy chief wrote, “I do not believe time, nor training, will be able to change or correct (his) deficiencies.”

The deputy chief also said the information about Loehmann would be forwarded for the mayor's review.

In May 2017, the Cleveland police chief announced Loehmann had been fired for his failure to accurately disclose these details about his employment history on his application to the department. However, another department about three hours from Cleveland hired him as a part-time officer in 2018, though he ultimately withdrew his application after facing public backlash.

Loehmann is a prime example of what scholars Ben Grunwald and John Rappaport call a “wandering officer,” which they broadly define as a police officer who was fired or who resigned while under investigation, only to later be rehired by another agency.

In an article published this past April, Grunwald and Rappaport found that wandering officers are not just an anomaly – they are relatively common. The pair examined the employment records of 98,000 full-time officers in Florida, where Rappaport discovered a dataset available through public records disclosure. In any given year between 1988 and 2016, they said wandering officers made up around 2%-3% of Florida’s law enforcement. This frequency is cause for concern, as the study also revealed these officers are about twice as likely to be fired and to receive misconduct complaints in their new roles compared to other officers (including rookies).

## Difficulties with police discipline

In the wake of George Floyd’s death, questions over police misconduct and patterns of poor behavior have sparked mass protests across the U.S. Derek Chauvin, the white officer who knelt

on Floyd's neck for at least eight minutes and 15 seconds, had already incurred 17 complaints while working as an officer within the Minneapolis Police Department. Fifteen complaints were closed with no discipline and two resulted in letters of reprimand, according to an employee complaint profile card released by the department.

Rochester police chief and other officials resign in wake of Daniel Prude's death



Chauvin was fired and has been charged with second-degree murder, third-degree murder and second-degree manslaughter. In a memorandum filed Aug. 28, Chauvin's attorney asked the Hennepin County District Court judge to dismiss these charges due to lack of probable cause.

“

*Nobody wants a bad cop out of the profession more than a good one.*

JIM PALMER, EXECUTIVE DIRECTOR OF WISCONSIN PROFESSIONAL POLICE ASSOCIATION

Retired professor of criminal justice Samuel Walker said it has become difficult to discipline or fire police officers because people have paid little attention to police unions. These unions

negotiate contracts called collective bargaining agreements with local departments that cover standard protections like wages and benefits, but they can also include significant provisions about discipline.

“You got all these provisions that are now solidly in the contracts, and getting them out is a huge mountain to climb,” Walker said. “I just don’t think people understand how long a battle this is going to be.”

Catherine Fisk, a law professor at the University of California, Berkeley, highlighted some of the common disciplinary provisions that appear within collective bargaining agreements in a paper she co-authored in 2016. She said these contracts can prevent the public from accessing any records about police misconduct, slow down ongoing disciplinary investigations and even allow complaints and disciplinary records to be destroyed after a certain period of time.

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— People protested outside of One Police Plaza on June 8 in New York City. More than 500 former and current mayor's office staff joined with city agency staff to demand policy reforms for the New York Police Department amid the nationwide protests against police brutality and racial inequality.

Stephanie Keith / Getty Images

Fisk said unions know their members are susceptible to engaging in misconduct, so they have created a system they know will protect them.

“They designed the protections that they know would protect any other person who commits a murder,” Fisk told TODAY.

But Jim Palmer, executive director of a union called the Wisconsin Professional Police Association, said the purpose of disciplinary provisions in collective bargaining agreements is not to shield officers who engage in misconduct. Instead, he said they serve the interests of both the employers and officers by outlining the due process and clear procedural rules by which discipline will be investigated and implemented.

*Related*



## NEWS

Here's what defunding the police might look like in reality

“People read stories, see narratives represented in the media – particularly the national media – about bad actors, whether it's a police officer or a police union in one part of the country, and they tend to paint police unions generally with a very broad brush,” Palmer said. “Nobody wants a bad cop out of the profession more than a good one. It serves no institutional interest on our part to somehow have officers or individuals stay in a profession when they perhaps ought not to.”

## Accessing data is 'simply not possible'

Even if officers are disciplined or fired, it is not necessarily enough to end their policing careers, as Grunwald and Rappaport found that around 1,100 wandering officers were actively working each year in Florida.

They also said they believe this is a low estimate, in part because their dataset likely does not capture every record of wandering officers present within the state.

