

## Bolger, Katrina

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**From:** Nanette Gilbertson <nanette@smithandmcgowan.com>  
**Sent:** Friday, July 28, 2023 2:35 PM  
**To:** Allred, Timothy; Bolger, Katrina; Jesse Slaughter; Dutton, Leo  
**Subject:** [EXTERNAL] POST ARMs -- Primary SWAT  
**Attachments:** ARM Proposal-July 2023.docx

Hello POST Team!

On behalf of the MT Tactical Commanders and the Instructor Cadre who have been teaching Primary SWAT, I am reaching out to put a potential POST Administrative Rule change on your radar. This is coming from the content matter experts who have been teaching the course for the past 3 years.

It is my understanding that POST will be moving forward with a review and analysis of POST ARMs and I respectfully ask for your consideration of the proposed change below.

Attached is the basic language change being requested. The struck language is in red and the proposed new language is highlighted in yellow.

The main change is in 1(a)(iii) and the crux of the issue is removing the requirement to include live fire and change that to safe weapon manipulation. The instructors feel that a lot of class time must be dedicated to the live fire requirement, but since there is not statutory standard, the class participants must return to their home agency/home team and pass the qualifications and standards as set by the head of their agency/team. Instructors feel that focusing on safe weapon manipulation is a better use of time and will ensure that all team members are adept at safe weapon handling as it relates to all aspects of their team activities, training, call-outs, and incidents.

Thank you for your consideration and please let me know if you would like additional information.

My best,

Nanette

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### 23.13.217 REQUIREMENTS FOR SWAT PRIMARY COURSE CREDIT

(1) To receive POST approval for a SWAT Primary course, a course must meet the following requirements:

(a) the course must be a minimum of 40 hours in length and be approved pursuant to ARM [23.13.301](#) and [23.13.304](#) and must contain a minimum of the following:

- (i) team communication, team make-up;
- (ii) confrontation management to include preplanning, immediate action, planning, execution, post execution;
- (iii) weapons, munitions, and equipment to include ~~live fire~~ **safe weapon manipulation**, close quarter defense, crisis negotiations, intelligence gathering/ground reconnaissance, preplanning tactics, walk through, breaching techniques;
- (iv) team movement and interior tactics to include approach, position, entry, search, static, dynamic, halls, stairs;
- (v) open air/mobile assault, downed officer citizen rescue, chemical agents/diversionary device/less lethal, practical exercises, and legal issues.

(2) The director or the director's designee will review applications and approve or deny POST credit pursuant to these rules, unless the director determines, as a matter of discretion, that the council's review is necessary due to extenuating circumstances.

(3) Upon approval by the director or the director's designee, the course will be reflected on the attending officers' POST training transcripts unless the council takes further action.

In reference to ARM 23.13.217, Instructors from MSPOA teaching Primary SWAT for Montana wish to present two changes to MT POST to consider.

1. Change of the name SWAT Primary to SWAT Basic. This is a nationally referenced name for the initial SWAT school, and mitigates confusion across state lines. The name also points to an existence of an Advanced SWAT school, which MSPOA Instructors are in the process of creating.
2. Live-fire mandate of weapons/ munitions.
  - a. Officers in the state of Montana are already held to a minimum state firearms standard, which is ultimately the responsibility of their agency to qualify and enforce. Officers are qualified on that standard during their initial POST certification at MLEA and subsequently at their agency. There is no state standard for SWAT firearms qualifications, therefore nothing to train to in a live-fire format.
  - b. As Instructors, we feel that taking the live-fire mandate out of the ARM will not hinder the learning environment or quality of instruction given. The students spend several days in SWAT gear, utilizing weapons and equipment during many aspects of their training. These topics include but not limited to: CQB, Arrest Team Tactics, Officer/Citizen down rescues, Breaching, Immediate Action Drills, and a multitude of scenario based events. A primary instructional aspect in all of these topics include safe weapon manipulations. This includes proper weapon handling, weapon positions, sling management for the individual. This also includes fields of fire, areas of responsibility, depth of coverage issues, shoot/no shoot situations, shot reports, and other team aspects in reference to weapons and deadly force.

Overall, the logistical need and time demand for live-fire is not as beneficial for the students as other topics, and should be considered to be removed from the ARM.

- Ben Milam, Billings PD
- Matt Fleming, Great Falls PD
- Alan Brooks, Flathead County SO