

**MONTANA Public Safety Officer Standards and Training Council**  
**Meeting Agenda ~ February 23, 2021**  
**Face to Face Meeting 9:00 a.m. ~ 12:00 p.m.**  
**MLEA ~ Rooms 121**  
**2260 Sierra Road East**  
**Helena, MT 59602**

**Dial-in Participant Information**

Dial-in number: (866) 576-7975

Access code: 612394

- I. 9:00 a.m. ~ Call meeting to order, roll call, identify and welcome guests and new Council members.**
- II. 9:05 a.m. ~ Pledge of Allegiance and Invocation**
- III. 9:10 a.m. ~ Approval of minutes for December 8, 2021, Council Meeting**
- IV. 9:15 a.m. ~ Public Comment/Guest Issues**
- V. 9:25 a.m. ~ Committee Reports**
  - A. Committee Assignments**
  - B. Curriculum ~ Conner Smith**
  - C. ARM ~ Leo Dutton**
  - D. Case Status ~ Jim Thomas**
  - E. Coroner ~ Leo Dutton**
  - F. Marijuana ~**
  - G. Business Plan/Policy ~ Kimberly Burdick**
- VI. 10:00 a.m. ~ Break**
- VII. 10:15 a.m. ~ Old Business**
  - A. Drishinski Discussion \***
  - B. Marijuana Presentation – Doug Samuelson**
- VIII. 11:30 a.m. ~ Lunch Break**
- IX. 12:00 p.m. ~ New Business**

**A. Michelle Dietrich**

1. Introduction
2. Due Process Discussion

**B. LEOB Syllabus**

**C. Misdemeanor Probation/Pretrial Service Syllabus – Rick SyWassink**

**D. Garrett Peterson Bomb Technician Recertification Application**

**E. General Council Memos**

1. Public Record Memo
2. Conrad Memo

**F. Director's Report**

1. Budget
2. Certificates Awarded
3. Training Approved
4. Equivalency Granted
5. Extensions Granted
6. Contact List ~ Council Members & Staff
7. Office Updates
8. Next meeting – May 11, 2022

**X. 1:00 p.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.

## Keune, Mary Ann

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**From:** Gilbertson, Eric  
**Sent:** Wednesday, February 16, 2022 7:17 AM  
**To:** Keune, Mary Ann; Cranmer, Tina; Bolger, Katrina  
**Subject:** Fw: [EXTERNAL] POST Replacement

Short, but sweet, sentiment from Ryan Oster

*Eric S. Gilbertson, Executive Director  
Montana Public Safety Officer Standards and Training Council  
2260 Sierra Road East  
Helena, Montana 59602  
(406) 444-9976 Desk  
(406) 444-9978 Fax*



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**From:** Ryan Oster <ryanoster@yahoo.com>  
**Sent:** Wednesday, February 16, 2022 6:32 AM  
**To:** Gilbertson, Eric <Eric.Gilbertson@mt.gov>  
**Subject:** Re: [EXTERNAL] POST Replacement

Thank you for the info. I am happy that things are moving forward.

God bless you guys as you continue to hold the line.

Ryan

On Tuesday, February 15, 2022, 07:18:36 AM MST, Gilbertson, Eric <eric.gilbertson@mt.gov> wrote:

Ryan,

Good Morning!

I just received word this morning that Sidney Police Chief Mark Kraft was appointed to fill your former spot on the council. I want to thank you once again for your years on the council and the direction you provided law enforcement in Montana both at the local level and by serving on the POST council. I would suspect with the appointment you may not be at the meeting next week but if you do intend on coming please let us know.

Have a great day!

OFFICE OF THE GOVERNOR  
STATE OF MONTANA

GREG GIANFORTE  
GOVERNOR



KRISTEN JURAS  
LT. GOVERNOR

February 8, 2022

Jim Anderson  
PO Box 201301  
Helena, MT 59620

Dear Jim,

It is my pleasure to appoint you to the Montana Public Safety Officer Standards and Training Council in accordance with MCA § 44-4-402. Your term will commence February 7, 2022 and run through January 1, 2023. You fulfill the qualifications of a Representative of the Department of Corrections. A copy of the statute describing the Board's duties is enclosed (MCA § 44-4-402).

Montana's boards, councils and commissions play a significant role in effective governing, and I know that your service will help make Montana a better place now and for future generations.

Attached is an oath of office that will need to be signed in the presence of a notary public and returned by mail to Boards and Appointments, Governor's Office, P.O. Box 200801, Helena, MT 59620-0801. Please also complete and return the attached questionnaire.

Mary Ann Keune provides staff support to the Board and will be reaching out to you with information about the Board's next meeting.

Congratulations on your appointment and thank you for your service.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Gianforte".

GREG GIANFORTE  
Governor

cc: Mary Ann Keune, Department of Justice

OFFICE OF THE GOVERNOR  
STATE OF MONTANA

GREG GIANFORTE  
GOVERNOR



KRISTEN JURAS  
LT. GOVERNOR

February 8, 2022

Mark Kraft  
300 12th Ave. NW, Suite 5  
Sidney, MT 59270

Dear Mark,

It is my pleasure to appoint you to the Montana Public Safety Officer Standards and Training Council in accordance with MCA § 44-4-402. Your term will commence February 7, 2022 and run through January 1, 2023. You fulfill the qualifications of a Chief of Police. A copy of the statute describing the Board's duties is enclosed (MCA § 44-4-402).

Montana's boards, councils and commissions play a significant role in effective governing, and I know that your service will help make Montana a better place now and for future generations.

Attached is an oath of office that will need to be signed in the presence of a notary public and returned by mail to Boards and Appointments, Governor's Office, P.O. Box 200801, Helena, MT 59620-0801. Please also complete and return the attached questionnaire.

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Congratulations on your appointment and thank you for your service.

Sincerely,

A handwritten signature in blue ink that reads "Greg Gianforte".

GREG GIANFORTE  
Governor

cc: Mary Ann Keune, Department of Justice

OFFICE OF THE GOVERNOR  
STATE OF MONTANA

GREG GIANFORTE  
GOVERNOR



KRISTEN JURAS  
LT. GOVERNOR

February 8, 2022

Mike McCarthy  
PO Box 6903  
Helena, MT 59602

Dear Mike,

It is my pleasure to appoint you to the Montana Public Safety Officer Standards and Training Council in accordance with MCA § 44-4-402. Your term will commence February 7, 2022 and run through January 1, 2023. You fulfill the qualifications of a Montana Citizen At-Large who is informed and experienced in the subject of law enforcement. A copy of the statute describing the Board's duties is enclosed (MCA § 44-4-402).

Montana's boards, councils and commissions play a significant role in effective governing, and I know that your service will help make Montana a better place now and for future generations.

Attached is an oath of office that will need to be signed in the presence of a notary public and returned by mail to Boards and Appointments, Governor's Office, P.O. Box 200801, Helena, MT 59620-0801. Please also complete and return the attached questionnaire.

Mary Ann Keune provides staff support to the Board and will be reaching out to you with information about the Board's next meeting.

Congratulations on your appointment and thank you for your service.

Sincerely,

A handwritten signature in blue ink that reads "Greg Gianforte".

GREG GIANFORTE  
Governor

cc: Mary Ann Keune, Department of Justice

## MONTANA POST COUNCIL MEETING

December 8, 2021

Face to Face Meeting 9:00 a.m. to 12:24 p.m.

Montana Law Enforcement Academy

2260 Sierra Road East

Helena, MT 59602

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Council members present: Jesse Slaughter -  
Council Chair, Jim Thomas, Conner Smith, Kristine  
White, Matt Sayler, and Bill Smith.

Council Members present by phone:

Wyatt Glade

Ryan Oster

Council Members Not Present: Leo Dutton, Jess  
Edwards, Tia Robbin

Staff Members Present: Eric Gilbertson, Executive  
Director; Mary Ann Keune, Administrative Officer;  
Katrina Bolger, Paralegal/Investigator; Tina  
Cranmer, Administrative Assistant

1 POST Legal Counsel:

2 Michael Fanning, Esq.

3

4 SPECIAL MASTER:

5 Stuart Segrest, Esq.

6

7 Guests in the Room:

8 Glen Stinar, MLEA

9 Shelby DeMars, MPPA

10

11 Guests on the Phone:

12 Mark Muir

13 Cherilyn Devries, Montana Human Rights Network

14 James Anderson, DOC

15 Mike Baum, DCI

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1           WHEREUPON, the following proceedings were  
2 had:

3                           \* \* \* \* \*

4           CHAIR SLAUGHTER: If everybody can grab  
5 their seats, we'll call this meeting to order.  
6 It's 9:00 a.m. on December 8th, 2020. We're in  
7 Helena, Montana. This meeting is now on the  
8 record, and I'm going start by turning it over to  
9 our new Director, Director Eric Gilbertson, to do  
10 roll call, please.

11           MR. GILBERTSON: Thank you, Chair.  
12 Jesse Slaughter.

13           CHAIR SLAUGHTER: Here.

14           MR. GILBERTSON: Bill Smith.

15           MR. BILL SMITH: Here.

16           MR. GILBERTSON: Kimberly Burdick.

17           MS. BURDICK: Here.

18           MR. GILBERTSON: Leo Dutton.

19           (No response)

20           MR. GILBERTSON: Leo is absent. He has  
21 another engagement in Oregon. Jess Edwards.

22           (No response)

23           MR. GILBERTSON: Jess advised he  
24 wouldn't be able to make it unless his vote was  
25 necessary later on. Wyatt Glade.

1 (No response)

2 MR. GILBERTSON: Wyatt, are you on the  
3 phone?

4 (No response)

5 UNKNOWN SPEAKER: DCI.

6 MR. GILBERTSON: Ryan Oster.

7 MR. OSTER: Here.

8 MR. GILBERTSON: Matt Sayler.

9 MR. SAYLER: Here.

10 MR. GILBERTSON: Conner Smith.

11 MR. CONNER SMITH: Here.

12 MR. GILBERTSON: Jim Thomas.

13 MR. THOMAS: Here.

14 MR. GILBERTSON: Kristine White.

15 (No response)

16 MR. GILBERTSON: Kristine White.

17 (No response)

18 MR. GILBERTSON: And Tia Robbin will not  
19 be able to be here. She'll be absent as well.

20 CHAIR SLAUGHTER: Thank you, Director.

21 So at this time we're going to welcome any guests.

22 We'll start with guests -- I don't see any guests

23 in the room, so I'll go to the phone. Can you

24 please announce yourself on the phone, please.

25 MS. DeVRIES: This is Cherilyn DeVries

1 from the Montana Human Rights Network. I'm here<sup>5</sup>  
2 to give public comment, but I know that's later in  
3 the agenda.

4 CHAIR SLAUGHTER: I believe it was  
5 Rhonda with Human Rights --

6 MS. DeVRIES: I'm sorry. It's really  
7 hard to hear. My name is -- I'm not sure if you  
8 were referring to me -- Cherilyn, C-H-E-R-I-L-Y-N,  
9 last name is D-E-V-R-I-E-S.

10 MR. GILBERTSON: Okay. Anyone else on  
11 the phone?

12 MR. MUIR: Like Cherilyn -- this is Mark  
13 Muir, M-A-R-K M-U-I-R, and like Cherilyn I'm  
14 having some difficulty hearing. I don't know if  
15 there's a way to increase the volume on your end.

