

POST Council Meeting Minutes
February 26, 2014
Conference Call

I. 9:05: POST Council meeting called to order

Council Members Present: John Strandell, Laurel Bulson, Jim Thomas, *Tony Harbaugh-Chair, *Tia Robbin, *Jim Smith, *Kimberly Burdick, *Georgette Boggio, *Jim Cashell, *Bill Dial(*via phone conference)

Staff Present: Perry Johnson-Executive Director, Mary Ann Keune-Administrative Assistant, Sarah Clerget-Agency Legal Service, *Chris Tweeten-General Counsel (*via phone conference)

Council Members Absent: Mike Batista, Lewis Matthews, Jesse Slaughter

Guests: Jim Muskovich-MACO, Curt Stinson-Helena PD, *Truman Tolson-Missoula PD, *Jerry Williams-MPPA, *Josh Clark-Missoula SO, *Geron Wade-Missoula PD, *Jeff Ferguson-St. Ignatius PD, *Matt Cashell-Ravalli Co SO Detective, *Ryan Oster-Hamilton PD Chief (*via phone conference)

Attendance taken by Perry Johnson. Quorum present.

II. Approval of Minutes for the December 16, 2013 POST Conference Call Meeting

Jim Thomas motioned to accept the minutes
Kimberly Burdick seconded
Motion carried

III. Guest Issues

Jim Muskovich from MACO has been contacted by a Roosevelt County Deputy Sheriff looking for some additional combative style training. The deputy is interested in going to the GRACIE Academy in Torrance, CA. Jim was seeking information from the group in regards to this MMIA style of fighting. From MACO's side of it, they like to be in line with the MLEA. Jim is concerned from an insurance side of it as well, if an officer does something outside of the norm and produces a liability issue.

Jim Thomas explained that the GRACIE Academy is a style of fighting taught to our military that isn't so much a self-defense combative technique as an "I'm going to cut your throat" style. Jim was an instructor at the Academy and taught PPCT and feels like that is a very good course. The Highway Patrol uses the SPEAR method. Both the PPCT and the SPEAR methods are good for self-defense. Jim Thomas didn't feel like the GRACIE style of fighting would be a good idea.

Jim Muskovich was looking for opinions. Turman Tolson stated that MLEA hosted a Ground Fighting class through Howard Webb from Oregon that

specifically dealt with the GRACIE style of ground fighting. Truman stated that he attended the class and it's something they currently do in Missoula. Perry Johnson asked if it is something they train now. Truman stated he trains it along with PPCT. They do a ground fighting portion and that is mainly what the GRACIE is, a MMA style of fighting. Truman feels like it is good information to have in case an officer goes to the ground. It is a perishable skill. Jim Muskovich asked if Truman thought MACO should look at bringing it to Montana. Truman thought it would cost big bucks but will get Jim the instructor's name from Oregon. Truman thought it was about 2004 or 2005 when the MLEA had a basic ground fighting and an advanced ground fighting class.

Truman said the techniques are definitely there and the primary rule in ground fighting is, "Don't go to the ground." He stated for what it's worth, GRACIE's are well known and well established in the defensive fighting. They were the champs when MMA were just starting up.

Perry suggested a good place to start would be with Kevin Olson. Jim Muskovich stated he has already spoken with Kevin about it but wanted the opinion of POST. Jim Thomas related that Mike McCarthy is one of the top instructors of PPCT. He is a staff member at the MLEA.

Perry announced that Curt Stinson from the Helena PD had just joined the meeting, for the record.

Perry asked if there were any other guest issues. No other issues were brought up.

Perry brought up that Curt Stinson has offered through his agency to help POST host the phone conferences. They have a smart board at their Dispatch Center at the airport. The board is eighty-four inches. The next phone conference isn't scheduled until December but Perry would like to take a look at that. We could share documents and do all the tracking live so people could see them as they were being done. Perry thinks we will be using it for our next phone conference.

IV. Old Business Items

Tony suggested a committee be formed to work on the ARMs. Sarah stated Perry and she had discussed 22.13.301 current subsection (h), ethics education, and she had a proposal for some additions. The main question is moving subsection (h) to subsection (i). Sarah suggested reviewing 23.13.203 and 23.13.702 as well. 23.13.702 discusses when an officer can be sanctioned or revoked. Sarah stated it might be good to discuss POST and Agency consequences, the differences between the two and the process that POST goes through. There are state requirements and while POST usually follows the consequences set by the Agency, there can be separate consequences. Another concern Perry and Sarah had discussed in this ARM is, when an officer holds a certificate in other states and they come to Montana they aren't automatically revoked in Montana. They were

considering adding in a subsection that discusses that situation. They thought 23.13.201 would be a good place to address this concern. Sarah thought it could be done with an additional subsection under Section 2. Her suggestion is to put in a new 2 (g) and move the others down. It would say officers must: be in good standing with any other license or certification board, or committee equivalent to POST in any other state such that no license or certification similar to a POST certification has been revoked or is currently suspended in any other state. It would make it a basic requirement from POST that no license or certification is currently revoked in another state.

Perry asked Chris Tweeten if he thought this is something we can do and would it be enforceable? Can this be part of our requirements? Chris wondered if this would only apply to the basic certification. Sarah stated that she was wondering about 22.13.702. The question is, does POST want to initiate a Contested Case Hearing procedure if that officer's certificate is suspended or revoked in another state? Chris said as far as getting the initial qualification to get the certificate, he sees no problem with that. The question he thinks may come up, would the officer be allowed to contest in Montana when the grounds for the revocation or suspension is in some other state? Chris thinks the only issue ought to be, if their suspension is in another state, their remedy ought to be in that state not in Montana. When POST denies an officer a certificate MAPA guarantees that officer a hearing in Montana. Chris understands that, but he doesn't think the officer should have the right to re-litigate the initial issue from the other state. Chris stated that when POST drafts the rule making notice that might be a good place to add some language making it clear that while they are entitled to a hearing under MAPA the only issues they get to contest in Montana are limited and they don't get to rerun the whole process that occurred in the other state. Sarah looked at teachers, doctors and nurses to come up with the language she would like to use. Chris would certainly recommend some language be added so Montana doesn't become a dumping ground for officers who are suspended or revoked somewhere else.

Perry stated that was the first time Chris had been involved in the discussion and the first time the Council has heard the additional edit. Perry asked Tony if he wanted to open it up for discussion. Sarah asked if it wanted to be brought to committee. Perry stated that this is the eighth draft of these ARMs and really thought it was time to get it brought to committee and bring it back to Council with the finished draft.

