

**MONTANA Public Safety Officer Standards and Training Council  
Meeting Agenda ~ September 4, 2024  
In-person Meeting 9:00 a.m. ~ 11:40 a.m.  
OHS Building ~ MLEA ~ Rooms 121  
Helena, MT 59602**

**Dial-in Participant Information  
Dial in Number: (406) 318-5487  
Teams Meeting ID: 255638741#**

- I. 9:00 a.m. ~ Call meeting to order, roll call, identify and welcome guests.**
- II. 9:05 a.m. ~ Pledge of Allegiance and Invocation**
- III. 9:10 a.m. ~ Approval of minutes for May 29, 2024 Council Meeting**
- IV. 9:15 a.m. ~ Public Comment/Guest Issues**
- V. 9:30 a.m. ~ Old Business**
  - A. Update ARM Draft**
  - B. Law & Justice Interim Committee**
  - C. Acadis**
- VI. 9:35 a.m. ~ New Business**
  - A. Correction – Detention Basic Syllabus Update**
  - B. Break in Service**
  - C. Council Member Terms**
  - D. Council Committees**
  - E. Update on Scenario Village**
- VII. 10:30 a.m. ~ Break**
  - F. Tour of Scenario Village (10:40 – 11:10 a.m.)**

## **G. Committee Reports**

- 1. Curriculum ~ Interim Jesse Slaughter**
  - **POST Training Credit Hours ~ Street Cop**
- 2. Case Status ~ Jim Thomas**
- 3. Coroner ~ Leo Dutton**
- 4. Business Plan/Policy ~ Jess Edwards**
- 5. ARM ~ Leo Dutton**
- 6. Executive Committee ~ Jesse Slaughter**

## **H. Director's Report**

- 1. Budget**
- 2. Calendar Statistics ~ Through Quarter 2 2024**
  - **Total Public Safety Officers ~ 5, 266**
  - **Certificates Awarded ~ 478**
  - **Training Approved ~ 904 trainings, 4, 606 officers, 85, 606.35 hrs.**
  - **Equivalency Granted ~ 23**
  - **Extensions Granted ~ 24**
  - **Information Requests ~ 646**
  - **Complaints ~ 89**
  - **Opened Investigations ~ 40**
- 3. Office Updates**

## **XII. 11:40 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.

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MONTANA POST COUNCIL MEETING  
May 29th, 2024  
Via Teams  
9:00 a.m. to 10:28 a.m.

Council members present: Jesse Slaughter - Council Chair. Jim Thomas, Bill Smith, Joss Edwards, Meaghan Mulcahy, Shellie Brady, Anthony Hutchings, Kimberly Burdick, Leo Dutton

Council Members not present:  
Jim Anderson, Mark Kraft, Kristine White

Staff Members Present: Timothy Allred, Executive Director; Katrina Bolger, Paralegal/Investigator; Chad McFadden, Investigator; Tina Cranmer, Administrative Assistant; Brooke Standish, Administrative Assistant.

POST Legal Counsel:  
Stuart Sagroot, Esq.

Guests:  
Joel Wendland  
Dan Smith

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WHEREUPON, the following proceedings were had:

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CHAIR SLAUGHTER: We're going to call this meeting to order. Timothy, will you take roll call, please.

MR. ALLRED: Sheriff Slaughter.

CHAIR SLAUGHTER: Here.

MR. ALLRED: Meaghan Mulcahy.

COUNCIL MEMBER MULCAHY: Here.

MR. ALLRED: Jim Anderson is excused. Shellie Brady.

COUNCIL MEMBER BRADY: Here.

MR. ALLRED: Leo Dutton.

COUNCIL MEMBER DUTTON: Here.

MR. ALLRED: Anthony Hutchings.

COUNCIL MEMBER HUTCHINGS: Here.

MR. ALLRED: Kristine White is excused. Mark Kraft is excused. Jim Thomas.

COUNCIL MEMBER THOMAS: Here.

MR. ALLRED: Bill Smith.

COUNCIL MEMBER BILL SMITH: Here.

MR. ALLRED: Kimberly Burdick.

COUNCIL MEMBER BURDICK: I'm here.

MR. ALLRED: Joss Edwards.

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COUNCIL MEMBER EDWARDS: Here.

MR. ALLRED: And Connor Smith is still on here, but he's excused. Chair Slaughter, we have a full Council. In the room, POST staff, Timothy Allred.

MS. STANDISH: Brooke Standish, Executive Assistant.

MS. BOLGER: Katrina Bolger, Paralegal Investigator.

MR. McFADDEN: Chad McFadden, Investigator.

MR. SEGREST: Stu Sagroot, Counsel to POST.

MR. ALLRED: In the room, will you please stand and introduce yourself, please.

MR. WENDLAND: Joel Wendland, MLEA.

MR. DAN SMITH: Dan Smith, MPPA.

MS. MUCH: Kim Much, MLEA.

MR. ALLRED: And anyone online? Laurie.

MS. BOLGER: Just Council members.

MR. ALLRED: I don't see anyone online other than Laurie. So Chair, we have a full Council.

CHAIR SLAUGHTER: Okay. Great. Let's rise for the Pledge of Allegiance.

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(Pledge of Allegiance)

CHAIR SLAUGHTER: Sheriff Dutton, will you please give a brief invocation.

COUNCIL MEMBER DUTTON: Thank you for the introduction as a brief one. I will certainly do it.

(Invocation)

CHAIR SLAUGHTER: I don't really mean brief. I don't know why I said that. Sorry. It's totally something I just added in there. All right.

So the first item we have on our agenda is to approve the minutes from the March 6th, 2024 Council meeting. Can I get a motion, please.

COUNCIL MEMBER THOMAS: This is Jim Thomas. I move we approve the minutes.

COUNCIL MEMBER EDWARDS: This is Joss Edwards. I'll second.

CHAIR SLAUGHTER: Any discussion about the minutes or issues?

(No response)

CHAIR SLAUGHTER: All in favor, signify by saying aye.

(Response)

CHAIR SLAUGHTER: Opposed, same sign.

1 (No response) 5  
2 CHAIR SLAUGHTER: Motion carries. Next  
3 we'll move to public comment and guest issues. Do  
4 we have any public comment or guest issues at this  
5 time?  
6 MR. ALLRED: I have a script I'll read,  
7 Chair Slaughter.  
8 Under this item the Council will offer  
9 an opportunity to members of the public in  
10 attendance to comment on any public matter under  
11 the jurisdiction of the Council that is not on the  
12 agenda of this meeting. While the Council cannot  
13 take action on any issues presented, the Council  
14 will listen to comments, and may ask staff to  
15 place the issue on subsequent agenda. The  
16 presiding officer may limit the comment period in  
17 order to proceed with the Council meeting.  
18 CHAIR SLAUGHTER: Thank you, Timothy.  
19 Any public comment or guest issues?  
20 (No response)  
21 CHAIR SLAUGHTER: All right. Seeing and  
22 hearing none, we'll move on to old business.  
23 Timothy.  
24 MR. ALLRED: On Page 35, this is under  
25 the Law and Justice Interim Committee. House Bill

1 697 required a study of the POST Council. 6  
2 thing that they're required to do, the interim  
3 committee, is to provide a report after the  
4 Council -- or after the study. And they went  
5 through, and they finally prepared their draft  
6 final report to the Legislature of the POST  
7 Council, and what they've done.  
8 They've looked through the history of  
9 POST, its make-up of the Council and its staff,  
10 its authority, these kind of things. You can kind  
11 of see a break down in there. We've discussed  
12 this before.  
13 But the one area on Page 37 said,  
14 "Findings and Recommendations" of any bills that  
15 they recommend to the -- coming out of here, and  
16 the committee didn't have any bills they  
17 recommend.  
18 I was there as an informational witness,  
19 and they asked me a few questions. They asked me  
20 if I had anything I recommended, and one of the  
21 things we discussed is just the need to have  
22 funding for an attorney for the Contested Case  
23 Counsel, not so much to have like an FTE, but  
24 funding up to one FTE. And so if we only use .25  
25 of that, the rest of those funds would not be used

1 and they would be left in that account. 7  
2 Committee Members Senator Friedel and  
3 others seemed to be in support of that, and when  
4 we go before, for Section (d), when we request  
5 funds, they seemed like they were going to support  
6 us in making that request out of the study.  
7 So other than that, Chair and members of  
8 the Council, there was not a lot of discussion  
9 about this. It seemed like they were kind of  
10 wrapping up their study of POST. They seem pretty  
11 happy with where POST is at, and the things that  
12 we worked on to implement, and the relationships  
13 that we've built with the agencies and  
14 stakeholders in Montana.  
15 I do want to add that this study could  
16 have went a lot of ways, and sometimes when you  
17 see something go through really smooth, it's easy  
18 to go that just happened, but this is a reflection  
19 of the Council, and the work and their dedication  
20 to support public safety officers in the state of  
21 Montana, and the things that they've done to move  
22 forward with a lot of things.  
23 CHAIR SLAUGHTER: Thanks, Timothy. I  
24 appreciate that. I think it's also a reflection  
25 of the Director and the staff, too, because you

1 guys are the best, so we appreciate that. 9  
2 Does anybody have any comment or  
3 questions or anything about that?  
4 COUNCIL MEMBER THOMAS: Chairman, this  
5 is Jim Thomas. I do have one question.  
6 Under the Findings and Recommendations  
7 it says, "To be determined," or to be -- Do you  
8 know the timeline of when they're going to make a  
9 -- or are they not simply going to make a  
10 recommendation or findings?  
11 MR. ALLRED: So this came out before the  
12 Law and Justice Interim Committee. This just  
13 happened earlier this month. And so they  
14 discussed that, the "to be determined," and nobody  
15 in the work session or during the discussion on  
16 the agenda had any legislation to move forward  
17 with POST Council, other than just them supporting  
18 us to request additional funding with the  
19 Contested Case Counsel if we had to have hearings.  
20 And I discussed that, too, you know, the  
21 purpose of the Contested Case Counsel, and the  
22 hard work that we do to find agreements and  
23 counter offers and those things, and the limited  
24 budget that we're in, but there's also times that  
25 you have to hold officers accountable, and if you



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1 go to a full hearing, and it costs \$80,000, if you  
2 have an expert witness and those kind of things,  
3 they can add up pretty quick.

4 And they understood the need of that,  
5 and they didn't want that to impact our budget, so  
6 that's why they're in favor and supporting that.

7 COUNCIL MEMBER THOMAS: Okay. Thanks.

8 CHAIR SLAUGHTER: Any other questions or  
9 comments on that?

10 (No response)

11 CHAIR SLAUGHTER: We'll move on then to  
12 now business.

13 MR. ALLRED: So Probation and Parole.  
14 They came before the POST Council the last  
15 meeting, and they got their syllabus approved for  
16 the POST Council. They did reach out to us, and  
17 they're not here today, but I feel like I can make  
18 this -- the changes that they made to the Council  
19 myself.

20 They did not change any hours. The two  
21 changes they made is they replaced OMIS, which is  
22 their Offender Management Information System.  
23 They went from an eight hour training to a four  
24 hours training, and they replaced those four hours  
25 with a four hour crisis deescalation training.

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1 And so those are the only two changes  
2 that P&P made. Everything else is still the same  
3 with POST Council. Like I said, last committee  
4 already approved their full agenda and the hours,  
5 and so what they're asking is if the Council would  
6 approve of those two changes, to change OMIS from  
7 eight hours to four hours, and add a four hour  
8 crisis deescalation.

9 CHAIR SLAUGHTER: Thank you, Timothy.

10 Can I get a motion on that?

11 COUNCIL MEMBER EDWARDS: This is Jess  
12 Edwards. I make a motion.

13 COUNCIL MEMBER DUTTON: This is Leo. I  
14 second the motion.

15 CHAIR SLAUGHTER: To be clear here real  
16 quick, what is the motion?

17 COUNCIL MEMBER EDWARDS: Is it the  
18 changes --

19 MR. ALLRED: The two changes from OMIS  
20 eight hours to four hours, and add four hours of  
21 crisis deescalation.

22 COUNCIL MEMBER EDWARDS: Yes.

23 CHAIR SLAUGHTER: Sheriff, do you second  
24 that motion?

25 COUNCIL MEMBER DUTTON: Yes.

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1 CHAIR SLAUGHTER: Thank you. Any  
2 discussion on this?

3 (No response)

4 CHAIR SLAUGHTER: Hearing none, all in  
5 favor, signify by saying aye.

6 (Response)

7 CHAIR SLAUGHTER: Opposed, same sign.

8 (No response)

9 CHAIR SLAUGHTER: Motion carries, I  
10 believe. Do we need -- Shellie is talking to  
11 somebody. Do we need her to vote on this to make  
12 it, or are we good?

13 MR. ALLRED: We are good. I was just  
14 going to count --

15 CHAIR SLAUGHTER: I just wanted to make  
16 sure because I don't want -- we're good anyway.  
17 Okay.

18 MR. ALLRED: We have nine.

19 CHAIR SLAUGHTER: Thank you, Timothy. I  
20 appreciate that.

21 COUNCIL MEMBER DUTTON: Mr. Chair, just  
22 as a point of reference, on the last page Jim and  
23 I are noticing just a change of wording from  
24 critical things that looks like my hairdo, then it  
25 was "add crisis deescalation," so probably just

12  
1 change those, add a letter or two, to say we  
2 actually read it.

3 CHAIR SLAUGHTER: Gotcha.

4 COUNCIL MEMBER DUTTON: We just wanted  
5 to be gooder.

6 CHAIR SLAUGHTER: Thanks, Sheriff.  
7 Timothy, I guess moving on to Public Safety  
8 Communicator Basic update.

9 MR. ALLRED: Yes. Kim Much is in the  
10 room and she's going to present the changes we  
11 see.

12 MS. MUCH: So after a year of -- year  
13 and a half of Wildland Fire, being in and working  
14 very closely with DMRC -- I work with their head  
15 trainer -- we've discovered that we've narrowed  
16 down exactly what a dispatcher needs out of  
17 Wildland Fire, and it drops it to four hours  
18 instead of six. So those other two hours, what I  
19 want to do is I have "Active Shooter/Active  
20 Assailant," that we keep running over with, so I  
21 want to put those two extra hours into that, so  
22 the students can get a much more balanced, and  
23 it's a wash trying to teach, so that's a change to  
24 drop Wildland to four hours and to add two hours  
25 to Active Shooter. Kim Much, I'm Public

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1 Communicator Basic Program Manager.

2 CHAIR SLAUGHTER: Thank you, Kim. Do I

3 have the motion for the changes Kim is requesting?

4 COUNCIL MEMBER THOMAS: This is Jim

5 Thomas. I move we accept the changes as outlined.

6 COUNCIL MEMBER BURDICK: Kimberly

7 Burdick seconds.

8 CHAIR SLAUGHTER: Thank you. Any

9 discussion on these changes?

10 (No response)

11 CHAIR SLAUGHTER: Hearing none, all

12 those in favor signify by saying aye.

13 (Response)

14 CHAIR SLAUGHTER: Opposed, same sign.

15 (No response)

16 CHAIR SLAUGHTER: Motion carries.

17 Timothy, I'll turn it back over to you, POST

18 training credit hours, Street Cop.

19 MR. ALLRED: Thank you, Chair. So this

20 starts on Page 51. I just want to give a little

21 bit of background.

22 So in Chapter 44, POST is allowed, it

23 states that they can conduct an approved training,

24 and in our Administrative Rules, we've made it

25 clear that POST approves for the most part

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1 training credit hours.

2 And under that, in 23-13-301, when POST

3 is looking to approve those training credit hours,

4 whatever is the hosting agency that is putting on

5 the training, they're required to make sure that

6 the topic is relevant to the public safety

7 profession, be based upon generally recognized

8 best practices, and comport with the Montana laws

9 and Court decisions. And historically it's been

10 the agency, the hosting agency that has the

11 endorsed training.

12 POST in 23-13-305, it states that the

13 Director or the Director's designee will review

14 the application and approve or reject the

15 application unless the Director determines as a

16 matter of discretion that Council review is

17 necessary due to extenuating circumstances.

18 So we received an application for a

19 Pro-Active Patrol Tactics training, and the vendor

20 that is putting that on is Street Cop.

21 Bryan Lockerby reached out to me and

22 wanted POST to be aware. I don't know if he saw

23 it on our POST website, or how he saw the training

24 advertised, but he wanted POST to be aware that

25 Street Cop has had some articles come out, and

15

1 that nine states have actually banned Street Cop

2 from being taught in their states. He stated that

3 it was controversial training.

4 And so I included in here for POST, the

5 Council, the articles that were sent to me. There

6 are videos, but the videos just go right along

7 with the articles as well.

8 I reached out to the agency that's

9 hosting the training, and that email is in here as

10 well. They're aware of the circumstances that are

11 around Street Cop. They are comfortable and

12 they're satisfied with the curriculum, and they

13 feel that it's training that they want to put on.

14 They also provided kind of a rebuttal that Street

15 Cop gave on Page 63.

16 And so I'm more just bringing it to the

17 Council because it was brought forward as a

18 concern, like I said, through Bryan Lockerby, just

19 a controversial training, and other states banning

20 this training in their states.

21 I just wanted to make the Council aware

22 of it, and also aware of our past historical that

23 we usually just endorse -- or the hosting agency

24 is endorsing the training, but we do have the

25 ability on extenuating circumstances to consider

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1 if we're going to approve those POST training

2 credit hours.

3 Sheriff, that's all I kind of have that

4 I just wanted to bring forward to the Council, and

5 see if there's any discussion or questions on

6 that.

7 CHAIR SLAUGHTER: Should we entertain a

8 motion to see which way we want to go with this

9 first, and then go to discussion?

10 MR. SEGRETT: This is Stuart. I'm just

11 wondering, Chair, what would the motion be? I'm

12 not sure if there's an action that needs to be

13 taken.

14 CHAIR SLAUGHTER: And Stuart, if you

15 don't think so, that's fine. My only question was

16 do we maintain the status quo of letting the

17 hosting agency outline it, or does POST, do we

18 feel that POST needs to get involved in this type

19 of issue and have an opinion?

20 I guess that would be my question, to

21 establish kind of where we're going and then go

22 into discussion, or do you think we just -- it's

23 not something we need a motion on, we just discuss

24 it, then I'm good with that.

25 MR. SEGRETT: Unless somebody wants to

17  
1 change policy, I don't think you need a motion,  
2 although I think you can discuss it.  
3 CHAIR SLAUGHTER: Any discussion?  
4 COUNCIL MEMBER DUTTON: Mr. Chairman,  
5 this is Leo. I'd like to discuss a little bit.  
6 I read over this, and it seems quite  
7 controversial to say the least. I don't know the  
8 positives of this. I see a lot of places have  
9 said no. I don't know -- I think there's a lot of  
10 accusations of some racial slurs, of things like  
11 that. I haven't seen if they're recommending  
12 physical things.  
13 When I read it, it looked like somebody  
14 who had been on for 30 years and was mad at the  
15 world teaching. Maybe that's not the best  
16 representation that you want to -- I didn't pick  
17 up anything else. I'm interested in the  
18 conversation as well. Somebody probably read it  
19 with a finer interpretation than what I got. Back  
20 on mute.  
21 CHAIR SLAUGHTER: Thanks, Sheriff. I  
22 think my read on it, and just trying to understand  
23 it, I think you're correct, Sheriff. I don't  
24 think there's any question that there was --  
25 especially at a previous time there was some

18  
1 controversial issues or things being taught.  
2 My understanding -- and correct me if  
3 I'm wrong, Timothy -- they've redone their  
4 curriculum. My opinion is we're not here to  
5 really evaluate their training, except for, like  
6 Stuart said, if we wanted to -- if we thought it  
7 was so egregious that we wanted to change our  
8 policy as POST, and interject ourselves into this,  
9 or if we just wanted to just leave it up to that  
10 agency to deal with the -- if there were to be any  
11 consequences due to it.  
12 MR. ALLRED: Chair, this is Timothy. I  
13 think in my reading of the Administrative Rule,  
14 where the Council can get involved -- and this is  
15 already in our Administrative Rule -- is if  
16 there's extenuating circumstances that we're not  
17 -- the Council is going to vote whether to approve  
18 or not approve POST training credit for this, and  
19 basically saying that because of the information  
20 we have, we have concerns about this actually  
21 being POST approved training credit.  
22 CHAIR SLAUGHTER: Correct.  
23 MR. ALLRED: And I know in speaking to  
24 Powell County and their training officer, they  
25 said they reviewed all these things, and they're

19  
1 comfortable with it.  
2 I feel like if the committee -- I mean  
3 this is one option. If the Council wanted to  
4 explore this further, they could recommend it to  
5 the Curriculum Committee to maybe invite Powell  
6 County to come discuss and talk about why they  
7 want this training, why they want POST approved  
8 training for hours.  
9 If they want to go that way that's one  
10 option, and we can kind of go into it further, but  
11 I mean they could provide more of the syllabus and  
12 a breakdown of the actual training of this  
13 specific class that they're seeking POST training  
14 credit hours for.  
15 So that's one option, or the other  
16 option, like you stated, is that we continue to  
17 allow, with what we have, we trust the hosting  
18 agency to endorse this with the information they  
19 provided and we approve for POST training credit  
20 hours.  
21 CHAIR SLAUGHTER: Thank you, Timothy. I  
22 agree.  
23 COUNCIL MEMBER DUTTON: Mr. Chair, this  
24 is Leo. I do like the idea of them coming to  
25 visit. I've got to say I'm a little uncomfortable

20  
1 voting yes to approve this, but if they can come  
2 explain what we've read, and say why they're  
3 comfortable -- because I'm a little uncomfortable  
4 saying yes, but I'm not completely opposed --  
5 If they could come in and make a case  
6 saying, "These accusations or assumptions are not  
7 correct." If we have the ability to have them  
8 come in and have a discussion, I think that would  
9 bode well for our openness to at least hear before  
10 we just give it a thumbs up or thumbs down, feed  
11 them to the lions, or let them live, if we have a  
12 discussion and then hear more about it.  
13 CHAIR SLAUGHTER: Thank you, Sheriff.  
14 Can you frame that in a motion, and maybe we'll go  
15 to a discussion on that.  
16 COUNCIL MEMBER DUTTON: I would make a  
17 motion that according to the Administrative Rules  
18 of Montana that outline POST's ability to invite  
19 the host agency to come and explain their  
20 application, that we do that, and then make a  
21 decision.  
22 CHAIR SLAUGHTER: Thank you, Sheriff.  
23 Do I have a second?  
24 COUNCIL MEMBER MULCAHY: This is Moaghan  
25 Mulcahy. I'll second the motion.

