

Minutes
POST Conference Call
06/20/2011

I. Call meeting to Order, roll call, identify guests

Council Members Present: Winnie Ore-Chair, Lewis Matthews, Harold Hanser, John Schaffer, Mike Anderson, Dennis McCave, Steve Barry, Jim Smith, Greg Watson

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

Council Members Absent: Ray Murray, Georgette Boggio, Tony Harbaugh, Bob McCarthy

Guest: Kevin Olson

II. Approval of minutes from May 5, 2011 meeting

Mike Anderson moved to approve the May 5th minutes

Greg Watson seconded

Motion carried

III. Old Business

1. Resolution 11-01 Annual Training Requirements for Public Safety Officers (discussion/plan for action at August meeting)

John Schaffer spoke to the MPPA, and MACOP board while attending the Big Sky conference and it seems as though everyone want to move forward with the training by setting mandatory training. Some of the feedback regarding training hours was higher than the hours the council had discussed; also that there should be some type of sanction for those who did not meet the requirements.

Dennis stated that he spoke with some of the Sheriffs at the conference and his thought was the maybe we should start small. And feels there be should be some clear definition for sanction or non complacency.

John Schaffer commented that he agrees with Dennis but feels we need to move forward and at least try something; continuously correcting our course of action as we proceed with the training requires.

Winnie asked Wayne to find what other states are doing on implementing training requirements.

Wayne said we are only one out of 6 states that do not have mandatory training.

He also commented that he learned from the Internal Affairs Conference that the agency is not required by Federal law to pay for mandatory training. The requirement falls at the individual's responsibility.

Wayne commented we shouldn't worry about the 'what ifs' and set some goals/standards, then run this as a pilot for a couple years. Data can be collected as we go.

Steve Barry stated the one area we might have trouble with is at MSP. The warden asked what type of records is POST going to want from them, what type of training, etc. in order to be compliant.

Steve has concern for the night shift crews that don't have these opportunities.

Steve also commented on what Wayne said about this being either a 'standard' or a 'goal'. He feels there is a big difference and would hesitate to state this would be a pilot when in fact a 'standard' is a 'standard'.

Wayne stated that his vision for what POST would require for annual training is a simple 'yes' or 'no' from the designee of each agency stating whether the requirements have been met. This would be followed up by a spot check with Clay during his audits.

2. Resolution 11-02 Defining reserve/part-time/full-time Public Safety Officers (discussion/plan for action at August meeting)

Wayne asked the council what it means to be an active reserve. And also to define what part time/full time means.

Winnie asked if there was a legal definition for what part time is under the Dept. of Labor?

Mike said yes there is.

Dennis commented that would be a good resource to tap into to come up with standards.

Clay expressed we were looking for a *minimum* hours an agency can work an officer and still be considered a part time paid office.

Winnie stated we need to put together a definition for all three of the working statuses.

3. Resolution 11-03 Mandatory Reporting of Public Safety Officer Criminal Activity (discussion/plan for action at August meeting)

Steve commented this seems more like a public safety officer reporting requirement which would be very complicated and fills this should be a discussion of self reporting matter.

Dennis asked, if someone was accused of a crime, then it's their own responsibility to report it to POST?

Steve added that this should be a broad discussion including a range of crimes.

Mike commented that self reporting isn't so much on one's self, but reporting on others. Mike doesn't see a problem with putting the reporting requirement on the employer.

Deborah agreed with Steve in regards to employer self reporting and what the consequences might be if the employer did not report.

No formal action taken. Continued discussion will be carried forward to our August meeting.

4. Action on Business Plan

Jim Smith made motion to accept the Business Plan as written

Mike Anderson seconded

Motion carried

5. Action on new "Code of Ethics"

Greg Watson was good with the Code of Ethics as written.

Dennis stated that we need to make sure the definitions are made clear as a legal standpoint; such as, in the second paragraph; "courageous calm". What does this mean? Dennis clarified that as an inspirational tool, this is great; however, as a legal instrument, we need to be able to defend some of the statements.