16 However, I am just intending to offer a  
17 slight bit of public comment with respect to the  
18 ARM considerations.

19 MS. BOLGER: Mr. Chair, this is Katrina.  
20 Everybody who is in the room, you have a goose  
21 neck microphone in front of you. When you speak,  
22 make sure that your light is green, and make sure  
23 you speak directly into the mike so people can  
24 hear you.

25 (Ms. Kristine White present)

1 CHAIR SLAUGHTER: Do we have any other  
2 guests on the phone?

3 MR. ANDERSON: Jim Anderson from the  
4 Department of Corrections.

5 MR. GILBERTSON: Thanks, Jim. Anyone  
6 else on the phone?

7 MR. BAUM: Mike Baum, DCI.

8 CHAIR SLAUGHTER: Mike, can you spell  
9 your last name for the record.

10 MR. BAUM: It's B-A-U-M.

11 CHAIR SLAUGHTER: Thank you, Mike.

12 MR. GILBERTSON: Any other guests on the  
13 phone?

14 (No response)

15 MR. GILBERTSON: Okay. And we had a  
16 couple guests walk in while we were talking to the  
17 guests on the phone. Could you guys maybe just  
18 introduce yourselves real quickly.

19 MS. DeMARS: Shelby DeMars, D-E-M-A-R-S,  
20 here on behalf of the Montana Police Protective  
21 Association.

22 MR. GILBERTSON: Thank you, Shelby.

23 CHAIR SLAUGHTER: And then Kristine  
24 White joined us.

25 Okay. Director Gilbertson, I'm going to

1 turn it over to you. I think at this point in  
2 time it's appropriate that you introduce yourself  
3 to the Council as our new Director, and to the  
4 public at large, and then I'll have you address  
5 new staff issues. Okay.

6 MR. GILBERTSON: Absolutely, and thank  
7 you. My name is Eric Gilbertson, and I've been  
8 appointed and decided to become the new POST  
9 Director for the Council.

10 Just by way of history I guess, I have a  
11 bachelor of science from Montana State University.  
12 I went to law school in Oregon for a couple years  
13 before I decided I didn't want to be a lawyer, and  
14 chose a career in law enforcement instead.

15 So I worked for the Lewis & Clark County  
16 Sheriff's Office for just under 16 years, and then  
17 this position became available. And ethics  
18 training and public safety in Montana is one of my  
19 passions, so I felt it was a good fit for me  
20 personally and professionally.

21 That's the back story on me as the new  
22 Director, and I'm just excited to be here and  
23 working with this group of individuals and  
24 stakeholders across the state.

25 Not only am I new, but upon coming on

1 board I had a discussion with the outgoing  
2 Director Perry Johnson about General Counsel for  
3 the Council, and in that process, we identified a  
4 new General Counsel who I believe will be a good  
5 fit for the Council, and is Stuart Segrest. And  
6 I'm going to let Stuart do his own bio.

7 MR. SEGREST: Thanks, Eric. Yes. So my  
8 name is Stuart, and I spent 14 years in the  
9 Attorney General's Office, the Montana Attorney  
10 General's Office. I started off doing criminal  
11 appeals, and then for the most part I either  
12 represented different agencies within DOJ such as  
13 Highway Patrol or DCI, and sometimes gave counsel  
14 to POST, although that was a little more rare.

15 I also defended the State in court in  
16 constitutional challenges. So kind of a broad  
17 array of stuff, really fun, really enjoyed it.  
18 And the end of the last summer, I decide to try my  
19 hand at private practice, so I'm downtown with a  
20 firm Christensen and Prezeau now.

21 And Eric reached out to our firm, and I  
22 jumped at the chance to get back to representing a  
23 State agency, or a State board in this case, and  
24 I'm really excited for the opportunity. Happy to  
25 discuss anything more at any other time, but I

1 think that's kind of the basic background.

2 MR. GILBERTSON: And then also in the  
3 corner of the room is Tina Cranmer, who has been  
4 with POST for some time. This is her first  
5 Council meeting, but she's been instrumental in  
6 the work that we do. And she doesn't like to  
7 speak a whole lot, but we love having her, so I  
8 just want to acknowledge that she's here as well.

9 CHAIR SLAUGHTER: Thank you, Eric. And  
10 as always, thank you to Mary Ann and Katrina for  
11 all you do, and we appreciate you as well.

12 So if you will, please, we'll please  
13 rise for the Pledge of Allegiance.

14 (Pledge of Allegiance)

15 (Invocation)

16 CHAIR SLAUGHTER: Okay. So now we're  
17 going to move to the approval of the minutes from  
18 August 11th, 2021. I believe that's Pages 3  
19 through 41 in your packet.

20 MR. OSTER: Mr. Chairman, this is Ryan  
21 Oster. I make a motion that we approve those  
22 minutes.

23 MR. THOMAS: This is Jim Thomas. I  
24 second.

25 CHAIR SLAUGHTER: Ryan Oster made a

1 motion, Jim Thomas second. Do we have any  
2 discussion?

3 (No response)

4 CHAIR SLAUGHTER: Hearing no discussion,  
5 the motion carries. Minutes are approved.

6 So if there is no objection, and we're  
7 right on time, we would go now to public comment  
8 and guest issues. Anybody on the phone have  
9 public comment or guest issues, if you can hear me  
10 okay.

11 MR. GLADE: Good morning, Mr.  
12 Gilbertson. This is Wyatt Glade. I'm not  
13 necessarily a member of the public. I just wanted  
14 you to know that I have dialed in, and --  
15 (inaudible) --

16 MR. GILBERTSON: Thank you, Wyatt. I  
17 appreciate it. Glad you could make it.

18 MS. DeVRIES: This is Cherilyn DeVries  
19 from the Montana Human Rights Network. I'm  
20 calling to offer public comment on the attempt to  
21 allow Richard Mack to offer training on county  
22 supremacy to law enforcement officers back in  
23 June. I notice that it was pretty slanted toward  
24 freedom of speech issue.

25 And certainly officers are allowed to

1 have freedom of speech and thought in beliefs.  
2 However, when taxpayers funds are paying for  
3 officer training, I believe some review should be  
4 in order when the trainings are approved. Richard  
5 Mack's form of the pro militia ideology called  
6 county supremacy, which denies the legitimacy of  
7 the federal government, and that County Sheriffs  
8 are the highest law enforcement authorities in the  
9 nation, and along with extremist Ammon Bundy, who  
10 has had armed stand-offs with law enforcement  
11 officers also promotes county supremacy.

12 Richard Matt has also appeared with  
13 anti-semitic speakers over the years, which does  
14 not show his good values that I think we want our  
15 officers to have.

16 I would ask in the future that trainings  
17 be reviewed to make sure that they align with law  
18 enforcement officer training standards. Thank you  
19 very much.

20 CHAIR SLAUGHTER: Thank you for that.  
21 Any further comment?

22 MR. MUIR: Mr. Chairman, this is Mark  
23 Muir. Can you hear me okay?

24 CHAIR SLAUGHTER: I'm sorry. I didn't  
25 hear the name. Please say your name again.

1 MR. GILBERTSON: I think it was Mark  
2 Muir. Mark, did you have comment?

3 (No response)

4 MR. GILBERTSON: He might try to call in  
5 again, so I think you can move to hear other  
6 callers.

7 CHAIR SLAUGHTER: I think Mark is trying  
8 to call in again, so we'll be patient. Is there  
9 anybody else that has any public comment?

10 MR. MUIR: Mark Muir rejoining the call.

11 CHAIR SLAUGHTER: Thanks, Mark. Would  
12 you spell your last name for the Court Reporter,  
13 please.

14 MR. MUIR: Mr. Chair, I'm sorry. I  
15 can't hear you.

16 CHAIR SLAUGHTER: Can you please spell  
17 your last name for the record, and then give any  
18 public comment you would like.

19 MR. MUIR: Thank you, Mr. Chairman.  
20 It's Muir, M-U-I-R, Mark. And I just want to take  
21 one minute to offer a compliment to Mary Ann for  
22 some assistance that she gave me doing research  
23 recently. She certainly is under no obligation to  
24 provide me in the quick prompt fashion that she  
25 did, and I really appreciate the fact that she

1 attempted to work with the public.

2 Secondly, I just wanted to offer that I  
3 have noted that in the committee reports today  
4 you're going to review the topic of adding a  
5 subsection to the ARMs regarding sexual  
6 misconduct. I encourage you to follow through  
7 with that.

8 The only suggestion that I have is that  
9 prior to adopting any final language, you might  
10 want to review the 2011 literature from the  
11 International Association of Chiefs of Police that  
12 provides a slightly broader definition of sexual  
13 misconduct, which I think upon review might be  
14 helpful in crafting the terms to define sexual  
15 misconduct.

16 With that said, I wish you the best in  
17 accomplishing these changes to the ARMs, and it's  
18 certainly a matter that is presently being  
19 intensively scrutinized in Montana Courts.

20 And as you probably know, there is a  
21 certified question before the Montana Supreme  
22 Court by the Ninth Circuit asking them to weigh in  
23 on whether or not on-duty sexual assault is  
24 considered within the course and scope of  
25 employment, so certainly an important topic for

1 you to be addressing, and I appreciate your time  
2 this morning.

3 CHAIR SLAUGHTER: Thank you very much,  
4 Mark. For anyone on the phone, can you hear  
5 better now? We made some technological  
6 adjustments in here.

7 MR. MUIR: Mr. Chairman, I can hear you  
8 much better, at least four or five times better.

9 CHAIR SLAUGHTER: Okay. Great. People  
10 on the phone, please, please speak up. We will  
11 not intentionally talk over the top of you, we  
12 will not intentionally ignore you, but with  
13 technology sometimes we don't hear it quite right.

14 I just ask that even if you spelled your  
15 name before, please spell it again when you come  
16 on, just so that the Court Reporter gets  
17 everything accurately for the record. Thank you  
18 so much for that.

19 Any more public comment or guest issues?  
20 More public comment or guest issues.

21 (No response)

22 MR. GILBERTSON: Chair Slaughter, the  
23 question was if we wanted to jump to committee  
24 reports. We do have a matter that we would like  
25 to get going at 9:30, and we can't start before

1 that time. We do need a little bit of set-up time  
2 prior to that, and I think just for that sake, I'd  
3 recommend going on break until 9:30 at this point.

4 CHAIR SLAUGHTER: Thank you, Director.  
5 So that's what we're going to do. We're going to  
6 take an exactly ten minute break, and we need to  
7 be back ready to go promptly at 9:30. So thank  
8 you all.

9 (Recess taken at 9:20 a.m.)

10 (Richard Smith transcript bound separately)

11 (Reconvened at 9:49 a.m.)

12 CHAIR SLAUGHTER: For those on the  
13 phone, just give us a couple minutes. We're  
14 rearranging the room, and we're going to go to  
15 committee reports.

16 Now that that's over, and Mr. Gilbertson  
17 is back in his seat, I'm going to turn it over to  
18 him for committee reports.

19 MR. GILBERTSON: Thank you, Chair  
20 Slaughter.

21 Turning to Page 51, the first item is  
22 just to review current committee assignments,  
23 maybe in light of some discussion we'll have  
24 further on in the course of the meeting.