21  
1 CHAIR SLAUGHTER: Thanks, Moaghan. Any  
2 discussion on the motion that's before us with how  
3 to proceed?  
4 MR. ALLRED: Sheriff, can I ask a  
5 clarification?  
6 CHAIR SLAUGHTER: Please.  
7 MR. ALLRED: Are we referring this to  
8 the -- in your motion, to the Curriculum  
9 Committee, or are you having them come back before  
10 the next Council meeting?  
11 CHAIR SLAUGHTER: Sheriff, I don't want  
12 to put words in your mouth, but I think the  
13 Curriculum Committee is appropriate.  
14 COUNCIL MEMBER DUTTON: I do, too.  
15 That's what I was -- taking a short cut.  
16 MR. SECREST: Friendly amendment.  
17 COUNCIL MEMBER DUTTON: Yes. What he  
18 said.  
19 MR. SECREST: So it sounds like Sheriff  
20 Dutton is allowing the motion to be amended to  
21 have it before the Curriculum Committee.  
22 COUNCIL MEMBER DUTTON: Yes.  
23 CHAIR SLAUGHTER: Moaghan, do you still  
24 second that?  
25 COUNCIL MEMBER MULCAHY: I do, yes. I

22  
1 second that motion.  
2 CHAIR SLAUGHTER: Any further discussion  
3 on this issue?  
4 COUNCIL MEMBER BRADY: I just have a  
5 couple things to say. This is Shellie Brady.  
6 One of our officers with 20 plus years  
7 in law enforcement, he actually just left  
8 recently, but he notified me of this agency quite  
9 awhile ago, and it sounds like his view is in line  
10 with Powell County, that some things were taken  
11 out of context, and that most of the trainers in  
12 the courses are actually very good. So it works  
13 out. I think I'm on the Curriculum Committee, so  
14 I'm interested to hear more from them.  
15 CHAIR SLAUGHTER: Thanks, Shellie.  
16 I agree. I think that it's a really good  
17 opportunity. If it's not good training, and it's  
18 all perceived as it is in here, then it can create  
19 issues, but if those issues have been dealt with,  
20 and like Shellie said, it's mostly good training,  
21 and there was some misinformation out there, then  
22 that gives the opportunity for them to clear the  
23 record on that. So I think it's a good  
24 opportunity both ways.  
25 COUNCIL MEMBER DUTTON: Mr. Chair, under

23  
1 the discussion heading, the reason that I would  
2 like the opportunity to have the Curriculum  
3 Committee explore this is having more background.  
4 If we choose to approve it, that's fine. If we  
5 don't, that's fine.  
6 But I am reflecting on a time where we  
7 did approve some training up in the Flathead that  
8 we thought was fine, that turned out to be  
9 controversial by world standards or political  
10 standards, and we ended up having to defend it  
11 somewhat. So that's what I'm looking for, is just  
12 a little bit more of everybody weighing in, having  
13 more background, and a comfortable yes or a  
14 comfortable no with substance. Thank you, Mr.  
15 Chair.  
16 CHAIR SLAUGHTER: I agree, Sheriff. And  
17 it's not until the 26th of August, so we'll have  
18 plenty of time for the Curriculum Committee to  
19 review it, and then if it has to go back before  
20 the full Council, we'll still have time.  
21 Seeing no more discussion on this, all  
22 in favor of Leo's motion, signify by saying aye.  
23 (Response)  
24 CHAIR SLAUGHTER: Opposed, same sign.  
25 (No response)

24  
1 CHAIR SLAUGHTER: Motion carries.  
2 MR. ALLRED: Thanks, Chair. Just for  
3 more housekeeping on staff side, I will notify the  
4 agency that POST training credit is now pending  
5 instead of approved, because we previously  
6 approved it before we received this information.  
7 I'll also let them know that we're going to do a  
8 Curriculum Committee meeting, and that they're  
9 invited to it, and provide us with the agenda, the  
10 syllabus, all the information that that specific  
11 training is going to be hosting or putting on.  
12 And just for the Council's information,  
13 Connor Smith is the Chair of this, and we were  
14 kind of waiting to make some change with a couple  
15 new Council members, and we were hoping that that  
16 change would have happened before this meeting,  
17 but it didn't.  
18 On the Curriculum Committee is Anthony  
19 Hutchings, Kimberly Burdick, Shellie Brady, Jim  
20 Anderson, and Joe Wandland is the ex officio  
21 member from Montana Law Enforcement Academy. And  
22 so there's not a Chair currently because Connor is  
23 not there. Unless Stuart thinks otherwise, I  
24 think you could appoint somebody to be an interim  
25 Chair that's already on that Curriculum Committee.

25  
1 CHAIR SLAUGHTER: Do we need to do that  
2 now, or should we do it by the usual format, which  
3 is people emailing me and telling me they're  
4 interested type of thing?

5 MR. ALLRED: This specific one is just  
6 an interim Chair just for this one meeting, and  
7 then we'll have it on the agenda for the next  
8 meeting to discuss, because Connor is on a few  
9 spots, and we need to replace a few areas, so  
10 we'll have on the agenda to appoint new Council  
11 members to specific committees.

12 CHAIR SLAUGHTER: Is anybody interested  
13 in being the interim Chair for the Curriculum  
14 Committee?

15 (No response)

16 CHAIR SLAUGHTER: Hearing none, I will  
17 take the committee.

18 MR. ALLRED: Okay.

19 COUNCIL MEMBER DUTTON: Did Connor Smith  
20 retire or something?

21 MR. ALLRED: Yes. At the last meeting,  
22 yes, he did. His last day is like this week, I  
23 think, or something like that.

24 COUNCIL MEMBER DUTTON: Sorry, Mr.  
25 Chair. We were missing --

26  
1 MR. ALLRED: We're optimistic to have  
2 his replacement, and discuss putting Moaghan and  
3 Connor's replacement on the committee, but we'll  
4 have to wait a little bit. It will be on our next  
5 Council agenda, though. Chair, that's all I have  
6 for that part.

7 CHAIR SLAUGHTER: I guess we're going to  
8 move on to ARM 23.13.001, Registered Aliens.  
9 Timothy, I'm going to turn it over to you for  
10 background.

11 MR. ALLRED: There's two parts of this  
12 Administrative Rule that I want to discuss, and  
13 I'm going to separate them just to have them make  
14 sense.

15 So on Page 64 in 23.13.001(2)(a) it says  
16 that, "A public safety officer needs to be a  
17 citizen -- " sorry -- "needs to be a citizen of  
18 the United States or may be a registered alien if  
19 unsworn."

20 So the first issue I want to talk about  
21 is where it says, "may be a registered alien if  
22 unsworn." This Administrative Rule has been in  
23 place since 2007, and registered alien at that  
24 time -- I'm not sure of the definition in 2007 --  
25 but as of right now -- and Stuart and I discussed

27  
1 this -- registered alien, there's not a specific  
2 definition on what a registered alien is.

3 We had a few agencies reach out to us  
4 for clarification. There is a loose definition of  
5 a resident alien, which they're wondering if that  
6 was what it meant, and resident alien mainly is  
7 just somebody who is in the United States legally.  
8 There's a few other loose definitions on that.

9 So meeting with Stuart and discussing  
10 this, the POST practice has been that when we said  
11 "registered alien," we mean somebody who was a  
12 permanent resident. They've been in the United  
13 States, they've had a work visa, or a school visa,  
14 and they've established some sort of time in the  
15 United States for at least five years, and they're  
16 able to apply to be a permanent resident.

17 So the language that I'm requesting the  
18 Council to consider is to replace "registered  
19 alien" with "a lawful permanent resident," which  
20 will be current with -- that's our current  
21 practice. So that would just make it more clear  
22 to other agencies.

23 And the second part I want to discuss is  
24 that this Administrative Rule is actually in  
25 contradiction of the law because it says that "may

28  
1 be a registered alien if unsworn." In MCA  
2 7-31-202 on Page 66, it states that, "public  
3 safety communicators must be a citizen of the  
4 United States." And so our current Administrative  
5 Rule is in contradiction of that.

6 So the two things I'm asking the Council  
7 to consider is, one, to change "registered alien"  
8 to "a lawful permanent resident," and make it  
9 clear that a public safety officer must be a US  
10 citizen.

11 So the language that we have drafted to  
12 replace "A" would be, "be a citizen of the United  
13 States if the officer is a peace officer or a  
14 public safety communications officer" -- so that's  
15 defined specifically in law. Those two have to be  
16 US citizens -- or "a lawful permanent resident."  
17 So where it says "or a lawful permanent resident"  
18 would cover those who are not a peace officer or a  
19 public safety communicator.

20 If there are any questions, let me know,  
21 and that was kind of -- (inaudible) --

22 MR. SEGREST: Timothy, did you want to  
23 tell them about how the Department of Corrections  
24 reached out about this issue and -- (inaudible) --

25 MR. ALLRED: There have been a couple

1 other than that as well. But yes, the Department  
2 of Corrections and a couple other agencies, they  
3 just wanted to make sure that it was clear what a  
4 registered alien was, because like I said,  
5 "resident alien" is loosely defined as just  
6 somebody being in the United States legally, and  
7 they weren't sure if they could just hire somebody  
8 who just came to the United States legally.

9 And that's one reason why we wanted to  
10 make it clear that with our practice that it's not  
11 just a registered alien, it's a lawful permanent  
12 resident. And the language has changed over time,  
13 and so that will be with our current practice.

14 So I can restate what we're proposing  
15 the Council to consider the language to be that  
16 would cover both those areas, if you would like.

17 CHAIR SLAUGHTER: Timothy, yes, will you  
18 state it so it can be put in a motion, please.

19 MR. ALLRED: So it would be to strike  
20 out the current language in (2) (a), and to replace  
21 (2) (a) with "be a citizen of the United States if  
22 the officer is a peace officer or a public safety  
23 communications officer, or a lawful permanent  
24 resident."

25 CHAIR SLAUGHTER: Can I get a motion.

1 it's the Acadis training management system. It's  
2 a web based software that will allow public safety  
3 officers and their agencies the ability to submit  
4 employment, training certifications, and  
5 allegations through a portal.

6 There's been a lot of work that went  
7 into this since I actually started with POST to  
8 make this come about through ITPR's, through  
9 master contracts, discussions with other agencies  
10 that are making this possible as well, and Katrina  
11 is going to go into that. So I don't want to go  
12 too far.

13 But I have to say this, that when POST,  
14 when we got to where we actually had the funding  
15 -- which all this is like a miracle to me -- and  
16 we were able to purchase Acadis -- it's just kind  
17 of been like a pipeline dream for a long time --  
18 that was super exciting.

19 But then it became apparent, too, that  
20 to implement Acadis is a huge undertaking, and a  
21 lot of agencies, for example, at the Department of  
22 Corrections and their implementation of Acadis,  
23 they'll assign two, three, four people from their  
24 staff to work on that, and some agencies, they'll  
25 have one or two people. Like in Utah, they even

1 COUNCIL MEMBER BRADY: This is Shellie  
2 Brady. I'll make the motion.

3 CHAIR SLAUGHTER: Just for  
4 clarification, Shellie, it's to adopt Timothy's  
5 language proposed, correct?

6 COUNCIL MEMBER BRADY: Correct.

7 CHAIR SLAUGHTER: Thank you. Do I have  
8 a second?

9 COUNCIL MEMBER THOMAS: This is Jim  
10 Thomas. I second it.

11 CHAIR SLAUGHTER: Thank you, Jim. Any  
12 discussion on this motion?

13 (No response)

14 CHAIR SLAUGHTER: Hearing and seeing  
15 none, all these in favor, signify by saying aye.

16 (Response)

17 CHAIR SLAUGHTER: Opposed, same sign.

18 (No response)

19 CHAIR SLAUGHTER: Motion carries. All  
20 right, Timothy, moving on. Acadis.

21 MR. ALLRED: So I'm going to limit what  
22 I'm going to say here because Katrina has a  
23 presentation, and she's going to cover a lot of  
24 these things.

25 But POST has recently purchased Acadis,

1 have people just hired to implement and work on  
2 Acadis. Then also they have several agencies that  
3 will actually contract out, for data clean-up, and  
4 all these different things that go into it.

5 And having further discussions with our  
6 POST staff, which is five of us, and how we're  
7 going to do this with our current workload  
8 already, everybody has had to take a huge lift to  
9 make this happen. Katrina has been assigned the  
10 official program manager on the implementation of  
11 this. Chad McFadden, our investigator, who is  
12 working 20 hours a week, has agreed to work 30  
13 hours a week through this fiscal year, where we  
14 have funds to do that. Brooke and Tina have taken  
15 on several different extra duties to clean up our  
16 data, and make sure. There's several things that  
17 go into this.

18 I want to make sure the Council and our  
19 stakeholders are aware of really what we undertook  
20 or what we're undertaking to make this happen, and  
21 I can't be more grateful for the staff. If it  
22 wasn't for POST staff doing this with our limited  
23 resources, it wouldn't be possible. And it was a  
24 miracle that we got awarded it, and it's a miracle  
25 that we're even implementing it.

33  
1 So with that, Chair, I'll turn it over  
2 to Katrina for her presentation, but I just want  
3 to end by saying thank you so much for even making  
4 this possible, all of the staff.

5 MS. BOLGER: Can everybody on line hear  
6 me if I shout?

7 So like Timothy said, we've obtained a  
8 new data base, and that is going to replace the  
9 Skills Manager system which we purchased back in  
10 2017, and the agencies here very soon will be  
11 unable to get their transcripts and stuff from  
12 there. So to be clear, this is a change. We're  
13 not keeping the prior system. And so that's kind  
14 of what's occurring.

15 So Acadis has been sort of out there for  
16 a long time. POST was aware of it. It's  
17 incredibly expensive. However, we have identified  
18 that this is going to eliminate a lot of work for  
19 us; it's going to eliminate a lot of lag for our  
20 officers; and it's essentially going to create a  
21 direct link, a direct portal to POST for each  
22 individual officer in the state of Montana.

23 So as I said, Acadis has been around.  
24 We identified it back in 2014 as something that  
25 would be sort of our pipe dream of what POST could

34  
1 have, because it was so expensive. It's  
2 considered the gold standard now. Many POST  
3 organizations have gone to it, a lot of academies  
4 have begun using it, just because the  
5 functionality is really great. You can import  
6 records on mass very easily. And everything  
7 communicates very well.

8 So if an agency has Acadis, and they're  
9 going through POST's Acadis, those things can  
10 communicate a lot better than if we're on Skill  
11 Manager, and somebody else is on Police One, and  
12 somebody else is on -- you know, it just all  
13 communicates very well.

14 So the way that we've been able to  
15 afford this is that POST has partnered with the  
16 MLEA, Department of Corrections, and the Montana  
17 Highway Patrol. The MLEA is going to be able to  
18 use many of the functions that are Academy  
19 specific. They're going to be able to use the  
20 housing modules, the testing modules, the training  
21 modules, all these things. They're going to get a  
22 ton of benefit out of this for themselves, and  
23 that's all going to communicate and directly  
24 correlate to an individual officer's POST record.

25 So if somebody finishes the Academy at

35  
1 MLEA, that is immediately going to be communicated  
2 to POST, so that we will be able to send the  
3 officers their transcripts just as soon as they  
4 hit those requirements in the Administrative  
5 Rules. It's going to be a lot more communicative,  
6 and there's going to be a lot more back and forth.

7 So by splitting the cost for this, we've  
8 been able to purchase all of the modules that are  
9 available. I think, because you guys did get your  
10 invoicing, I think we found out yesterday. So we  
11 have every single module.

12 When we were looking at this system  
13 before, they were wanting like \$100,000 per  
14 module, and we're getting the whole thing for less  
15 than that. So we're able to utilize it for our  
16 stuff, and MLEA is going to be able to use theirs  
17 for MLEA stuff.

18 MHP has purchased the grounds in Boulder  
19 for setting up their own training and stuff,  
20 they've got their own modules. They'll be able to  
21 use all those. And the Department of Corrections  
22 will be able to track all of their employees and  
23 their training and everything.

24 And we have figured out a way to  
25 separate so they can actually utilize this system

36  
1 for their civilian employees as well, and they  
2 will be able to track those people's training on a  
3 separate track from POST. So it's actually all  
4 inclusive. It's going to be a very robust system.

5 The way that this is going to benefit  
6 our officers is each individual officer will again  
7 be able to look at their transcripts. I know that  
8 in the past, prior to Skills Manager, each  
9 individual officer had a log-in. We were unable  
10 to provide that to every officer as Skills Manager  
11 charged by log-in.

12 So every single officer is going to be  
13 able to log into the system. Every supervisor,  
14 agency administrator, whatever, who is given  
15 access will be able to access all their personnel  
16 information. They can set them on training  
17 tracks. They will be able to record their  
18 training. They will be able to apply for training  
19 credit. They will be able to get certificates.  
20 They'll be able to do everything through the  
21 portal as supervisors. All those notices of  
22 appointment, notices of termination, all that  
23 stuff is going to be able to just be submitted  
24 immediately online and routed to the correct POST  
25 staff.

37  
1 So we've created some web forms. We've  
2 created -- We're working on a lot of work flows  
3 and webforms and things. Another thing that is  
4 going to be available is that if public safety  
5 officers take a training, and they ask for POST  
6 credit for it, they can also upload the documents  
7 from the training via the information that POST  
8 used to collect that we no longer do.

9 They will again be able to upload that  
10 into the Cloud, and so that will be available to  
11 anybody who needed it in the future. If the  
12 officer needs it to look at something, we'll have  
13 it for them to look at. If somebody inquires of  
14 us, "What was this officer trained on?" if they  
15 upload those documents, we can tell them, "This is  
16 what we have."

17 So it's going to be a great way for us  
18 to sort of find a common ground in the middle  
19 where POST can start housing that documentation.  
20 Some of the onus is taken off of the officers. So  
21 POST doesn't have to have the documentation for  
22 the law. We can take it if they want it up there.  
23 It will be a storage space for them that will not  
24 affect their ability to store anything else, so  
25 that's going to be the benefit to officers.

38  
1 And then just in general, the way that  
2 this benefits POST is we are going to eliminate a  
3 lot of data entry because people are going to  
4 enter their information on a webform, and submit  
5 it, and then we're just going to approve it and  
6 import it into the system directly. There will be  
7 no more they type up a form, they print the form,  
8 they sign the form, they send us the form, and  
9 then we'll retype all of the information that they  
10 typed into the form.

11 That's going to preempt some of our  
12 time, and we're going to have the ability to  
13 provide even better service to our officers in the  
14 state because of this. So although it is a big  
15 lift right now to get all of our data migrated,  
16 and to work on entering all this stuff and  
17 everything, in the long run we're going to get  
18 paid back dividends in our time that we save, and  
19 the additional projects that we'll be able to do  
20 for the Council and for officers in the state.

21 MR. ALLRED: Katrina, when you talk  
22 about data migration, we're talking about around  
23 6,000 active and around 30,000 not active  
24 officers. So there's a lot of data. And their  
25 work to clean this up and make sure that it's good

39  
1 data that's moved over is -- they've been working  
2 on this for months.

3 MS. BOLGER: And I guess just to toot  
4 the horn of our staff a little bit, when I went  
5 into the employment data, that you can imagine  
6 every single employment that an officer has is a  
7 row of information in data world, and it is all on  
8 a spreadsheet. And there was one undefined field  
9 out of hundreds of thousands of actions.