Steve commented that he views the Code of Ethics as a code that is applicable to a basic understanding of what ethical principles are and likes the idea of using those inspirational terms. Steve also stated that within their department they have a separate Code of Conduct policy customized to their own specific policies.

Jim stated that he agrees with Steve and this isn't a Code of Conduct but a Code of Ethics and likes it as written.

Jim Smith made motion to accept the Code of Ethics exactly how it's worded.

Steve Barry seconded

Motion carried

Wayne will get this into form to be put in ARMs replacing the current ARM.

Investigative/Complaint Files update

Clay stated there has been a couple new complaints come in. One complaint from 2010 had been closed and once again re-opened. The numbers forwarded from our last meeting are still current.

Jim Smith would like to know where we are with the chief of police from Libby.

Deb stated the complaint has been filed with a hearings officer and forwarded to the attorney. It is set for a telephone conference in August with the hearings officer.

6. Public Safety Officer State wide Forum for 2013 Legislation (discussion)

Winnie would like to have a plan ready since the new legislation is coming fast.

Discussion held. No action taken at this time.

III. Guest Issues

No guest issues

IV. New Business

1. Director's Report

Wayne commented on the 2007 law change and stated that it means this quasi judicial board has authority and the responsibility to act according to the law.

Wayne is working with Bill Flink on coming to Montana to do some training for the council.

Coroners program is still moving forward and being worked on. Wayne stated that about half of the 40 hours required will be computer based training.

Wayne clarified the statement on the budget when discussed during our last meeting and expressed 30% of our unspent operating expenses will be held back. This would be approximately \$6000.

2. Approval/Denial of Pending Certification List

Steve Barry motioned to approve the pending list.

John Schaffer seconded

Motion carried

3. Approval/Denial of Extension Requests

Mike Anderson motioned to approve the extension requests.

Greg Watson seconded

Motion carried

4. Approval/Denial of Equivalency Requests

Greg Watson motioned to approve the equivalency request for Douglas Jackson from Missoula County Detention Facility.

Dennis McCave seconded

Motion carried

The Council held discussion regarding the approval for Mr. Bauers' request to attend the CDOB EQ. Mr. Bauers' was a street officer in Elko NV.

Wayne stated he will obtain a copy of Bauers NV transcript verifying he attended this training.

Approval for the Bauer's request will be held until next council meeting.

5. Council Member Reports

~**Mike Anderson** stated MBCC met the beginning of June in which it went well. The board is still in the grievance process with the two employees who were let go last year. Currently MBCC is in the process of reorganizing due to the substantial budget cut and losing two positions during the legislature. They are getting rid of one bureau chief and one accountant. They will be hiring a new executive director once the process is through.

They are also planning the 5th annual Crime Prevention Conference scheduled for October 18th – 21st which will be held in Butte.

~**Steve Barry** stated they are down about 24.5 FTEs. They are also losing Mike McHugh; and their Intelligence Analyst also left DOC.

~**Georgette Boggio** is absent

~**Harold Hanser** requested Troy Keckley be given his contact information.

~**Dennis McCave** gave legislative updates at the MSPOA meeting. Dennis was asked by NIC to attend the National Jail Inspectors meeting in Colorado in July. By August Dennis should be able to give the council a report on this meeting.

~**John Schaffer** stated that the Big Sky Conference was a good turnout and commented he had the opportunity to visit with ? Price, Chief from Bozeman PD whom graciously accepted a position on the Ethics committee. John plans is to hold an Ethics Committee meeting next month, prior to our next council meeting (probably by conference call).

~**Jim Smith** has no report

~**Greg Watson** had nothing to report.

Greg stated their MHP conference room in Butte is available to us for our October meeting but he is going to check with the Forest Service for their availability as their conference room is much nicer.

IV. Public Comment

No public comment

VI. Adjourn

Dennis McCave motioned to adjourn the meeting.

Greg Watson seconded

Motion carried