25 One of the things that was brought to my

1 attention is that since the last meeting, Conner  
2 Smith has been appointed to the Case Status  
3 Committee, and that is a pretty heavy lift for any  
4 one individual Council member to carry. But he is  
5 also present on the Marijuana Committee, as well  
6 as the Curriculum Review Committee as Chairman.

7 And I would just ask if he thinks that  
8 he would like to continue being on all three  
9 committees, or potentially not.

10 MR. CONNER SMITH: I would be fine  
11 letting one of those go. The Case Status is  
12 definitely one of my priorities; and probably the  
13 Curriculum. Marijuana I'm less knowledgeable on.  
14 We can still bring in our experts, as we  
15 discussed, at our next meeting, and I don't mind  
16 that, but I don't see a need to be on that  
17 committee.

18 MS. KEUNE: This is Mary Ann. Which one  
19 do you want to be off of?

20 MR. CONNER SMITH: The marijuana.

21 MS. KEUNE: This is Mary Ann again. So  
22 are you saying that you will stay on the  
23 Curriculum, or are you off that as well?

24 MR. CONNER SMITH: Yes, I can stay on  
25 the Curriculum. It's not a heavy lift on that

1 one.

2 MS. KEUNE: Okay. Thank you.

3 MR. GILBERTSON: And then I think for  
4 the time being, even in light of what we'll talk  
5 about later in regards to resignations, I think we  
6 can keep those committees as they are until new  
7 people may be appointed to the Council, and maybe  
8 they would be a good fit for some of those slots  
9 that may open up. Does anyone have discussion on  
10 that?

11 (No response)

12 MS. BOLGER: This is Katrina. I just  
13 wanted to point out that there are only going to  
14 be two voting members on the Business Plan Policy  
15 Committee then.

16 MR. GILBERTSON: And I guess that's a  
17 question maybe I'll ask Ryan if he's still on the  
18 phone.

19 Ryan, it's my understanding your  
20 intention was to continue in your Council duties  
21 until a replacement is found; is that accurate?

22 MR. OSTER: So this is Ryan. My  
23 resignation from the Police Department is  
24 effective on the 30th of December.

25 I'm willing to continue as long as I

1 can. I do have another employment opportunity,  
2 and I'm not exactly sure what that is going to  
3 look like after the first of the year. So sorry,  
4 I can't really -- I'm not giving you a real  
5 precise answer, but I'm hopeful that the Governor  
6 is going to move forward with an appointment soon.

7 MR. GILBERTSON: I think we all are, and  
8 I appreciate your willingness to continue, Ryan.  
9 Chair, would you recommend maybe putting someone  
10 else on that plan just for continuity?

11 CHAIR SLAUGHTER: Yes, I would.

12 MR. GILBERTSON: Do you have any  
13 suggestions, or does anyone want to volunteer for  
14 that position?

15 MR. SAYLER: This is Matt. I'd be  
16 willing to sit on it until it fills with someone  
17 else.

18 CHAIR SLAUGHTER: Sorry, Matt, but  
19 you're on a lot, and you're also on Case Status,  
20 so I'm worried about your load as it is now. So  
21 just put me on there for now. I attend them  
22 anyway, so --

23 MR. GILBERTSON: Business Plan.

24 CHAIR SLAUGHTER: Business Plan. Thank  
25 you, Matt. I just know you have a heavy load.

1 MR. SAYLER: Doesn't bother me.

2 MR. SEGREST: You just look like the  
3 good guy.

4 MR. GILBERTSON: Any further discussion  
5 on committee assignments? Am I overlooking  
6 anything?

7 (No response)

8 MR. GILBERTSON: I think we'll move to  
9 committee reports. Conner Smith is the Chair of  
10 the Curriculum Review Committee. Do you have  
11 anything to report there?

12 MR. CONNER SMITH: Nothing to report.

13 MR. GILBERTSON: Moving on to the ARM  
14 Committee report. I reached out to Sheriff Dutton  
15 last week, and received a response. He has  
16 nothing to report in regards to ARMs. Does anyone  
17 else on that committee -- Jesse, did you have  
18 anything you want to add?

19 CHAIR SLAUGHTER: I have no report,  
20 Director.

21 MR. BILL SMITH: No, sir.

22 MR. GILBERTSON: I think we do have a  
23 report from the Case Status Committee. Jim  
24 Thomas.

25 MR. THOMAS: Yes. Thank you. It's in

1 black and white, Pages 52 through 56, what we've  
2 been doing. We've been busy. We had a meeting  
3 yesterday, over 500 pages of documents that we  
4 went through. And so I can't really go into much  
5 detail on the cases themselves.

6 I didn't know, Eric, if we wanted to  
7 talk about what we're planning to do with the Case  
8 Status Committee as far as recognizing it  
9 formally, or do we want to talk about that later?

10 MR. GILBERTSON: I think we have a point  
11 later on under New Business, is my understanding.  
12 And Shelby is out of the room right now, so I  
13 think that we'll probably do that during the  
14 Director's report.

15 MR. THOMAS: Okay. So any questions I  
16 can answer, I'll be happy to, if anyone has any.

17 (No response)

18 MR. GILBERTSON: Okay. Moving on to the  
19 Coroner report, again, I did reach out to Sheriff  
20 Dutton last week, and I received a response from  
21 him. I also spoke to Sheriff Steve Holton to make  
22 sure that I got added to that group's email list.

23 So my report from Sheriff Dutton just  
24 says, "Hi, Eric. The Coroners Association  
25 Conference is May 3rd, 4th, 5th, 2022. The hotel

1 in Billings is yet to be determined. The  
2 association meeting is in January to determine the  
3 training topics."

4 And in speaking with Sheriff Holton,  
5 those dates are kind of contingent on whether that  
6 will be in person, or held virtually. So I don't  
7 have a date for that.

8 Coroner Basic is set for December 13th  
9 through 17th out here at the Academy, and register  
10 with the Academy website.

11 The second paragraph is: "Of concern,  
12 there are only 15 civilian coroners left in the  
13 state. The County Commissioners have combined  
14 offices in many counties. When an incident occurs  
15 of an in-custody death, the agency is required to  
16 use an independent elected coroner. This has  
17 become problematic for the remaining Coroners,"  
18 and then he provides some background information  
19 that I think the committee has probably seen in  
20 the past, and I think that was more of an FYI.

21 Along those lines, I will note that I  
22 had a discussion with Pat Barber from Sanders  
23 County last week, and it was previously a Sheriff  
24 Coroner position, and Sanders County has chosen to  
25 separate those offices once again. So there will

1 be one more civilian coroner in the state,  
2 probably bumping that number to 16.

3 CHAIR SLAUGHTER: Director, this is  
4 Jesse Slaughter. I'm actually pushing my  
5 Commissioners to do the same thing. I know among  
6 Sheriffs, we've discussed different MCA changes  
7 that would kind of allow for another Sheriff to  
8 basically investigate another Sheriff's in-custody  
9 death.

10 And I have a hard time with it. It was  
11 designed to kind of create separation, and help  
12 with giving the public a good ethical  
13 investigation that they know was handled  
14 appropriately.

15 So I'm actually in the process with my  
16 -- and the County Attorney on board, too -- and  
17 trying to separate those out as well, because I  
18 think that it -- I definitely think that's  
19 something in the next two years that's going to  
20 become a big topic.

21 MR. GILBERTSON: Anyone else have  
22 discussion regarding coroner?

23 (No response)

24 MR. GILBERTSON: Moving on to the  
25 Marijuana Committee, it is my understanding there

1 was no meeting of that committee, but there was a  
2 plan at the August meeting to attempt to have  
3 someone come present issues to the Council at this  
4 December meeting.

5 And the two people capable of doing that  
6 with the Highway Patrol are otherwise engaged. I  
7 think one of them is currently out of state, and  
8 one is participating and probably instructing in a  
9 DRE course that's going on right now. So we don't  
10 have any discussion for that agenda item today  
11 unless someone else has something to add.

12 (No response)

13 CHAIR SLAUGHTER: Director, are we going  
14 to just table that and then put it on the next  
15 meeting's agenda?

16 MR. GILBERTSON: That would be my  
17 recommendation. And Conner, if you think that  
18 might be possible to have someone.

19 MR. CONNER SMITH: Yes, I've talked to  
20 both individuals. As long as I can give them a  
21 heads up on the next date, then they can plan  
22 around it, and they'll be here.

23 MR. GILBERTSON: Sounds good, and I  
24 think we'll have a discussion further as to  
25 possible dates for the next Council meeting, so

1 maybe after that we could reach out to them.

2 It's been an hour since we took a break,  
3 roughly 40 minutes. Do we need a break here? Do  
4 you want to continue through Business Plan Policy?  
5 We have more extensive of a report in that  
6 committee report.

7 CHAIR SLAUGHTER: Let's take a short  
8 break, like five minutes. We'll be back at 10:06.

9 (Recess taken)

10 CHAIR SLAUGHTER: It looks like  
11 everybody is back, so we'll get started again, and  
12 I'll turn it back over to the Director to talk  
13 about Business Plan and Policy.

14 MR. GILBERTSON: Thank you, Chair.  
15 Kimberly Burdick is the Chair of the Business Plan  
16 and Policy, and I know she wanted to defer some of  
17 the discussion to me, but I would give her the  
18 first opportunity to talk if she would like.

19 MS. BURDICK: Thank you, Director  
20 Gilbertson. We did meet on November 17th via the  
21 phone, and you see the items in front of you for  
22 discussion covered in Pages 57 to 61. I am going  
23 to defer the bulk, if not all, of the discussion  
24 to Director Gilbertson; and I am aware that Stuart  
25 also knows an awful lot about what went on as

1 well. He's aware of this. So I'm going to take  
2 this opportunity to defer.

3 MR. GILBERTSON: Sounds good. So being  
4 a relatively new Director, I guess I'd just make a  
5 comment before moving to this that in April's  
6 meeting, Perry Johnson made a comment about new  
7 members on the Council, and the interplay between  
8 POST staff and the Council being a dance.

9 And as I'm new to my position and other  
10 people are here, I think that's an analogy that we  
11 can talk about again. And I'm not much of a  
12 dancer, so if I make some missteps along the way,  
13 I apologize, and I appreciate everyone bearing  
14 with me.

15 So I think there has been some  
16 discussion on the part of the Council and the  
17 Business Plan about how to improve ARMs to reflect  
18 the reality that some of the people employed in  
19 public safety are military members, and  
20 complications that if they're deployed, what that  
21 presents to the office, and how to best to address  
22 that.

23 So looking at Montana Code 44-4-404,  
24 there was a suggestion that we amend that statute  
25 to incorporate a tolling of the time period while

1 someone is deployed in active duty status and also  
2 serving in the military.

3 While looking at that issue, I think we  
4 discovered an ancillary issue, that some of the  
5 disciplines allow for an extension to be granted  
6 by the Director outside of the one year  
7 requirement to attend and receive basic training.  
8 In others it's not explicitly stated.

9 And so the second proposed amendment to  
10 that statute would be to allow POST staff to grant  
11 an extension for all public safety disciplines  
12 consistent with those that say there's a six month  
13 extension. And then I guess I'll defer to Stuart  
14 as far as a legal expert on what he would suggest  
15 with this.