10 And that should just tell you how  
11 meticulous this staff -- Brooke and Tina -- are.  
12 When they're putting in that information, it is  
13 correct. We don't have a lot of garbage in there.  
14 So just know that that's how much your staff cares  
15 about your information that we collect, that by  
16 law we're required to collect for the Council.

17 So this is going to be a huge benefit to  
18 everybody. It seems like a no brainer to move  
19 this direction if there's a way to make it  
20 possible. Because of our good relationship with  
21 our stakeholders, we were able to identify some  
22 folks that wanted to buy into something with us,  
23 and we're working very hard to make this work.

24 Acadie is very excited because this is  
25 the first time they've ever implemented the system

40  
1 with four agencies all at once, and so they're  
2 very excited to see how this comes together, and  
3 we're very excited because we get to move into the  
4 21st Century. It's only 24 years late, right?

5 So I'm intending to give just a quick  
6 overview of what that web portal is going to look  
7 like, because here's the deal, guys. We've got to  
8 get buy-in from the officers out on the streets,  
9 the boots on the ground. They have to buy into  
10 this. They have to start using this system.

11 And so I'm hoping that all of you can be  
12 ambassadors to go out and tell people this is  
13 going to be super awesome, and this is what POST  
14 is doing, and it's going to be great.

15 So I'm going to go ahead and pull up our  
16 web portal real quick here I hope. Make sure  
17 everybody in the room can see, and then I will  
18 share with everybody online.

19 So this obviously is not their portal  
20 because there is not a wrench and a screwdriver on  
21 the official seal of the State of Montana, but  
22 this is what we call our sandbox. And I've built  
23 some fake people in there, I've created a Pretend  
24 Supervisor of the Awesome Sheriff's Office, and we  
25 are going to log in as though we are the



1 supervisor today, and we will see the types of <sup>41</sup>  
2 things that people will be able to do through the  
3 portal.

4 I guess I should mention to you. We are  
5 going to be doing a couple of trainings for  
6 stakeholders, so any of you guys, go out, talk to  
7 your folks, make sure that they are available  
8 either June 24th or 25th at 10:00 a.m. Those are  
9 going to be the two that we do. If nobody is  
10 available, we are going to record it and put it  
11 onto our website where people go to log into the  
12 portal, so they will have that video right there  
13 where they can watch it, but they won't be able to  
14 ask questions live.

15 So this is what every officer is going  
16 to see when they log in. We want "Pretend  
17 Supervisor." If we have any applications for  
18 anything, those will show up there. If we have  
19 certificates, they're going to show up here. Our  
20 employment, all of our training hours, anything  
21 that --

22 Like if you're an instructor, and you're  
23 applying for POST credit, you'll be able to see  
24 the status of any of your applications down here.  
25 These evaluations, I think the Academy is going to

1 be using for when they send people. So <sup>42</sup>  
2 supervisors will be able to go in and they will be  
3 able to look at any of those for their people  
4 under this "work force" option.

5 So as the Pretend Supervisor, I can go  
6 in, and I can look at all of my personnel, and  
7 these are all the people who work in the Awesome  
8 Sheriff's Office.

9 And this guy, he has asked me to get his  
10 application for intermediate certificate going for  
11 him, so we're going to do that right here.  
12 "Request certification," and we're going to say he  
13 wants his intermediate. And today's issue date,  
14 that should be fine. Continue.

15 So now it's going to give me the  
16 recipient, make sure this is the right person who  
17 you want to give this certificate, so confirm all  
18 that information. You can click "Finish later"  
19 here, and we can make it so that this officer can  
20 log in and finish the application process. If  
21 you're for some reason unable to, they will  
22 actually be able to log in and finish that for  
23 you.

24 So it's entirely up to each  
25 Administrator how they want to handle those

1 things, but they can also update information. If <sup>43</sup>  
2 there's a new email address, a new phone number,  
3 something like that that they want associated with  
4 their account, they can do so.

5 So we've confirmed that's the person.  
6 Here's the guidelines for issuance. This is our  
7 Administrative Rule. I took great pains to ensure  
8 all of these rules are in every single one of our  
9 30 certificates or whatever that we issue.

10 And so this is only applicable to peace  
11 officers, because this officer is a peace officer  
12 that we have. If it was a detention correction  
13 officer, a different ARM subsection would pull up.  
14 But this gives them an idea. These are the  
15 requirements.

16 So we continue, and we say, "Okay. Oh,  
17 look at that. He's already got his peace officer  
18 basic," and so that's been auto-fulfilled by the  
19 system, so we don't have to do anything there.  
20 However, four years of experience, we can say --  
21 provide a comment. He's been working four years.  
22 We're going to save that.

23 And then this will auto-fulfill if they  
24 have enough training. If they don't have enough  
25 training, you see this little help box, it tells

1 you how many hours of in-service they can use, and <sup>44</sup>  
2 it says "upload an in-service training record" if  
3 you're using in-service hours. So these little  
4 help buttons are going to be -- they actually are  
5 helpful.

6 So we're going to go ahead and just say  
7 he has 200 hours. If he in fact did have 200  
8 hours on his transcript, it would auto-populate  
9 that, but because we haven't filled an entire  
10 record, it doesn't. But then we can save that.

11 So now we continue. All these have been  
12 fulfilled. You can upload a document if you want.  
13 I forgot to click the button at the bottom that  
14 says they fulfilled it. And please keep in mind  
15 the actual portal is going to run a lot faster.  
16 The sandbox has pretty much everybody has  
17 everything, and it makes it run a little bit more  
18 slowly.

19 These requirements have been met. Now  
20 it will let me continue. Now we have to certify  
21 the application is true and correct, all those  
22 things that are already on an application for a  
23 certificate.

24 And then they have to certify the person  
25 hasn't been charged with or convicted of a

45

1 criminal offense. That's not something that we  
2 can turn off. It is just something that's  
3 automatic in the system. So each time you do it,  
4 you just say they haven't been and move forward.  
5 MR. ALLRED: One of the changes you'll  
6 notice is that typically the officer would start  
7 it, and then give it to their supervisor, or  
8 whoever is over their training, to be the final  
9 approval. The approval starts now with the actual  
10 supervisor who is able to approve that. So that's  
11 probably one of the biggest changes. So an  
12 officer, if they want to get their certificate,  
13 they will come to their supervisor and say, "Can  
14 you start this," and then you will have to start  
15 it, and then they would finish it, or you could  
16 finish right there, too.  
17 Like Katrina said, if they've met the  
18 requirement, it just automatically says that it's  
19 already been fulfilled. You don't have to answer  
20 anything like typing and those kinds of things.  
21 It's already there.  
22 MS. BOLGER: I just mostly wanted to  
23 show what the option -- You know, if they don't  
24 meet the requirement in Acadis, you can still  
25 override that and say -- you can either upload a

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1 document, you can enter on a --  
2 MR. ALLRED: Obviously training, insert  
3 training.  
4 MS. BOLGER: You can attach an  
5 in-service training record, you can attach an  
6 out-of-state training record, that type of thing.  
7 Every single application for a  
8 certificate is going to get this selected for  
9 audit. This is the only way that we can actually  
10 review and approve every application. And so it's  
11 going to save out, but it's also to say it's just  
12 being reviewed by POST staff.  
13 And so on our end, what's going to  
14 happen is now I'm going to log into the staff  
15 side.  
16 MR. ALLRED: Katrina and I met with Utah  
17 POST, and they said once they got this  
18 implemented, and everybody started using this, it  
19 was so quick. Like they actually took one of  
20 their admin., all they did was enter data, and  
21 this replaced them.  
22 MS. BOLGER: So now I'm going to go to  
23 -- it didn't go through. That's cool. So it's  
24 probably just taking a little bit of time here.  
25 But basically what will happen is on the

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1 POST end, the staff assigned to doing whatever  
2 certificate it is will receive a notification. It  
3 just sometimes gets a little delayed. So there  
4 will be a little red dot up here that says, "You  
5 have a certificate." We click "approve."  
6 And now Pretend Supervisor, and going to  
7 his personnel, and he can look. And any of his  
8 officers that have certificates, he can see this  
9 is still pending with POST. But here's this  
10 individual basic. Just so any officer can go and  
11 print a copy of their certificate, any supervisor  
12 can go in and print a copy of their officer's  
13 certificates. So they're just available right  
14 there for anybody to get on and get.  
15 In addition, if you come down to this  
16 "Academy Resources," we're going to have webforms  
17 available for people to fill out, and those will  
18 submit directly to POST staff. They will be  
19 routed to the correct people to notify.  
20 And then some of our staff is going to  
21 be under this "Start a workflow." So if you hire  
22 somebody, you need to submit a Notice of  
23 Appointment. And I'm Pretend Supervisor. And  
24 then I can set my own -- If you hire him on the  
25 29th, we know they get ten days, so it's due 10th.

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1 So now if I go to "My Work" and "My  
2 Tasks," there should be a notice of appointment  
3 form for me to fill out right here. You got the  
4 idea, though. Basically whether you're doing a  
5 workflow, whether you're doing a webform, whether  
6 you're applying for a certificate, is all going to  
7 go, when you click that "submit" button, it's  
8 going to go directly to the correct staff person  
9 for each of these things.  
10 For the certificates, for the training,  
11 for all that stuff, we're going to have a walk  
12 through of each individual step you have to take,  
13 each piece of information, just like we do on our  
14 forms currently where, "Do you have this many  
15 hours?" yes or no; "Have you worked for this many  
16 years?" These are all going to be there just in  
17 the form of those requirements. It's all going to  
18 be that --  
19 Again, like I said, it's a direct line  
20 to your staff, because in theory, when you log in  
21 -- and usually this works more quickly than this  
22 -- but it will go directly to POST. Our staff  
23 will have it, and then they will be able to go in  
24 and import that information directly. We won't  
25 have to enter data, we won't have to be retyping

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1 all that stuff in.

2 So the main thing that we need from our

3 folks is we really need to get email addresses for

4 people, because that's their log-in for the

5 portal. If they're going to be leaving their

6 agency, they can go in and update their email

7 addresses through the portal. Like if they want

8 to put in a personal address so that they can

9 still log in and look at their stuff, like their

10 certificates, whatever, we need to make sure that

11 we have that.

12 And then again, we're going to be doing

13 these two trainings in June for the portal. We

14 will record it, but if people want to ask

15 questions, that's going to be the best time to do

16 it. They can always call us, of course, and we

17 anticipate we will be taking calls and educating

18 and doing that for awhile.

19 So we're going to have sort of the old

20 way and the new way available to folks for a

21 period of time. There will be like a one year

22 transition period. So we go live on July 1st.

23 And I think that this is one of the fastest

24 rollouts that Acadis has done. So it's a pretty

25 lofty goal, but I think we're in good shape to get

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1 there.

2 So does anybody have questions on this

3 stuff?

4 MR. SEGREST: I have a question. Are

5 officers in the Basic Academy going to be trained

6 on Acadis and how to use it, so that they're

7 coming out of there -- this is the system they

8 have?

9 MS. BOLGER: Well, so they can work for

10 up to a year prior, so they're going to have to

11 get their log-in and stuff. They won't get a

12 log-in when we enter them into the system, they'll

13 receive an email that says, "Here's your -- go set

14 your password."

15 MR. ALLRED: We can show them a brief,

16 during our briefing we could show them quickly

17 what Acadis is.

18 MS. BOLGER: Yes, we can do that, but

19 they're going to be already enrolled through

20 Acadis. They're already going to -- All of their

21 testing, all of their training stuff, all that

22 stuff is going to be done through the Academy side

23 of Acadis. So they're going to be familiar. You

24 know, it's just kind of like with any other

25 computer system when you start it.

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1 MR. SEGREST: That's what the --

2 MR. WENDLAND: Yeah, they should be

3 getting their evaluations through Acadis, they

4 should be doing their testing through Acadis, so

5 they're going to actually be using the system

6 while they're going through the Academy, so

7 they'll get a little more hands-on as they're

8 going through.

9 UNKNOWN SPEAKER: What about proservice?

10 MS. BOLGER: Proservice, the way that

11 we've always dealt with those folks is that we got

12 a notice of appointment from the Academy, where

13 they say they're appointed as a proservice

14 officer. They're not actually a public safety

15 officer.

16 It's kind of like MSP. We put them in

17 our system, because they don't get sworn in as

18 peace officers until they finish LEOB. And so we

19 put them in just so that we can capture their

20 training, and then we appoint them as officers

21 once they're appointed.

22 UNKNOWN SPEAKER: Those are the two

23 exceptions.

24 MS. BOLGER: Right. Dan.

25 MR. DAN SMITH: Are you guys going to

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1 have an ability for like associations people like

2 us, that POST law enforcement training, to access

3 this and to --

4 MS. BOLGER: Yes. So as long as we have

5 the -- We're going to have a few non-public safety

6 officer portal log-ins. You know, if Sheriffs

7 have a secretary that they want to be filling out

8 forms and stuff, they're going to need to send us

9 an email, and we'll get them set up with a log-in.

10 You guys, whenever, representatives from

11 whatever associations send us the email list, and

12 we will put them into our system after we -- it

13 will be a couple days probably after we go live,

14 because as we all know, there's going to be a

15 hiccup or two on July 1.

16 MR. ALLRED: Just real quick. Brooke's

17 made a pretty extensive list, too, of individuals

18 she's identified that we'll have in there, and

19 your name is on there.

20 UNKNOWN SPEAKER: -- (inaudible) --

21 date?

22 MS. BOLGER: June 24th and 25th at 10:00

23 a.m. is when we're going to be doing those

24 trainings, and they will be on Teams, and I think

25 they are posted. If they're not, they will be.

1 MR. ALLRED: They are. 53  
2 MS. BOLGER: Other questions? Anybody  
3 online have questions?  
4 MR. ALLRED: The one good thing, like  
5 Katrina says, there's going to be a transition  
6 period. Some people are going to jump in and use  
7 this on day one. We have a lot of officers who  
8 are from out of state use Acadis, 33 other states  
9 use Acadis, so they're familiar with it, and  
10 they're like they're excited for this. So they're  
11 familiar with it, and they're going to jump right  
12 in.  
13 But there's also going to be that, "I don't  
14 know what it is. Can I send it in the old way?  
15 We're going to have a transition period. We're  
16 hoping that maybe 50 percent are on board in the  
17 first month, do you know what I mean, and it just  
18 kind of grows, but the goal would be within one  
19 year to have most people to where they're using  
20 this all the time, and they're familiar with it.  
21 So we understand it's going to be a  
22 process, so if you get somebody saying, "I can't  
23 do this on day one. I'm going to send in the old  
24 way," that's going to work for that. We're going  
25 to work with those individuals until we kind of

1 get everybody up to speed. 54  
2 MS. BOLGER: Yes.  
3 COUNCIL MEMBER BURDICK: This is  
4 Kimberly. I have a comment.  
5 MS. BOLGER: What's your comment,  
6 Kimberly?  
7 COUNCIL MEMBER BURDICK: I was just  
8 going to say great job on the software that was  
9 purchased, Vector Solutions. We've been working  
10 with Vector Solutions with a program that they  
11 have called Guardian Tracking for probably about  
12 the last ten years, and we've used it or I've used  
13 it extensively in dispatch to put out  
14 communications, but also it's been great for  
15 pushing out policy, policy updates, and things  
16 like that.  
17 So I know the company and the people  
18 over the years, so I think it was a great choice.  
19 Good job.  
20 MS. BOLGER: Sheriff Dutton, do you have  
21 a question?  
22 COUNCIL MEMBER DUTTON: Suggestion. Not  
23 a question, suggestion would be -- and maybe Dan  
24 covered this while I was gone -- but to take this  
25 information out to -- we've got conferences coming

1 up, MSPOA, the MACOP conference, both down in 55  
2 Billings, going through. We've got a lot of  
3 people going there. Explain it.  
4 With cops, there's two things we don't  
5 like. One is how things are, and two is change.  
6 So explain how it's better, see it, and you know  
7 that it's better, you just have to do it.  
8 MS. BOLGER: Right. And I think Timothy  
9 is going to those meetings.  
10 MR. ALLRED: I'm on the agenda for MACOP  
11 and NPPA on the 17th around 2:00, and I'll be  
12 presenting a power point of this, and then I'm on  
13 at MSPOA's the same day, but around 4:30, and I'll  
14 be representing the same date for them.  
15 COUNCIL MEMBER DUTTON: Back on mute.  
16 Thank you.  
17 MS. BOLGER: Any other questions,  
18 comments, thoughts?  
19 (No response)  
20 CHAIR SLAUGHTER: That's it?  
21 MR. ALLRED: That's it. Yes, Chair.  
22 CHAIR SLAUGHTER: I think we're at  
23 committee reports.  
24 MR. ALLRED: And Curriculum, Connor  
25 Smith is not here. There's not a report on that.

1 Case status, Jim Thomas. 56  
2 COUNCIL MEMBER THOMAS: Thank you.  
3 Pages 71 through 74, we've been really busy. I  
4 can't tell you how nice it is to have Chad on  
5 board as an investigator. It's really nice, and I  
6 know that he and Katrina have been logging a lot  
7 of hours in investigations, so we have been busy.  
8 MR. ALLRED: Thank you, Chair Thomas.  
9 We like Chad, too. Coroner, Sheriff Dutton.  
10 COUNCIL MEMBER DUTTON: Mr. Chair,  
11 Timothy. The Coroner Basic class that POST  
12 generally puts on, we have been -- because we were  
13 so busy, we put on two a year, but we're going to  
14 scale that back to one because Gallatin County is  
15 hosting a Basic Coroner conference down there, and  
16 it just didn't make sense to guess at who would be  
17 there.  
18 If we get requests for -- there's a  
19 bunch of hue and cry about not having a second  
20 one, then we can look at it, but right now we're  
21 not planning to have another one because Gallatin  
22 County takes some, and POST will have one. I  
23 believe it's in the fall.  
24 MR. ALLRED: December.  
25 COUNCIL MEMBER DUTTON: Pretty close to

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1 the fall. Anyway, that's my report.

2 MR. ALLRED: Thank you, Sheriff.

3 Business Plan Policy, Jess Edwards.

4 COUNCIL MEMBER EDWARDS: This is Jess.

5 There's nothing to report, but I would like to

6 maybe in the near future have a meeting or catch

7 up on this committee, if anybody has any

8 suggestions or anything like that on this

9 particular business planning.

10 MS. BOLGER: This is Katrina. We're

11 going to have a lot of updates to policy when

12 Acadis gets off the ground, because it's going to

13 change how we do a lot of stuff.

14 MR. ALLRED: Also, Jess, our business

15 plan, we're kind of waiting for the end of this

16 year, and to go into next year, but I would like

17 to kind of like update our business plan every

18 other year. We approved one last year. After

19 this next upcoming legislative session, we take a

20 look at that as well, too.

21 ARMs Committee, Sheriff Dutton.

22 COUNCIL MEMBER DUTTON: The ARMs

23 Committee has not met, and I don't know that we

24 have a meeting scheduled. So at this time no

25 report.

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1 MR. ALLRED: Thank you, Sheriff.

2 Executive Committee, Jesse Slaughter.

3 CHAIR SLAUGHTER: Nothing to report at

4 this time. As we get nearer the session, though,

5 we should probably start having some meetings, so

6 probably expect that probably here in the next

7 couple months.

8 MR. ALLRED: Chair, that's our committee

9 reports. Would you like me to move on to

10 Director's reports?

11 CHAIR SLAUGHTER: Please.

12 MR. ALLRED: All right. So Director's

13 report, our budget is in there. You'll find it on

14 Page 75 and 76. This year was kind of a miracle

15 year. It is the first year that we paid rent to

16 the Academy. That worked out well. We also

17 didn't have to pay to be administratively attached

18 to DOJ, I think it was \$4,000 per employee. So we

19 were able to pay that.

20 We also brought on Chad as a modified,

21 approved as a modified part-time investigator, and

22 then like I said earlier, even have some of the

23 hours increased. So we are fortunate this year in

24 some ways, if you want to say it that way.

25 We were able to, when it came to budget

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1 also and Contested Case Council, we had some cases

2 that were agreed on, and there was some that were

3 not agreed on, and they didn't request a hearing.

4 And so our budget was very well this year, and I

5 think we did well.

6 We showed our independence. We showed

7 that we can function independently. It's hard to

8 explain sometimes this to legislators, but it is

9 not just like a math formula to point this out,

10 but the more that we were able to use Katrina in

11 her paralegal role reduced our legal fees, and

12 allowed us to put those fees that we saved towards

13 the modified investigator position. And so

14 sometimes it's hard to spell that out, but we know

15 that would happen. So it's been a good year

16 budget wise, and everything worked out this year,

17 and excited for next year.

18 Katrina, when is the next Council

19 meeting? I want to get that on the record.

20 MS. BOLGER: Let me see here.

21 MR. ALLRED: If you go through our

22 state, you can see our stats for the year so far

23 for the quarter. We report quarter one, quarter

24 two, quarter three, and then at the beginning of

25 January we view the whole year report. So this

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1 has just been quarter one. It shows our stats

2 already. It's consistent with previous years.