Bill Dial made a motion to form a subcommittee.
John Strandell seconded the motion.
Motioned carried.

Appointment of members by Tony:
Bill Dial, Johns Strandell, Jim Cashell, Kimberly Burdick, Tony Harbaugh,
Truman Tolson

Chris Tweeten and Sarah will be in attendance as counsel to the subcommittee.

Sarah stated Chris and her had talked about the deadlines. The Notice of Rule Making should be written by the next meeting in June. The next Council meeting was planned in conjunction with the MSPOA meeting but Perry didn't think POST could get their business done at that conference. Perry thinks there is too much business to address and it's been too long since there has been a face to face. Perry suggested that the ARMs are important enough and the timeline is tight enough that a May meeting should be planned. Sarah stated that Chris needs time to get the Notice of Rule Making created by the May meeting so the committee meeting needs to be held a month before the May meeting. Chris stated that April is going to be a fairly busy month for him but if he had the final draft by the 1st of April he thought he could get it written.

John Strandell suggested the committee should meet in the next couple of weeks as it might take more than one meeting to get a final draft. Sarah spoke regarding what kind of product the Council wanted and the timeline concerning the document.

Sara asked what final product the Council wants. Do they want it to be in the Notice of Rule Making that goes to the formal process of making rules with the Secretary of State's Office or do they want another draft that's just sort of the draft that the group has been looking at all along before it is put into the Notice of Rule Making format? Sarah's suggested it be put in the Notice of Rule Making format.

Georgette thought it should be put into the Notice of Rule Making format so it forces an ultimate decision because these ARM's can be endlessly tweaked. The ARMs need to be as perfect as possible but the goal was to have them done by the January meeting and now it will be March. Georgette thought it would help the Council move forward to that final place by using the Notice of Rule Making format. Tony agreed with Georgette. Chris suggested that any member who has ideas on changes be sure and get those to one of the subcommittee members before the meeting so the subcommittee can take those ideas under advisement. Chris also suggested that the final draft be circulated to all the Council members so the changes that are made can be plugged into the Notice of Rule Making draft. Procedurally, the way this works, the Council is required by MAPA to publish the Notice of Rule Making in the Montana Administrative Register, which is a periodical document published by the Secretary of State. It has a variety of different kinds of notices in it including specifically Notice of Proposed Rule Making. The Notice of Proposed Rule Making needs to be reviewed for Matters of Forum at least, by the Rule Reviewer at the Attorney General's Office. The ARM's are going to have to go through that process as well. Chris doesn't think the Attorney General has the authority to spike the Notice of Rule Making because he doesn't like the rules. However, by statute the Rule Reviewer needs to at least review the Notice of Proposed Rule Making for Matters of Forum and make suggestions to

that before they are published. So, there is some process that has to be followed after the Council approves the contents of what's in the notice then once there is a sign off from the Attorney General's Office Rule Reviewer it can be published in the ARMs. One other thing to be thought about is does there need to be a face to face on these rules? MAPA says that there has to be a hearing if the Rules contain matters of significant public interest. Chris thinks some sort of Rule Making hearing is going to be appropriate. No one may show up but at least we will avoid any issue in respect to the rule making. The ARMs also need to be submitted to the Law and Justice Interim Committee before they are published. It will most likely be a couple of months or longer before they can be published in the Montana Administrative Register.

Sarah responded that at least the work of the Council will be wrapped up with respect to the ARMs with the Notice of Proposed Rule Making. Chris agreed, unless some obstacle comes up such as the Law and Justice Interim Committee sees something in the rules that it doesn't like. It could notify POST about that then the burden would be on POST to decide whether to accept the Committee's objections or to go forward with the rules as is. The Committee members, at least by statute, could slow this process down even further if the majority of the Committee members sign a petition to the Committee saying they don't like the rules, then, by statute, POST has to delay the publication of the Rules for a while. In that instance, we'll come back to POST and decide whether we want to make substantive changes in the Rules to address the problems that the Committee found. There are many ways this thing can slow down between here and the final publication of the Rules.

Sarah reiterated: all the more reason to speed up the process on our end and Chris agreed. Sarah asked Tony if she understood right that for the purpose of today that all the changes from the last draft didn't need to be gone through word by word, but she will put all of those in addition of all the things she talked about and some other proposed changes in front of the subcommittee? Tony agreed and asked if anyone else on the Council disagreed with that? Sarah also stated that the subcommittee meeting is open to the public and must be noticed so any comments that need to come in from the public with respect to the ARMs can be dealt with by the subcommittee and they can be part of that discussion during the subcommittee meeting. Chris agreed. Sarah asked Perry if the notice would be posted on the website and Perry said, "Yes."

Perry liked Bill Dials idea of having the meeting on March 13 but John Strandell said it wouldn't work for him. John mentioned that he was looking at the book for Sarah's that had all the changes and thought it would be a good idea for Sarah to send it to the committee members prior to the meeting. Sarah said she could do that. Tony thought that would be ideal. Sarah thought it would be useful to have Chris at the subcommittee meeting too. Bill Dial asked if the Council thought there should be one "at large" person on the subcommittee from a larger agency for their input to get a little bit better bias. Sarah stated that she thought an "at large" person

can advise but not be a voting member. Chris stated that he thought that is the case. Truman Tolson responded that he or Lt. Wades could represent. Tony thought that would be good.

Truman had to hang up for another conference call but would rejoin as soon as he could.

Perry stated he thought we were looking at March 11th for the subcommittee meeting. The date worked for everyone and Perry suggested the meeting start at 8:00 a.m. Chris responded that Tuesday is a teaching day for him but he could stay until 12:30 before he would have to leave. Perry asked if Chris would be able to reschedule his class and Chris said he would. Perry reiterated that the subcommittee meeting will take March 11, 2014, 8:00 a.m. at the POST Council Conference Room. Truman hadn't hung up and reported that he would be good with March 11th as well.

Truman hung up and Jim Smith stated he had to hang up as well. Bill Dial asked if Perry would send out an email and Perry said he would.

Perry wanted to know if there was any other old business concerning the ARMs. No further discussion on the ARMs.

V. New Business

1. Georgette Hogan-Boggio pending resignation

Georgette stated that she would be leaving her position as Big Horn County Attorney March 7th so this would be her last meeting. Tony thanked her for her contribution to the Council and is sorry to hear of her leaving. Tony wondered if she would be notifying her association as well. Georgette responded that she would be writing them a letter because she sits on the Montana County Attorney's Association Board. She thinks the Governor selects which County Attorney is appointed to this particular position. Perry asked if she has had any discussions with the Governor. Georgette said she just wrote a letter. Perry wondered if she had any idea of who the Governor might be looking at for that. She did not.