16 MR. SEGREST: So I think it's a good  
17 idea in a general sense to address it.

18 I did look at, and I know there was some  
19 discussion at the Business Plan meeting, about  
20 whether USERRA -- which is the federal law that  
21 requires employers to sort of keep the position  
22 open, and keep it in the same place for those who  
23 are called to military duty -- and whether that  
24 would apply or whether that should be a guide.

25 As a specific matter, that federal

1 statute applies to employers, private and  
2 governmental. So POST being a regulator, I don't  
3 know that it specifically speaks to POST.

4 However, everyone that POST regulates is  
5 an employee of one of these employing agencies,  
6 and I think it's a good idea for POST not to get  
7 in the way of allowing that public agency to  
8 follow USERRA, its requirements under USERRA, and  
9 hold that position open for that person during  
10 their time of military service.

11 And in that sense, I think it does make  
12 sense to pause that time period for the officer to  
13 get POST training or POST certified training  
14 during the time of military service.

15 The one recommendation I would have in  
16 looking at this -- and this has been, I just have  
17 to say, federal law -- This is a relatively simply  
18 law as far as federal laws go. Federal laws are  
19 complicated, way more complicated than state laws.

20 So I can't tell you in any sense that  
21 this is -- I'm giving you the full scope. From  
22 what I've seen so far, and I've talked to one  
23 other attorney in my office who has had a lot of  
24 experience with this statute, it seems like the  
25 one recommendation I would have --

1           MR. GILBERTSON: I ask you to pause real  
2 quick, Stuart. I think we had a recent caller  
3 calling via phone, and it appears your microphone  
4 may not be muted. So I would ask if you'd  
5 consider muting your phone. We're getting some  
6 feedback at the Council meeting.

7           MR. MUIR: Absolutely, Mr. Chairman. My  
8 apologies. It's Mark Muir rejoining the call. I  
9 didn't want to interrupt.

10          MR. GILBERTSON: Thank you, Mark. I  
11 appreciate it.

12          MR. SEGREST: It sounds like we're good.  
13 So I guess my point was that you might want to  
14 consider putting in a time limit under -- this  
15 would be the proposed change 2(b), and this is at  
16 Page 57 of your materials.

17                 So the USERRA itself has a five year  
18 general limit that it applies for military  
19 service. There are some exceptions, but for the  
20 most part, it's a five year limit.

21                 So I think I would suggest at least  
22 considering having something like a five year  
23 limit, or perhaps referencing USERRA and having  
24 the limit be the limit provided within that  
25 federal statute.

1           And I can keep going. I don't know if  
2 at this point I should pause and see if you have  
3 questions, but that's my sort of general overview  
4 of it.

5           CHAIR SLAUGHTER: Any questions here in  
6 person or on the phone regarding that?

7           (No response)

8           CHAIR SLAUGHTER: Go ahead, Stuart.

9           MR. SEGREST: Eric or Katrina, another  
10 issue we had discussed is whether time in service  
11 should count in other regards for those officers.  
12 Did you want me to discuss that now, or should we  
13 hold that off for later?

14          MS. BOLGER: Go for it.

15          MR. SEGREST: So USERRA provides what is  
16 called an escalator provision, and that's  
17 basically you should treat the employee as if they  
18 had been, at least for longevity purposes,  
19 employed and working in the particular job during  
20 the time they were in military service.

21                 So for example, if there's a pay raise  
22 every year, and they had been gone for a year,  
23 they should get that pay raise as opposed to being  
24 at the salary they were at when they left.

25                 So the way that's come up in the

1 discussions about the military leave issue here  
2 is: Do we want to provide some type of credit for  
3 time in service, as far as how that affects these  
4 officers and their certifications over the time  
5 that they're serving in the military?

6 I don't know that that is exactly  
7 equivalent to longevity. I don't think -- and  
8 again, this is based on very preliminary research  
9 -- I don't think you would have to, or that the  
10 employer would have to.

11 I think what you might want to do, and I  
12 think perhaps the committee discussed this, is  
13 craft it so that if they're serving in a military  
14 police role or some other role that is equivalent  
15 to law enforcement, or whatever the particular  
16 public safety job is that they hold, that that  
17 would apply as time in service, but not otherwise.

18 That of course is then going to be I  
19 think a call the Director is going to have to  
20 analyze and determine if it's similar enough.

21 So that's my general take on it. I  
22 don't know if you would have to. It's a good idea  
23 potentially to consider, but I think you would  
24 want to limit it, because we're talking about  
25 experience, and experience is different than just

1 longevity. And if they're not getting law  
2 enforcement experience, it might not be something  
3 that you want to give them credit for, so that  
4 would be my one caution and advice on that piece  
5 of it.

6 And that's what I have at this point.  
7 It would be, as you can see, a change to the  
8 statute, because it's not currently authorized by  
9 the statute, and POST isn't authorized to make a  
10 change to this degree that the statute doesn't  
11 provide for.

12 So that would be the next step, is if  
13 you approve a change like this, to work with DOJ  
14 and figure out a way to propose legislation.

15 CHAIR SLAUGHTER: Thank you, Stuart.  
16 Eric, anything?

17 MR. GILBERTSON: No, I think Stuart  
18 outlined it very well. So I think the discussion  
19 would be for the Council to decide if this is a  
20 direction that they would like to move forward.

21 POST staff has talked about this issue  
22 with DOJ, and they were comfortable with us doing  
23 at least the initial work on it. But I think the  
24 next step would be to work with DOJ, or  
25 potentially have Chair Slaughter bring it to the

1 attention of the Law and Justice Oversight  
2 Committee when he makes his report as an option.

3 CHAIR SLAUGHTER: Thank you, Director  
4 Gilbertson. I agree. I know this is a  
5 significant issue in my organization. We have  
6 many, many military members, both on the  
7 detention, civilian, and in sworn ranks.

8 And I believe that this is very, very  
9 complicated, and if we can work on a road map to  
10 make it less complicated, and also to honor those  
11 men and women who make the ultimate sacrifice to  
12 serve our county and serve as law enforcement, so  
13 that we are fairly, and giving them the honor that  
14 they deserve, and take some of the confusion out  
15 of it. Because I know in my organization, this is  
16 a constant struggle.

17 So if there's anything I believe we  
18 should do from our point of view, I support doing  
19 whatever we can, up to and including a legislative  
20 change, if we so determine necessary.

21 MR. THOMAS: This is Jim Thomas. So do  
22 we need a motion directing staff to work, continue  
23 to work with DOJ on this, or where do we go from  
24 here?

25 MR. GILBERTSON: I would like Katrina

1 Bolger to answer that question.

2 MS. BOLGER: I would like Stuart Segrest  
3 to answer that question.

4 MR. SEGREST: I think that would be  
5 workable, Mr. Thomas. I think a motion -- I think  
6 it depends on what the Council wants to do. If  
7 you want to approve it at this point, then yes,  
8 that's what you would do is instruct the Director  
9 to go forward, and work with DOJ.

10 If you want, you could adopt this  
11 specific language, you could suggest changes and  
12 have them come back. Katrina, what do you think  
13 time-wise? When do we need sort of finalized  
14 language in order to get this thing going?

15 MS. BOLGER: I think that that would be  
16 a question for LJIC's legal staff. I do know that  
17 during their committee meetings in the interim,  
18 they set numbers for bills that are sort of place  
19 holders.

20 So the agencies that they oversee come  
21 in and say, "We have a couple of bills we want to  
22 take forward," they give them two numbers, if they  
23 say they need two; and then it becomes a bill from  
24 there. And that I think is probably the more  
25 efficient way to get it done.

1           MR. SEGREST: Do we know when the next  
2 meeting of that committee is?

3           MS. BOLGER: I do not, but we can find  
4 out.

5           MR. SEGREST: So I would say you could  
6 do one of two things. One is to just approve in a  
7 general sense, make a motion to direct the  
8 Director to work on this, with the idea that  
9 you're going to provide or advocate for a  
10 statutory change; and the other is to vote on  
11 specific language.

12           Maybe at this point we just take the  
13 first option, unless you want to have more  
14 discussion about specific language.

15           MR. THOMAS: Chairman.

16           CHAIR SLAUGHTER: Mr. Thomas.

17           MR. THOMAS: As a Veteran and former law  
18 enforcement officer, I would like to make a motion  
19 that we direct staff and the Director to work on  
20 these changes.

21           CHAIR SLAUGHTER: Thank you, Mr. Thomas.  
22 We have a motion to direct the staff to work on  
23 changes. Do I have a second?

24           MR. CONNER SMITH: This is Conner. I  
25 second.

1 CHAIR SLAUGHTER: Any further discussion  
2 on the matter?

3 (No response)

4 CHAIR SLAUGHTER: So I have one further  
5 discussion on this. I think that the MCA issue  
6 could be very significant in this, and to set our  
7 Director up for success, I really think that  
8 that's kind of what we should push for, and then  
9 push for our administrative stuff after that fact;  
10 or if they can coincide, then coincide them.

11 But I think it just sets Council staff  
12 up for success if we go that direction, and I'd be  
13 willing to help with any of that because I think  
14 it's really important. Any further discussion?

15 (No response)

16 CHAIR SLAUGHTER: Okay. So having a  
17 motion by Mr. Thomas, seconded by Mr. Smith, all  
18 in favor, signify by saying aye.

19 (Response)

20 CHAIR SLAUGHTER: Opposed, same sign.

21 (No response)

22 CHAIR SLAUGHTER: Motion carries. Thank  
23 you very much. I'll turn it back over to you,  
24 Eric.

25 MR. GILBERTSON: Thank you. Looking at

1 the agenda for today, I realize that I blended  
2 Point 1 and Point 2 together. So I guess if we  
3 need to have additional discussion on the  
4 extension for Basic Academies, we should do that  
5 now. Any recommendation from Stuart?

6 MR. SEGREST: Yes, I can give a brief  
7 explanation, and it is also going to be -- We're  
8 recommending a Legislative change, so I think it  
9 makes sense to talk about in the same context as  
10 the change for military deployment.

11 So this is the same page, same statute.  
12 We're recommending, or at least my recommendation  
13 is: As the Council might be aware, there is an  
14 Administrative Rule that POST has that allows you  
15 to grant a six month extension, up to a six month  
16 extension, for certain reasons for any public  
17 safety officer.

18 Statutes, however, only specifically  
19 mention a six month extension for some of those,  
20 but not all of those public safety officers. So  
21 for example, for peace officers, it does speak to  
22 a six month extension for detention officers.  
23 That specific language is not in there. It  
24 doesn't say you can't do it, it just doesn't speak  
25 to extensions at all.

1           So we would I think -- The idea here is  
2 to change or add to statute to support that ARM  
3 and the Council's practice of considering and  
4 granting extensions for all public safety  
5 officers, including those like detention officers  
6 that don't have specific language currently in the  
7 MCA statutes.

8           So that would be (2)(a) here, and it  
9 would add language that speaks to all public  
10 safety officers, and allows the Council to grant  
11 an extension to exceed 180 days.

12           As I understand it, the committee had  
13 also looked at making individual changes to each  
14 of those particular officers, such as detention  
15 officers, that don't currently have that language,  
16 and adding them to each individual one.

17           I think it's probably simpler -- and  
18 simple is good when you go to the Legislature and  
19 ask for changes -- to add one that just says "all  
20 public safety officers," which would then mimic  
21 what POST's current ARM says, and that's what is  
22 provided as an example for you on Page 57 in this  
23 change to 44-4-404 at (2)(a). And I don't have  
24 anything more on that, but I'm happy to answer  
25 questions if there are any.