Large-scale data about police misconduct is not readily available. There is no federal database that mandates the routine collection or release of data about police misconduct, so Grunwald and Rappaport wrote that it is currently impossible to study how pervasive wandering officers are in the U.S. as a whole. Some existing databases encourage agencies to submit information voluntarily, but Rappaport said the organizations behind them have no authority to require states to submit data.

## Recommended

**NEWS**

Southside Blooms gives community chance to bloom while beautifying Chicago

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What was your favorite childhood toy? 3rd hour co-host reminisce

Even though data collection poses significant challenges, criminologist and former New Hampshire police officer Philip Stinson has spent more than 15 years building his own national database. He works with a team of research assistants to collect the criminal arrest cases of sworn nonfederal officers, and the public can currently access the database for free information on nearly 12,000 cases from 2005-2015.

Stinson said police crime is more widespread than people might realize. He adds more than 1,000 arrests to his database every year, and he said the actual number of cases is likely even higher. Stinson relies on media coverage to find new cases, and he said this is largely because police departments do not disclose much information – if any – about misconduct. In essence, if concerned citizens were to try and access employment or disciplinary records at their local departments, Stinson said they would likely be turned away.

'Defund the police': What does this mean, and what could it look like?

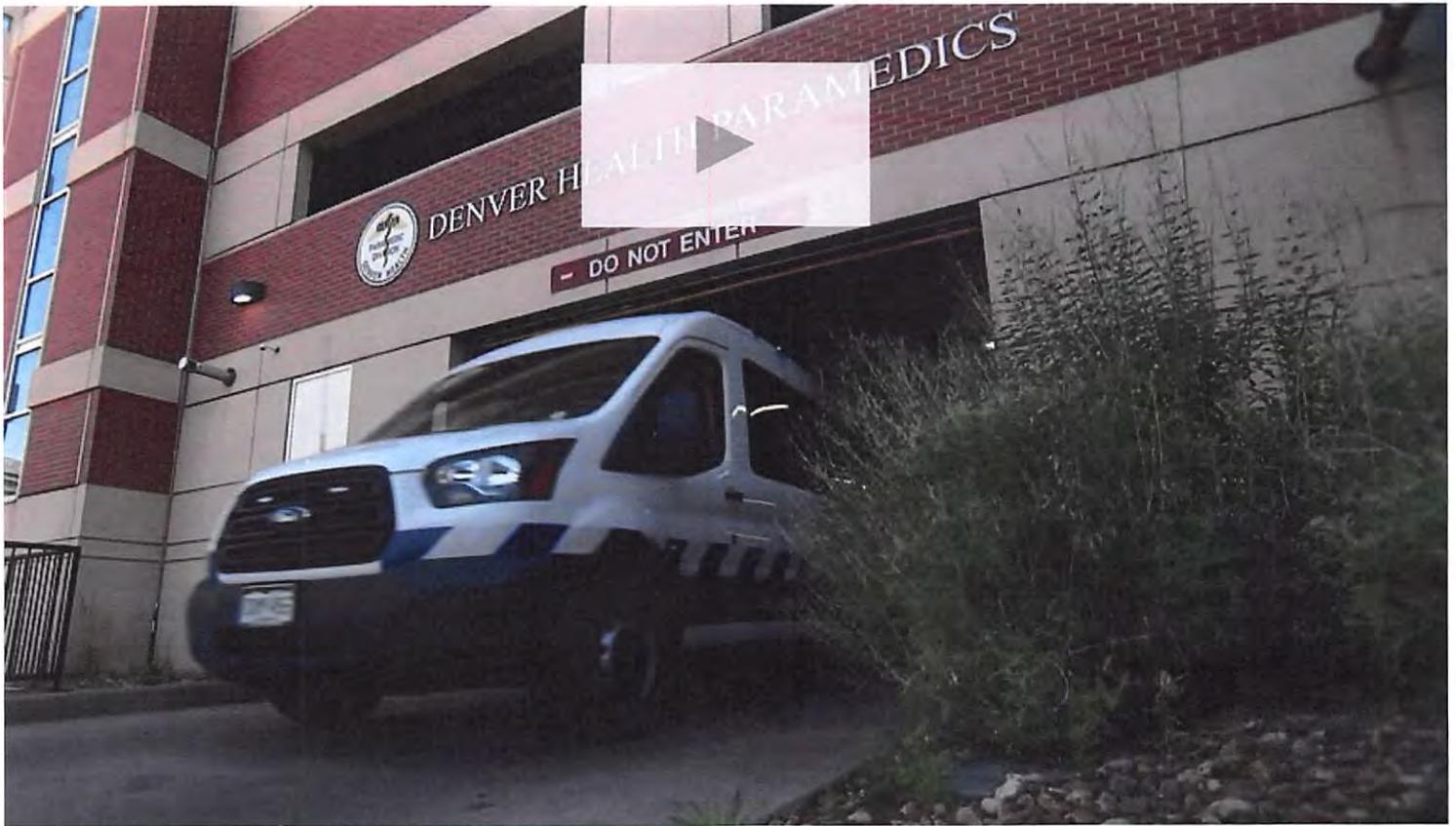


“Initially I thought no matter what happened to the criminal case, if you were even charged, you're done,” Stinson said. “But we see some bizarre results where officers are still working.”

It is difficult to know exactly why wandering officers are getting rehired, but Grunwald and Rappaport said many agencies might not be aware of the circumstances. They found that wandering officers tend to move to smaller agencies with fewer resources, and these departments do not always carry out thorough background checks.

As a result, some officers can successfully lie about their employment histories, just like Timothy Loehmann did on his application to the police department in Cleveland.

New programs use mental health professionals as an alternative to police



In that sense, it is not difficult to see how troublesome officers could manage to wander from one department to another.

Wandering officers are complex byproducts of the existing police systems in the U.S., and Grunwald and Rappaport found that they pose clear risks to the communities they serve. Grunwald said these officers will not be easy to eradicate since it is not entirely clear why they are being hired, but he believes it warrants further study.