Chris knows that by statute the County Attorneys are supposed to propose a member or members for the Governors consideration before that appointment is made. The County Attorneys Association may weigh in on who they think the Governor ought to appoint. He may not necessarily follow that recommendation but they certainly have the authority to do that if they want to. Perry asked Georgette if she had heard of any one on the County Attorneys association who is interested in it. She hasn't but she thought she should call Jim Smith and see if he wants to get it out and see if they want to recommend somebody.

Perry told Georgette how much he has appreciated the energy and the thoughtfulness that she brought to the meetings. It has really been a pleasure to have her on the Council and he is really going to miss her.

2. Discussion of possible legislative option for re-instatement of Public Safety Communicator (Dispatcher) for a representative on POST Council.

Tony referred the subject to Perry. Perry told the Council that this was a topic placed on the agenda by the request of Kimberly. Perry asked Kimberly if he could take the agenda out of order as several Council members were going to have to hang up.

Perry asked Legal Counsel to give an update on the possible litigation. Tony and Kimberly were in agreement.

3. Legal Counsel: Potential Litigation Update; Legislative update – Chris Tweeten/Sarah Clerget

Chris stated that POST had received a claim against POST and the former staff filed by Jason Nash, Mike Sargent, Ryan Funkie, Jay Doyle and their respective spouses. The defendants in this claim are Frank Bowen, who is the FWP officer who initiated the investigation in Lake County, Lee Anderson with FWP, Wayne Ternes, Clay Coker, POST Council, The Missoula Independent, Matthew Frank who is the reporter who wrote a couple of stories about this for the Independent, Terry Leonard and John Doe's 1-5. Chris clarified; this is not a complaint that has been filed in District Court at this stage. There's a statute in the Risk Management statutes that requires that if somebody wants to file a law suit against a public agency or agencies of the state they have to first submit a claim to the state Risk Managers or the county Risk Managers in the case of a claim against the local government. Those agencies then have six months to review the claim and the person can't file a lawsuit until either the government agency rejects the claim or six months have passed. That's the state we are in now. The six month clock has started ticking on this at the time it was submitted to the state Risk Management Court Defense Division. The Risk Management Division has assigned an attorney, Ann Brodsky, to work on this case for the time being and her responsibility is to try to ascertain the location of as much of the evidence relating to these things as she can, get copies of whatever documents or other information she needs to make a legal review of this claim and then to negotiate with the attorney for the plaintiffs. If it's the decision to negotiate rather than just reject the claim, they can negotiate to try and reach a settlement before the 180 day period lapses and the complaint is actually filed in court.

Chris asked if anyone had any questions about the process as he outlined it. Sarah added a point of clarification; the idea here is that Risk Management Court Defense and Ann Brodsky are the lawyers representing all the parties. Chris explained he is going to get to that; he just wanted to make sure everyone understood the process. He cautioned that this claim shouldn't be talked about in public. POST is entitled to a defense provided and paid for by the Risk Management Court Defense Division. They are required to both defend a claim on behalf of the POST Council and its

former staff members and also to pay any judgment that's awarded against them if the case should go to court or the decision made to settle it. It's the equivalent to having insurance provided by the state for POST Council and its former staff. What will happen is if the matter isn't settled at this state, Risk Management will hire outside Counsel to defend this case or at least to associate with Ann Brodsky and the defense of this case. They will provide us with a lawyer at their expense and will hire any expert witnesses that need to be hired or pay any litigation expenses that need to be paid and then at the end of the day if there's a judgment or a settlement made that requires the payment of some money, they will pay it out of their own budget rather than having to take it out of the budget of the POST Council. In exchange for that, the Council and its former staff members have an obligation to cooperate in the defense of the case. So, basically in order to continue to receive the benefit of the indemnification provision that requires them to basically cover us for the claim, we have an obligation to do what they tell us to do in terms of preparing documents and preparing for depositions or whatever they want the Council, its members or its staff to do. That's an affirmative duty on the part of us if we want to continue to have the benefit of that insurance coverage. There are only a small handful of ways that we can lose that coverage. One of them is if we don't cooperate in the defense of the case with the attorneys that have been designated by the Risk Managers. Chris would just impress on the members of the Council the fact that one; it's a great thing we have this coverage, and two; it doesn't come absolutely free because we have the obligation to be good clients for the Risk Management folks and to cooperate in their efforts to defend the case and get the best results for us. They will designate Counsel to defend POST, Wayne and Clay at Risk Managements expense and whoever that attorney is will be the attorney for the POST Council and those two staff members. Then we will have an attorney-client relationship with them as though they were attorneys like Chris that the Council had gone out and hired for themselves.

We are basically in the same shoes as if we were being defended by an insurance company. The obligation to cooperate in the defense is a condition of coverage for insurance policies. The first thing we need to do both collectively as the Council and individually as the Council members is to make sure that we preserve any records that we've got that pertain to the Lake County situation going back to the initiation of Bowen's investigation to date. The claim we have is in the form of a draft complaint and it basically goes back to the beginning of the investigation by Bowen which they say happened in August or Sept of 2010. At least back to 2010, whatever we have in terms of paper records, computer files, any copies of documents or PDFs of documents relating to this that you have or original word documents that you might have generated on your own computers, any electronic mail need to be saved. This requires you to go back and search your email file to see if you've saved anything that pertains to the Lake County situation. Chris would recommend that if you identify anything in your email files you put it in a separate folder so you will have in one place, everything relating to the Lake County investigations. When the time comes for someone to ask for the information, and it will be asked

for, you will be able to produce the folder and it will contain everything you have that's relevant to this in the form of email. Please do the same with the documents that are on your hard drive. It would be a good idea to gather those up and put them in a separate folder and keep them there and make sure you don't delete any of that stuff. If you delete any of that information, it becomes an issue with respect to relevancy. It very well might because you are not likely the only person who has a copy of that email on your computer or that document on your computer. If you try to delete something like that and the plaintiffs find out about it, it can have some very dire consequences when we get to the discovery phase of litigation if it goes that far. Under the Rules of Civil Procedure we have an obligation to preserve that data and to deliver it to the plaintiffs on request if it's either relevant to or may lead to the discovery of evidence that's relative to the Lake County investigation. Our duty to preserve it even if it's in an electronic format is really clear and if the judge finds out that important documents have been deleted particularly if they are deleted in an effort not to make them available to the plaintiffs, the sanctions that can be awarded against us are potentially quite stiff which could include significant financial penalties. They can also include the entry of an order by a judge directing the finding of liability on behalf of the POST Council or on behalf of our staff. Chris can't impress on anyone enough the seriousness of the responsibility to search for these documents, find them, preserve them then hand them over when they are asked for. That's the reason why all of you should have gotten a memo from Chris circulated by Perry, the day after he got the copy of this claim asking you to do exactly what he just described, which is to keep all of your stuff and then produce it when somebody asks for it. Perry circulated another copy of that memo the day before the Council meeting. If anyone has any questions about what the memo requires they are urged to call Chris.