1 CHAIR SLAUGHTER: Any questions from  
2 members of the Council or people on the phone?

3 (No response)

4 CHAIR SLAUGHTER: Okay. Back to you,  
5 Director.

6 MR. GILBERTSON: I think similar to what  
7 we did with the last issue, I'd just ask if the  
8 Council would consider a motion directing POST  
9 staff to work on that, as they are with the  
10 military issue.

11 CHAIR SLAUGHTER: Can I get a motion to  
12 direct POST staff on extensions for the Basic  
13 Academy similar to the military deployment  
14 legislation.

15 MS. BURDICK: This is Kimberly Burdick.  
16 So moved.

17 MR. BILL SMITH: Bill Smith. Second.

18 CHAIR SLAUGHTER: I have a motion and a  
19 second. Any further discussion?

20 (No response)

21 CHAIR SLAUGHTER: Anybody on the phone?

22 (No response)

23 CHAIR SLAUGHTER: The motion before us  
24 right now is to direct POST staff with extensions  
25 for the Basic Academies, up to and including all

1 public safety officers, not just sworn officers.  
2 So that is the motion on the floor, and I have a  
3 second. Hearing no discussion, move to a vote.  
4 All in favor, signify by saying aye.

5 (Response)

6 CHAIR SLAUGHTER: Opposed, same sign.

7 (No response)

8 CHAIR SLAUGHTER: Okay. Motion carries.

9 Thank you. Thank you, Director.

10 MS. BOLGER: I just have a quick  
11 question. This is Katrina. Does the Council  
12 envision doing this as a single bill or as two  
13 bills?

14 CHAIR SLAUGHTER: That is really good  
15 question. I think -- and Stuart can correct me if  
16 I'm wrong -- but in my experience on this, it's  
17 probably going to be two, because you're dealing  
18 with two separate issues, and you're going to have  
19 to delineate them out.

20 MR. SEGREST: That's a good point. If  
21 it's considered two separate subjects, then you  
22 would want two different bills.

23 I think you could probably start with  
24 two, and then if the particular Representative or  
25 Senator that carries it wants to combine them --

1 and Legislative Services will have a say on  
2 whether there are two different ones, too -- but I  
3 think because they're not the exact same issue,  
4 you probably want to start off with two different  
5 ones.

6 MS. BOLGER: Thank you. I just wanted  
7 to make sure.

8 CHAIR SLAUGHTER: That is a really good  
9 question. Thanks, Katrina. Director Gilbertson,  
10 I'll turn it back over to you for ARM rules.

11 MR. GILBERTSON: And I know we have a  
12 couple interested parties on the ARMs. I think  
13 Mark Muir is still on the phone.

14 And one of our proposed changes is to  
15 ARM 23.13.102, which is the definition subsection  
16 of the ARMs, to include a definition that provides  
17 guidance, but isn't necessarily all inclusive as  
18 to what sexual misconduct is.

19 The language drafted here was kind of  
20 culminated by Katrina Bolger, but it's by no means  
21 a final recommendation. And I did appreciate Ms.  
22 DeMars' comment about seeking out what IACP had  
23 adopted in the past, and I think we can look at  
24 that language for further guidance as well.

25 I guess if this is something the Council

1 would like to consider, my recommendation would be  
2 to move it potentially to the ARM subcommittee to  
3 do further work on and come up with a definition.

4 MS. BOLGER: Does Stuart want to jump in  
5 and voice any opinions?

6 MR. SEGREST: I don't have a specific  
7 opinion about the definition itself. I think it's  
8 good to define it. And I think Mark Muir's point  
9 that you should consider that past document seems  
10 logical to me. I don't see a reason not to unless  
11 there's a rush.

12 My only comment would be you have two --  
13 this is at Page 58 -- you have two options to do  
14 this. One is to add -- Well, I'll just give you  
15 the option I prefer first -- and that would be to  
16 separately define sexual misconduct in the  
17 definition section, and then you change  
18 23.13.702(3) to say, "Engaging in sexual  
19 misconduct as defined in these rules," as opposed  
20 to adding the full definition to 702.

21 I think it's already a long rule, and it  
22 would probably clutter it up and make it hard to  
23 use. I prefer defining it in the separate  
24 section, and just referencing it as we suggest  
25 here on Page 58. Other than that, I don't have

1 any comment.

2 MR. SAYLER: This is Matt. Just in  
3 looking at it, the definition that's here seems  
4 extremely broad. I think it could be much more  
5 narrowed. It seems to encompass a lot of things  
6 that we don't really need to, and sort of revising  
7 it in some areas.

8 For example, it says -- a lot of it is  
9 encompassed already in statute with the changes in  
10 privacy communications from the last legislative  
11 session, I think, that you're not allowed to send  
12 unsolicited and pornographic pictures to anyone  
13 anyway. So that would fall under not obeying  
14 laws, so I don't know why we need to define things  
15 multiple times for the same action.

16 I think a lot of this is already covered  
17 in our other ARMs, too. There's no need to keep  
18 doing it over and over again. I just think it's  
19 too broad. It needs to be more narrow, more  
20 specific.

21 CHAIR SLAUGHTER: So this is Jesse  
22 Slaughter. So with what Matt just said, if we  
23 make a motion today to move this forward, we're  
24 just making a motion for it to go back to the ARM  
25 Committee for them to further work on the

1 language. So there would be a point of discussion  
2 on that in the ARM Committee, correct? Because  
3 we're not making this an ARM today.

4 MS. BOLGER: No. This is what I like to  
5 refer to as a supposal. This is not proposed  
6 language, this is supposed idea conceptually.

7 CHAIR SLAUGHTER: Is that a word?

8 MS. BOLGER: I made it one.

9 CHAIR SLAUGHTER: I like it. So Matt,  
10 to address your question, does that make you feel  
11 more comfortable?

12 MR. SAYLER: Yes. I just think it seems  
13 extremely broad, what it says. Maybe a little bit  
14 too much overreach for us, I think, in some areas.

15 CHAIR SLAUGHTER: Okay. Thank you. So  
16 having said all that, unless somebody disagrees  
17 with me, I think we would need a motion at this  
18 time to have the ARM Committee evaluate and/or  
19 create a sexual misconduct definition under ARM  
20 23.13.102 and ARM 23.13.702 subsection (3), which  
21 are new subsections. I believe we'll need a  
22 motion for that to move to committee.

23 MS. WHITE: So moved.

24 CHAIR SLAUGHTER: Kristine White made a  
25 motion.

1 MR. BILL SMITH: Bill Smith. Second.

2 CHAIR SLAUGHTER: Any further discussion  
3 in the room or on the phone?

4 (No response)

5 CHAIR SLAUGHTER: Shelby.

6 MR. MUIR: Mr. Chair, Mark Muir here  
7 again. I just want to again wholly commend you  
8 for taking the topic on. I think in light of the  
9 fact that there isn't a lot of uniformity among  
10 agencies across the state, this is a step forward  
11 in the right direction to amend policy and to help  
12 with regard to the ethics training that is  
13 required every couple of years.

14 This will become part of the mandatory  
15 review, subject to the ethics requirements. I  
16 think it's a step forward in the right direction.  
17 So I encourage you to move forward with this.  
18 Thank you for your time.

19 CHAIR SLAUGHTER: Thank you, Mark. I  
20 appreciate it. At this point in time we'll take  
21 comment from Shelby DeMars who is in the room.

22 MS. DeMARS: Thank you guys for letting  
23 me get up here really quick.

24 One of the things that -- Our  
25 association, the Montana Police Protective

1 Association, has had a couple discussions with  
2 Eric.

3 One of the things that our members have  
4 brought to our attention, and is something they  
5 would like this group to consider, would be  
6 looking at putting a more accurate reflection in  
7 ARMs of what the Case Status Committee is and  
8 does, and how they go about it.

9 So it's my understanding that as it  
10 stands, that committee already, when they conduct  
11 a review, when the Executive Director comes in  
12 with a recommendation, in many instances they vote  
13 on that currently, and that's kind of what the  
14 process is thus far.

15 Our group would like to see that put in  
16 writing, just for clarification purposes more than  
17 anything. And so I guess it would be our request  
18 for this group to consider making a motion to  
19 refer that issue to the ARM Committee for further  
20 investigation, if that is something you're  
21 interested in, basically just looking to clarify  
22 and put in writing the process that is already in  
23 place. So that's it for my firm.

24 CHAIR SLAUGHTER: Thank you, Shelby.  
25 Anything further?

1 (No response)

2 CHAIR SLAUGHTER: So if I remember  
3 correctly -- kind of got off track here -- we have  
4 a motion, we have a second, we've had discussion  
5 on this issue. Now we need to move to a vote.

6 However, my question of clarification I  
7 guess is for you, Stuart. With what Shelby just  
8 said, is that discussion -- do we need to change  
9 what we framed in here, and discuss what she  
10 stated? Because it was a little different from  
11 where we were.

12 MR. SEGREST: It is on a different  
13 issue. I don't think you need to. You have a  
14 motion on the floor regarding the sexual  
15 misconduct definition. I suggest you vote on  
16 that, and then move to discuss the Case Status ARM  
17 change.

18 CHAIR SLAUGHTER: Perfect. Thank you.  
19 That's what I wanted to make sure I got. So for  
20 clarification -- and no offense, Ms. DeMars.  
21 We're just trying to make sure we've got it all  
22 seamless.

23 MS. DeMARS: You bet.

24 CHAIR SLAUGHTER: The only thing we're  
25 discussing right now, and the motion on the floor

1 and the discussion, is to move the sexual  
2 misconduct new subsections that were delineated on  
3 the record already to the ARM subcommittee. So  
4 we're going to go to a vote on that. All in  
5 favor, signify by saying aye.

6 (Response)

7 CHAIR SLAUGHTER: Opposed, same sign.

8 (No response)

9 CHAIR SLAUGHTER: Motion carries.

10 Now with regards to the MPPA -- right?  
11 That's who you said? Okay. I just want to get it  
12 on the record right -- MPPA's request regarding  
13 reducing Case Status Committee recommendations to  
14 the Director in writing or -- I want to make sure  
15 I say it right. Go ahead. Make sure I get it  
16 right.

17 MS. DeMARS: We would be asking for a  
18 motion for the ARM Committee to look into further  
19 defining in ARM the Case Status Committee, and  
20 their process for voting on recommendations from  
21 the Executive Director.

22 CHAIR SLAUGHTER: Okay. So I guess my  
23 question to the Council, based on the MPPA's  
24 question, is: Is that something that we would  
25 want to do today, or is that something we want to

1 take under advisement, sort out, and deal with at  
2 another meeting?

3 MR. CONNER SMITH: This is Conner. I  
4 think it's something we can deal with today  
5 personally. We talked about it yesterday at the  
6 Case Status Committee meeting, and I think we were  
7 in agreement to move forward.