3 One of the things I was going to give on

4 the office updates was just some of the training

5 that we've done and are going to do. I've been

6 around several different offices and sort of

7 different agencies, did an ethics training in

8 Sanders County. I think there was four or five

9 different agencies there.

10 I went to the MACOP board meeting. As I

11 stated previously, going to be going to the MACOP,

12 and MPPA, and MSPQA conferences. Next week I'm

13 going to be going to IADLEST training in Arizona.

14 I leave this Sunday.

15 And a lot of our focus has been -- like

16 we were very aggressive I think in the last year

17 and a half on committees and meeting all of our

18 ARM updates, and business plans, and curriculum,

19 and just all those different things, Coroner, Case

20 Status. Our focus right now with staff is a lot

21 on Acadis and implementing that.

22 Our next meeting is September 6th?

23 MS. BOLGER: Fourth.

24 MR. ALLRED: September 4th. Our next

25 Council meeting will be in person, and that will

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1 be on September 4th at MLEA 09:00. That's all  
2 that I have for a report from the Director's  
3 report. And Chair and Council members, if you  
4 have any questions for me on the Director's  
5 report.  
6 COUNCIL MEMBER DUTTON: The question I  
7 have goes back to budget, Mr. Chairman, if I may.  
8 CHAIR SLAUGHTER: Yes.  
9 COUNCIL MEMBER DUTTON: In years past,  
10 POST budgeted \$2,500 to help cover a class that  
11 dealt with officer involved shooting and training  
12 of the Administrators for officers involved  
13 training. The class was taught by Nancy  
14 Bohl-Ponrod from Riverside, California. We do it  
15 each year.  
16 But Lewis & Clark County generally funds  
17 it, and POST used to budget \$2,500 to put toward  
18 it. If POST's budget is tight, then I understand,  
19 but I just bring that up for consideration.  
20 The class is open to the entire state,  
21 and has been well received. Last year we had the  
22 class in Billings because they seemed to have  
23 topped the charts on officer involved shootings --  
24 not that I wish that on anyone, but that's where  
25 the need was. This year I believe we're going to

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1 bring it back to Helena.  
2 It's generally well attended. It's not  
3 an operational class on what to do if you have  
4 one. What the class is designed to do is the  
5 mental health of the individual, one, who has been  
6 involved in the shooting, and two, the mental  
7 health of the person who is the Administrator of  
8 that class.  
9 So I bring that up for your  
10 consideration when you're putting in -- and it  
11 might be too late for the budget -- but think  
12 about it. It used to be there. And if it doesn't  
13 comport with what you want to do, that's fine, but  
14 I'm just bringing it up. Thank you.  
15 MR. ALLRED: Chair, if I can add on  
16 that.  
17 CHAIR SLAUGHTER: Please.  
18 MR. ALLRED: I think this is the  
19 appropriate meeting to actually discuss that,  
20 because we don't know, like because of the time of  
21 the year, because I won't know the budget until  
22 the end of the year. I mean just there's no way  
23 to like determine that, what's going to happen  
24 with the Case Status Committee hearings, and those  
25 kinds of things.

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1 So right now I know what we're going to  
2 be moving forward with for the end of this fiscal  
3 year. So at the end of this fiscal year, we have  
4 the funds to pay for that, if that's something  
5 that you can get an invoice to POST over the next  
6 couple weeks, and we could pay for that, and put  
7 it on this fiscal year. That's in our budget, if  
8 the Council would entertain that and approve  
9 that.  
10 This is the time of year that I actually  
11 know what our budget is going to be. It's hard  
12 for me to say that we're going to be over \$2,500,  
13 because we're paying for that, if we don't have  
14 the funds. I don't know that at the beginning of  
15 the year, but right now we do have -- that would  
16 be something we could -- in our budget this year.  
17 COUNCIL MEMBER DUTTON: I'll take care  
18 of that today, if you approve.  
19 MR. ALLRED: If the Council approves  
20 that, then Brooke and I could work with you on  
21 getting that paid.  
22 COUNCIL MEMBER THOMAS: Chairman  
23 slaughter.  
24 CHAIR SLAUGHTER: Yes.  
25 COUNCIL MEMBER THOMAS: This is Jim

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1 Thomas. I'd like to make a motion that the  
2 Council approve the \$2,500 for this training out  
3 of the POST budget.  
4 CHAIR SLAUGHTER: Thank you, Jim.  
5 Second.  
6 COUNCIL MEMBER BILL SMITH: Bill Smith,  
7 Second.  
8 CHAIR SLAUGHTER: Any more discussion on  
9 this matter?  
10 (No response)  
11 CHAIR SLAUGHTER: All those in favor,  
12 signify by saying aye.  
13 (Response)  
14 CHAIR SLAUGHTER: Opposed, same sign.  
15 (No response)  
16 CHAIR SLAUGHTER: Motion carries.  
17 COUNCIL MEMBER DUTTON: Mr. Chair, thank  
18 you very much.  
19 CHAIR SLAUGHTER: Thanks for bringing it  
20 up, Sheriff. Good stuff. Do we have anything  
21 else that the Council needs to talk about?  
22 (No response)  
23 CHAIR SLAUGHTER: Okay. I guess I'll  
24 take a motion to adjourn.  
25 COUNCIL MEMBER DUTTON: Motion to





discretion - 21,22, 23,28, 29,38, 40,41, 42,43, 44,45, 46,47, 48,49, 50,51, 52,53, 54,55, 56,57, 58,59, 60,61, 62,63, 64,65, 66,67, 68,69, 70,71, 72,73, 74,75, 76,77, 78,79, 80,81, 82,83, 84,85, 86,87, 88,89, 90,91, 92,93, 94,95, 96,97, 98,99, 100,101, 102,103, 104,105, 106,107, 108,109, 110,111, 112,113, 114,115, 116,117, 118,119, 120,121, 122,123, 124,125, 126,127, 128,129, 130,131, 132,133, 134,135, 136,137, 138,139, 140,141, 142,143, 144,145, 146,147, 148,149, 150,151, 152,153, 154,155, 156,157, 158,159, 160,161, 162,163, 164,165, 166,167, 168,169, 170,171, 172,173, 174,175, 176,177, 178,179, 180,181, 182,183, 184,185, 186,187, 188,189, 190,191, 192,193, 194,195, 196,197, 198,199, 200,201, 202,203, 204,205, 206,207, 208,209, 210,211, 212,213, 214,215, 216,217, 218,219, 220,221, 222,223, 224,225, 226,227, 228,229, 230,231, 232,233, 234,235, 236,237, 238,239, 240,241, 242,243, 244,245, 246,247, 248,249, 250,251, 252,253, 254,255, 256,257, 258,259, 260,261, 262,263, 264,265, 266,267, 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BEFORE THE PUBLIC SAFETY OFFICER  
STANDARDS AND TRAINING COUNCIL  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 23.13.212, 23.13.301, ) PROPOSED AMENDMENT  
23.13.305, 23.13.306, and 23.13.801 )  
pertaining to the certification of public )  
safety officers )

TO: All Concerned Persons

1. On October 9, 2024, at 10:00 a.m., the Public Safety Officer Standards and Training (POST) Council will hold a public hearing in Room 207 of the Karl Ohs Building, Montana Law Enforcement Academy, 2260 Sierra Road East, at Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The POST Council will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the POST Council no later than 3:00 p.m. on October 2, 2024, to advise us of the nature of the accommodation that you need. Please contact Katrina Bolger, POST Council, 2260 Sierra Road East, Helena, Montana, 59602; telephone (406) 444-9974; fax (406) 444-9978; or e-mail [kbolger@mt.gov](mailto:kbolger@mt.gov).

3. The rules proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

23.13.212 INSTRUCTOR CERTIFICATION REQUIREMENTS (1) through (3)(c) remain the same.

(d) successful completion of a POST-approved instructor development course or its equivalent. ~~Effective October 28, 2017~~ [Effective Date], all instructor development courses must be a minimum of 40 hours in length and must ~~include a minimum of~~ cover the following topics:

- ~~(i) 12 hours of~~ curriculum design;
  - ~~(ii) 8 hours of~~ adult learning theories;
  - ~~(iii) 8 hours of~~ foundation skills for trainers;
  - ~~(iv) 8 hours of~~ training preparation and delivery; and
  - ~~(v) 4 hours of~~ context of training.
- (4) through (6) remain the same.

AUTH: 2-15-2029, MCA  
IMP: 2-15-2029, 44-4-403, MCA

REASON: In 2024, the Montana Law Enforcement Academy approached POST staff regarding its Instructor Development course curriculum. The academy staff felt that the specific number of hours for each topic outlined in POST's rule put

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unnecessary constraints on its subject matter experts formulating curricula for public safety officers interested in becoming instructors. To maintain its high standards for instructors providing instruction to public safety officers, while also alleviating concerns raised by the MLEA, POST proposes to remove the specific time requirements for each subject, but maintain each topic as required learning.

**23.13.301 QUALIFICATIONS FOR APPROVAL OF PUBLIC SAFETY OFFICER TRAINING COURSES** (1) through (2)(c) remain the same.

(d) be at least ~~two~~ one hours in length;  
(e) through (f) remain the same.

AUTH: 2-15-2029, MCA  
IMP: 2-15-2029, 44-4-403, MCA

REASON: Since the Covid-19 pandemic in 2020, POST has seen a steady increase in the amount of quality online training available to public safety officers. Many of these online offerings are less than two hours in length, and officers often wish to obtain POST credit for attending such training. In addition, various stakeholders throughout the state have conferences, during which officers can select courses of varying lengths to attend, including one-hour courses. Allowing officers to obtain POST credit hours for one-hour courses will ensure that officers and their associations are able to maximize time at conferences by ensuring that they are not spending excessive time on a subject that may not require two hours of instruction.

**23.13.305 PROCESS FOR OBTAINING POST APPROVAL FOR PUBLIC SAFETY OFFICER TRAINING COURSES** (1) through (5) remain the same.

**(6) When a POST-certified instructor or governmental agency applies for POST training credit, the POST-certified instructor or governmental agency may request a waiver of the requirement to open and advertise a specific course, which the director may approve or reject, as a matter of discretion, and based upon good cause. The POST-certified instructor or governmental agency must retain documentation of its reasons for requesting the waiver, as outlined in (5).**

(6) remains the same but is renumbered (7).

AUTH: 2-15-2029, MCA  
IMP: 2-15-2029, 44-4-403, MCA

REASON: During the Council's March 2024, meeting, the POST Council considered a request for a waiver of the "open and advertised" requirement pertaining to a bomb technician course. The course was not open and advertised to all public safety agencies, but rather was open and advertised to all public safety agencies with a bomb squad. The Council agreed that such waiver requests can typically be left to the discretion of the director.

**23.13.305 PROCESS FOR OBTAINING POST TRAINING CREDIT HOURS FOR INDIVIDUAL PUBLIC SAFETY OFFICERS** (1) through (4) remain the same.

(5)(a) When a public safety officer applies for POST training credit, the officer may request a waiver of the following requirements:

(i) the requirement to retain an instructor biography or certification information for the instructor; and

(ii) the requirement that the course be open and advertised to all public safety agencies.

(b) The officer must retain documentation of its reasons for requesting the waiver, as outlined in (5).

(c) The director may approve or reject any waivers requested, as a matter of discretion and based on good cause.

(5) remains the same but is renumbered (6).

AUTH: 2-15-2029, MCA

IMP: 2-15-2029, 44-4-403, MCA

REASON: During the Council's March 2024, meeting, the POST Council considered a request for a waiver of the "open and advertised" requirement pertaining to a bomb technician course. The course was not open and advertised to all public safety agencies, but rather was open and advertised to all public safety agencies with a bomb squad. The Council agreed that such waiver requests can typically be left to the discretion of the director. Additionally, since utilizing online training opportunities has become more prevalent among public safety officers, many officers are unable to obtain instructor biographies. The Council has allowed the director to use discretion in reviewing instructor biography waivers as well.

23.13.801 MINIMUM STANDARDS FOR THE APPOINTMENT AND CONTINUED EMPLOYMENT OF PUBLIC SAFETY OFFICERS (1) and (2) remain the same.

(a)(i) be a citizen of the United States if the officer is a peace officer or a public safety communications officer, or

(ii) may must be a citizen of the United States or a registered-alien lawful permanent resident if unsworn the officer is not a peace officer or public safety communications officer;

(b) through (4) remain the same.

AUTH: 2-15-2029, MCA

IMP: 2-15-2029, 44-4-403, MCA

REASON: In March of 2024, POST was contacted by the Department of Corrections regarding whether a temporary resident could be appointed as a public safety officer. Upon review and further discussion, it was determined that the term "registered alien" does not have a standard definition in immigration law. To clarify, POST is substituting the defined term "lawful permanent resident." While reviewing this issue, POST also discovered that, in addition to peace officers, public safety communications officers are required to be United States citizens under 7-31-202, MCA. Therefore, POST proposes these changes to comply with the statute and to clarify which officers are included.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Katrina Bolger, Montana POST Council, 2260 Sierra Road East, Helena, Montana, 59602; telephone (406) 444-9974; fax (406) 444-9978; or e-mail [kbolger@mt.gov](mailto:kbolger@mt.gov), and must be received no later than 5:00 p.m., October 9, 2024.

5. J. Stuart Segrest, General Counsel to the POST Council, has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sosmt.gov/ARM/Register>.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the adoption and amendment of the above-referenced rules will not significantly and directly impact small businesses.

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Deputy Attorney General  
Rule Reviewer

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Jesse Slaughter  
Chair  
Montana POST Council

Certified to the Secretary of State August \_\_, 2024.





# HB 697

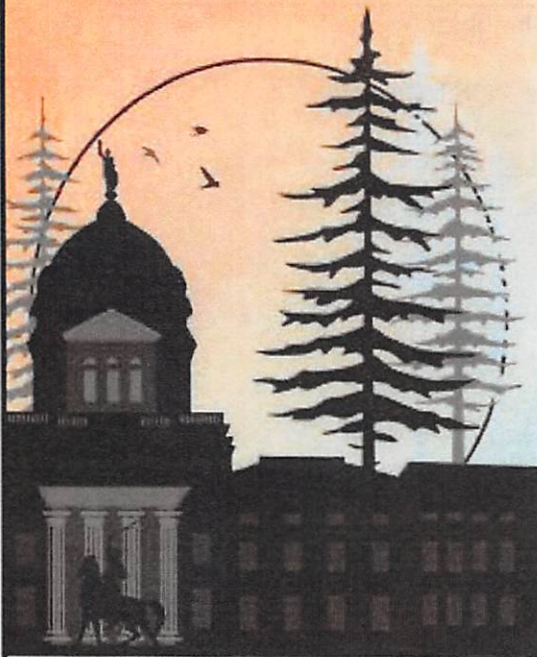
## A STUDY OF THE POST COUNCIL

### **DRAFT** FINAL REPORT TO THE 69<sup>TH</sup> LEGISLATURE

Law and Justice Interim Committee

Sara Hess

2023-2024





P.O. Box 201706  
Helena, MT 59620-1706  
Phone: (406) 444-3064  
Fax: (406) 444-3971

Website: <https://leg.mt.gov/committees/interim/LJIC>

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### **This report is a summary of the work of the Law & Justice Interim**

**Committee**, specific to the Law & Justice Interim Committee’s 2023-2024 POST Council study as outlined in the Law & Justice Interim Committee’s 2023-24 work plan and House Bill 697 (2023). Members received additional information and public testimony on the subject, and this report is an effort to highlight key information and the processes followed by the Law & Justice Interim Committee in reaching its conclusions. To review additional information, including audio minutes, and exhibits, visit the Law & Justice Interim Committee website: <https://leg.mt.gov/committees/interim/ljic/>

**A full report** including links to the documents referenced in this print report, is available at the Law & Justice Interim Committee website: <https://leg.mt.gov/committees/interim/ljic/>



# HB 697: A STUDY OF THE POST COUNCIL

## OVERVIEW

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[HB 697](#) introduced by Rep. Bill Mercer during the 2023 Legislative Session, directs the Law and Justice Interim Committee to study the structure, staffing, and duties of the Public Safety Officers Standards and Training (POST) Council. The committee allocated approximately 10% of their time to a low-level study of this topic.

**HB 697 directs the committee to:**

- examine the legislative history of the council's structure, staffing, and duties;
- review the current structure, staffing, and duties of the council;
- compare the council's current structure and administrative attachment to similar entities in other states; and
- provide recommendations to the 69th legislature for how the council should be structured and staffed.

## FINDINGS AND RECOMMENDATIONS

***DRAFT (not adopted by committee)***-- The committee gained a greater understanding of the POST Council's duties as outlined in Montana statute and carried out through administrative rule, as well as the Council's historical structure within state government. The committee did not request draft legislation or recommend changes to current staffing and structure of the POST Council.

## STUDY PROCESS

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In the course of its HB 697 study, the committee learned about the role, history, and structure of the Montana POST Council, the duties the Council carries out per statute and administrative rule, a comparison of POST councils in other states, and the distinction between the POST Council and the Montana Law Enforcement Academy (MLEA).

## THE ROLE OF THE POST COUNCIL

The Public Safety Officers Standards and Training (POST) Council is a [quasi-judicial board](#) that oversees training and certification of public safety officers as defined in [44-4-401, MCA](#). POST's statutory duties as outlined in [44-4-403, MCA](#) include:

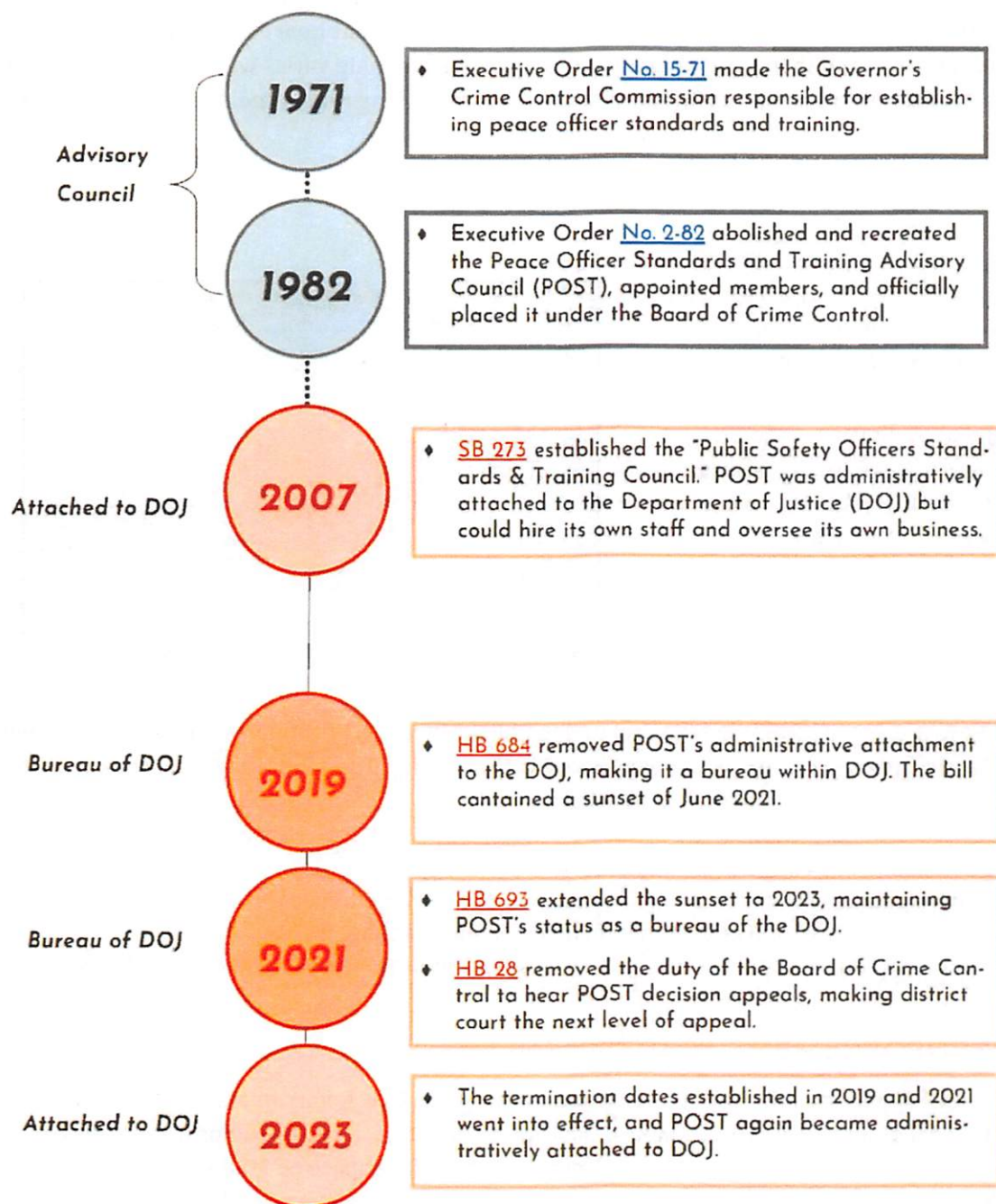
- establishing basic and advanced qualification and training standards for employment,
- conducting and approving training, and
- providing for the certification or recertification of public safety officers and for the suspension or revocation of certification of public safety officers.

