



Montana Public Safety Officer Standards & Training Council

2260 Sierra Road East
Helena, MT 59602

Phone: (406) 444-9975

Fax: (406) 444-9978

<https://doj.mt.gov/post/>

ALLEGATION PROCEDURE

The Montana Public Safety Officer Standards & Training Council is committed to accepting and investigating allegations about actions and performance of all Montana Public Safety Officers. We believe the public is entitled to efficient, ethical, and impartial service. We investigate all allegations of misconduct and respond to inquiries about Montana Public Safety Officer issues.

We formally investigate allegations and inquiries for the following reasons:

1. To protect citizens from misconduct by Public Safety Officers;
2. To protect Public Safety Officers who conduct themselves appropriately;
3. To identify policies, procedures, rules or laws that may need review or change.

As a citizen, you are encouraged to contact the Montana Public Safety Officer Standards & Training Council if you have an allegation about the actions of a Montana Public Safety Officer or if you believe that their conduct was inappropriate or in violation of the law.

Although we encourage citizens to report misconduct, allegations must be made in good faith. False or highly exaggerated allegations serve no good purpose for either the citizens or the Public Safety Officers and only tend to thwart the process. Anyone who willfully makes any false accusation for the purpose of discrediting a Public Safety Officer may be prosecuted under Montana Code Annotated 45-7-201 (Perjury) or 45-7-202 (False Swearing).

How to Begin:

To initiate an investigation or inquiry the citizen must first contact the Public Safety Officer's employing agency. Most agencies have a formal complaint process of their own. However, if you are not satisfied with the results of the agency's investigation you can request that the allegation be investigated by the Montana Public Safety Officer Standards & Training Council. Staff contact information is listed above.

The Allegation/Inquiry Process:

1. Initial inquiries may be made by phone or on line. The investigator may be able to satisfy your inquiry informally and, if so, your inquiry will be considered resolved. If not, your inquiry will be treated as a complaint and will require written documentation for you to proceed further. . A copy of the initial allegation that was filed with the employing agency and the agency's written ruling shall be forwarded to the director. You will be required to complete a Montana Public Safety Officer Standards & Training Council *Public Safety Officer Allegation Form*. The *Public Safety Officer Allegation Form* will be provided to the complainant by postal or electronic mail. The *Public Safety Officer Allegation Form* must be returned within ten (10) days of issue.

2. You must mail your completed, signed and notarized *Public Safety Officer Allegation Form* to:
 Montana Public Safety Officer Standards & Training Council
 2260 Sierra Road East
 Helena, MT 59602
3. Depending on the severity of the allegation, you may be asked to provide additional written or oral, taped statements of your complaint with more detail concerning the incident.
4. Allegations should be made by the person aggrieved/wronged. Third party complaints will be accepted but please be aware that the individual must have *first hand* information concerning the allegation (i.e. the complainant actually witnessed the alleged misconduct). Anonymous complaints will not be accepted. Allegations received from parents or legal guardians of aggrieved minors will be investigated in the same manner as an allegation received directly from an aggrieved adult.
5. Your allegation will be investigated in a timely manner and you will be likely contacted for an interview by the assigned investigator. You will receive written acknowledgement of receipt of the *Public Safety Officer Allegation Form* within ten (10) days.
6. After completing the investigation and obtaining a preliminary finding, the investigation will be presented to the Director for review and action. Upon concurrence, one of the following findings will be used to close the investigation.