8 CHAIR SLAUGHTER: Okay.

9 MR. THOMAS: Chairman Slaughter.

10 CHAIR SLAUGHTER: Yes, sir. Mr. Thomas.

11 MR. THOMAS: Just backing up what Conner  
12 said. Yes, I think we're in agreement we need to  
13 go there.

14 I guess my only question would be I  
15 don't know when the Case Status Committee was  
16 implemented, and I'm just wondering why, if anyone  
17 remembers, why it wasn't put in, you know, defined  
18 in ARM back then. Was there a reason for that or  
19 was it just not --

20 MS. BOLGER: This is Katrina, and I was  
21 there, so I guess I'll speak to it.

22 There was concern about the Council not  
23 being aware of any of the allegations that were  
24 being discussed by the Director and the  
25 Investigator.

1           So the Case Status Committee was created  
2 I believe in 2013, potentially the end of 2012,  
3 and the idea was that the full Council can't hear  
4 any given case because they act as the jury, but  
5 they could keep a small number of people who can  
6 be informed and then recuse themselves during any  
7 oral argument without endangering the quorum.

8           Why it was put in policy is because the  
9 Administrative Rule 23.13.703 actually refers to  
10 that policy, and requires that it exist, but it  
11 was never specified that the Case Status Committee  
12 would be as involved as it was.

13           As the ARM's currently stand, the --  
14 quote unquote -- power, so to speak, lies with the  
15 Director, and that essentially has not been the  
16 practice. The committee provides a majority vote  
17 before the Director moves in general.

18           So it's current practice, and I don't  
19 know what it hurts to put it in writing, but  
20 that's a question for Stuart.

21           MR. SEGREST: I agree with Katrina.

22           MR. GILBERTSON: I'll just add a point  
23 to this, because we did sit down with MPPA and get  
24 their perspective on things.

25           And I think if that provides clarity to

1 some of the stakeholders and people who are  
2 affected by POST, then why wouldn't we? It seems  
3 like a logical change, and POST's goal is always  
4 to be transparent in its processes. So I don't  
5 see any reason not to consider it.

6 MR. THOMAS: Do we need a motion?

7 CHAIR SLAUGHTER: Mr. Thomas, I was  
8 actually going to look to one of you members of  
9 Case Status Committee to make a motion.

10 MR. THOMAS: This is Jim Thomas. I make  
11 a motion to direct staff to develop language for  
12 an ARM that formally recognizes the authority and  
13 function of the Case Status Committee.

14 MR. CONNER SMITH: This is Conner. I  
15 second that.

16 CHAIR SLAUGHTER: We have a motion on  
17 the floor by Mr. Thomas, second by Mr. Smith. Do  
18 we have any further discussion either in the room  
19 or on the phone?

20 MR. THOMAS: Just one thing. Did that  
21 sound --

22 MS. DeMARS: Yes.

23 CHAIR SLAUGHTER: Again, any further  
24 discussion?

25 MS. BOLGER: This is Katrina. I just

1 want to be clear. Does that mean we can take it  
2 to the ARM Committee, or we're just developing  
3 language?

4 CHAIR SLAUGHTER: To my understanding --  
5 correct me if I'm wrong -- that means we can take  
6 it to the ARM Committee.

7 MR. THOMAS: Correct.

8 CHAIR SLAUGHTER: So based on what I  
9 just said, now any further discussion again?

10 (No response)

11 CHAIR SLAUGHTER: Okay. Hearing no  
12 further discussion, all those in favor, signify by  
13 saying aye.

14 (Response)

15 CHAIR SLAUGHTER: Opposed, same sign.

16 (No response)

17 CHAIR SLAUGHTER: Motion carries. Thank  
18 you all very much.

19 Next is appeals, correct, Director?

20 MR. GILBERTSON: I believe so. I think  
21 all interested parties in this area had the  
22 opportunity to speak, unless I missed anyone who  
23 had something else in this section that wanted to  
24 raise the issue before we just continue down the  
25 line.

1 (No response)

2 MR. GILBERTSON: So the proposed  
3 potential change to ARM 23.13.721 can be found on  
4 Page 59, and this arose out of the Legislature  
5 passing House Bill 28 in the last session, which  
6 removed the ability for someone aggrieved of a  
7 decision to appeal to the Board of Crime Control.

8 So essentially this is how to make our  
9 ARMs comport with that legislative change, and  
10 I'll let Stuart speak as to his recommendation and  
11 options.

12 MR. SEGREEST: Thank you. My  
13 recommendation would be to go with Option 1, and  
14 that is to leave in -- to take out the portion of  
15 the rule that speaks to Board of Crime Control,  
16 and just leave it so that a final POST Council  
17 decision is the final agency decision.

18 There is an option, which would be  
19 Option 2, to completely repeal it, and just let  
20 the statute speak to that. I suggest that you  
21 leave the language that's in the rule explaining  
22 that POST's decision is the final agency decision,  
23 so that for purposes of transparency, so that  
24 people reading the rules don't have to understand  
25 or know about the statute in order to figure out

1 what is the final agency decision.

2 CHAIR SLAUGHTER: Thank you, Stuart. I  
3 appreciate that, and unless anybody disagrees,  
4 it's pretty clearly laid out here on Page 59, so I  
5 guess I would ask for a motion.

6 MR. SAYLER: This is Matt. I make a  
7 motion that we adopt Option 1.

8 CHAIR SLAUGHTER: Second.

9 MR. CONNER SMITH: This is Conner. I  
10 second.

11 CHAIR SLAUGHTER: We have a motion now  
12 and a second on the floor. Any further discussion  
13 regarding the appeals section of ARM 23.13.721?  
14 There's two options presented. Option 1 is which  
15 we have a motion and second for, that we move  
16 forward with that change to the ARM.

17 And for a point of clarification,  
18 Katrina, this would be a change to the ARM,  
19 correct?

20 MS. BOLGER: Are we moving forward with  
21 the change, or moving forward to the committee?

22 MR. SAYLER: I thought the change.

23 CHAIR SLAUGHTER: My understanding is  
24 the change, too, Katrina.

25 MS. BOLGER: Good deal.

1 CHAIR SLAUGHTER: Any further  
2 discussion? Anybody on the phone or in person?

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.

10 Okay. Moving down the list, Item C,  
11 non-sanction requests for hearings. And I think  
12 this arose from a discussion with Mike Fanning and  
13 Katrina Bolger, and this is one where they are  
14 substantially more knowledgeable than I am as to  
15 how this works.

16 I know that the rule as it currently  
17 exists allows someone who is aggrieved by a  
18 decision of the Director not resulting in a  
19 sanction, or a denial, some action taken on the  
20 certificate, is allowed to request a Council  
21 hearing.

22 And I guess I have POST staff's  
23 perspective on what that could potentially mean,  
24 if you guys would like, but I would like maybe  
25 Stuart or Katrina to further illuminate the issue

1 in words better than my own.

2 MR. SEGREST: So I guess I can sort of  
3 walk us through the options, and the idea here is  
4 to at least define, better define how you're going  
5 to handle requests or challenges to Director  
6 decisions that don't have to do with a certificate  
7 or discipline.

8 This is at Pages 60 and 61. So at the  
9 very top of 60 you see the current rule. And one  
10 option is to define -- and this is Option 1 --  
11 just lay out a process for contesting something  
12 that is a decision of the Director that's not a  
13 certificate or discipline issue. So that's the  
14 new language at two and three there.

15 And it would follow what's provided  
16 already for a case hearing under what was two in  
17 the current rule, and so provides for --

18 CHAIR SLAUGHTER: People on the phone,  
19 can you please put your mike on mute. Thank you.  
20 Go ahead.

21 MR. SEGREST: So I think the main side  
22 rails it puts on is that it provides it has to be  
23 the aggrieved party or the aggrieved party's  
24 attorney, and Katrina and I talked about  
25 potentially you could add the agency, the

1 employing agency, but to make sure that it's not  
2 any member of the public, that they have to have a  
3 direct stake in that particular decision.

4 So that is Option 1. It's basically  
5 what you currently have, putting a few more side  
6 boards on who can make that request for a  
7 contested case hearing.

8 Option 2 is to completely take out the  
9 ability of anyone who is not aggrieved by a  
10 certificate or discipline issue from suggesting a  
11 contested case hearing.

12 So another way of stating that is that  
13 the only parties who can request a contested case  
14 hearing would be those for whom the Director  
15 denied, sanctioned, suspended, or revoked their  
16 certification. That's all that's left in that  
17 one.

18 All other Director, complaints about  
19 Director action they could, I suppose, ask to  
20 bring that issue to POST, to the Council, and I  
21 think they have in the past, but there's not a  
22 specific ability for them to request a contested  
23 case hearing. So that is Option 2.

24 Option 3 is a different way of looking  
25 at Option 1 that speaks, it kind of combines a

1 certificate issue and non-certificate issue, and  
2 just says, "Any public safety officer aggrieved by  
3 a decision may request a contested case hearing,"  
4 put those side boards on.

5 And again, if you go with that one,  
6 Katrina and I were thinking you might want to add  
7 in the employing agency as someone who could  
8 contest that.

9 So Mike Fanning, who had to leave, but  
10 he and I have talked about this some, and he  
11 suggests that -- My initial thought was that I  
12 would recommend you go with Option 2, and just  
13 limit it to those who have a certification issue  
14 that they're contesting, because of the strain on  
15 staff resources and staff time that comes along  
16 with a contested case hearing.

17 Mike brought up a good point that you  
18 also want to think about providing some manner for  
19 those aggrieved by other decisions, such as an  
20 equivalency decision, to have some means to  
21 request the Council reconsider that.

22 So I think -- and this is not on here --  
23 but sort of a middle ground Option 4 would be to  
24 allow a contested case for a certification  
25 decision of the Director, and then allow them to

1 -- and I don't know exactly how you want to phrase  
2 this -- but something like "request consideration  
3 of the Council to review other Director  
4 decisions."

5           And you could further curtail that by  
6 listing those that are maybe important enough or  
7 sufficient enough to warrant Council review, such  
8 as an equivalency determination. And I'm sure  
9 Eric and Katrina could come up with some of those  
10 points.

11           So that's a middle ground as to allow  
12 some level of review by the Council, and have that  
13 in rule for those aggrieved by these  
14 non-certification decisions, but not have it be to  
15 the level of a contested case hearing, which again  
16 takes extra resources and extra time.

17           So those are I guess four, if you will,  
18 options that we've discussed. And I know Katrina  
19 and Eric have a much better handle on the types of  
20 resource strain that these contested case hearings  
21 present. And I don't know if, Katrina or Eric,  
22 you want to address that at this time.

23           MR. GILBERTSON: I think just real  
24 quickly. Some people are probably wondering  
25 what's an example of a decision the Director makes

1 that isn't part of a sanction.

2 And so later on in this meeting, I'll  
3 talk about I personally approved 1730 officers to  
4 attend 2404 trainings since the last Council  
5 meeting. And I could potentially not allow  
6 someone to attend the training, or not recognize  
7 those training hours if they don't meet the  
8 requirements of that training.

9 Those are the types of decisions that I  
10 think are the day-to-day workings of POST, where  
11 if someone attended a two hour online training and  
12 then didn't indicate that they were retaining the  
13 required materials, and I denied that training,  
14 they could potentially request a contested case  
15 hearing. And I don't know that that is a good use  
16 of resources and finances and time for POST with  
17 what we currently have.

18 MS. BOLGER: This is Katrina. If I can  
19 just elaborate a little bit.

20 Part of this came up between Mike and I  
21 talking about somebody who was aggrieved by a  
22 decision of the Director, and the question was:  
23 Does he go to the Council to request  
24 reconsideration, or does he request a hearing?