The committee heard a [panel presentation](#) from members and staff of the Montana POST Council explaining the scope of the council's duties. The POST Council also provided a [resource guide](#) that covers current staffing, council reports, and relevant statutes, rules, and policies.



## HISTORY AND STRUCTURE

Since its inception, the POST Council's location and role within state government has changed numerous times. It first existed as an advisory council under the Montana Board of Crime Control, then was changed by legislative measures to an administratively attached entity and later a bureau of the Department of Justice. The committee received a [background paper](#) that outlined each of these structural changes from POST's creation until July 2023.



## POST IN OTHER STATES

No national governing body sets compulsory standards for all POST organizations. As a result, POST boards or councils in other states vary in role, structure, and authority and even those with similar structures may operate differently in practice.

The National Conference of State Legislatures (NCSL) compiled a list of each state's POST [authorizing statutes](#) and determined that 24 states' POST organizations can be [categorized](#) as **independent boards or commissions**, and 27 (including Montana's) are **housed in executive agencies**. Council membership varies widely, ranging from as few as 4 members (Rhode Island) to as many as 32 (Virginia). Minimum training requirements imposed may differ by as much as 4 months.

## IADLEST MODEL STANDARDS

The [International Association of Directors of Law Enforcement Standards and Training](#) (IADLEST) is a non-profit organization that provides support to POST councils across the country. Though membership is not mandatory, IADLEST provides training curriculum and accreditation standards, maintains a [national decertification index](#), and issues [model standards](#) for POST council best practices and operations. Among these standards is a recommendation for POST councils to be independent and autonomous.

### 1.0.2. Independent Agency

To combat undue political influence or pressure, and to avoid any appearance of impropriety or favoritism, the commission should be a separate, autonomous national or state agency rather than a division or branch of another agency.

*IADLEST Model Standards for POST Administration*

## LEGISLATIVE TRENDS

Since 2020, there has been a surge in state legislation related to police officer certification and decertification, with many states establishing or updating statutory framework for POST activities. The committee received a [NCSL brief](#) which boiled these legislative trends down to four categories:

- Standardizing or establishing certification and decertification procedures,
- Expanding statutory guidance on when decertification can or must be pursued,
- Requiring certification renewal procedures that include ongoing training,
- And, when needed, changing statutory frameworks entirely to allow greater transparency of these processes.

## MONTANA LAW ENFORCEMENT ACADEMY (MLEA)

To a casual observer, it may appear that the POST Council and the Montana Law Enforcement Academy (MLEA) are connected. Both entities deal in some way with training of law enforcement, both receive funds from a special revenue account established in [44-10-204, MCA](#), and POST currently has office space on MLEA's campus. Though POST and MLEA work collaboratively at times, they are separate entities with distinct roles. It is the role of the POST Council to issue certification to law enforcement officers and set training standards, and MLEA is one place in

3-

the state where officers can obtain basic and advanced training in various disciplines. Attorney General Knudsen and staff from the Department of Justice elaborated on the role of MLEA in a [presentation](#) to the committee, and some members visited the MLEA campus in Helena to learn more about the training programs and facilities.



# APPENDIX A: LAW AND JUSTICE INTERIM COMMITTEE MEMBERS

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Before the close of each legislative session, House and Senate leadership appoint lawmakers to interim committees. The members of the Law and Justice Interim Committee, like most other interim committees, serve one 20-month term. Members who are reelected to the Legislature, subject to overall term limits and if appointed, may serve again on an interim committee. This information is included in order to comply with 2-15-155, MCA.

## SENATE MEMBERS

**Senator John Esp**  
*(Committee member from July 2024-September 2024)*  
PO BOX 1024  
BIG TIMBER, MT 59011-1024  
Ph: (406) 932-5662  
Email: John.Esp@legmt.gov

**Senator Chris Friedel**  
3302 2ND AVE N  
BILLINGS, MT 59101-2005  
Ph: (406) 272-2245  
Email: Chris.Friedel@legmt.gov

**Senator Ryan Lynch**  
PO BOX 934  
BUTTE, MT 59703-0934  
Ph: (406) 498-6625  
Email: Ryan.Lynch@legmt.gov

**Senator Keith Regier**  
1078 STILLWATER RD  
KALISPELL, MT 59901-6902  
Ph: (406) 756-6141  
Email: Keith.Regier@legmt.gov

**Senator Barry Usher**  
*(Committee member from May 2024-September 2024)*  
6900 S Frontage Rd  
Billings, MT 59101-6220  
Ph: (406) 252-2888  
Email: Barry.Usher@legmt.gov

## HOUSE MEMBERS

**Representative Amy Regier, Chair**  
PO BOX 10466  
KALISPELL, MT 59904-3466  
Ph: (406) 253-8421  
Email: Amy.Regier@legmt.gov

**Representative Donavon Hawk, Vice Chair**  
PO BOX 3791  
BUTTE, MT 59702-3791  
Ph: (406) 578-1233  
Email: Donavon.Hawk@legmt.gov

**Representative Jodee Etchart**  
PO BOX 22014  
BILLINGS, MT 59104-2014  
Ph: (406) 318-9773  
Email: Jodee.Etchart@legmt.gov


**Representative Caleb Hinkle**  
PO BOX 468  
BELGRADE, MT 59714-0468  
Email: Caleb.Hinkle@legmt.gov

Law and Justice Interim Committee Staff


Julianne Burkhardt, Attorney | Sara Hess, Legislative Research Analyst | Ania Alduenda, Secretary

# Montana Public Safety Portal – POST-Specific User Guide

*Please Note: Not all features outlined herein are available to all Portal users. Your agency administrator must approve/request additional access on your Portal Account.*

 Home

Wherever you are in the portal, if you click "Home," it will take you back to your "My Profile" page.

 My Work


My Dashboard

My Profile


"My Profile" is where you can see your own POST information. It contains your certification, employment, and training information.

Current Tasks

Class\* Discussions

 Training and Events

"Training and Events" is where you can submit Lesson Plans for preapproval by POST. This is also where you enter rosters after a preapproved training. Additionally, this is where you can report individual training and request POST credit for that training.

 Workforce


"Workforce" is where you can see your personnel's information and apply for certification.

 Organization

"Organization" allows you to view information about your agency (an "Organization Profile").

 Resources\*

"Resources" contains WebForms and helpful documents.

 Training and Events

"Available Training" is training that officers can enroll in, through the portal.

Available Training

"Report Completed Training" is where you enter Rosters or individual trainings for POST credit.

Report Completed Training

"Approved Training" shows what Trainings that you have submitted, which have been approved by POST.

Approved Training

"Training Pending Approval" shows what Trainings have been submitted, but are not yet approved for POST Credit.

Training Pending Approval

# Montana Public Safety Portal – POST-Specific User Guide

## Training and Events

Available Training

Report Completed Training

Approved Training

Training Pending Approval

Lesson Plans

Lesson Plan Requests

Request Lesson Plan

“Lesson Plans” is the term used for Training. This shows you what Lesson Plans you have submitted to POST which have been approved for POST Training Credit.

“Lesson Plan Requests” show you what Lesson Plans have not yet been approved by POST.

“Request Lesson Plan” is where you can submit a training to POST for approval of POST Training Credit Hours.

Clicking on “Personnel” will take you to a list of your officers. There, you can review their POST records and initiate certificate applications for officers.

## Workforce

Personnel

Certification Compliance

Personnel Training Hours

Print Training Report

## Resources\*

Rentable Resources\*

Document Library

WebForms

Available Workflows

The “Document Library” is where you can find helpful documents, including POST Rosters.

WebForms are where you can submit Notices of Appointment/Termination, Requests for Equivalency, Requests for Extension of Time, and requests for changes to portal access.



MLEA

Montana Law Enforcement Academy  
Correction/Detention Officer Basic Course

Course Classifications

**Administrative Assessment**

Orientation and Culmination	4
Written Examinations	5
	9

**Law and Criminal Procedure/Investigations**

Correctional Law	5
Crime Scene Preservation	2
Dangerous Drugs	2
Prison Rape Elimination Act (PREA)	3
POST Council	1
	13

**Human Behavior and Social Interaction**

Avoiding Offender Manipulation	4
Behavior Management	4
Crisis Intervention Training	8
Cross Gender Supervision	2
Cultural Awareness	4
Ethics	4
Gangs	3
Generational Issues	3
Human Development	4
Mental Health First Aid	8
Interpersonal Communications	8
Mental Illness Intervention	4
Risk Management	2
Sexual Harassment	1
<b>Resilience</b>	<b>2</b>
	61

**Operations**

Cell Extractions	4
Classification	3
Emergency Response	4
Fingerprinting	6
Intake	8
<b>Report Writing</b>	<b>2</b>
Searches	6
	33

**Health and Wellness**

Diet and Exercise	1
Fatigue to Fulfillment	4
Fire Safety and Response	2
	7

**Survival Skills**

Chemical Agents	2
Hostage Situations	4
Defensive Tactics - HFRG	26
Restraints	3
Transport Escort	2
	37

TOTAL HOURS

160

160



## LEGAL MEMORANDUM

To: Timothy Allred, POST Executive Director

From: J. Stuart Segrest, Counsel to POST

Date: August 23, 2024

Re: Break in service

Timothy,

You have asked that I analyze whether a public safety officer who leaves employment before completing basic and has a break in service for more than five years has a full year to complete basic upon rehire. The answer is yes, statute provides one year to complete basic within the most recent appointment after a five-year break in service for *peace* officers. The same provision does not currently apply to other public safety officers, however.

Additionally, you ask whether, if an officer fails to complete basic within the one-year period, the agency must terminate the officer from all employment or need only reassign the individual to a non-officer capacity. An agency need only assign the person to a non-officer capacity position, not fully terminate them from all employment with the agency.

### Background

All public safety officers may serve as a public safety officer during the statutory period to obtain basic certification, plus any granted extension. POST, however, at times receives inquiries from agencies regarding officers who left agency employment prior to completing basic. A prior Attorney General (AG) opinion held that an officer who takes a break in service, and thus misses the one-year window plus any extension, loses the capacity to act as an officer. The Opinion, however, did not consider a five-year break in service and related statutory provisions, which have changed since 2012.

## Applicable Law and Analysis

As analyzed by the Montana Attorney General in a 2012 AG Opinion, if a break in service for a *peace officer*<sup>1</sup> extends beyond the one-year period to complete basic, plus any extension, the officer “forfeits” their position as a peace officer and “cannot serve in that capacity until” completing basic. 54 Op. Atty. Gen. No. 8 (2012) (AGO). Mont. Code Ann. § 7-32-303 has been significantly amended since 2012, and thus the AGO did not consider § 7-32-303(6)(b), MCA. In contrast to current statute, the 2011 version did not separately discuss an officer with a break in service of over five years.

**I. Under statute, the one-year period to complete basic for a peace officer (but not other officers) with a break in service of more than 5 years runs from the most recent appointment.**

**A. Peace Officers**

I agree with the AGO’s position that § 7-32-303(6)(a), MCA, requires completion of basic by a peace officer “within 1 year of ... initial appointment” and does not provide for tolling beyond a 180-day extension (if granted). If the break takes the officer beyond the one-year period plus any extension, the officer may no longer serve in the capacity of a peace officer.

As explained in the AGO, peace officer status prior to attaining basic training is a matter of legislative grace and must be explicitly granted in statute. Section 7-32-303(6) grants pre-basic peace officer status in two circumstances: (1) within one year of the officer’s “initial appointment” and (2) within one year of the officer’s “most recent appointment” if the officer had a break in service of more than five years. As such, an officer with more than a five-year break in service has one year from the “most recent appointment,” not their initial appointment, to complete basic, and during this one-year grace period they may serve as a peace officer.

As to other public safety officers, § 44-4-404, MCA, requires all public safety officers attend the relevant basic academy “within 1 year of the ... officer’s hire date.” It also provides for “termina[tion]” for failure to meet minimum standards. Each are more specifically addressed below.

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<sup>1</sup> The AGO did not consider other public safety officers.

## B. Reserve Officers

As to reserve officers, they must complete reserve basic within "2 years from the original appointment"<sup>2</sup> or they will no longer "be authorized to function as a representative of a law enforcement agency ...." § 7-32-214(1), MCA. This statute does not speak to breaks in service, and therefore does not allow service as a reserve officer after the two-year period without completing the basic course.<sup>3</sup> As such, an officer with a break in service of more than two years after hire may not serve as a reserve officer until they complete the basic program, regardless of the length of the break in service.

That said, training for reserve officers is different than other public safety officers in a couple of ways. First, as discussed, an agency has two years to train the reserve officer. Second, the agency "is responsible for training its reserve officers" based on POST's standards. § 7-32-214(2), MCA. Finally, there is no equivalency training exception.

Considering these factors, no grace period is needed for reserve officers. Should a reserve officer take a break in service prior to completing all 88 hours of the basic program, the agency must only provide the remainder of the training to the officer after the break. The agency need not repeat the already completed portions of the training program. This is so because, under the statute, an officer is authorized to function as a reserve officer after two years if "the reserve office has satisfactorily completed" training.

## C. Probation and Parole

Basic training for P&P officers is required by § 46-23-1003(2), MCA, as set by POST. This statute does not reference an amount of time, so § 44-4-404's one-year period applies and there is no provision for a separate "most recent appointment" start date for a five-year break in service. As such, an officer with a break in service of more than one year after hire may not serve as a P&P officer until they complete basic.

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<sup>2</sup> This two-year period controls over § 44-4-404 as the more specific statute.

<sup>3</sup> Though § 7-32-240, MCA, references breaks in service, this statute only allows retention of *peace* officer status for serving as a reserve officer; it does not otherwise speak to breaks in service for reserve officers.

D. Detention/Corrections Officers

There is no specific statutory time for detention or correction officers to attend basic other than § 44-4-404's one-year period, and no provision for breaks in service. As such, an officer with a break in service of more than one year after hire may not serve as a detention or corrections officer until they complete basic.

E. Communications Officers

Communications officers are required to complete basic "within 1-year of date of hire." § 7-31-203, MCA. "Failure" to meet the requirements, including basic, provides "cause to terminate the person's employment as a public safety communications officer." The statute does not provide for breaks in service. *Id.* As such, an officer with a break in service of more than one year after hire may not serve as a communications officer until they complete basic.

F. Coroners

To be eligible to serve in the office of a coroner, the individual must complete basic within one year under §§ 7-4-2904 and 44-4-404, MCA. A coroner elected or appointed "other than in a local government general election" must take the basic course "at the next offering." Otherwise, the individual "forfeits office." There is no provision for a break in service. This provision, by its terms, does not apply to a coroner elected in a local government general election. A coroner that was not elected in a local government general election, however, that has a break in service of more than one year after appointment, may not continue to serve as coroner until they complete basic.

**II. If an officer fails to attend basic within the allotted time due to a break in service, an agency need not terminate an officer from all employment, but the individual may not function in any capacity as an officer.**

You explain that at times officers, for many reasons (health, pregnancy, etc.), fail to attend basic within the allotted year, even with an extension. You note that a person cannot attend basic unless employed by an applicable agency, however.

As to peace officers, as held in the AGO and provided by § 7-32-303(5), a person "forfeits the position, authority, and arrest powers" of a peace officer if they fail to attend basic within the one-year period, but only "until they attend and

successfully complete" basic. To attend basic, however, the peace officer must at least be employed by the agency. It is reasonable, then, to interpret the statute as allowing the agency to "terminate" only the person's authority as a peace officer, while continuing to employ the person in a non-peace officer status (i.e. one that does not include the authority and arrest powers of a peace officer), and to send them to basic while so employed.<sup>4</sup> This avoids the absurd result of a person who misses attending basic within one year being permanently banned from qualifying as a peace officer.

The other public safety officer statutes, to the degree they discuss repercussions of not attending basic within the statutory time, all reference ending or terminating the person's position as a public safety officer (but not generally). As with peace officers, the person may still be employed by the agency, but forfeits the authority and powers of a public safety officer until they have completed basic.

### **III. Applicability to other public safety officers.**

23.13.806, ARM, states: "the basic and basic equivalency training standards set forth in 7-32-303, MCA, are applicable to all public safety officers[.]" This rule cannot be read to import the "most recent appointment" authorization in 7-32-303(6)(b) to non-peace officers.

While statute allows POST to "establish basic and advanced qualification and training standards for employment,"<sup>44-4-403(1)</sup>, POST may not, by rule, provide additional authority not conferred by statute. Applied here, POST may apply the training standards in 7-32-303(6)(b) to other public safety officers, but cannot authorize a person to act as a public safety officer after the initial period to obtain basic certification has run. This is so because the authority to act as a public safety officer prior to attending basic must be provided by the Legislature. As analyzed by the AGO concerning breaks in service for a peace officer, "[o]nce the [one-year] grace period expires, the officer is no longer privileged to serve in a [public safety officer] capacity." See the AGO. Statute "does not allow an appointing agency to extend multiple grace periods, or allow the officer to continually serve as a [public safety] officer without training." *Id.*

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<sup>4</sup> The scope of allowable duties that the person may undertake in a non-officer status is up to the individual agency. POST's role is regulatory only. POST is neither authorized nor required to provide advice on scope of allowable duties.

As such, there is a disconnect between peace officers and other public safety officers with 5 or more years break in service. Addressing this disconnect will require amendment to statute by the Legislature for the reasons described above. One potential solution is requesting the Legislature amend 44-4-404, MCA, the statute requiring basic training for public safety officers within one year of hire to include the break in service provisions of 7-32-303, MCA. I have attached a proposed amendment to this memo for your and the Council's consideration.<sup>5</sup>

### **Conclusion**

A peace officer with a break in service of more than five years is allowed, by statute, to attend basic within one year of the most recent hire date, and the officer may serve as a peace officer during this time. For all other public safety officers, this grace period after a five-year break in service is not provided by statute, and they must complete basic within the statutory period or forfeit the ability to serve as a public safety officer until completing basic. Addressing this disconnect will require legislative amendment to statute. All public safety officers, however, may continue to be employed by an agency after the statutory period runs, though they may not exercise the powers and authority of a public safety officer until they complete basic.

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<sup>5</sup> I suggest excepting reserve officers due to the unique circumstances described above and because a grace period is unnecessary as explained.

**44-4-404. Appointing authority responsible for applying standards.** (1) It is the responsibility of a public safety officer's appointing authority to apply the employment standards and training criteria established by the council pursuant to this part, including but not limited to requiring the successful completion of minimum training standards within 1 year of the public safety officer's hire date and terminating the employment of a public safety officer for failure to meet the minimum standards established by the council pursuant to this part.

(2) The provisions of 7-32-303(6) and 7-32-303(7)(a) and (d) apply to public safety officers in the public safety officer's specific discipline. If no basic equivalency course exists for the public safety officer's specific discipline, then the applicable basic course must be completed within 1 year of the public safety officer's most recent appointment.

(3) The requirements in (2) do not apply to reserve officers as defined in 7-32-201.

~~(2)(a)~~ (4)(a) A public safety officer's appointing authority may apply to the council on behalf of the public safety officer for an extension to complete the minimum training standards. The extension may not exceed 180 days. The application must explain the circumstances that make the extension necessary.

(b) When granting an extension, the council may consider the following factors:

(i) illness of the public safety officer or a member of the public safety officer's immediate family;

(ii) lack of reasonable access to the basic equivalency course;

(iii) an unreasonable shortage of personnel in the public safety officer's department; and

(iv) any other factors the council considers relevant.

~~(3)(a)~~ (5)(a) If a public safety officer who has not yet completed the minimum training standards is ordered to state or federal military duty within 1 year of the officer's hire date, the officer's employing agency shall notify the council within 10 days of the officer's departure for military duty. The public safety officer's 1-year period to complete minimum training standards must be stayed.

(b) Within 10 days of the public safety officer's return to the employing agency from military duty, the officer's employing agency shall notify the council. The public safety officer's 1-year period to complete minimum training standards must then resume.

## 2012 Mont. AG LEXIS 6

Office of the Attorney General of the State of Montana

54 Op. Atty Gen. Mont. No. 8

### Reporter

2012 Mont. AG LEXIS 6; 54 Op. Atty Gen. Mont. No. 8

### Opinion No. 8

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August 10, 2012

### Core Terms

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peace officer, appoint, basic training, break in, train, deadline, initial appointment, one year, successful completion, time period, scenario, forfeit

### Syllabus

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[\*1]

PEACE OFFICERS - Effect of a break in service on the peace officer training requirements;

MONTANA CODE ANNOTATED - Sections 1-2-101, 7-32-303(1)(a), (2), (5)(a), (b), (c), (6), (7), 44-4-404;

OPINIONS OF THE ATTORNEY GENERAL - 48 Op. Atty. Gen. No. 22 (2000).