Bill Dial had a concern for the current POST staff. How would they know if there is something on the hard drive that has already been deleted. Chris stated that we would need the services of some sort of forensic computer examiner to try and figure out if anything ever existed and how it could be reconstructed. Chris doesn't think we are obligated at this point to hire anyone. Chris thinks our obligations are to make reasonable efforts to discover this information and reasonable means commercially reasonable in light of the operation of the office. He doesn't think we have to drop everything and only work on this, but, it would be good to work on it when there is some spare time. He thought that Ann Brodsky has probably been in touch with Wayne and Clay and has specifically asked them wheatear and to what extent they saved things dealing with the Lake County situation when they left office and if they left it all at POST. Their state provided cell phones should have been left and hopefully the memory on the cell phones were preserved before the cell phones were decommissioned.

Perry doesn't think that was done and his experience from dealing with criminal investigations, there is such a tight window to capture any

information. He said it is hours, not days. He doesn't think there would be anything left on those cell phones.

Chris said the Risk Management folks need to get ahold of the DOJ and talk to their Human Resources people since they are the ones who were supposed to do the check list with Wayne and Clay when they left. Part of that check list involves turning over your cell phones and Chris would hope they would have enough sense to save what is on those phones. Chris doesn't think it's our problem at this point. We can't bring back what isn't in existence but Chris is sure that at some point, if she hasn't already, Ann would be in touch with the DOJ Human Resources and find out what happened to those phones. Our only responsibility is to search the things that you actually have possession and control over. Chris is asking everyone to search their own phones and hard drives on all of the devices in which they might reasonably have saved this stuff, set it aside and wait for further instructions.

Sarah has been in touch with Ann. Chris wanted to know if there were any other questions. Tony wanted to know if the former members have been notified as well. Perry said they had all been notified. He also shared that Harold Hanser had passed away. Perry spoke with Harold's daughter and she will try to recover anything that Harold may have pertaining to this case. Perry didn't think that the Council members got a lot of information about these cases. He also told the group that the information that was in the POST Council office was already in the possession of Sarah. Sarah is working with Ann Brodsky and IT.

Chris remembers the first meeting that he headed in August of 2012. That was the grievance airing meeting in which all of our stakeholders were able to tell about the problems they were having with POST and the staff. There were numerous references during that meeting to the situation in Lake County. He didn't think the packet for that meeting had any Lake County information but his impression was that most of the members of the Council were pretty knowledgeable about the fact that there was an investigation and what some of the allegations were with respect to problems with it. It's not farfetched for Chris to think that some of those folks may have something. Our obligation is to advise them of their obligations just like he did at the Council meeting and in the memo. The former Council members need to go through their things and if they saved the packets from the August 2012 meeting to look through those as well.

Perry stated that all those packets are still available at POST. Chris said that was something Perry and Mary Ann probably need to go through at some point. There will most likely be a lot of duplication. How that is kept track of and sorted out is Ann Brodsky's problem at this point. If someone knows of something that used to exist and has been deleted it would be useful to tell Ann that.

Sarah pointed out to Georgette that she is leaving the POST Council and she should be aware with her computer. Georgette said she had talked with Chris about it already.

Tony had to hang up. He asked John Strandell to Chair the rest of the meeting. John was in agreement.

Sarah wanted to point out that even though Risk Management is containing the expense for legal services, Sarah and Chris still have fees. Sarah is also a witness so Perry has talked with Agency Legal Services Bureau Chief, which is Jim Shire. They have worked out a method for tracking what the cost is going to be for Sarah. While ninety percent of the cost is covered by Risk Management Court Defense there will be some cost to POST for Chris and Sarah's time. Chris added that there is going to be some investment but that's what POST has outside counsel for. One of the reason's Chris is here is to help steer POST through the process so we don't make inadvertent mistakes that will come back to haunt POST later. Sarah added that Perry has worked out a way to track that money.

Perry stated that everybody knows that this whole thing is going to cost us money. When the day is done it's going to be nice to know what it did cost us. At some point, if it becomes onerous he will talk again and see if there's some way for POST to be indemnified for these costs as well. Perry said there may or may not be a way to be indemnified, he doesn't know, but, it's just the price of doing business. Everybody on the Council understands there are things that can't be contained in the operation. He's not saying that this is going to become so big that POST can't contain it. It's just good to go into this with our eyes wide open. We're doing the best thing that we can for the Council. Sarah reiterated that POST is getting ninety percent of the legal costs indemnified.

Chris stated he is ninety-five percent certain that if this turns into a law suit Sarah is going to get her disposition taken and who pays for her time to be deposed. He thinks it's a question that can reasonably be asked in court claims in terms of whether it's something that they would pay as a defense cost as opposed to have POST have to pay. On the other hand Chris thinks the law is that the covered party has an obligation to cooperate within reasonable limits may require the expenditure of some funds on the part of the covered party. Chris isn't familiar with an instance where an insurance company reimbursed an insured for the work that the general counsel does for purposes of guiding the client through the lawsuit. He thinks it's fine to have that discussion through court claims and he'd be happy to initiate that conversation with Ann. Sarah said that conversation has already happened and so far the conversation conclusion is that POST is going to bear the cost for now until it gets burdensome, then it will be readdressed. Chris told Perry he will separately track his time on the bills he submits.

Chris wanted the membership to know that Ann has been in touch with Wayne and he seemed cooperative with respect with wanting to get this case defended by the state at state expense. The implication Chris would

take from that is Wayne has been thoroughly vetted on his obligation to be a cooperative client. As of now Chris doesn't think there is any conflict between Wayne and POST. Chris states he is going to be on the lookout for that at some point and if it appears that in defending this case was close to litigation, POST is going to have to point fingers at Wayne. Chris is going to let Ann know and that means one or the other are going to have to get separate counsel. The same attorney can't represent two parties that have conflicting positions in the lawsuit. For example, if POST wants to argue in defense of its own actions that Wayne was acting outside the course and scope of what POST assigned him to do. In other words, Wayne was out there freelancing without any notice or understanding on the part of POST as to what Wayne was doing and therefore this was a frolic on his part that was outside the course and scope of his agency with us. We're going to make that clear to court claims and they are going to have to hire a separate lawyer for one or the other of us because we can't be represented by the same lawyer at that point. Sarah added that the same goes for Frank Bowen from FWP as well if our position comes in conflict with Frank's position. No one had any other questions.