25 Well, currently anybody can request a

1 hearing, and frankly having anybody appear before  
2 the Council to complain about a Director's  
3 decision does not comport with the ARMs.

4 The statute only gives a contested case  
5 hearing to people who have been sanctioned or  
6 denied basic certification, which is why Option 2  
7 can exist, so to speak.

8 But for those who are not aware, the  
9 contested case hearings are a full-on civil trial.  
10 There's discovery, there's motions, there's a  
11 hearing, there's witnesses, subpoenas. It takes a  
12 lot of work, it takes a lot of time. Tens of  
13 thousands of dollars is not unheard of for a  
14 hearing. It takes a lot of hours. We don't have  
15 a staff attorney to work those cases. We buy our  
16 attorneys hour for hour.

17 So those are just a couple of things to  
18 consider. We all want to provide due process as  
19 much as we can, but we also have the resources we  
20 have.

21 CHAIR SLAUGHTER: Katrina, Director  
22 Gilbertson. As a point of order, are we going to  
23 make a motion for this to go to the ARM Committee,  
24 or is this to approve an ARM with these four  
25 options?

1 MS. BOLGER: This is Katrina. I think  
2 we were looking for direction from the Council as  
3 to what their preference would be, who should be  
4 allowed to have a hearing, and then perhaps take  
5 one of the several options discussed to the ARM  
6 Committee to refine, and clarify, and make it  
7 right.

8 CHAIR SLAUGHTER: So I guess we would  
9 now need a motion to decide which one of these we  
10 want to go with, and then we'll have discussion on  
11 it.

12 MR. SAYLER: This is Matt. I guess I  
13 would make a motion that we explore Option 4. It  
14 seems like the best option that was presented, and  
15 I think it offers the best checks and balances  
16 consistent.

17 MR. THOMAS: This is Jim. I second.

18 CHAIR SLAUGHTER: So Matt made a motion,  
19 Jim seconded. Thank you. So now let's open up  
20 the floor for discussion. Real quick before we go  
21 down the road of discussion, I'm going to ask  
22 Stuart to quickly rehash Option 4 again, just so  
23 we're clear.

24 MR. SEGREST: Sure. So Option 4 would  
25 retain the language in Option 2, which you have to

1 do. It speaks to a contested case hearing for  
2 those that the Director denies, sanctions,  
3 suspends, or revokes their certificate; and it  
4 would also provide that an individual aggrieved by  
5 a decision of the Director could request  
6 reconsideration by the POST Council, but that  
7 reconsideration would not include a contested case  
8 hearing.

9 And one option that I provided that I  
10 don't know if you want to do or not, would be to  
11 further limit the options to request  
12 reconsideration without a contested case hearing  
13 to certain substantive decisions that the Director  
14 makes.

15 MR. SAYLER: This is Matt. Just so I  
16 can clarify. So would this be -- So for example,  
17 we could say you could appeal to the Council if it  
18 wasn't a condition of like a revocation,  
19 suspended, if this had to do with outside  
20 certificate issues. For issues not for a  
21 certificate, you could come to the Council. If it  
22 was for a certificate, though, you'd have to go  
23 automatically to a hearing.

24 MR. SEGREST: Yes. That is correct.  
25 And the only other option -- I don't mean to

1 confuse it, but it is something I know Katrina and  
2 Eric had talked about -- is for those other  
3 options that's outside of a certificate issue, you  
4 can either just leave it open and say, "You may  
5 bring any -- anytime you're aggrieved by a  
6 Director's decision, you can bring it to the  
7 Council for reconsideration;" or you have a list  
8 of determinations by the Director that you can go  
9 to the Council to seek reconsideration. So  
10 putting more side boards on that option.

11 MS. BOLGER: This is Katrina. Just a  
12 piece of history for people.

13 The Council has the ability to waive its  
14 requirements, and that type of thing, which is why  
15 the Council consideration has historically been  
16 provided for things like training. When somebody  
17 needs a waiver of the open and advertised  
18 requirement or something like that, the Council is  
19 required to act upon that.

20 I'm not suggesting that we shouldn't  
21 provide a list, but I think that just knowing why  
22 that has gone before the Council historically  
23 helps.

24 MR. SEGREST: If I could make a  
25 suggestion. Perhaps at this point you leave off

1 the list, and you just provide the two options,  
2 and allow the ARM Committee to write that up, and  
3 then you can consider the language, and if you  
4 think you need more side boards, you could so  
5 direct them at that time.

6 CHAIR SLAUGHTER: Any further  
7 discussion?

8 (No response)

9 CHAIR SLAUGHTER: Anyone on the phone?

10 (No response)

11 CHAIR SLAUGHTER: So we have a motion by  
12 Matt to take Option 4 to the ARMs for further  
13 tweaking -- I guess is the right word -- further  
14 editing. If I can think of a more appropriate  
15 word.

16 MR. SEGREST: Perhaps even drafting.

17 CHAIR SLAUGHTER: Drafting. Thank you.  
18 I was trying to find the word -- to take Option 4  
19 to the ARM Committee for further drafting. And  
20 not hearing any more discussion on that, we'll  
21 move to a vote. All in favor, signify by saying  
22 aye.

23 (Response)

24 CHAIR SLAUGHTER: Opposed, same sign.

25 (No response)

1 CHAIR SLAUGHTER: Motion carries.

2 So with that, we are going to move to  
3 old business. Do we need a break?

4 (No response)

5 CHAIR SLAUGHTER: Old business, I'll go  
6 back over to Director Gilbertson.

7 MR. GILBERTSON: And I may draw upon  
8 Kimberly for this, but I believe it was discussed  
9 at the last meeting that there was going to be a  
10 review of the existing Public Safety Communicator  
11 Basic course content.

12 Since that time, myself and I believe  
13 Kimberly attended both. There have been a couple  
14 discussions hosted by Glen Stinar's staff, Kelly  
15 Sherman, as to what some of those changes to the  
16 curriculum might be.

17 Some of the stakeholders in public  
18 safety weren't utilizing some of the training, I  
19 guess the Emergency Medical Dispatch, and they  
20 have their own system, so they're asking their  
21 staff when they come back to disregard that  
22 training.

23 And I think the discussion was should we  
24 streamline the curriculum to bring in other  
25 trainings that are more relevant across the state.

1 And so much of those discussions is centered  
2 around potentially making that 24 hours of EMD  
3 optional for those agencies that would like that  
4 training, but not a mandatory part of the  
5 training.

6 And then there was also a discussion  
7 about bringing in a leadership training, which was  
8 a request of some of the PSC stakeholders, as well  
9 as wildland firefighter dispatching, which is I  
10 think one of the other big blocks, and there  
11 probably are others I'm not remembering.

12 So I will just say we've had those two  
13 discussions, and I know Kelly has scheduled  
14 another one coming up, I think for next week. So  
15 it's continuing to be discussed. So I just want  
16 to provide that update. And then if Kimberly had  
17 anything she wanted to add to that.

18 MS. BURDICK: This is Kimberly Burdick.  
19 So I think the biggest part of the discussion does  
20 form around taking EMD out of the curriculum, but  
21 I think that it's a good step to take, because I  
22 think we had discussed dispatching, or dispatchers  
23 and agencies probably being saturated, reaching  
24 that point over the past few years that EMD has  
25 been offered. And we're probably going to get as

1 many agencies as we are right now signing on to do  
2 EMD.

3 So the other thing is in POST we did  
4 adopt the rule for telecommunicator CPR, which is  
5 giving directions over the phone. So that is  
6 already a requirement that is going to serve  
7 agencies well I believe. I mean EMD is -- it's  
8 huge. You can get medical fire, and law  
9 enforcement.

10 So the TCPER, which in my opinion is what  
11 911 is all about, is giving those directions, and  
12 helping when they get a 911 call. CPR is one of  
13 the big ones, and that's what an awful lot of  
14 citizens think of is CPR and getting that help  
15 when they have that emergency.

16 So I think this is a good direction to  
17 take, and I know Glen is probably going to expand  
18 upon that, too, when he talks.

19 MR. STINAR: Sure.

20 MS. BURDICK: All right. Thanks.

21 MR. GILBERTSON: I don't know that we  
22 need further discussion, but I guess I'll just ask  
23 the Council. Is there anything more that they  
24 would like POST staff to be doing on the issue?  
25 Not being a part of the first part of the

1 discussion, I'm kind of working my way through it.

2 MR. STINAR: Do you want me to comment  
3 now then?

4 MR. GILBERTSON: That would be great,  
5 Glen. I would appreciate it.

6 MR. STINAR: Good morning, Glen Stinar,  
7 S-T-I-N-A-R, Administrator of the Montana Law  
8 Enforcement Academy.

9 As previously mentioned, we've had two  
10 discussions. We plan to have one more next  
11 Monday. I think that will sort of have taken it  
12 as far as we're going to.

13 There are two primary purposes really.  
14 One is to engage stakeholders who seem to have the  
15 biggest voice in how things were going, and the  
16 other thing is just to see if what we were doing  
17 was still relevant.

18 So you're absolutely right. EMD will  
19 become an elective, much like CJIN is right now.  
20 So the week prior to the PSC Basic class we'll  
21 have EMD on the schedule, as well as CJIN  
22 certification -- those that want to take it can,  
23 those that don't need it, don't -- and we'll  
24 backfill those hours with those things that have  
25 been suggested through the groups.

1 Monday is our last I think meeting, all  
2 things considered, then we'll put together the  
3 lesson plans, curriculum identified, instructors,  
4 and when we get all that done, we'll come back and  
5 say here's where we think we need to go.

6 MR. GILBERTSON: And I guess just a  
7 point of clarification. There is a class  
8 scheduled for February that will be taught under  
9 the existing curriculum.

10 MR. STINAR: Right. And we have added  
11 -- One of the requests was that we add a class, so  
12 we'll have four next year, instead of three. But  
13 the curriculum will stay the same until we can  
14 kind of get all of the other pieces ironed out.

15 The good news is most we have in-house  
16 already. I think the wildland firefighting piece  
17 is an interesting conversation, and I think the  
18 folks in Billings are interested in providing  
19 that. So we went from having someone who was sort  
20 of a resister, to someone who is now an active  
21 participant in training. So I think that's one of  
22 those great outcomes of just getting together and  
23 talking.

24 CHAIR SLAUGHTER: Thank you.

25 MR. GILBERTSON: I think we can probably

1 move on to the next issue, which is "B" on Pages  
2 62 and 63, the Attorney General opinion letter.  
3 And Chair Slaughter, do you want to speak to this  
4 or I can.

5 CHAIR SLAUGHTER: I can speak to it. So  
6 this had to do -- This came out of the April  
7 meeting -- does that sound correct -- here in  
8 Helena, in which we discussed some specific issues  
9 with POST conviction adjudication with relation to  
10 records being expunged.

11 And one of the issues that we were  
12 discussing was we have conflicts with ARMs in  
13 State law, and we wanted to do an Attorney  
14 General's -- ask for an AG's opinion on it, which  
15 is the letter that I signed on Pages 62 and 63.

16 And essentially what we were trying to  
17 ask the Attorney General was: If a person's  
18 record has been expunged, but they committed an  
19 offense that -- if they committed and were  
20 convicted of an offense that would prohibit them  
21 from being a law enforcement officer, public  
22 safety officer, what have you, does that  
23 expungement basically trump the conviction?