“It’s definitely not just a couple one-off stories that we see in the papers,” Grunwald said. “This is a problem. We need to learn more about it.”

# Transforming the Police

As protests have erupted across the country, many activists and political officials have been calling for changes to American policing.



Source: "An Abolitionist Horizon For Police (Reform)" by Amna Akbar



For instance, the Federal Bureau of Investigation began collecting data for their voluntary misconduct database called the National Use-of-Force Data Collection in January 2019, but according to a federal release, only about 40% of police departments had submitted any information as of March 2020.

Cape Girardeau	MO.
Columbia	Mo.
Joplin	Mo.
Kansas City	Mo.
Springfield	Mo.
St. Louis	Mo.
Billings	Mont.
Bozeman	Mont.
Helena	Mont.
Missoula	Mont.
Grand Island	Neb.
Kearney	Neb.
Lincoln	Neb.
Norfolk	Neb.
North Platte	Neb.
Omaha	Neb.
Scottsbluff	Neb.
Las Vegas	Nev.
Conway	N.H.
Dover	N.H.
Dublin	N.H.
Keene	N.H.
Laconia	N.H.
Manchester	N.H.
Peterborough	N.H.
Portsmouth	N.H.
Atlantic City	N.J.
Bloomfield	N.J.
Brick	N.J.
Caldwell	N.J.
Camden	N.J.
Clifton	N.J.

## **Council Members/Terms**

**Kimberly Burdick ~ January 1, 2021**

**Leo Dutton ~ January 1, 2021**

**Jess Edwards ~ January 1, 2023**

**Wyatt Glade ~ January 1, 2023**

**Tony Harbaugh ~ January 1, 2021**

**Jason Jarrett ~ January 1, 2021**

**Kevin Olson ~ January 1, 2023**

**Ryan Oster ~ January 1, 2023**

**Tia Robbin ~ January 1, 2023**

**Matthew Sayler ~ January 1, 2023**

**John Strandell ~ January 1, 2021**

**Jim Thomas ~ January 1, 2021**

**Kristine White ~ January 1, 2023**

# 2021

## January

S	M	T	W	T	F	S
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31						

## February

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28						

## March

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28	29	30	31			

## April

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## May

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23	24	25	26	27	28	29
30	31					

## June

S	M	T	W	T	F	S
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27	28	29	30			

## July

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4	5	6	7	8	9	10
11	12	13	14	15	16	17
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## August

S	M	T	W	T	F	S
1	2	3	4	5	6	7
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15	16	17	18	19	20	21
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29	30	31				

## September

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			1	2	3	4
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26	27	28	29	30		

## October

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					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

## November

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

## December

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	