HELD: A peace officer who has a break in service during the one year time period provided in 7-32-303(5)(a) has the remainder of the one-year period, plus any additional time as granted by the public officer standards and training council, in which to attend and successfully complete a basic training course. If the break in service extends beyond one year from his or her initial appointment and the officer has not completed a basic training course within one year of the initial appointment as required by 7-32-303(5)(a), the officer forfeits his or her position as peace officer and cannot serve in that capacity until he or she attends and successfully completes a basic training course.

**Request By:** Ms. Winnie Ore, Chairperson  
Montana Public Safety Officer Standards & Training Council  
2260 Sierra Road East  
Helena, MT [\*2] 59602

**Opinion By:** STEVE BULLOCK, Attorney General



## Opinion

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[P1] You have requested my opinion on the following question, which I have rephrased as follows:

How long does a peace officer have to complete a basic training course if the officer has a break in service during the one-year time period provided in Mont. Code Ann. § 7-32-303(5)(a)?

[P2] The general requirement is that a peace officer must attend and successfully complete an appropriate peace officer basic training course within one year of his or her initial appointment:

Except as provided in subsections (5)(b) and (5)(c), it is the duty of an appointing authority to cause each peace officer appointed under its authority to attend and successfully complete, within 1 year of the initial appointment, an appropriate peace officer basic course certified by the Montana public safety officer standards and training council. Any peace officer appointed after September 30, 1983, who fails to meet the minimum requirements as set forth in subsection (2) or who fails to complete the basic course as required by this subsection (5)(a) forfeits the position, authority, and arrest powers accorded a [\*3] peace officer in this state.

Mont. Code Ann. § 7-32-303(5)(a). This requirement applies to all state, county, and city law enforcement officers described in Mont. Code Ann. § 7-32-303(1)(a).

[P3] The one-year deadline may be extended by the public safety officer standards and training council (POST council) for a period of up to 180 days as provided in subsection (6):

The Montana public safety officer standards and training council may extend the 1-time requirements of subsections (5)(a) and (5)(c) upon the written application of the peace officer and the appointing authority of the officer. The application must explain the circumstances that make the extension necessary. Factors that the council may consider in granting or denying the extension include but are not limited to illnesses of the peace officer or a member of the peace officer's immediate family, absence of reasonable access to the basic equivalency course, and an unreasonable shortage of personnel within the department. The council may not grant an extension to exceed 180 days.

Mont. Code Ann. § 7-32-303(6) [\*4] . As determined in a prior opinion of this office, the 180-day deadline may be extended only once. 48 Op. Atty. Gen. No. 22 (2000).

[P4] The Montana Department of Justice offers a 12-week law enforcement officer basic course which has been approved by the POST council and is available three times a year

through the Montana Law Enforcement Academy. Topics covered include education and training in the fundamentals of policing, including law, human behavior, police function, patrol operations, investigation, traffic enforcement, and police proficiencies. See <https://doj.mt.gov/mlea/basic-programs-3/>. Successful completion of the training requirement and other qualifications, including a one-year probationary period, allows the officer to apply to the POST council for a basic certificate certifying that the officer has met all the basic qualifying peace officer standards of this state. Mont. Code Ann. § 7-32-303(7).

**[P5]** Your question involves a peace officer who is appointed by a law enforcement agency but has a break in service prior to completing the basic course described in Mont. Code Ann. § 7-32-303(5)(a) [\*5]. I will analyze your question in two parts: (1) the first scenario assumes that the officer leaves and returns to service within the one-year time period provided in Mont. Code Ann. § 7-32-303(5)(a); and (2) the second scenario assumes that the officer leaves but does not return to service within the one-year time period provided in Mont. Code Ann. § 7-32-303(5)(a).

**[P6]** I will assume for purposes of this opinion that the peace officer has never been issued a basic certificate (so that the provisions of Mont. Code Ann. § 7-32-303(5)(b) do not apply); that the officer has not previously completed a basic peace officer's course taught by a federal, state, or United States military law enforcement agency (so that the provisions of Mont. Code Ann. § 7-32-303(5)(c) do not apply); and that the officer is appointed after September 30, 1983 (so that the provisions of Mont. Code Ann. § 7-32-303(5)(a) are applicable).

I.

**[P7]** In the first scenario, a peace officer appointed by [\*6] an agency has a break in service during the one-year time period described in Mont. Code Ann. § 7-32-303(5)(a). The following dates are representative:

January 1, 2012:	The officer is appointed by the agency.
May 1, 2012:	The officer leaves employment.
October 1, 2012:	The officer returns to employment.

Because the break in service occurs before the one-year period expires in January 2013, the officer does not forfeit his/her position, authority, or arrest powers by virtue of the fact that he or she did not complete basic training within one year of his/her initial appointment. Mont. Code Ann. § 7-32-303(5)(a). The officer may thus return to service under the terms of his or her initial appointment (assuming he or she still meets the qualifications of Mont. Code Ann. § 7-32-303(2)), and has the remainder of the one-year period (or until January 1, 2013) in which to complete basic training, plus any additional time extended by the POST council pursuant to Mont. Code Ann. § 7-32-303(6).

**[P8]** You question whether **[\*7]** the one-year deadline could be extended by the length of the break in service or, stated another way, whether the one-year deadline should be tolled during the officer's absence. Using the above example, the officer would have until May 1, 2013, or an additional five months, to complete basic training.

**[P9]** I find no statutory support for the proposition that the one-year deadline can be extended based solely on the employment circumstances of an individual officer. The rules of statutory construction require me to "ascertain and declare what is in terms or in substance contained therein, not to insert what has been omitted or to omit what has been inserted." Mont. Code Ann. § 1-2-101; (AG Opinion cite). The deadlines in Mont. Code Ann. § 7-32-303 are clear and unambiguous. 48 Op. Atty. Gen. No. 22 (2000). There is no mention of "tolling" or any extensions beyond 180 days as provided in Mont. Code Ann. § 7-32-303(6). There is no indication that the Legislature intended an individual officer or appointing agency to avoid the deadlines in Mont. Code Ann. § 7-32-303(5)(a) **[\*8]** simply by terminating and reinstating his or her appointment at will.

**[P10]** By the same reasoning, an individual or appointing agency may not avoid the statutory deadlines by maintaining a break in service for less than one year, returning to a different agency, maintaining another break in service for less than one year, and potentially repeating this process without ever completing basic training. For example:

January 1, 2010:	The officer is appointed to the agency (Agency A).
June 15, 2010:	The officer leaves employment at Agency A.
January 1, 2011:	The officer is appointed to another agency (Agency B).
June 15, 2011:	The officer leaves employment at Agency B.
January 1, 2012:	The officer is appointed to another agency (Agency C).
June 15, 2012:	The officer leaves employment at Agency C.

The clear intent of § 7-32-303(5)(a) is to mandate basic training within one year of the "initial" appointment. This objective is defeated if an officer or appointing agency can effectively toll the deadlines through multiple appointments.

**[P11]** I realize that the one-year deadline may present a hardship, particularly for an officer whose return date is so late he or she may **[\*9]** not have sufficient time remaining to successfully complete basic training. In that circumstance, however, the POST council may extend the one-year period for up to six months, presumably allowing sufficient time for completion of the course. Mont. Code Ann. § 7-32-303(6). I note that the circumstances listed in the statute are not exclusive, so that the POST council has substantial discretion when considering an extension request by the officer and the appointing agency.

II.

**[P12]** In the second scenario, a peace officer has a break in service that extends beyond the one-year time period described in Mont. Code Ann. § 7-32-303(5)(a). The following dates are representative:

January 1, 2012:	The officer is appointed by the agency.
May 1, 2012:	The officer leaves employment.
January 1, 2013:	The one-year period expires and the officer has not returned to service.

This scenario is distinct from the first because the officer, having failed to complete the education requirements within one year of initial appointment, forfeits his or her position, authority and arrest powers pursuant to the [\*10] last sentence of Mont. Code Ann. § 7-32-303(5)(a). As a result, the officer may not resume employment under the terms of his or her initial appointment. Rather, the appointing agency is statutorily required to terminate the officer's employment "for failure to meet the minimum standards established by the council." Montana Code Annotated 44-4-404.

**[P13]** To avoid this result, some agencies propose to start the one-year time period anew by rehiring or reappointing the person as a peace officer. This proposition runs afoul of legislative intent and the plain language of 7-32-303(5)(a), which requires completion of basic training within one year of the "initial" appointment, after which time the officer forfeits his or her position. By virtue of this requirement, the legislature has provided a single, one-year grace period during which time the officer may serve as a peace officer without the necessary training. Once the grace period expires, the officer is no longer privileged to serve in a law enforcement capacity. There is nothing that would allow an appointing agency to extend multiple grace periods, [\*11] or allow the officer to continually serve as a peace officer without training.

**[P14]** As the administrator of the Montana Law Enforcement Academy (MLEA), I have publicly declared the need for qualified and highly trained law enforcement personnel. (<https://doj.mt.gov/mlea/basic-programs-3/> ). Section 7-32-303(5)(a) promotes that goal, while at the same time granting some flexibility to appointing agencies and the officers in the hiring and training process. While I recognize there are legitimate reasons why a peace officer may require a break in service extending beyond the one-year deadline due to circumstances beyond his or her control, e.g., military service or health issues, I cannot condone an interpretation of the statute that compromises public or officer safety. I conclude that agencies are not entitled to "rehire" or "reappoint" peace officers if they have not successfully completed basic training within the time periods provided by law.

**[P15]** Despite my conclusion, there is nothing preventing the agency from employing the individual in some other capacity until he or she completes basic training. I understand that MLEA will accept individuals for training even [\*12] if they are not in

a current appointed position as a peace officer. After training is successfully completed and the individual is certified by the POST council, he or she may resume the duties of a peace officer. In this respect, the one-year grace period is honored, the public safety objectives are fulfilled, and the individual's ability to work as a peace officer is inconvenienced but not totally compromised as a result of the break in service.

**THEREFORE IT IS MY OPINION:**

A peace officer who has a break in service during the one year time period provided in 7-32-303(5)(a) has the remainder of the one-year period, plus any additional time as granted by the public officer standards and training council, in which to attend and successfully complete a basic training course. If the break in service extends beyond one year from his or her initial appointment and the officer has not completed a basic training course within one year of the initial appointment as required by 7-32-303(5)(a), the officer forfeits his or her position as peace officer and cannot serve in that capacity until he or she attends and successfully completes a basic training course.

**Load Date: 2014-10-29**



# Montana Code Annotated 2023

## TITLE 7. LOCAL GOVERNMENT

### CHAPTER 32. LAW ENFORCEMENT

#### Part 3. Qualifications of Law Enforcement Officers

## Peace Officer Employment, Education, And Certification Standards -- Suspension Or Revocation -- Penalty

**7-32-303. Peace officer employment, education, and certification standards -- suspension or revocation -- penalty.** (1) For purposes of this section, unless the context clearly indicates otherwise, "peace officer" means a deputy sheriff, undersheriff, police officer, highway patrol officer, fish and game warden, park ranger, campus security officer, or airport police officer.

(2) A sheriff of a county, the mayor of a city, a board, a commission, or any other person authorized by law to appoint peace officers in this state may not appoint a person as a peace officer who does not meet the qualifications provided in this subsection (2) plus any additional qualifying standards for employment promulgated by the Montana public safety officer standards and training council established in 2-15-2029. A peace officer must:

(a) be a citizen of the United States;

(b) be at least 18 years of age;

(c) be fingerprinted and a search made of the local, state, and national fingerprint files to disclose any criminal record;

(d) not have been convicted of a crime for which the person could have been imprisoned in a federal or state penitentiary;

(e) be of good moral character, as determined by a thorough background investigation;

(f) be a high school graduate or have been issued a high school equivalency diploma by the superintendent of public instruction or by an appropriate issuing agency of another state or of the federal government;

(g) be free of any mental condition that might adversely affect performance of the duties of a peace officer, as determined after:

(i) a mental health evaluation performed by a licensed physician or a mental health professional who is licensed by the state under Title 37, who is acting within the scope of the person's licensure when performing a mental health evaluation, who is not the applicant's personal physician or licensed mental health professional, and who is selected by the employing authority; or

(ii) satisfactory completion of a standardized mental health evaluation instrument determined by the employing authority to be sufficient to examine for any mental conditions within the meaning of this subsection (2)(g), if the instrument is scored by a licensed physician or a mental health professional acting within the scope of the person's licensure by a state;

(h) be free of any physical condition that might adversely affect performance of the duties of a peace officer, as determined after satisfactory completion of a physical examination performed by a health care provider who is licensed by the state under Title 37 and acting within the scope of the person's licensure when performing the physical examination, who is not the applicant's personal health care provider, and who is selected by the employing authority;

(i) have successfully completed an oral examination conducted by the appointing authority or its designated representative to demonstrate the possession of communication skills, temperament, motivation, and other characteristics necessary to the accomplishment of the duties and functions of a peace officer;

(j) possess or be eligible for a valid Montana driver's license; and

(k) be certified or be eligible for certification as a peace officer by the council or become eligible for certification upon completion of the requirements contained in subsections (6) through (10).

(3) At the time of appointment, a peace officer shall take the formal oath of office prescribed in Article III, section 3, of the Montana constitution. No other oath may be required.

(4) Within 10 days of the appointment, termination, resignation, or death of a peace officer, written notice of the event must be given to the Montana public safety officer standards and training council by the employing authority.

(5) It is the duty of an appointing authority in Montana to ensure that each peace officer appointed under its authority has the basic training, including any training required in subsections (6) through (8), in addition to meeting all other requirements of peace officer certification promulgated by the Montana public safety officer standards and training council. Any peace officer appointed after September 30, 1983, who fails to meet the minimum requirements as set forth in subsection (2) or who fails to complete the basic training required by subsections (6) through (8) forfeits the position, authority, and arrest powers accorded a peace officer in this state.

(6) Except as provided in subsections (7) and (8), a peace officer shall successfully complete the peace officer basic course at the Montana law enforcement academy, as approved by the council, within 1 year of:

(a) the peace officer's initial appointment as a peace officer; or

(b) the peace officer's most recent appointment as a peace officer if the peace officer has had a break in service as a peace officer of more than 5 years.

(7) (a) If a peace officer previously satisfied the requirement in subsection (6), is certified or is eligible for certification as a peace officer in Montana or may become eligible for certification upon completion of the probationary period in subsection (10), and has had a break in service as a peace officer of less than 3 years, the peace officer is not required to satisfy the requirement in subsection (6) or to attend an equivalency course prior to returning to work in Montana as a peace officer.

(b) If a peace officer previously satisfied the requirement in subsection (6), is certified or is eligible for certification as a peace officer in Montana or may become eligible for certification upon completion of the probationary period in subsection (10), and has been continuously employed as a peace officer outside of Montana for no more than 3 years, the peace officer is not required to satisfy the requirement in subsection (6) or to attend an equivalency course prior to returning to work in Montana as a peace officer.

(c) If a peace officer previously completed the peace officer basic course successfully, is certified or is eligible for certification as a peace officer in Montana or may become eligible for certification upon completion of the probationary period in subsection (10), and has been continuously employed as a peace officer outside of Montana for more than 3 years or who has had a break in service as a peace officer for more than 3 years but less than 5 years, the peace officer shall successfully complete the peace officer basic equivalency course, as

approved by the council, within 1 year of the peace officer's most recent appointment as a peace officer in Montana. If the peace officer fails the basic equivalency course, the officer shall satisfy the requirement in subsection (6) at the next available opportunity.

(d) If a person satisfied the requirement in subsection (6) prior to the person's appointment or employment and is hired or appointed as a peace officer more than 3 years but less than 5 years after the date that the person satisfied the requirement in subsection (6), the person shall successfully complete the peace officer basic equivalency course, as approved by the council, within 1 year of the person's most recent appointment or employment as a peace officer. If the person is not appointed or employed as a peace officer within 5 years after the date of the person's successful completion of the requirement in subsection (6), the person shall satisfy the requirement in subsection (6) within 1 year of the person's most recent appointment or employment as a peace officer in Montana.

(8) (a) Except as provided in subsection (8)(c), if a peace officer has successfully completed a peace officer basic course that is taught or approved by a federal, state, local, or United States military law enforcement agency, that satisfies the peace officer basic training requirement for that agency, and that the council has reviewed and approved as commensurate with the current peace officer basic course offered at the Montana law enforcement academy, the peace officer shall successfully complete the peace officer basic equivalency course, as approved by the council, within 1 year of the officer's initial appointment in Montana. If the officer fails the basic equivalency course, the officer must satisfy the requirement in subsection (6) at the next available opportunity.

(b) Except as provided in subsection (8)(c), if a peace officer has successfully completed a peace officer basic course that is taught or approved by a federal, state, local, or United States military law enforcement agency and that satisfies the peace officer basic training requirement for that agency and if that peace officer's combined training and experience have been reviewed and approved by the council as commensurate with the current peace officer basic course offered at the Montana law enforcement academy, the peace officer shall successfully complete the peace officer basic equivalency course, as approved by the council, within 1 year of the officer's initial appointment in Montana. If the officer fails the basic equivalency course, the officer must satisfy the requirement in subsection (6) at the next available opportunity.

(c) If the peace officer has had a break in service as a peace officer for more than 5 years, the officer shall complete the requirement of subsection (6) within 1 year of the officer's initial appointment as a peace officer in Montana.

(9) The Montana public safety officer standards and training council may extend the 1-year time requirements of subsections (6) through (8) upon the written application of the appointing authority of the officer. The application must explain the circumstances that make the extension necessary. Factors that the council may consider in granting or denying the extension include but are not limited to illness of the peace officer or a member of the peace officer's immediate family, absence of reasonable access to the basic equivalency course, and an unreasonable shortage of personnel within the department. The council may not grant an extension to exceed 180 days.

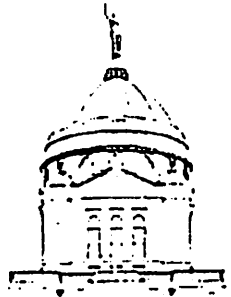
(10) A peace officer who has successfully met the training, employment, and educational standards of this section, has successfully met the training and employment standards set by the council, and has completed a 1-year probationary term of employment must be issued a peace officer basic certificate by the council certifying that the peace officer has met all of the basic qualifying peace officer standards of this state.

(11) It is unlawful for a person whose basic certification as a peace officer has been revoked or denied by the Montana public safety officer standards and training council for misconduct to act as a peace officer. It is unlawful for a person whose peace officer basic certification has been suspended by the council to act or be appointed or

employed as a peace officer in Montana during the period in which the certification is suspended. A person convicted of violating this subsection is guilty of a misdemeanor, punishable by a term of imprisonment not to exceed 6 months in the county jail or by a fine not to exceed \$500, or both.

**History:** En. Sec. 4598, Pol. C. 1895; re-en. Sec. 3124, Rev. C. 1907; re-en. Sec. 4879, R.C.M. 1921; re-en. Sec. 4879, R.C.M. 1935; amd. Sec. 1, Ch. 257, L. 1967; amd. Sec. 2, Ch. 66, L. 1971; amd. Sec. 1, Ch. 81, L. 1971; amd. Sec. 1, Ch. 62, L. 1973; amd. Sec. 2, Ch. 188, L. 1975; R.C.M. 1947, 16-3705(part); amd. Sec. 1, Ch. 191, L. 1983; amd. Sec. 1, Ch. 714, L. 1985; amd. Sec. 1, Ch. 217, L. 1989; amd. Sec. 9, Ch. 662, L. 1991; amd. Sec. 2, Ch. 437, L. 1993; amd. Sec. 12, Ch. 506, L. 2007; amd. Sec. 13, Ch. 2, L. 2009; amd. Sec. 1, Ch. 75, L. 2009; amd. Sec. 4, Ch. 55, L. 2015; amd. Sec. 1, Ch. 196, L. 2015; amd. Sec. 2, Ch. 140, L. 2019.