Perry introduced the new Administrative Assistant – Mary Ann Keune.

John Strandell called a ten minute break at 10:35

Meeting called back to order at 10:45 by John Strandell

Phone members rejoining the conference:
Georgette Boggio, Jim Cashell, Truman Tolson,
Josh Clark, Steve Bolton, Kimberly Burdick, Bill Dial

It was determined that a quorum was present by Perry.

4. Discussion of possible legislative option for re-instatement of Public Safety Communicator (Dispatcher) for a representative on POST Council.

Perry asked Kimberly to explain the agenda item. Kimberly is a member of the Public Safety, Dispatchers and 911. She explained before Switzer became Governor there was a representative for 911 Public Safety that sat on the POST Council. She stated that for whatever reason Switzer got rid of that position. Kimberly said in the discussion of her last APCO (Association of Public Safety Communication Officials) Montana Chapter, it is the intent of the Chapter to try and pursue getting this position reinstated and put back on the POST Council. The Chapter believes it is a very important position for representation of Public Safety-911 for dispatchers across Montana. Kimberly wanted to bring it before the POST Council to see if it needs discussion and what direction to go to get this accomplished. She was informed that it is something that they need to get legislatively to change the membership or add it on to the POST Council. Her intent when she applied to the POST Council was in the capacity of a public member and that's how she got on to the Council. However, her experience over the

past 25 years has been in Public Safety. She did discuss with the Governor's representative the fact that although she was applying as a public member her interest was in the 911-Public Safety Dispatch field. That was totally understood and she informed the Governor's Representative at the time that if there ever was that position put back on the Council she would be interested in moving to that position.

Kimberly is bringing it up to the POST Council as a place to start to see if there is any discussion or any guidance in moving forward and how to move forward. John Strandell asked if they have had any discussion with the Governor's office about doing this. Kimberly said she hasn't talked to the Governor himself, but did talk to the Governor's Representative when she was appointed explaining to her that it was something the APCO group was going to pursue. John thought it would be a good idea to reengage the Governor's office and let them know that they are interested in proposing this legislation to see if he is interested in adding to the POST Council. Kimberly said that would be a good place to start then.

Jim Thomas asked about the fact that it takes legislative action to put a person on but the Governor can just take someone off. John Strandell thought there was a reorganization of the Council where there were quite a few changes made to membership. It wasn't something Governor Switzer did himself. John thought it was done legislatively. Sarah reported there is a statute that defines what the membership of the POST Council can be made up of. That part is done legislatively, but the movement of the people on and off the Council can be done without legislative change. Sarah asked Kimberly if she understands the proposal right; it's to get the statute defining the positions that must be held on the POST Council changed. Kimberly stated it is actually to get an addition. Sarah wanted clarification that Kimberly didn't want to replace a member but wanted to add a fourteenth member and Kimberly would like it to be a Public Safety Representative. Kimberly is looking for guidance and any ideas she could take back to her Chapter and how this may proceed forward. Laurel wanted to know when Switzer took the dispatcher out were there still thirteen members and were they replaced with another member? Was the position just gone and then they replaced it? Kimberly understood the reorganization that Switzer did was due to him thinking a lot of the Councils were too large. Kimberly wasn't really sure what happened back then. Sarah understood from the legislative history that it was a complete reorganization so they changed all the positions to the current structure in the statute. Perry understood that they eliminated some positions. It was a larger board. Sarah said they added others that weren't there as well. It was a complete start over. Perry said the total number went down.

Jim Thomas thought the best representative for this particular position should be somebody from the state chapter of APCO. Kimberly said they have discussed that and they thought it would be a good idea. However, the dispatchers that aren't members of APCO may not feel like it pertains to them or would help them. They just aren't sure how that should all look. They are looking for ideas. Perry wanted to know if Kimberly is

comfortable being the point of contact for the Governor's office on this matter and if she was looking for some kind of endorsement or support from the Council now? Kimberly stated she was definitely looking for direction.

Chris said the statute 44-4-402, provides for a Council consisting of thirteen voting members and then ten of them have specific affiliations with various interest groups, the State Government, Law Enforcement, Chief of Police, Sheriff, two members of the BOCC, and three Montana Citizens at large who are informed and experienced in the subject of law enforcement. Chris added the options for fixing this statute to address the problem would be to either reduce the number of citizens at large from three to two and designate one of the positions as a Public Safety Communication Officer or increase the size of the Council to fourteen members and keeping three citizens at large. Chris doesn't know what the legislature would choose to do with it. The whole intent from the reorganization was to decrease the size of the Councils. If the Council is going to endorse the idea of changing the statute to include a Public Safety Communications Officer Chris thinks there needs to be a decision as to whether we want to purpose a fourteen member board or propose a thirteen member board with two citizens at large instead of three. We could strike one of the other categories as well, but Chris wouldn't recommend that.

Georgette stated she would like to hear from Tony on this subject. Do the deputies have a similar group or police officers? She is interested in Tony's position as a Sheriff and what about other groups who would be interested in an equivalency that would be given to dispatchers or do we think that this interested is based on historically that they had a position on the old board. Did other groups have similar positions? What positions were cut from the old board? Georgette wonders what the old seats are and are they going to seek being placed back on it?

John Strandell reiterated to Kim that he thinks the best place to start is to contact the Governor's office and see if there is even any interest in entertaining this idea. It is truly the Governor's choice on which legislation he is going to support or not support. If they got a vote of approval that the Governor would endorse something like this it would be a step in the right direction. The Governor may say he isn't interested in changing the current law or the makeup of the Council.

Kim said that was going to be their first step.

Perry stated that he thinks about these Council meetings practically every day. If the change is made to fourteen it would take eight to have a quorum and right now a quorum is seven. If people are going to be on the Council they really need to either be at the meetings or be on the phone. Adding a person creates some other dynamics and he isn't sure we are ready to deal with that yet.