Findings:

- | | |
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| <i>Unfounded-</i> | The investigation conclusively proved that the act or acts complained of did not occur. |
| <i>Exonerated-</i> | The acts that formed the basis of the allegation did occur, but were justified, lawful, and proper according to policy or standard operating procedures. |
| <i>Not Sustained-</i> | The investigation failed to discover sufficient evidence to clearly prove or disprove the allegation(s) made. |
| <i>Sustained-</i> | The investigation disclosed a preponderance of evidence to prove the allegations(s) made. |
| <i>Sustained-
With
Qualifications</i> | When the investigation discloses that the action complained of did in fact occur, but not in the manner or to the degree stated. |
| <i>Inquiry-</i> | If during the investigation it is determined that a citizen is merely requesting clarification of a law, rule, policy or procedure, that complaint may be considered an inquiry. |
| <i>Non Finding-</i> | The investigation cannot proceed because the complainant failed to disclose promised information to further the investigation; or the complainant wishes to withdraw the allegation ; or the complainant is no longer available for clarification. This finding may also be used when the information provided is insufficient to determine the identity of the officer(s) involved. |

7. Following review and investigation of an allegation, the director may take any appropriate action, including but not limited to the following:
 - (a) file a formal complaint with the council on their own behalf;
 - (b) send a written letter of inquiry to the subject of the complaint, explaining the allegation of violation and requesting an explanation or statement of intent to cure the violation;
 - (c) issue an appropriate sanction, enter into a stipulation or memorandum of understanding with the officer or his counsel, or otherwise informally resolve the complaint;
 - (d) accept the voluntary surrender of a certificate issued by the council; or
 - (e) for good cause, recommend closure of the investigation of a complaint.

8. In all cases that are not forwarded to the council for formal proceedings, the director shall, when the case is closed, file a written report setting forth the circumstances and resolution of the case. You will receive a follow-up letter within thirty (30) days of the closing of the case.

9. Formal proceedings may be commenced only after the filing of a complaint as described in the Administrative Rules of Montana. Formal proceedings for suspension or revocation are subject to the Montana Administrative Procedure Act, and must be conducted pursuant to that act.

Allegation Form Instructions:

Please fill out the attached form completely and describe in detail the incident that led to this allegation. Please be clear and as specific as you can be and include as much information as possible. If you do not know the name(s) or the badge number(s) of the officers involved, please try and describe the individual(s) to the best of your ability. If you need more space, please attach additional sheets as needed. Please type or print clearly.

Your statement must be accurate and true and you must sign it under oath before a Notary Public. You must mail your completed *Public Safety Officer Allegation Form(s)* to:

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Public Safety Officer Allegation Form

Initial Allegation:

Name of Complainant

Address (Street, Apt.#), City, State, Zip Code

Telephone Number(s)

Date and Time of Incident

Name and place of employment of the person complained against

Statement of Allegation:

Please state in exact detail what occurred, names of all witnesses and public safety officers who observed the incident, name(s) of all public safety officers who engaged in the alleged misconduct and what misconduct occurred, what injuries, if any, you suffered and all other facts related to the incident. Do not include unsubstantiated information such as gossip or rumor. Attach any reports or documentation, such as photographs, medical records, etc. which relate to the incident. Continue your statement on additional sheets of paper, if needed, and attach pages to this document.

I HEREBY REQUEST the Montana Public Safety Officer Standards & Training Council investigate the conduct alleged in this allegation and take appropriate action, as authorized by law. Having been duly sworn, I hereby state under penalty of Perjury (45-7-201, M.C.A.) or False Swearing (45-7-202, M.C.A.) that I am the Complainant in this allegation, that I have prepared, read and fully understand all matters set forth in this allegation, that this investigation, as an official proceeding, is confidential to the degree required by law and that all information provided in this complaint is true and correct to the best of my knowledge.

(Signature of Complainant)
State of Montana
County of _____

Date

Signed and sworn to (or affirmed) before me on this ____ day of _____ 20____.

(Signature of Notary)

(Printed Name of Notary Public)
Notary Public for the State of Montana
Residing at: _____
My commission expires: _____

Montana Public Safety Officer Standards & Training Council Use Only

Date Received: _____ Investigator Assigned: _____

Type of Complaint: _____
(Use of Force, Arrest, discrimination, slurs, criminal conduct, racial profiling, etc.)

Investigator's Use Only:

Synopsis of Complaint, Findings, and Recommendations:

Investigator's Signature: _____ **Date** _____

Director's Use Only:

Action(s) Taken:

Date:

Director's Signature: _____ **Date** _____