

MONTANA Public Safety Officer Standards and Training Council
ARM Committee Meeting Agenda ~ May 21, 2025
TEAMS Meeting 9:00 a.m. ~ 10:00 a.m.
Helena, MT 59602

Teams Meeting
Dial in Number: (406) 318-5487
Teams Meeting ID: 743254345#

- I. 9:00 a.m. ~ Call meeting to order, roll call, identify and welcome guests.**
- II. 9:05 a.m. ~ Public Comment**
- III. 9:10 a.m. ~ ARM Discussion**
 - A. 23.13.304 The Basic Courses (pgs. 1-2)**
 - B. 23.13.703 Procedure for Making and Receiving Allegations of Officer Misconduct and for Informal Resolution of Those Allegations by the Director (pgs. 2-5)**
 - C. 23.13.803 Code of Ethics (pgs. 5-6)**
- IV. 10:00 a.m. ~ Meeting Adjourned**

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

23.13.304 The Basic Courses (1) The amount of training hours required in any basic public safety officer's course will must be approved 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 for approval. 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.

(5) Any public safety agency which provides or oversees a public safety officer basic course must report to the executive director any substantiated grounds for denial, sanction, suspension, or revocation of POST certification as outlined in these rules.

(6) POST will, at least annually, audit every public safety officer basic course that exceeds 40 hours, except the reserve officer basic courses. POST will audit the records and documentation retained by the MLEA, training agency, or training provider.

(7) A basic course which has been approved by a Montana state or local agency, and which is being administered by an accredited Montana college or university, must meet the following additional requirements:

(a) The accredited Montana college or university curriculum must have the same training subjects and a minimum of the same total basic course hours as the Montana Law Enforcement Academy's Law Enforcement Officer Basic;

(b) The Montana state or local agency must approve the curriculum and methods of the training, and then the basic course syllabus must be approved by the Council:

(i) anytime the course syllabus changes; and

(ii) annually, even if the syllabus has not changed;

(c)(i) The approving Montana state or local public safety agency must designate a public safety officer to oversee and audit the method of training and day-to-day operations of the course each time the course is provided;

(ii) the approving Montana state or local public safety agency must document and report all audits of the method and manner of training to POST; and

(iii) if an approving Montana state or local public safety agency's audit notes deficiencies in the method and manner of training, the audit and any

corrective action will be provided to the council to consider and take appropriate action at a regularly-scheduled meeting;

(d) It is the responsibility of the approving Montana state or local public safety agency to maintain documentation of compliance with these rules; and

(e) All required documentation must be made available to POST for the purpose of conducting its annual audit and any necessary random audits.

(8) In addition to the provisions of this rule, every public safety officer basic course is subject to the requirements 23.13.301, and each student must meet the requirements of 23.13.201 and 23.13.302.

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 initially be provided to the appointing authority of the officer in question for review and recommendation, unless the appointing 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 appointing 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 appointing authority, or 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 appointing authority must give POST a notice of the appointing 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 appointing authority regarding whether POST should impose a sanction. If the

appointing authority recommends POST impose a sanction, the appointing authority must state what sanction the appointing authority deems reasonable. POST shall consider but is not bound by the recommendation of the appointing authority. If available, a copy of the initial allegation made to the appointing authority and the appointing authority's written response must be forwarded to the director. The appointing 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 appointing authority has been notified and given the opportunity to act, the director or POST staff may accept an allegation to be presented to the case status committee. If an allegation is received from an appointing authority, the executive director may, if appropriate under the circumstances, send a "Letter 1" (as described in the POST Council's policy and procedure adopted under (1)) to the officer prior to consultation with the case status committee, provided the director notify the committee of the Letter 1 as soon as practicable.

(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 appointing authority 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 appointing authority or ~~the Montana Law Enforcement Academy~~ a public safety agency which provides or oversees a public safety officer basic course 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 appointing authority.

(7) After an allegation has been received or has been initiated by the director, the director, in consultation with the case status committee and contested case counsel for POST, will determine whether to dismiss the allegation, or open a

preliminary investigation and correspond with the respondent in writing.

(a) All such correspondence must be copied to the appointing 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 Case Status Committee, 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, and upon a majority vote of the case status committee, the director, contested case counsel for POST, or other POST staff or designees will conduct a preliminary investigation of the complaint.

(9) Following the review and preliminary investigation of an allegation, communication with the respondent, communication with the appointing authority, and consultation with counsel for POST, and based upon a majority vote of the case status committee, 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, but must be approved by a majority vote of the Case Status Committee;

(b) accept the voluntary surrender of a certificate;

(c) make one of the following findings, upon a majority vote of the Case Status Committee:

(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) involved.

(ii) Not sustained: POST's review or investigation failed to discover sufficient evidence to prove or disprove the allegations.

(iii) Sustained: POST's review or investigation disclosed a preponderance of evidence to prove the allegation(s).

(iv) Unfounded: POST's review or 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: POST's review or investigation disclosed that the incident occurred, but the subject of the complaint acted lawfully and in a manner consistent with the agency's policy and procedures.

(d) issue the appropriate denial, sanction, suspension, or revocation of a certificate upon a majority vote of the Case Status Committee;

(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. Such notice must be mailed to the officer's last known mailing address, unless the officer consents to receiving email notification;

(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. The director will notify the case status committee of the stay as soon as practicable.

(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 appointing authority must also be maintained in the officer's POST file.

23.13.803 Code of Ethics (1) All public safety officers who have been appointed by any appointing authority in Montana, or who have been certified by POST, or who have attended ~~an MLEA~~ a POST-approved basic class must abide by the code of ethics contained herein.

(2) All public safety officers hired or sworn before this rule's effective date are also bound by the code of ethics contained in this rule. Continued service as a public safety officer in Montana constitutes an agreement to be bound by this code of ethics. Failure to comply with or violation of any part of the code of ethics may be grounds for denial, suspension, sanction, or revocation of any POST certificate.

(3) The public safety officers' code of ethics is:

(a) "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;

(b) "I will perform all duties impartially, without favor or ill will and without regard to status, sex, race, religion, creed, political belief or aspiration. I

will treat all citizens equally and with courtesy, consideration, and dignity. I will never allow personal feelings, animosities, or friendships to influence my official conduct;

(c) "I will enforce or apply all laws and regulations appropriately, courteously, and responsibly;

(d) "I will never employ unnecessary force or violence, and will use only such force in the discharge of my duties as is objectively reasonable in all circumstances. I will refrain from applying unnecessary infliction of pain or suffering and will never engage in cruel, degrading, or inhuman treatment of any person;

(e) "Whatever I see, hear, or learn, which is of a confidential nature, I will keep in confidence unless the performance of duty or legal provision requires otherwise;

(f) "I will not engage in nor will I condone any acts of corruption, bribery, or criminal activity; and will disclose to the appropriate authorities all such acts. I will refuse to accept any gifts, favors, gratuities, or promises that could be interpreted as favor or cause me to refrain from performing my official duties;

(g) "I will strive to work in unison with all legally authorized agencies and their representatives in the pursuit of justice;

(h) "I will be responsible for my professional development and will take reasonable steps to improve my level of knowledge and competence;

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