Kim said she would like to have the information before she approaches the Governor. Would the Council have reservations about adding another member or would there be heartburn taking away a citizen at large? Bill Dial would support taking away a citizen at large so the Council would stay an odd number of members for voting purposes. Kim agrees with that. Kim wanted to know if the Council is okay with approaching the Governor saying the Council is behind replacing one of the citizens at large with a Public Safety Communications Officer. Jim Strandell said he doesn't think the Council at this point should take a position on it. This is the first time this has been brought up and he wants time to think about it. There are a number of variables that can happen. He would like it brought back as old business at the next meeting and that will give her time to talk to the Governor's office and see if that is something they would support her group on. John suggested it could be included as part of the Council's legislative packet if needed. Kim appreciates the help. Sarah reiterated that the statute that addresses the membership is 44-4-402 if anyone wants to look at it. John also advised Kimberly that visiting with Mike Batista might be a good thing. He would have the historical knowledge of what happened from the old Council to the new and the new administration. Chris wanted to know if Sarah has the session laws in her office and go back to 2007 and get a look at the bill that did this. She also could go back and find the 2005 set of codes. Sarah said she has both in her office. She would do that and write a memo if she wanted them to. Chris said he would look it up and get the information to Perry who could get it out to the members.

Jim Cashell left the phone conference at 11:08.

5. Director's Report

Perry asked if any other members joined the call. Tia Robbins was on the phone so a quorum was present.

Perry talked about the case files. He stated there hasn't been a Case Status Subcommittee meeting since the first or second week in December, 2013. So far in 2014 we have opened five new cases. They haven't been reviewed with the Case Status Subcommittee yet. John Strandell, Laurel Bulson and Perry have been trying to meet but their schedules just haven't allowed for a meeting. They will try to get a meeting together some time soon. The current report looks similar to the report that was presented back in December. Not much has changed. Perry asked if there were any question. No one had a question.

The next item was the budget summary. The total budget for the program year is \$314,974.00. To date at the end of February we have a budget balance of \$155,156.88. That reflects vacancy savings. Perry operated the office for a while by himself and there is still vacancy savings from an Investigator/Compliance Officer position that the board already made the decision to call an Investigator/Paralegal. To date the application process closed on February 14, 2013. There are twenty-eight applicants. Perry hasn't looked at the list. DOJ Human Resources is helping him with that

whole process. Kevin Olson has a staff member who is a tremendous resource POST in regards to the hiring process. She was very involved in the hiring process with Mary Ann. Tony and Perry have talked briefly in regards to the Paralegal position, the interview process and the questions asked. Perry thinks within the next couple weeks the office will move into that process and get the interview board put together also. When the Admin Assistant was hired Jim Thomas and Laurel Bulson sat on the interview board as well as a couple of MLEA staff members helped us through that process as well.

Perry asked if there are any questions about the budget. Perry is feeling pretty good about the budget. He stated that we have spent \$100,000.00 of that budget so far this year on Legal Services. That is the process here. There was a Contested Case hearing earlier in 2013. There are a lot of bases to cover here and he's trying to make sure it's being done right. He feels like we are going the direction we need to go.

6. Certificate Requests

Perry shared that we had one hundred ninety-one Certificate Requests this time. Jim Thomas noticed that there were some officers, especially from FWP who were applying for two certificates. Perry looked back into the history and looked at the pending certification reports. The way the ARM's say is they must have the certificate and the way it's been applied historically is, if they are qualified for the basic and the intermediate, they are given at the same time. Sarah stated that ultimately it is better for POST when basic certificates are given out. POST wants everyone to have a basic certificate.

Jim Thomas noticed there was a person on the list that has been working for five or ten years without a basic certificate. Sarah said there are some officers who have been working for fifteen years without a certificate. Sarah stated that it becomes a problem for POST within the Contested Case context. Sarah reminded everyone about the ARM that would make the basic certificate automatic to try and fix this problem.

Perry shared that FWP dropped off a whole stack of applications in February. The website says that the applications must be in by the first of the month of the meeting date. They dropped off college transcripts along with the applications with written explanations so they would get the required hours to get there intermediate and advanced certificates. Mary Ann was able to get all the information entered and Perry spent days going over the applications to make sure the lateral movements were accommodated for FWP. There are a lot of good things going on to at POST.

Perry recommended the approval of the Pending Certification Report. Jim Thomas made a motion to approve the Pending Certification Report. Laurel Bulson seconded that motion.
Motion carried.

7. Extension Requests

Perry introduced the candidates:

Daniel Schneeman, Detention Officer, Rosebud County Sheriff's Office, Forsyth, MT Rosebud County has had a shortage of staff and has asked for the extension for coverage purposes. Perry recommends he be granted the extension.

Perry reported that he has talked to Kevin Olson about the Detention Officer Basic classes and Kevin has had to add a class in order to accommodate the turn over and the demand for the training.

Sean Schoenfelder, Police Officer, Glasgow Police Department, Glasgow, MT Glasgow police had some budget issues in regard to sending Sean to basic so they asked for the extension.

Perry thought that both of the rationales presented by their administrators were reasonable.

Bill Dial made a motion to grant the two extensions.

Laurel Bulson seconded the motion.

Motion passed.

8. Basic Equivalency Requests

Justin Harms, Deputy Sheriff, Richland county Sheriff's Office, Sidney, MT Perry reminded the members he had brought this officer up at the end of the December meeting. Sheriff Brad Baisch hired Justin in April 2013. He had attended the two year Associates Program at Alexandria Technical and Community College in Minnesota. Jim Cashell and Perry talked about it. Perry reached out to the Minnesota POST Director Neil Melton and he directed Perry back to the college. The Director explained to Perry that Minnesota doesn't have a Law Enforcement Academy. They have about 18 Law Enforcement programs presented by different colleges in the state. As soon as Justin received his diploma from the college he was license eligible. As soon as he passed the background check, the psych evaluation and the physical evaluation by his agency, and they pinned his badge on, he could apply for and be awarded the license in Minnesota. The program he went through involved a tremendous skills program, the firearms, the driving, the PPCT, hundreds of hours actually.

Perry thought the POST Council would do well to grant reciprocity to Justin and allow him to attend equivalency. Jim Cashell and Perry have had a discussion about opening a door to E-learning or online opportunities or other colleges may ask POST for this. Perry told Jim that after looking at their curriculum and their whole course of study, if somebody else could match that Perry couldn't imagine not opening the door. He feels like it is a tremendous program put together by Minnesota POST and they've used it since 1977. He thinks it's one of the only

programs where they actually issue a license to their officers and they're reviewed and renewed every three years.

John Strandell asked if there were any questions about the Director's recommendation. No questions.

