

MONTANA
Public Safety Officer Standards and Training Council
Meeting Agenda October 17, 2011
Best Western Copper King Inn
Butte, MT

Monday, October 17, 2011

I. 9:00 Call Meeting to Order

II. Introductions

Council Members Present: Steve Barry-Acting Chair, Greg Watson, Jim Smith, John Schaffer, Ray Murray, Dennis McCave, Harold Hanser

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

Council Members Absent: Tony Harbaugh, Georgette, Hogan-Boggio, Lewis Matthews, Winnie Ore, Bob McCarthy

Staff Members Absent: none

Guest: Mike Anderson-former Chair Montana Board of Crime Control, Bill Barker-Dept. of Corrections, Steve Kendley-, Terry Leonard, ????

III. Approval of Minutes from the August 11, 2011 meeting

Steve Barry mentioned a few corrections; page 2 and page 10.
Jim Smith asked for a correction on page 3.

Ray Murray moved to approve the minutes with the amended changes
John Schaffer seconded
Motion carries

IV. 9:15 Old Business

a. Update on P&P Blended Learning

Bill Barker passed out a handout then explained the Blended Learning program.

This program's goal is to provide as much/many tools to a new employee as possible until they are able to attend the academy.

Right now the major focus is to develop computer based training relating to the investigative process and hands on scenario based training.

Bill provided some material regarding the delivery of the scenario based training for the council to review: performance test, a scenario training program and the manual that is still under construction??

This is a pass/fail program

The first program starts in June 2012.

Steve asked if there was any thought put into someone who's been working with the program for a longer duration prior the academy and someone newly hired who will be attending the academy right away; how would the program be integrated in.

Bill explained once the programs are up and running, there would be probably be a 4-5 month cut off point prior attending the academy.

Dennis asked Bill if the computer based training, prior the academy, was going increase the already POST approved 160 hours for P&P.

Bill stated that at this point they are focusing on the 160 hour academy and the computer based learning is additional value, but providing internal training credit.

Dennis asked the council if there should be a 'POST certified' instructor evaluating the scenario based training.

Wayne agreed with Dennis and stated that we need to add this into our standards on what it is for scenario based training.

b. Complaint File update

Clay reviewed his spread sheet of complaint files: 55 cases in 2010; 34 have been closed, still 2 pending hearing and 12 waiting to push forward but is currently waiting on a determination of use of CJIN. 2011: currently 21 cases, 1 pending hearing.

Dennis commented that he still doesn't quite understand nor have enough knowledge of each case as listed. He feels the council members should be more informed of what the cases are, and why the cases are pending etc.

Steve stated that someday this will be written into policy, but each person may chose to know less/more information but this is a discussion for the policy committee.

Wayne stated the integrity report on our web site is up dated with the current cases that have been closed and also stated we could start email the integrity report to the council members.

Clay explained he has a more detailed spreadsheet but needs direction on dissemination.

a. McLeod Stipulation

Wayne explained the direction of the council was to send this to a hearing. Wayne expressed, however, our former attorney and hearings officer Mike McCarter agreed to a stipulation with McLeod.

Today this stipulation was agreed upon for a 10 day suspension of certificate and a requirement that the officer go back to Ethics training.

Wayne stated if the council would like him to sign this he will.

Jim wanted to know who gave the attorney the authority to accept a stipulation when the council voted this case be taken to a hearing.

Jim feels the attorney's employer should be written a letter from the council.

John stated that this is not the direction the council directed the attorney, and feels we need to guide the new attorney as directed.

**Dennis McCave motioned to reject the offer of stipulation
and move to hearing
Ray Murray seconded
Motion carries**

c. Resolution 11-01 Annual Training Requirement

Wayne made language changes that were requested by the council from the last meeting.

Jim stated that he didn't notice anything regarding the discussion of phase I, phase II as previously discussed at last meeting.

Dennis explained the he understands that resolutions don't carry the weight of the ARM. Dennis felt we were going to initiate this, then down the road then look at rewriting ARMs.

Ray stated the implementation of a “2 year” program sends the message that the council *may* change their mind; and feels we may be sending a bad signal.

Wayne will change the verbiage to say: “implementation will begin January 1, 2012”.

John Schaffer motioned to approve the resolution with the change as stated.

**Greg Watson seconded
Motion carries**

d. December 2011 meeting dates

It was unanimous to hold the meeting sometime the 3rd week of January

V. 10:00 Guest Issues

a. Public Questions/Concern

Public guests spoke.

Discussions held. No actions taken

VI. 10:30 Financial Report

Wayne stated we did not have any budget cuts from legislature. We came through with what we had.

Steve asked if we had a line item for legal expenses and stated he anticipated some of our cases will be headed to hearings.

Wayne stated we have had a free attorney and at that time, the costs were around the \$1500 range. We may be having to pay for one in the near future in which we do have a line item for these charges which comes out of operating expenses.

VII. 10:45 New Business

a. Director’s report

1. Complaint Files - update

i. new complaints being made

No changes.

ii. cases to be closed

No cases brought before the council to close.

iii. cases pending hearings

Wayne stated there are 4 cases pending motions.

Wayne stated we have the ability to use ALS (Agency Legal Services) at \$90+/hour, or we can retain an attorney that is willing to do it around the same amount.

Ray asked if we could declare executive session for the Director of give a summary on the 2 Lake County cases.

*****Closed to Executive Session****

Wayne clarified, that the council will hold executive session the day before meetings to review cases.