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**ADMINISTRATIVE  
RULES OF  
MONTANA**

**23.13.206 REQUIREMENTS FOR THE BASIC CERTIFICATE**

**(1) POST will issue basic certificates in the following disciplines:**

- (a) peace officer;**
- (b) detention/corrections officer;**
- (c) probation and parole officer;**
- (d) misdemeanor probation/pretrial services officer;**
- (e) public safety communications officer;**
- (f) coroner; and**
- (g) reserve officer.**

**(2) In addition to ARM 23.13.204 and 23.13.205, the following are required for the award of the basic certificate:**

**(a) All Montana public safety officers must have completed:**

- (i) the probationary period prescribed by law or by the current appointing authority, but in any case, have a minimum of one year discipline-specific experience with the current appointing authority; and**
- (ii) the basic course or the equivalency as defined by the council.**

**(b) Public safety officers with out-of-state training or who have been formerly appointed by a federal agency, state, tribe, county, municipality, city, or town who do not have basic certification and are appointed by a Montana law enforcement and/or public safety agency:**

- (i) must have completed the probationary period prescribed by law, but in any case, have a minimum of one year experience with the present appointing authority;**
- (ii) whose training or service time is determined by the council, the director, or the director's designee as equivalent to the basic course must successfully complete an equivalency program, approved by the council and administered by the MLEA. The council will require those who fail an equivalency program to successfully complete the basic course at the academy; and**



- (iii) whose training or service time is determined by the council, the director, or the director's designee as not equivalent to the basic course must, within one year of initial appointment, successfully complete the basic course.
  - (c) All of the training and equivalency requirements for the basic certificate must be accomplished within one year of the initial appointment.
  - (d) The council, the director, or the director's designee may grant a one-time extension to the one-year time requirement for public safety officers upon the written application of the officer's appointing authority. The application must explain the circumstances that make the extension necessary. The council may not grant an extension to exceed 180 days. Factors that the council may consider in granting or rejecting the extension include but are not limited to:
    - (i) illness of the public safety officer or a member of the public safety officer's immediate family;
    - (ii) absence of reasonable access to the basic course, or the legal training course; and/or
    - (iii) an unreasonable shortage of personnel within the department.
  - (e) A public safety officer who has been issued a basic certificate by the council and whose last date of service as a public safety officer, in the discipline for which the officer received a basic certificate, was less than 36 months prior to the date of the person's present appointment as a public safety officer, in the discipline for which the officer received a basic certificate, is not required to fulfill the basic educational requirements as set forth in these rules.
  - (f) If the last date of service as a public safety officer, in the discipline for which the officer received a basic certificate, is more than 36 months but less than 60 months prior to the date of present appointment as a public safety officer, in the discipline for which the officer received a basic certificate, the public safety officer may satisfy the basic requirement by successfully passing a basic equivalency course administered by the academy. If the public safety officer fails the basic equivalency course, the basic course shall be completed within the time frames set forth in the rules. If no basic equivalency course exists for the public safety officer's specific discipline, then the applicable basic course must be completed within one year of the public safety officer's most recent appointment.
- (3) An officer meeting the qualifications outlined above will be issued a basic POST certificate. The discipline of the basic POST certificate issued will correspond to the basic training course the officer attended. POST will not reissue a basic certificate merely to change the discipline listed.

**Authorizing statute(s):** 2-15-2029, MCA

**Implementing statute(s):** 2-15-2029, 44-4-403, MCA

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**History:** NEW, 2008 MAR p. 1587, Eff. 8/1/08; AMD, 2014 MAR p. 2951, Eff. 12/12/14; AMD, 2017 MAR p. 1953, Eff. 10/28/17; AMD, 2018 MAR p. 2518, Eff. 12/22/18; AMD, 2020 MAR p. 664, Eff. 3/28/20; AMD, 2024 MAR p. 607, Eff. 3/23/24.

**Montana Public Safety Officer Standards and Training (POST) Council  
& Staff - 2024**

**Mark Kraft**

Term ends: **January 1, 2027 (2<sup>nd</sup> term)**

Qualification: Chief of Police

**Jess Edwards**

Term ends: **January 1, 2027 (2<sup>nd</sup> term)**

Qualification: Certified Tribal Law Enforcement Representative

**Shellie Brady**

Term ends: **January 1, 2027 (1<sup>st</sup> term)**

Qualification: Misdemeanor Probation/Pretrial Services Supervisor

**Brian Casey**

Term ends: **January 1, 2025 (1<sup>st</sup> term)**

Qualification: State Government Law Enforcement Representative

**Jesse Slaughter**

Term ends: **January 1, 2025 (1<sup>st</sup> term)**

Qualification: Sheriff

**Bill Smith**

Term ends: **January 1, 2025 (1<sup>st</sup> term)**

Qualification: Detention Center Representative

**Kimberly Burdick**

Term ends: **January 1, 2025 (3<sup>rd</sup> term)**

Qualification: Public Representative

**Jim Thomas**

Term ends: **January 1, 2025 (3<sup>rd</sup> term)**

Qualification: Public Representative

**Meaghan Mulcahy**

Term ends: **January 1, 2027 (1<sup>st</sup> term)**

Qualification: MT Board of Crime Control

**Leo Dutton**

Term ends: **January 1, 2025 (2<sup>nd</sup> term)**

Qualification: Montana Board of Crime Control

**Kristine Byron-White**

Term ends: **January 1, 2027 (2<sup>nd</sup> term)**

Qualification: County Attorneys

**Jim Anderson**

Term ends: **January 1, 2027 (2<sup>nd</sup> term)**

Qualification: Department of Corrections

**Anthony Hutchings**

Term ends: **January 1, 2027 (1<sup>st</sup> term)**

Qualification: Bozeman Police Department

## **Current POST Council Committees**

### **Business Plan/Policy**

Jess Edwards – Chair  
Kimberly Burdick  
Jesse Slaughter

### **Curriculum Review**

Vacant  
Anthony Hutchings  
Kimberly Burdick  
Shellie Brady  
Jim Anderson  
Joel Wendland - Ex officio

### **Case Status**

Jim Thomas – Chair  
Brian Casey (Interim Appointment)  
Bill Smith

### **Coroner**

Leo Dutton – Chair  
Bill Smith  
Kristine White  
MCA President – Ex officio

### **ARM**

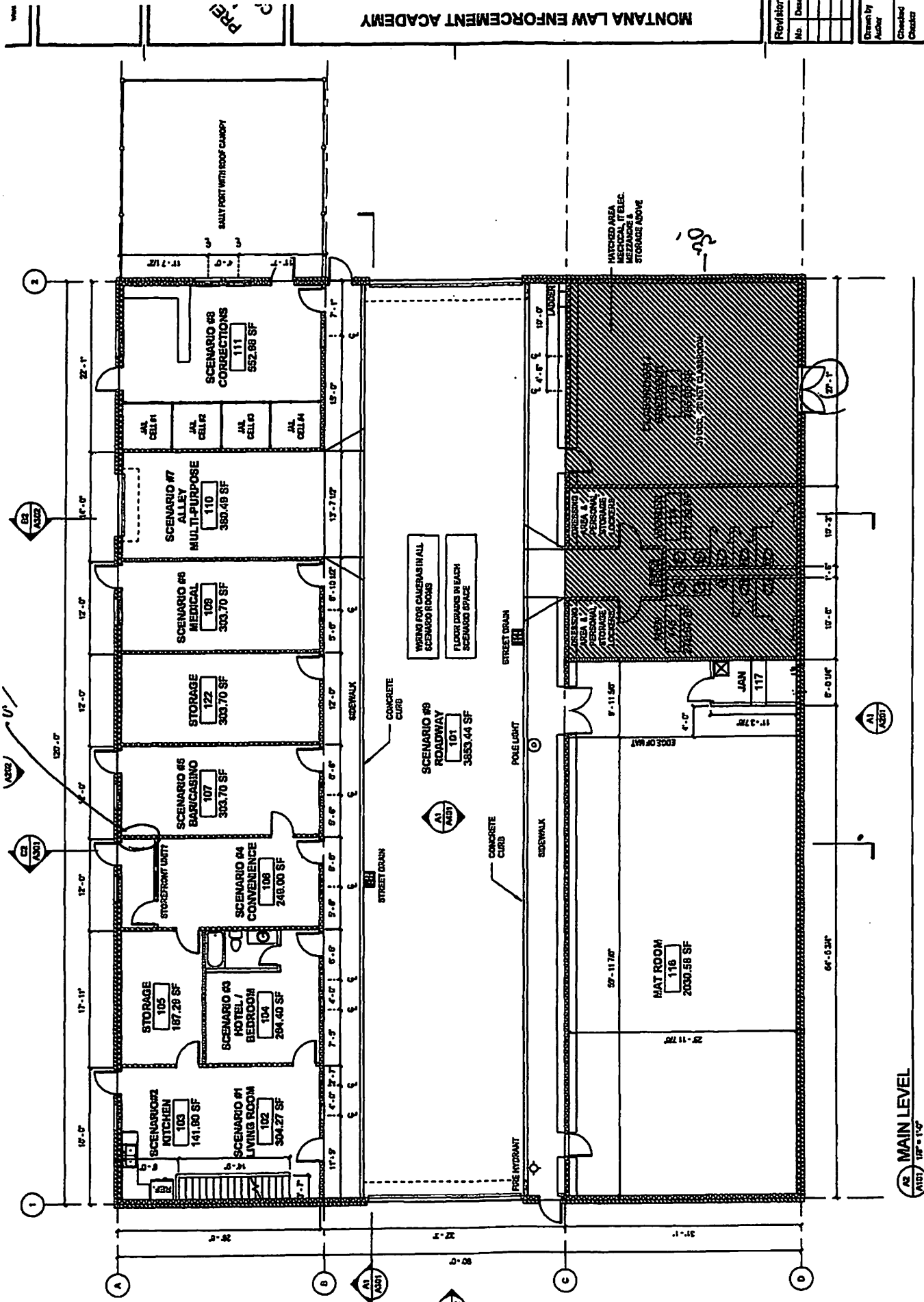
Leo Dutton – Chair  
Jess Edwards  
Shellie Brady  
Jesse Slaughter  
Mark Kraft

### **Executive Committee**

Jesse Slaughter – Chair  
Mark Kraft  
Jim Anderson  
Leo Dutton  
Kimberly Burdick

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**Meeting Minutes**  
**Montana POST Curriculum Committee**  
**July 10, 2024 – 9:00 a.m.**  
**POST Conference Room/Teams**  
**Helena, MT**

**Committee Members**

Jesse Slaughter – Interim Chair  
Kimberly Burdick  
Jim Anderson  
Shellie Brady  
Anthony Hutchings  
Joel Wendland

**Staff**

Timothy Allred – Executive Director  
Brooke Standish – Executive Assistant  
Katrina Bolger – Paralegal/Investigator  
Stuart Segrest – Council for POST

**Guests**

Austin Picton  
Gavin Roselles  
George Smith  
Tina Small – Street Cop

**Public Comment**

Timothy Allred reads the public comment script and asks if anyone online has any public comments regarding issues not on the agenda. There were no public comments.

**Welcome**

Meeting called to order by Jesse Slaughter, at 9:00 a.m. The meeting was held via Teams and in the POST Conference room.

**New Business**

POST Training Credit Hours – Street Cop: POST received an application for POST training credit from Powell County Sheriff's office for Pro-Active Patrol Tactics / Street Cop. Timothy Allred received an email from the DCI Administrator Bryan Lockerby notifying POST of some concerns of negative press that Street Cop has had with the attached reports.

**Discussion**

Tina Small Administrator with Street Cop, Deputy Austin Picton with Powell County Sheriff's office, Sheriff Gavin Roselles with Powell County Sheriff's office and Chief George Smith with Deer Lodge PD all



commented on the negative press and controversy surrounding Street Cop and the changes that Street Cop has made.

Timothy Allred's recommendation to the curriculum committee is that per 23.13.305 based on extenuating circumstances they approve Street Cop trainings for POST training credit hours that have been certified through the National Certified Program with a second motion for the stated reason and send to the Council for discussion and consideration.

Jesse Slaughter entertains a motion.

Anthony Hutchings makes a motion per ARM 23.13.305 based on extenuating circumstances they approve the Street Cop training for POST training credit hours that have been certified through the National Certified Program with a second motion for the stated reason and send to the Council for discussion and consideration. Jim Anderson seconded the motion. Motion carried, all members voting in favor.

**Adjourn**

Jesse Slaughter made a motion and Jim Anderson seconded to adjourn. Motion carried, all members voting in favor.

Submitted by: Brooke Standish July 17, 2024

## **CBS New York Investigates: Controversial police trainer was disciplined for alleged racial slur, other incidents**

By Tim McNicholas, Walter Smith Randolph

Updated on: February 12, 2024 / 8:41 AM EST / CBS New York

**NEW YORK** -- How did a former New Jersey police officer, who was disciplined three times in a period of five years, go on to train thousands of officers while charging local governments thousand of dollars?

It's a question CBS New York has been asking during its months-long investigation, which found that the head of a controversial police training company was once accused of using a racial slur by his own department.

CBS New York Investigates first started looking into Street Cop Training in December, after the New Jersey Office of the State Comptroller said the company taught unconstitutional policing tactics at a 2021 conference in Atlantic City. A [report from the comptroller](#) described comments at the conference as "lewd," "disparaging," and "glorifying violence."

"I would be remiss if I didn't remind you, or let you know, that I have a three-inch (expletive)," Brad Gilmore of the Bergen County Prosecutor's Office said onstage.

"I love fighting. I love shooting," said conference speaker Tim Kennedy, who later told CBS New York he believes police need a "warrior mindset if they are going to survive."

"I watch this car come off the highway, and I eye-(expletive) the (expletive) out of the female driver," said Robert Ferreira of the Warren Township Police Department. "She doesn't want to (expletive) me back though."

### **Watch: Tim McNicholas on the months-long investigation**

The comptroller's office said one of the videos it released showed the company's founder, Dennis Benigno, describing people who record interactions with police.

"Shut the (expletive) up, right?," Benigno said to participants. "About to get pepper sprayed, (expletive) Tased. Windows broken out, mother (expletive)."

Years before that, Benigno was a street cop himself -- a Woodbridge Township police officer for 10 years.

Attorney Cynthia Hardaway represented three women in a 2015 lawsuit accusing Benigno and other officers of excessive force, racial bias and false arrests during an incident at a local mall. Woodbridge Township paid \$50,000 to settle before it went to trial.

Benigno never admitted to any wrongdoing.

"I just didn't understand it," Hardaway said of the moment she learned Benigno went on to train police. "What he was doing in that training session is giving insight into what type of officer he is and how he feels."

"I don't want a hero's exit," Benigno said at the conference. "I want to (expletive) die at like 91 with hookers and cocaine around me."

Woodbridge police say Benigno retired from the department at age 33 within weeks of that suit being filed, but CBS New York wanted to know more about his record before he retired.

At first, Woodbridge police denied CBS New York Investigates' request for his Internal Affairs records, but the department eventually released records showing he was disciplined by the department three times from late 2009 through March of 2014.

In 2009, another cop from out of town said that, at a bar, Benigno used an Italian racial slur to describe Black people he chased on the job, which that out-of-town cop recounted to Internal Affairs investigators in Woodbridge in interview recordings obtained by CBS New York Investigates.

"That's when he started talking about, basically how great he was and how he ... that's when he said now he's up here chasing around (expletive)," the officer said.

Benigno denied using the slur but a lieutenant from Internal Affairs wrote in a report, "It's obvious Officer Dennis Benigno was being less than forthcoming in his answer," and "...what degree of confidence can one have regarding Benigno's ability to be impartial in his dealings with African-Americans..."

"Why would these people that don't even know you want to make something like this up?" an Internal Affairs investigator asked Benigno.

"I don't know. I don't know," Benigno replied.

He later pleaded guilty to violating department conduct standards and Woodbridge police say he was suspended for 10 days.

That's what the state calls major discipline, which only about 1% of New Jersey cops face per year, according to recent data.

"Should that have been a red flag before he started to train police officers?" CBS New York Investigates' Tim McNicholas asked New Jersey Attorney General Matt Platkin.

"I can't speak to the particular case, but it does sound like something that would give some concerns," Platkin said.

Years later, in 2021, a monkey was displayed onscreen while one of Benigno's Street Cop instructors -- a Robbinsville, New Jersey sergeant -- described a Black man in a traffic stop.

"That's not an 18-year-old kid dressed like Jesus coming eastbound out of Trenton," Robbinsville Sgt. Scott Kivet said. "It's a 75-year-old Black man with a change in driving behavior."

Platkin said the 240 New Jersey cops who attended that 2021 conference will be re-trained.

"I've made it very clear to all 38,000 sworn (New Jersey) officers and their leadership that no one should be attending Street Cop Training in the State of New Jersey," he said.

As Street Cop promotes its upcoming training sessions, other leaders are concerned, too.

The State of Minnesota said the company is no longer accredited by its police training board.

Platkin said he's told New Jersey's Police Training Commission to take a close look at the issue.

"That work is ongoing, but I anticipate they will put out new rules for outside vendors more broadly that will hopefully ensure what happened with Street Cop doesn't happen again," Platkin said.

Robbinsville police said Sgt. Kivet is now facing an Internal Affairs investigation and he did not respond to our interview requests for this story. Neither did Benigno and his attorney.

Benigno did post a video in response to the comptroller report, apologizing for the offensive language and denying that Street Cop ever taught unconstitutional policing. He also said the company has put in place "quality control measures to foster a cooperative environment."

"We want police officer to have the highest level of professionalism" Benigno said on the video.

But professionalism is not a word the West Baton Rouge Parish Sheriff's Office uses to describe the actions of Reserve Deputy Shawn Pardazi, a private police trainer who instructed at the 2021 Street Cop Conference.

Dash-camera video shows Pardazi firing several bullets at a reported stolen car as it drove away from a traffic stop in 2022.

The sheriff's office never found the gun Pardazi said the driver pointed, and police arrested Pardazi for illegal use of a weapon and obstruction of justice. A grand jury will soon decide whether charges should be filed.

Pardazi, who was fired after police learned he livestreamed the incident on Facebook, said the following on stage at that 2021 Street Cop Conference: "Run from me, somewhere along the chase becomes, pow, pow, pow, pow, pow, pow, pow."

Pardazi's lawyer told CBS New York he was justified. No one was injured in that shooting.

But Hardaway is worried there might be a next time for another Street Cop participant. And how that next time might end.

"For other people who have to encounter an officer on the street with that mentality, it might be something way worse than us just sitting here having a conversation," she said.

In 2016, Benigno sued one of Hardaway's clients who had sued him when he was a cop, claiming she caused him to suffer injuries that day. That was also settled before a trial.

On Street Cop's website, Benigno is described as someone who won numerous awards as a police officer and now leads one of the fastest-growing police training companies in the country.

The other two disciplinary actions against Benigno in the records released to CBS New York are both Letters of Reprimand. One was for allegedly rear-ending a car he was pulling over.

The other letter was issued after Internal Affairs investigators said Benigno opened a barbershop with a convicted felon before he properly notified his bosses about it, which is against department policy.

**The comptroller's office estimates Street Cop earned \$75,000 from New Jersey police departments and governments who sent officers to the 2021 conference, and at least \$320,000 from New Jersey departments for other training sessions between 2019 and 2022.**

**If you have a story you'd like us to investigate, email us at [cbs2investigates@cbs.com](mailto:cbs2investigates@cbs.com) or call our tip line at 1-646-939-6095.**

Street Cop, the police training company under investigation for a controversial conference it hosted in Atlantic City in 2021, has declared bankruptcy.

Owner Dennis Benigno filed the [petition](#) late last month, one day after he said the state Attorney General's Office warned him it would seek monetary penalties as part of its probe into a Street Cop conference the state [Comptroller's Office said](#) glorified violence, encouraged insubordination, and promoted unconstitutional policing tactics.

The state investigations capped a rocky year for the company, attorney Daniel Velasquez [wrote](#). It "was already suffering" from a \$210,000 wrongful termination lawsuit and a \$500,000 software failure when the comptroller's report dropped in December, Velasquez said.

That bombshell report drove several Street Cop instructors to resign and at least nine states — New Jersey, Maryland, California, Illinois, Michigan, Minnesota, Missouri, Nevada, and Oregon — to prohibit their law enforcement agencies from attending Street Cop training, according to the filing.

"Rather than subject the Debtor's depleted staff to additional harassment from the State of New Jersey, Street Cop Training elected to pursue Chapter 11 relief to restructure its financial affairs, dispute claims, and preserve its going concern value for the ultimate benefit of its creditors and estate," Velasquez wrote.

Chapter 11 cases, known as reorganization bankruptcies, allow debtors to continue operating their business, retain their assets, and even borrow new money, with court approval, while they restructure their finances. Creditors also are required to hold off on collecting what they're owed.

Benigno listed about 20 creditors who are owed almost \$420,000, including the Gaylord Palms Resort & Convention Center in Orlando, Fla., where Street Cop is set to host a five-day, \$699-per-attendee convention starting April 28. It's unclear if the bankruptcy will impact that conference.

Benigno founded Street Cop in 2012 after stints as an officer in the Woodbridge police department, Middlesex County Department of Corrections, and U.S. Park Police. Within a decade, it became one of the busiest police training firms nationally. In court paperwork, the firm says it trains more than 25,000 officers a year throughout the U.S.

But one of the 1,000 people who attended its October 2021 conference at an Atlantic City casino shared recordings with a Washington Post reporter, who used the conference [to illustrate](#) the alarming lessons officers learn in an industry that largely operates without oversight.

In court filings this month, Benigno cited as his reasons for filing bankruptcy the Post's "politically motivated hit piece," other media coverage, and the comptroller's investigation.

Benigno [sued](#) in state court to fight the comptroller's subpoenas for his testimony and records relating to the conference, complaining that the state wasn't scrutinizing other police training firms and accusing state officials of overreach and political motivations. He lost that case but [sued again](#) in federal court, accusing the comptroller's office of harassment and retaliation.



Last week, a federal judge [tossed](#) the federal case. Benigno's attorney, Jonathan Cohen, told the New Jersey Monitor Tuesday they would not appeal that decision because the fight is now moot. Benigno submitted to the comptroller's interview in October, he noted.