Perry brought the next candidate. Martin Ludeman, Chief of Police, U of M Police Department, Missoula, M: He has been out more than three years but less than five years, so he fits within 732.303.

Sandy Schroeder, Deputy Sheriff, Gallatin County Sheriff's Office, Missoula MT: She is currently POST certified in Oregon. Her transcripts show hundreds of hours of training since her basic and a bachelor's degree.

Andrew McFarland, Detention Officer, Missoula County Sheriff's Office, Missoula, MT: He went through the CA Detention Officer Program. That program is a little longer than MT program. He is POST Certified in CA.

Kevin Myers, Police Officer, Logan International Police Department, Billings, MT: Kevin has been out more than three years but less than five. At the time of his retirement he was in good standing with POST of MT.

Thomas Lloyd, Police Officer, Bozeman Police Department, Bozeman, MT: He is a current LAPD officer. He will start his career with Bozeman March 24, 2014. Bozeman would like him to get that legal equivalency shortly after he starts.

Perry thought all these requests were fine unless any Council members had questions.

Jim Thomas wanted to go back to Justin Harms. He was afraid it would open a door and wanted to know if Dawson Community College had a program. Dawson has a reserve program. Perry went on to say he has talked to Kevin Olson about this and the POST Council has been doing this for a long time. It is nothing new. Perry had sent out the background on all of these individuals in an email. He explained the differences in the Minnesota Colleges. Bill Dial stated he has looked at Minnesota as a model for competency based training. He said that Minnesota's training is one of the best in the country if not in the world. Bill is confident that Justin is at the level he has to be and probably higher than most that come out of any traditional academy.

John Strandell asked if there were any other questions. No questions.

Bill Dial made a motion to accept the Basic Equivalency Requests. Laurel Bulson seconded the motion. Motion passed.

Chris spoke about the importance of starting to talk about the 2015 Legislative Session. If the Council would like to offer some legislation it

would be a good idea to get in touch with the Law and Justice Interim Committee and try to get them to offer POST Bill as a Committee Bill. Before that is done Chris thinks some ground work needs to be done with people and groups POST deals with. POST drafted legislation for the last session that would have accomplished a couple of things. It would have changed the statute dealing with the mental status exam that is required for certification. It would have made it easier for small communities where there is a shortage of mental health providers to get that evaluation done. It now states that it has to be done by a physician who is the applicant's primary physician. There are other mental health professional who can do these evaluations who are not medical doctors. Chris said Tony is familiar with this. They have gotten some information with some of the agencies in Eastern Montana that are in the middle of this problem. How do you find a way to get this officer's mental health status done? There are agencies that do it remotely with a provider who will review the results of the individual's examination then issue a report as to mental status. The legislation was designed to make that process easier and also would have required the issuance of a certificate upon completion of all the requirements including the basic and the probationary period which we are trying to accomplish by regulation. Chris thinks it would be nice to have an anchor in the statute that would let us do that as well.

There may be other proposals by members of the Council have in mind. Chris wanted to know if the Council wants to make another run at certification designation as a Criminal Justice Agency for purposes of receiving confidential criminal justice information. That issue wasn't included in the POST legislation last time based primarily that the stakeholder had indicated that they would not support it if it went to the Legislature. In fact, they probably would have opposed it if it went to the Legislature. Rather than jeopardize the entire bill it was decided to leave that out. As it turns out it wouldn't have mattered because the bill didn't get far in the bid. Chris wanted to make the point that at some future meeting POST needs to decide what it wants to do with respect to legislation for the 2015 session.

In addition Chris stated there's a question whether to go to the Governor's office and try to get included in another FTE for a legal counsel. That would allow POST to rely less on outside counsel and have an attorney on staff that would be responsible for doing POST business. Chris reiterated that Perry reported that POST is spending quite a bit of money on legal counsel. Part of it is the work of the Contested Case Counsel. Chris stated there is always going to have to be an independent Contested Case Counsel from the element of your legal costs but whether you want to hire a full time lawyer to replace Chris as an outside counsel is another question that POST wants to consider when putting the budget request together. Chris is sure that DOJ is in the preliminary stages of getting their EPP, budgets ready. The question of asking for another FTE for POST is one that needs to be thought about now in advance of the meetings being held and decisions made about what's going to be in the DOJ budget requests. This should be placed on the next Council agenda.

Perry agreed with Chris in the fact that he thinks POST will choose to pursue the mental health component legislatively and he thinks it is responsive to the questions POST has taken from the stakeholders already. Perry said in response to the Criminal Justice designation, he wants to stay off of that unless there is a groundswell of support for the discussion. He would like to see the POST Council Office become a little more static and establish better relationships. He doesn't want to get into a dog fight over it.

In regards to the upcoming budget preparation, he is glad the subject was approached by Chris. He reminded everyone of the restricted appropriations for this biennium of \$50,000.00 a year. It's not going to take much to add to that amount to contain the whole operation in the POST office. POST is going to hire a paralegal, we've hired an admin assistant and we have a director. If POST can hire a staff member who is an attorney we could identify and contain the costs that haven't been contained before. Perry has had the discussion with some of the Council members and it makes sense to him. He thinks there is enough work for POST and the work is important enough that we should look at developing a staff here that is knowledgeable and able to respond to all of these case specific situations that this Council deals with all the time.

Chris pointed out that looking at the billing would determine what area of hire POST needs. Does POST want to hire a Contested Case Counsel or an Outside Counsel? Perry said based on what he has seen in the past six months, the model he would like to look at is handling the contested cases internally and anything we needed outside counsel for POST would continue to contract. Perry wondered if at some point it could be transitioned into one position. Chris said the Outside Counsel's job is to provide legal advice to the Council and its members regarding decisions that need to be made. Your contested case counsel is to work with the contested case committee and move it through that process. He thinks it would be a conflict of interest. Jim Thomas noted that having the contested case lawyer on staff would give POST the most financial stability. Perry agreed. He said it provides several things for POST. It provides a consistent application of what we're doing and it really keeps us on the clock. We know where we are and where we want to be and a dedicated employee who will get us there. He said in regards to the counsel to the council; that is a manageable thing for now anyway. Perry thinks POST will see more in regards to the contested case side of this. POST is talking about the sanctioning or revocation of these certificates. We are talking about people's livelihoods and that's a process we can develop and apply it consistently.

John suggested Perry get ahold of Eileen at Central Services and ask her to do a cost analysis. Perry explained that Eileen was at POST training Mary Ann and asked Perry if he had thought about this. Perry thinks the reason Eileen brought it to him was because she can see the cost benefit and a way to capture some of that work product and contain it. Perry thinks it's the

direction POST wants to go. John suggested that Perry call Eileen as there are deadlines coming up.

