

Public Safety Officer Standards and Training Council
Special Meeting Agenda August 15, 2012
Jorgensen's basement meeting room
1714 11th Avenue, Helena, MT.

I. 8:30 Call Meeting to Order

II. Introductions

III. 9:00* MACOP, MSPOA, MPPA concerns about POST

1. ARM 23.13.202 & Resolution 11-001 – Expressed concern: requiring certified officers to attain a new standard imposes a new employment standard

9:15

2. Outstanding POST Resolutions – Expressed concern: number of pending resolutions.
 - a. Resolution 11- -02 defines Reserve, Part-time and Full-time designations of public safety officers
 - b. Resolution 11-03 proposes *mandatory* reporting to POST of any criminal activity by a public safety officer.
 - c. Resolution 11-05 Proposes to set Professional Standards for Montana Public Safety Officers.
3. Basic functions of POST – MCA 44-4-403 – Expressed concern: POST staff should concentrate their effort on the basic POST functions.

10:00 – 10:15 Break

4. POST Complaint Investigation Policy & Procedure ARM 23.13.703 – 23.13.712
 - a. Notices of pending investigations – Expressed concern: POST staff are not making sufficient effort to provide notification and follow-up with administrators.
 - b. POST records (including training records) – Expressed concern: access to POST records by attorneys, media, public.
 - c. EX PARTE communication & contact with council members.
 - d. Contested case hearings – Expressed concern: over lack of contested case hearings brought before the council.
 - i. Avenues for resolving cases, ARM 23.12.703(5), MCA 2-4-603 and 2-4-604 and MCA 44-4-403(3)
 - e. Investigations/Complaints – open & closed cases
 - i. Cases resolved informally & formally

- f. ARM 23.13.101 through 23.13.712 – Expressed concern: of conflict with existing protocols between DCI and local law enforcement agencies.

11:30

- 5. POST Legislative Issues under consideration – 2012 – Expressed concerns: draft legislation presented to the Law and Justice Interim Committee in April and May - draft legislative proposal to transfer MLEA under POST.
 - a. Revise 7-32-303 MCA to include language that addresses the concern about licensed physicians assessing a peace officer applicant’s “mental” condition.
 - b. Reserve Officers ongoing discussion of what may need to change to allow law enforcement administrators to utilize them without stretching or being outside the boundaries of statute.

12:00 – 1:00 LUNCH

1:00 POST Legislative Issues under consideration – 2012 Continued:

- c. Seek a Legislative Interim study to examine public safety and newly appointed officers during the Pre-Basic training period and address 7-32-214, M.C.A. which provides for the basic training requirements of Reserve Officers.
- d. Legal Counsel, Sarah Hart, July 30, 2012, memorandum
 - i. Potential Legislation on Criminal Justice Agency Status
 - ii. Investigative Authority
- e. Unsanctioned proposal to transfer MLEA under POST

2:00-2:15 Break

- f. Contested Case hearings process, delays, and current status.
- 6. Expressed concern: compelled statements for public safety officers under investigation or witnesses to conduct under investigation.

IV. 3:00 Public Comments

V. 3:30 Council Deliberations

VI. 4:30 Adjourn

VII. 6:00 No host dinner to be attended by Council members and guests

NOTICE: POST Council’s regular meeting will be held August 16, 2012, from 8:30 a.m. to 4:30 p.m., in Jorgensen's basement meeting room, 1714 11th Avenue, Helena, MT.

* All agenda times are estimated and subject to adjustment.