2. General Updates for the Council

Wayne stated that he, Chair Winnie Ore, Vice Chair Steve Barry and Clay Coker went to the Governor's Office requesting the Governor signing executive order in the interim until 3013 Legislative Session giving us the ability to see criminal justice information until we can get it done legislatively.

Wayne stated we have not heard back from the Governor's office.

Steve commented that there is one other way to access to confidential Criminal information and that is the District court Judge. If the prosecutor has made a determination that the case will not go forward for prosecution then the District court judge, when presented with that request for access to that information, can provide it.

Wayne stated that it would be nice to get our own attorney on the committee.

Wayne also stated we will be asked for 3 additional staff at the next legislative meeting.

Wayne commented that the POST council should hold a conference in Helena or somewhere central in early spring, possibly April face to face meeting. This would include our regular council meeting; also invite administrators, city council, county commission, police commissions, anyone involved in this business. We would do a section on what's new with POST, where are we, and even a day to bring in instructors for updates etc.

On a national level, Wayne was asked to be on the IADLST committee. His next meeting is in December.

Wayne provided a brief update on Hot Springs and explained how a former officer had a bounty out on him and feels the POST Council also has a duty to protect ethical **officers** from an unethical community.

Wayne also brought up an issue in Boulder and feels we need to protect the officer in this case as well.

b. Hearing Process Resolution 11-004 (discussion)

Wayne stated that MPPA doesn't direct you to use just a hearing officer it directs you to use a 'process' and the council can 'design' one around this process.

Wayne found in one of the codes where the boards may appoint a 3 member panel from the board to hear a case.

Wayne mentioned that when choosing the hearing examiners, they must be assigned with due regard to the expertise required for the particular matter.

Discussion was held regarding experience vs. expertise in particular areas of matter.

Steve mentioned that at the last meeting Wayne provided a hand out of processes with 3 options, and at that particular meeting, it was decided to stay with option 2.

Wayne stated this will get locked into resolution.

c. Professional Standards Resolution 11-005 (discussion)

Wayne stated there is a section in the AMRs listing the reasons for sanction. So the question is whether we get a little more descriptive giving officers in the field a better idea of what the council will be tolerant of.

Wayne passed around handouts for the council to review. One being the state statute, another is 'Unprofessional Conduct of a Private Security Officer', and 'Unprofessional Conduct for Nurses'.

Wayne explained in order for a nurse to keep their license, one of their rules as a must, is to always notify the board of their current address and if they don't, their license can go into suspension.

This leads to a concern of officers we are trying to locate when needing to serve certified mail to. This is the reason some cases are sitting in limbo.

Wayne provided these examples to explain how important it is for this council to come up with a list to go along with the Code of Ethics which describes who we are, what we do and what will be accepted.

d. Approval/Denial of Certification Requests

Greg Watson moved to accept the certification request
Jim Smith seconded
Motion carries

12:00 – 1:00 Lunch Break

VII. 1:00 POST meeting resumes - New Business Continues

e. Approval/Denial of Extension Requests

Dennis McCave moved to approve the extension requests
Ray Murray seconded
Motion carries

f. Approval/Denial of Equivalency Requests

Discussion held regarding Fuhrman's request for EQ

John Schaffer moved to approve the equivalency request
Jim Smith seconded
Motion carries

g. Committee Report Questions or Discussions

1. Curriculum Committee – Dennis McCave

No report

2. Business Plan Committee – Steve Barry

No report

3. Professionalism & Integrity Committee – John Schaffer

No report

4. Policy Committee – Greg Watson

No report

6. Coroner Committee – Tony Harbaugh

No report – Wayne stated the next Coroner training will be held in December.

VIII. 2:00 Council Member Reports, Questions, and Discussion

~ **Ray** stated they had public hearings on changing the rules with private security;
1. they increased the fees, and 2. They strengthened the continuing education requirements. Also contractors linked to the Department of Corrections questioned whether or not they needed private security licenses. The board has written a request for the Attorney General's opinion, so when they have an answer they will follow up.

Steve asked Ray what he was referring to in regards to the CE requirements.

Ray explained it reflects the hours and subject matter.

~ **Dennis** nothing to report

~ **Harold** nothing to report

~ **Mike** announced the 5th Annual Crime Prevention Conference with about 250 people registered.

Mike also announced this will be his last meeting and stated it's been a privilege and an honor to serve with the council.

~ **John** advised that he is back on the street and really enjoys it.

~ **Jim** nothing to report

~ **Greg** commented on HR218 (regarding firearms) and stated that ID cards were going to be printed by MHP and wanted to know where we were on that.

Steve Barry stated an individual agency can do it, or an officer can go through MPPA.

~ **Wayne** stated there was a question that rose from a staff member at the academy regarding firearms, and wanted to know if it was necessary to be part of EQ.

Another question also came up whether or not First Aid is required in LE Basic.

Wayne commented that it's just something to think about when reviewing the curriculums.

~ **Steve** stated they hired a new warden who should be announced by Wednesday and be on the job probably within the month.

The Pacific Institute awarded Director Mike Ferriter the Innovation Award for 2010.

Wayne stated this award is based on worldwide recognition. This company is across the globe and they narrow it down between three finalist.

IX. 2:30 Public Comments

None present

X. 3:00 Adjourn

Harold Hanser moved to adjourn
Dennis McCave seconded
Motion carries

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

All times are approximate, actual times may vary depending on presentation/discussion time.