Sarah stated that when it gets to the end of a contested case hearing, when the Council is debating about what the hearing examiner has done, at that point a separate counsel is needed. The billing has been done categorically so Perry has a good idea of the difference. An outside counsel couldn't be eliminated entirely. There are moments when outside counsel would be needed. This subject will be on the next meeting agenda.

Sarah asked Chris if he knew when the deadlines are for legislation. Chris didn't know but he thought this is the time to be laying the foundation for what POST wants to see happen next January in the legislature. Last time POST had a lot of assistance from the Legislative Relation folks from the Attorney General's office. Hal worked closely with the Legislative Relations group in getting legislative strategy put together. He continued that POST needs to start thinking about how it is going to lobby this legislation. Are we going to ask the Attorney General's office to be the piece on the Capitol Floor for this legislation so that someone is over there keeping an eye on what's going on and making sure someone isn't trying to torpedo this legislation behind the back of POST? There are a lot of things that need to be done before the first of January if POST plans to ask for some substantive legislation.

Turman Tolson hung up at 11:50.

9. Committee Reports

- a. Policy Committee:** Georgette reported there hasn't been a policy meeting and a new Chairman needs to be picked. The policy has been on hold due to the ARM's being dealt with. After the ARM's are taken care of Georgette advised it would be good for the committee to meet with Perry and look at some POST specific policies.
- b. Coroner Committee:** Tony wasn't present on the call to give a report.
- c. Integrity & Professional Standards Committee:** Kimberly reported there hasn't been a committee meeting. Sarah stated that she thinks it got wrapped into the new committee. The idea was that it was going to be put into the ARM committee. Perry stated that since Kimberly is on the subcommittee for the ARM's it will be handled for now.
- d. Curriculum Committee:** Jim wasn't present on the call at this point. Perry talked about the Misdemeanor Probation Officer Curriculum. It is a subject that has been on the table for a long time. Jim Thomas, Randy Robinson and Perry actually meet to look over some information that was submitted to POST by Reanne Forsyth but since that time Reanne wanted to materials back to edit and Perry hasn't seen it again. He is sure she will return the materials then the committee will revisit the subject. Perry stated he gets frequent questions from agencies that have Misdemeanor Probation Officers

that refer to different statutes that they are required to have POST approved training. They would like their people in the Basic. Perry refers them back to the definition of a Public Safety Officer because Misdemeanor Probation Officers don't fall under the definition of a Public Safety Officer. They may be required to have POST approved training but they don't fit into the MLEA training. Perry said it's important to keep POST eyes on it because they are required to have POST approved credit. However, POST isn't required to supply it, just review and approve it.

Chris stated that he has spoken with Dan Cederberg who is a lawyer who represents the Missoula non-profit that provides their Misdemeanor Probation services. Chris thinks their intention is to pursue a legislative solution to that problem in 2015. He thinks they understand that POST doesn't feel like the statute authorizes us to do what they would like done and their fix for that may be to change the statute. Chris offered to keep in touch with Dan to find out from week to week what is taking place concerning the situation. Perry thought that would be a good idea.

Jim Thomas asked Chris what state board regulates the Misdemeanor Probation Services. Chris thinks that is the problem. There isn't a board to regulate them. John Strandell said he understands that the board is created by each individual jurisdiction. Chris stated that the problem is they are private nonprofits that are supplying these probation officer services to the counties and cities for misdemeanor purposes and they aren't certified by anybody, even though the statute seems to require they be certified. He said they don't have any board that tells them what training to get and then approve the training. That's why they feel they need to go to the legislature and get the gap closed somehow.

John Strandell said that in Missoula the group and contract is through the Pre Release center to provide their services to the city. Chris thought it was call Corrections Alternative but wasn't sure. Chris stated the operation of the Pre Release Center in Missoula is contracted out to the nonprofit company. That group also provides the misdemeanor probation services. Missoula has two JP's in the city court that may be making use of the misdemeanor probation services. Chris isn't sure how extensive it is but they are providing the services and being compensated for those services. The companies wish is to get their training certified by POST so that they can be in compliance with the statute. It's a liability question for the company in part. If they get someone under supervision and someone ends up getting hurt the corporation is going to be a target. One of the questions will be, how are the officers trained? Do they have sufficient training to protect the public from the dangerous people they are supervising? These companies are looking at it from the financial end, making their product more saleable and also for some protection down the road in case something turns bad on them. Perry agrees with Chris and doesn't want to provide POST service to someone who doesn't fall into the

scope of our authority. He's not trying to be difficult with these folks and will engage them in conversations, but POST isn't there or a part of that solution. Chris thinks they get that and that's why they are trying to change the statute.

John Strandell asked if the DOC is working with them through Reanne Forsyth and Perry thinks she is acting as an independent consultant. The material she is providing to POST is as a consultant not as a DOC instructor. Jim Thomas thinks it's interesting that many jobs have a board that regulates them but not the misdemeanor probation service group.

Chris pointed out that Felony Probation Officers employed by the District Courts are ok and there isn't any problem with their training and certification. The Misdemeanor Probation is a relatively new thing as he understands it. The District Court Probation Officers don't generally have the authority to supervise misdemeanor convicts as Chris understands it. That's what brought about this new program for supervision of misdemeanor convicts to get them out on probation and not clog up the jails. They are a little bit ahead of themselves in terms of getting everything done that needs to be done to make all the statutes fit together with continuity that they need. Perry said POST will work our way through it and asked Chris to keep in touch with Dan Cederberg.

- e. Business Plan Committee:** Nothing to report
- f. Case Status Committee:** John Strandell reported no meeting had been held.
- g. ARM Committee:** A subcommittee has been formed and will meet on March 11, 2013.
- h. Hiring Committee:** Perry stated Tony and him had spoken and would like to use the protocol that was used for hiring the Admin Assistant. They would like to have Tony, John, Jim and Laurel on this hiring committee. It would help POST work their way through this. Perry stated that any other members are welcome to be involved if they would like. It's handy with the three members who live in Helena.

VI. Council Member Reports, Comments and Additional Feedback:

None

VII. Public Comments: None

VIII. Announcement of date/time/location of next meeting: Perry suggested Thursday, May 8, 2013 at 8:00 am. It will be held at MLEA in the OHLS building. Kimberly stated she will be in Arizona at a conference but will try to dial in. The date will work for everyone else.

IX. 12:07 p.m. Meeting Adjourned