Whatever his troubles now, Benigno's bankruptcy filings show his work has been lucrative.

The firm had gross revenue of \$3.5 million in 2021 and \$3.75 million in 2022. He reported he had about \$209,000 in cash on hand, audio and visual equipment worth about \$7,000, and branded items and apparel. The company has 12 independent instructors who work as needed and six employees tasked with booking trainings, marketing, selling merchandise, and facilitating state education credits for its courses, according to filings.

It listed \$211,000 in unsecured debt obligations.

Benigno filed for bankruptcy Jan. 31 in Florida, listing a luxury apartment complex in Melbourne, Fla., as his business address. Street Cop's website, though, lists two different New Jersey addresses for its corporate headquarters and mailing address.

Sharon Lauchaire, a spokeswoman for New Jersey Attorney General Matt Platkin, said Tuesday that 240 officers from New Jersey agencies attended Street Cop's 2021 conference, and all would be [re-trained next month](#). After the comptroller's office tipped Platkin's office to its findings in March 2023, Platkin ordered state police to stop any involvement with Street Cop and suspended reimbursements, Lauchaire added.

He also directed the Police Training Commission last year to consider statewide guidelines for acceptable police training provided by outside vendors, she said. A new state law requiring officers [to be licensed](#) also requires that commission to develop mandatory training, and the commission now is expanding its curriculum staff to establish continuing education standards and devise uniform training for all officers, she said.

The civil rights division in Platkin's office also is investigating, she added.

Instruction and comments at Street Cop's conference were "deeply troubling, potentially unconstitutional, and certainly unacceptable and inconsistent with the State's commitment to fair, just, and safe policing," Lauchaire said.

Criminal defense attorneys [have warned](#) that cases involving officers who attended the training could collapse in court.

Pam Kruger, a spokeswoman for the comptroller's office, said their investigation isn't over.

"The Office of the State Comptroller's report showed that Street Cop's training promoted likely illegal tactics, glorified violence, and demeaned women and minorities. New Jersey should not pay for that kind of police training, and it's not surprising that other states came to that same conclusion," Kruger said. "OSC's investigation is ongoing as there is more work to do."



James L. Plosia, Jr.  
Jonathan F. Cohen

Mail to:  
Chester Woods Complex  
385 Route 24, Suite 5G  
Chester, NJ 07930

(908) 888-2547 (p)  
(908)888-2548 (f)  
[www.pclawnj.com](http://www.pclawnj.com)

Writer's email: [jcohen@pclawnj.com](mailto:jcohen@pclawnj.com)

January 5, 2024

**Re: Street Cop Training**

Dear Sir/Madam:

This law firm represents New Jersey Criminal Interdiction LLC d/b/a Street Cop Training. On December 6, 2023, a non-law enforcement agency within the executive branch of the State of New Jersey known as the Office of the State Comptroller ("OSC") issued what appears to have been a politically motivated and biased report regarding a conference that Street Cop Training held in Atlantic City, New Jersey in October of 2021. The OSC report carried with it no official action nor does that agency have any independent enforcement powers. No officer in attendance at the training made any complaints regarding the training received. In contrast, Street Cop Training received countless positive reviews and praises for the training provided that week and thereafter. The OSC report painted a misleading picture by taking several minutes of sound bites out of context from the five-day training seminar. Street Cop has addressed the issues raised in the report by mandating its instructors and staff to attend Diversity, Inclusion and Sensitivity (DEI) training. Street Cop continues to provide law enforcement training nationwide and looks forward to continuing to provide what it believes to be, and has been advised by thousands of officers and police departments, the best life-saving and criminal-interdiction training in the industry.

Please contact me if you have any questions or concerns.

Sincerely,

s/ Jonathan F. Cohen

cc: Street Cop Training





# DENNIS BENIGNO

Owner, Street Cop Training

## SUMMARY OF QUALIFICATIONS

Dennis Benigno began law enforcement career in 2001 at 19 years of age as a NJ Corrections Officer. In 2004 Benigno became a police officer with the US Park Police Dept. in Washington, DC and in 2005 moved over to the position of police officer with the Woodbridge, NJ police department. Dennis has received multiple awards including but not limited to Lifesaving, Meritorious Service, Mayor's Award for Excellence in Public Service, Several Letters of Recognition, Leadership awards and Certificates of Appreciation from several law enforcement organizations.

As a police officer Benigno has affected over 1,500 arrests and has conducted well over 10,000.00 motor vehicle stops.

Benigno has attended 3 police academies and has acquired a comprehensive understanding of effective methods for training police officers. Dennis has attended and had a vast amount of advanced training in the area of legal code and criminal interdiction. He was an extremely effective pro-active and re-active police officer and was able to recreate very effective training methods for new officers in his role as an FTO. Those training methods were the foundation for his training courses. In 2012 Street Cop Training was founded and Benigno has since then instructed over 6,000 police officers. The foundational program known as pro-active patrol / becoming a Street Smart Cop has been regarded as one of the most powerful universal training courses in the nation. Answering the call and providing police officers with some of the most useful and practical training is Benigno's passion. His mission has been having a profound impact nationally as he continues to travel from state to state delivering his knowledge, skills, and message that have saved the lives of officers and brought a countless number of offenders at every level to justice.

Street Cop Training continues to be a monumental training organization providing police officers with the most effective instruction taught by the some of the nation's premiere law enforcement officers. Benigno began a free online resource for training police officers through a Facebook group under the company name "Street cop training." As of October 2018 that group had a membership of over 22,000 confirmed police officers and growing. Benigno holds his role as a law enforcement educator and leader to the highest regard of professionalism and authenticity backed by accurate and legal educational seminars.



PHONE:  
732-351-2565

WEBSITE:  
[www.StreetCopTraining.com](http://www.StreetCopTraining.com)

EMAIL:  
[Dennis@StreetCopTraining.com](mailto:Dennis@StreetCopTraining.com)

## PAST EMPLOYMENT

Woodbridge Township Police  
Department  
U.S Park Police  
NJ Department of Corrections

- I shall conduct myself at times in a manner consistent with the highest ethical standards.
- My actions as an instructor will always protect my students' physical and mental well-being. I will act unselfishly in this aspect with the highest regard for others as my foundation.
- I will conduct myself in a manner that will bring credit to the law enforcement profession. I will carry out my duties for the highest public good and strive vigilantly to be free from personal or private interest motivations that could negatively affect the public's perspective of me and my profession.
- My personal standards of behavior will allow me to remain objective, fair, and present impartial decisions in my instructions and actions. My strength of character will prevent ethical problems, and I will accept only those benefits that are reasonably judged to be fair and unrelated to any of my pending/future decisions or actions.
- Honesty, courtesy, consideration, and respect for the rights and privileges of students, fellow instructors, and citizens throughout the State will be my guiding values and principles.
- Knowing that my conduct affects the efficiency, safety, and discipline of my classes, I shall strive to be the instructor that students wish to teach them. My classes shall be free of conduct that could be deemed as harassing, profane, demeaning, discriminatory, harmful, or unfair.
- My attitude shall reflect an "ethical state of mind" in all areas of instruction. Characteristics of my classroom will include optimism, enthusiasm, confidence, commitment, honor, and appreciation of my moral obligations instead of the tools of cynicism.

## Course run down for Pro-Active Patrol / Becoming a Street Smart Cop Seminar

**(When we are scheduled to train in a particular state we ensure that only your state's laws and case law is instructed. We also provide other state case law specific to all students that attend from outside states.)**

**8am – 9:30 am – Introduction and understanding modern day policing and perspective** – We start by exploring the progression of police work. We discuss how we've become very reliant on technology and explore 5 principles to adopt to become significantly more effective. In this block we also discuss the importance of mental health, resiliency, and the importance of work ethic. This block sets the stage for the remainder of the course.

**9:30 – 11:00 – Search and Seizure / Case Law that every cop needs to know** - We have hand selected 25 of the most important US Supreme Court decisions that effect about 90% of the things that most police officers use in their line of work. We also correlate those decisions to local rulings and explain how states utilize those decisions. We have identified a huge gap in knowing how to police and knowing how to police with vast constitutional knowledge. There are several "real life" videos integrated in this block to emphasize constitutionally compliant actions vs non-compliant ones. Case law is discussed and addressed throughout the entire program.

**11:00-12:00 Hindering Apprehension and Identifying a wanted person** – In this block the student will learn several tactics to determine whether or not they are speaking with a fugitive from justice. Many different factors will be discussed including the great societal impact officers can have when a dangerous wanted person is brought to justice. This is done through technology and tactics that are more appropriate in today's police setting. In this block we have several videos that programs the reticular activating system giving the attendee the ability to recognize simple tells of a person providing false information and the permitted legal actions.

**1:00 – 2:00 pm - Officer Safety and the Motor Vehicle Stop** – In this block the student will watch videos regarding different roadside tactics on motor vehicle stops. They will be shown the value of a passenger side approach and multiple officer approaches. We will also cover ambushes and how to survive one roadside. We have received reports back that this block has been responsible for the lives of officers being saved while roadside directly related to our training.

**2:00-4:00 Criminal activity on our roadways** – In this block we will discuss and provide visual aides on common trends in drug trade. We will also discuss the principles of understanding the behaviors of a driver engaged in criminal behavior. The student will learn vehicle positioning, picking proper locations, police vehicle setup and the psychological and physiological effects of a law enforcement presence will have. We will watch several videos from police dashcams and the officer will be put through a training cycle that will open their eyes to crime permanently. We are confident when we say that we have created a few of the most amazing training videos that the law enforcement community has ever seen.

The student will also learn how to determine if they are in the presence of criminal activity based on a systematic process. In this process the student will learn the legalities of an interview, proper questioning, and proper and improper responses to questioning. They will also be able to better

**understand body language, micro-expressions, and what they are experiencing roadside that they may not have been conscious of before. This is the litmus test that allows officers to readily determine if they are in the presence of criminal activity in the motor vehicle setting. The development, explanation, and proper documentation of reasonable suspicion is emphasized heavily in this block.**



**MT POST Council - Curriculum Committee Members,**

**I am writing to convey my personal and professional opinions regarding Street Cop Training (SCT). It is my understanding that your committee will be discussing SCT soon. Since early this year, many state POST councils have done so, largely stemming from negative feedback from the SCT Conference in 2021, Atlantic City, NJ. I did not attend that conference, but I was able to view several of the presentations remotely.**

**I am a twenty-four-year Law Enforcement (LE) Veteran and a USMC Veteran. I began my LE career in 1994. I became a Law Enforcement Instructor in 2009. I went on to attain specialized instructor training in the disciplines of Firearms, LE Driving, Pursuit Termination Techniques, and Standardized Field Sobriety Tests.**

**I have attended over 7,000 hours of advanced LE training all around the country. I, like many of you, have been to good training, great training and poor training. I have had great instructors, horrible instructors and every kind of instructor in between. At the end of every one of those training days, I left with new tools or methods in my toolbox and often left with some examples of what not to do.**

**Let me tell you firsthand, since 2012 SCT has been revolutionizing many aspects of LE. Probably the single most important thing SCT did for LE was they proved through research and presentation that passenger side approaches save cop's lives. So many states and academies fought that concept. Passenger side approaches were proven. They were not and still are not expected, you can see more, you have a tactical advantage and the officer is out of the traffic way.**

**SCT was a driving force in educating officers on case law, teaching what was binding case law and what was persuasive case law. SCT taught officers how to research case law and how it applies to their US District and State by teaching how to use Google Scholar properly. That created confident young cops. Cops that new the law and new they could do something or not do something because the law said so. Cops were then doing things, not because some veteran officer said he/she could or couldn't do it, but because they knew their actions were founded in the law. In my opinion, a byproduct was that veterans had to put in the academic work and start learning some more. I was included in that and I became a better cop, better FTO and better Supervisor.**

**Taking classes from SCT and following the information they were pushing out for free, saved countless lives and educated the masses. COVID shenanigans brought training in many jurisdictions to a near halt. SCT brought many classes to the end user Cop via On Demand and Social Media shorts and clips. They really changed the scene for criminal interdiction work and began educating (again for free, via social media) cops on looking for and**

articulating suspicious driving behaviors, body language and roadside interviewing, all backed up by case law. Many of the successful classes they had for traditional in person, were modified and put out for free so Cops could learn and continue to get better fighting crime.

So, back to the 2021 SCT Conference. I initially questioned why in 2023 action was being taken by a non-LE entity in NJ against SCT about presentations that took place more than two years prior. A short open-source investigation revealed it was all political. None of the conference goers complained. The complaint came months later, from a third party that had an agenda. SCT was dominating the LE training market in New England and across the country while other companies were suffering. At that conference in 2021, was there some unprofessional language, story-telling and conjecture by some speakers? Yes. Is that professional? No. Does it happen at other trainings, by other companies, by other instructors? Yes it does. Sometimes the language and stories are relevant.

Many topics in LE teachings require context. That context is given through stories, often graphic, passionate and detailed. I am not making excuses, but I will say I have been to several HIDTA sponsored courses that were horrible, unprofessional and absolutely lacked relevance. I have been to some that were great. HIDTA courses are here to stay. I have yet to take a bad SCT course.

SCT regrouped after the NJ OSC fallout. They retrained their remaining people. I have sent along a letter prepared by their attorney. Feel free to reach out to Dennis Benigno, the founder of SCT. His cell is 732-261-3330.

I am available to answer any questions that I can and to elaborate if needed. Before any negative decision on whether SCT courses are granted POST credit, I encourage one or all of you to audit a course. I know Dennis would make that happen.

I believe in SCT for many reasons. Mostly, because I would not be where I am today without them. I firmly believe the Line of Duty Deaths would be higher each year without SCT, as they have literally transformed so much for the Rookie Cop, especially in small jurisdictions.

Thank you for your time,

*Brian Munro*

828-735-3837

*Did you know that courses submitted for IADLEST NCP certification are reviewed by subject matter experts in adult learning concepts, curriculum design, and classroom instruction practitioners? Our reviewers undergo a strict vetting process before they are approved to be an NCP reviewer. This includes a review of their resume/CV, contacting references, passing an oral interview, and successfully completing a training program. IADLEST will only use experienced and trusted reviewers to be a part of the NCP review process. This ensures your course is being reviewed by the best.*



Michael N. Becar,

Executive Director

International Association of Directors of Law Enforcement  
Standards and Training (IADLEST)



**NATIONAL CERTIFICATION PROGRAM  
 PROVIDER COURSE DOCUMENTS  
 CHECK OFF SHEET FOR IN-PERSON COURSES**  
 Please check off below as appropriate.

**MATERIALS INCLUDED**

**YES NO N/A**

1. Completed IADLEST Certification Application (do this online)
2. Instructor(s) Bios/Resumes
3. Instructor Guide/Lesson Plan/Manual that includes:
  - 3.a Overall course goal
  - 3.b Measurable Training Objectives written with an action, condition and standard
  - 3.c Course administration section that includes pass/fail criteria
  - 3.d Course bibliography/content references
  - 3.e Training videos or other media utilized, in course, with copyright permission notification
  - 3.f Course Schedule/Outline (include segment times)
  - 3.g Detailed lesson content with instructor notes throughout
  - 3.h Endnotes documenting course content
4. Course Student Materials
5. Pre-Test(s) with answer key
6. Post-Test(s) Answer Key
7. PowerPoint Training Slides or other visuals
8. Example of Student Roster
9. Example of Course Certificate – dates, place, hours, signature line, etc.
10. Example of Course Evaluation that assess training experience.
11. Any tools used to measure training transfer – Level 3 evaluation
12. Course/Company References that will respond to training quality questions – Email addresses and phone numbers
13. Other:





## **Montana Public Safety Officer Standards & Training Council**

Website: [dojmt.gov/post](http://dojmt.gov/post)  
2260 Sierra Road East  
Helena, MT 59602

Email: [mtpost@mt.gov](mailto:mtpost@mt.gov)  
Phone: (406) 444-9975  
Fax: (406) 444-9978

DATE: August 21, 2024  
TO: MONTANA POST COUNCIL  
FROM: JIM THOMAS, COMMITTEE CHAIR  
SUBJECT: CASE STATUS COMMITTEE REPORT AND CLOSURE OF CASES

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The Case Status Committee of the POST Council will have met three times, since the May 29, 2024, Council meeting. The Committee had its regularly scheduled meetings on June 12, 2024, and July 31, 2024; and the Committee will meet again on August 29, 2024. This is the Committee's written report setting forth the circumstances and resolution of cases. After consultation with legal counsel and meeting of the Case Status Committee of the POST Council, the following cases have been closed:

**2018 ~ No cases from 2018 were closed:**

There is one open case from 2018, in which the officer is serving a sanction.

**2019: There are no open case from 2019.**

**2020 ~ No cases from 2020 were closed:**

There are two open cases from 2020. In both cases, the officers are serving a sanction.

**2021 ~ No cases from 2021 were closed:**

There are two open cases from 2021, and in both cases the officers are serving a sanction.

**2022 ~ Two cases from 2022 were closed:**

22-48 was closed. A Sheriff became intoxicated and had an argument which resulted in law enforcement being called. The Sheriff was evasive in his responses to the investigating officer. The officer and POST entered into a Settlement Agreement, wherein he agreed to have his POST certification placed on probation conditions. The officer successfully completed his probation.

22-32 was closed. A police officer was alleged to have engaged in inappropriate evidence handling practices, and to have taken evidence from the department. The evidence was a computer that had contained child pornography. The officer was further alleged to have accessed the illegal material on the computer after his departure. POST sent the officer a warning letter, informing him that if more evidence came to light, or if he returned to law enforcement, POST would reexamine the issue.

There are eight open cases from 2022. Of those, one case is an active investigation; and in seven cases, the officer is serving a sanction.

**2023 ~ Four cases from 2023 were closed:**

23-06 was closed. A deputy sheriff used marijuana with his girlfriend who was underage. The officer and POST entered into an agreement, wherein his certification was placed on probation for a period of one year. The officer successfully completed his probation.

23-12 was closed. An underaged public safety communicator used marijuana. The officer and POST entered into an agreement, wherein her certification was placed on probation for a period of one year. The officer successfully completed her probation.

23-44 was closed. A police officer became highly intoxicated and proceeded to vandalize and enter several properties during the night, in an apparent attempt to locate his ex-girlfriend. The officer's POST certification was revoked and he did not request a hearing.

23-49 was closed. A corrections officer was charged with felony theft in connection with his illegal use of a fire department fuel card. The officer entered into a deferred prosecution agreement regarding the criminal charges. The officer voluntarily surrendered his POST certification.

There are seventeen open cases from 2023. Of those, one case is an active investigation, three of them are on hold pending other matters, and in thirteen cases, the officer is serving a sanction.

**2024 ~ Five cases from 2024 were closed:**

24-09 was closed. A corrections officer claimed work time for over 300 hours which he didn't actually work. The officer's certification was revoked when he did not respond to POST's correspondence.



24-10 was closed. A corrections officer provided someone else's prescription medication to another officer. The transaction took place in the facility parking lot. The officer also used the medication while on duty. The officer's certification was revoked when he did not respond to POST's correspondence.

24-12 was closed. A corrections officer received marijuana from a coworker on more than one occasion. The officer lied to investigators when questioned about the same. The officer's certification was revoked when he did not respond to POST's correspondence.

24-13 was closed. A state law enforcement officer was convicted of felony sexual assault. The officer voluntarily surrendered his POST certification.

24-14 was closed. An officer was alleged to have engaged in inappropriate relationships with drug-addicted minor females. Although the officer denies the allegations, he elected to surrender his POST certification.

There are thirty-three open cases from 2024. Thirty cases are active investigations, two cases are on hold pending other matters, and in one case, the officer is serving a sanction.

Since the last Council meeting, POST has **closed a total of 47 cases.**

POST currently has **32 active investigations.**

POST currently has **5 new allegations to present to case status.**

POST currently has **25 cases awaiting information from agencies.**

POST currently has **5 investigations on hold pending other matters.**

POST has a **total of 67 cases** which it is currently working on.

POST currently also has **26 cases** in which officers are serving sanctions.

	<b>625,543.18</b>	<b>51,403.53</b>	<b>574,139.65</b>
	625,543.18	51,403.53	574,139.65
	<b>625,543.18</b>	<b>51,403.53</b>	<b>574,139.65</b>
	625,543.18	0.00	625,543.18
61000 Personal Services	400,480.18	0.00	400,480.18
62000 Operating Expenses	183,063.00	0.00	183,063.00
68000 Transfers-out	42,000.00	0.00	42,000.00
	0.00	51,403.53	(51,403.53)
61100 Salaries	0.00	33,763.71	(33,763.71)
61400 Employee Benefits	0.00	14,338.74	(14,338.74)
62100 Other Services	0.00	1,822.14	(1,822.14)
62400 Travel	0.00	256.01	(256.01)
62500 Rent	0.00	193.12	(193.12)
62700 Repair & Maintenance	0.00	875.81	(875.81)
62800 Other Expenses	0.00	154.00	(154.00)