24 So we wrote this with the intention that  
25 we wanted an answer. And then however there is a

1 case out there now that exists that is going to  
2 deal with this directly.

3 So what I believe we want to do is we  
4 want to retract this letter, so we don't have two  
5 separate matters that are ruled on differently, or  
6 could be ruled on differently. So we want to  
7 retract this request for an AG's opinion, and let  
8 the Court determine, due to what is actually a  
9 case that fits this perfectly that's out there in  
10 existence.

11 So I think what we're asking of the  
12 Council is a motion to withdraw our Attorney  
13 General opinion letter.

14 MR. SAYLER: This is Matt. So moved.

15 MS. BURDICK: Second.

16 CHAIR SLAUGHTER: Kimberly seconded.

17 Any further discussion in the room or on the phone  
18 regarding that matter?

19 MR. THOMAS: Just one question. So this  
20 case right now is in the -- has it gone to court?  
21 Is it in the courts or is it --

22 MS. BOLGER: This is Katrina. It's in  
23 the contested case hearing process.

24 MR. THOMAS: So if it doesn't go to  
25 court, then we would need an AG's opinion on this,

1 right, if they don't take it on to District Court,  
2 the Montana Supreme Court?

3 I guess I'm asking. Do we want to table  
4 the request, or do we want to completely do away  
5 with the request, or can we table it?

6 CHAIR SLAUGHTER: Mr. Thomas, I think  
7 you're correct. I think we just need to notify  
8 the AG to not make an opinion on it, and let this  
9 case basically take its course. And then  
10 obviously if it didn't happen, for some weird  
11 reason, we would probably then -- correct me if  
12 I'm wrong, Katrina and Stuart -- reissue a new  
13 letter.

14 MR. THOMAS: Okay.

15 MR. SEGREST: I think I can address  
16 that, having worked in the AG's office for a long  
17 time, and dealt with AG opinions as part of my  
18 job.

19 It's actually a policy of the office to  
20 not issue AG opinions if a matter is currently  
21 being litigated. And this matter, even though  
22 it's not in court yet, is being litigated. So I  
23 suggest that you withdraw it as opposed to just  
24 keep it tabled, so that they know that they can  
25 put it off of their to-do list.

1           And then often out of a contested case  
2 hearing, you do go to District Court. If somehow  
3 that doesn't happen, or there's not a specific  
4 decision, I think you just already have the  
5 framework. You just reask for the opinion at that  
6 time.

7           MR. THOMAS: Okay.

8           CHAIR SLAUGHTER: Great question. Any  
9 further discussion on the Attorney General opinion  
10 letter, in person or on the phone?

11           (No response)

12           CHAIR SLAUGHTER: Hearing none, all in  
13 favor of us withdrawing our Attorney General  
14 opinion letter, signify by saying aye.

15           (Response)

16           CHAIR SLAUGHTER: Opposed, same sign.

17           (No response)

18           CHAIR SLAUGHTER: Hearing none, motion  
19 carries. Stuart, would that be something you  
20 could reach out to the AG's office and do for us?

21           MR. SEGREST: Absolutely. And just so  
22 you know, the way I'm going to do that is draft a  
23 letter for you to sign that I will then provide to  
24 them.

25           CHAIR SLAUGHTER: Sounds good. All

1 right. Turn it back over to the Director because  
2 we're going to discuss the calendar for 2022.

3 MR. GILBERTSON: My suggestion would be  
4 to get through this item and then take a break for  
5 lunch, and just a break in general.

6 So the last item is to consider POST  
7 Council meetings for 2022. And again, this is new  
8 to me, and I know we did three meetings last year.  
9 I think we have a volume of work, and from a staff  
10 perspective, four meetings might be a better fit  
11 given the volume of what we do.

12 I guess I would ask the Council to  
13 consider the issue, and establish their preference  
14 whether we should have three meetings a year, four  
15 meetings a year. Both calendars can be found on  
16 Pages 64 and 65, and we did have some circled  
17 dates for proposed dates, but those could be  
18 adjusted.

19 So I think first, the decision as to  
20 whether we want three or four, and then if those  
21 dates work or we need to adjust them.

22 CHAIR SLAUGHTER: So my two cents is  
23 four meetings wouldn't be a bad idea with  
24 everything that we have going on. We have a lot  
25 going on. I do understand this is a heavy lift

1 for everybody, and I really do appreciate it, but  
2 there's a lot going on right now, and looking into  
3 the future it's going to get to become more.

4 But with that said, I would put it out  
5 to the Council for a motion for the three or the  
6 four meetings, whatever is the Council's  
7 preference.

8 MR. THOMAS: Chairman Slaughter, Jim  
9 Thomas. I'd like to make a motion that we go to  
10 four meetings, adopt that calendar for 2022.

11 MR. BILL SMITH: Bill Smith. Second.

12 CHAIR SLAUGHTER: We have a motion and a  
13 second on the floor. Do I have any further  
14 discussion, whether in the room or on the phone?

15 (No response)

16 CHAIR SLAUGHTER: Hearing none, go to  
17 vote. All those in favor, signify by saying aye.

18 (Response)

19 CHAIR SLAUGHTER: Opposed, same sign.

20 (No response)

21 CHAIR SLAUGHTER: Hearing none, none  
22 opposed, the motion carries. So for 2022 we will  
23 go to four meetings. Let's take a break.

24 (Lunch recess taken)

25 (Wyatt Glade not present)

1           CHAIR SLAUGHTER: Lunch break is now  
2 over. Thank you all for coming back to your  
3 seats. I really appreciate it. I'm going to turn  
4 it over to Director Gilbertson for new business.

5           MR. GILBERTSON: Don't get too  
6 comfortable over there, Jesse. The first order  
7 under New Business is a resignation letter  
8 received from Tia Robbin.

9           And I never had the opportunity to meet  
10 Tia in person, but I do want to thank her for her  
11 service to the Council. In my discussions with  
12 outgoing Director Perry Johnson, he mentioned what  
13 a valuable resource she was to the Council, and  
14 while she wasn't always the most vocal of members,  
15 when she did speak, it was with great authority  
16 and great wisdom.

17           So again, I'd just like to recognize  
18 that she did serve the Council for about six  
19 years. It looks like she received a well-deserved  
20 promotion, and she has other commitments that  
21 won't allow her to serve on the Council anymore.  
22 So Jesse, I know you had a chance to serve with  
23 her, so if there's anything you'd like to say,  
24 feel free.

25           CHAIR SLAUGHTER: Absolutely. I served

1 with Tia for a long time, especially when I was a  
2 member of the MPPA, on the POST Council, and she's  
3 been a long time member, did a very, very good  
4 job, and she will be missed. That's for sure. So  
5 thank her for her service.

6 And then moving forward, Chief Oster.  
7 Are you still on the phone, Chief?

8 MR. OSTER: I am.

9 CHAIR SLAUGHTER: So Chief, I've had the  
10 pleasure of serving with you for a long time, so  
11 have several other members of the Council here,  
12 and you've done a fantastic job. And we know that  
13 you're retiring to do probably bigger and better  
14 things. But we do have your letter of resignation  
15 here, and I guess I would open it to you because  
16 you're present.

17 MR. OSTER: Open it up to me to do what?

18 CHAIR SLAUGHTER: Is there anything  
19 you'd like to say, Chief?

20 MR. OSTER: No. I appreciate the years  
21 I got to serve, and it's been a real pleasure. I  
22 wish Eric and the new crew there good luck in the  
23 future. POST's mission is a noble one, and I know  
24 that those that I've served on the Council with  
25 and those who are on the Council now take that

1 very seriously.

2 And as law enforcement administrators,  
3 we appreciate that, and we want to make sure going  
4 forward that POST is a vibrant organization, that  
5 provides that sense of accountability for the  
6 citizens of Montana that somebody is watching the  
7 standards. And I know you guys will do a great  
8 job with that. And so thank you for your  
9 friendship, and thanks for opportunities to serve  
10 alongside you. As Leo would say "Back on you."

11 CHAIR SLAUGHTER: Thank you so much,  
12 Chief. I think it should also be noted that the  
13 Chief was not only a very good Council member, but  
14 he also testified in front of the Legislature many  
15 times on different things, and was a big leader in  
16 our state, and probably always will be. So God  
17 bless you, and good luck to you, and thank you for  
18 being on today.

19 MR. OSTER: Thank you.

20 CHAIR SLAUGHTER: You're welcome, Chief.  
21 If there's no further discussion on new business,  
22 we'll go towards Administrator Glen Stinar.

23 MR. STINAR: Good morning again. Glen  
24 Stinar, S-T-I-N-A-R, Administrator of the Montana  
25 Law Enforcement Academy. My purpose here is to

1 talk a little bit about the Law Enforcement  
2 Officer Basic course.

3 First briefly, we have one graduating  
4 next Tuesday. I know Eric will be there. So six  
5 of those students had missed training due to  
6 illness, so they have already been scheduled to  
7 come back for the next class. So this is sort of  
8 I think something we're going to see for awhile.

9 So what that means to the Council, and  
10 particularly to the staff here, is that I've  
11 already written letters saying they're not going  
12 to get their diplomas until they come back. They  
13 have the dates. And you will have a copy of that  
14 letter when you get the POST roster from us.

15 So then when they do come back, for  
16 those, whatever they missed, then I'll submit a  
17 letter saying they've now met the requirements.  
18 Feel free to do what you do.

19 So I think that's how it's going to be  
20 here for awhile, but that's how we've decided to  
21 resolve it. So they'll still walk across the  
22 stage, they just won't get their diploma, and  
23 they'll have to come back and finish to get their  
24 diploma. That's I think the best way to do that.

25 The second thing that I'd like to talk

1 about is expanding the way that students receive  
2 their diploma and eventual certification through  
3 POST.

4 The Academy was established in 1959,  
5 February, and I think we've probably done business  
6 the way we've always done it because that's the  
7 way we've always done it. So what that means is  
8 that you get hired by an agency, your name goes on  
9 a list, you go to the Academy, you come back, and  
10 then after that year of service, you get a Basic  
11 Certificate.

12 And what we find -- and we've had  
13 discussions both internally and with some of the  
14 agencies around Montana. You know, if you call me  
15 today and said, "When can I get a reserved seat  
16 for a Law Enforcement Officer Basic class?" I  
17 would tell you January of 2023. That doesn't mean  
18 it's not going to happen sooner, it just means  
19 that those seats are already reserved to then.

20 You know, we have 176 agencies, 4,000  
21 and some odd sworn altogether, and we'll see 25 or  
22 so agencies at a time we can accommodate at any  
23 one Basic class.

24 So the math has never really worked  
25 well, and it sort of creates angst at the agency

1 level, so we're trying to figure out some ways how  
2 we can create more predictability, much like we  
3 did in the Corrections Detention Officer course.

4 So a couple things sort of on the  
5 horizon. One, we've asked for some more FTE's  
6 through the legislative process so we can go to  
7 four Basic classes instead of three. I think that  
8 will help. We want smaller classes. We want all  
9 those things, those Christmas wish lists. I think  
10 we're positioned to sort of make some traction  
11 with that.

12 The other, about 30 states have some  
13 connection with community based colleges and  
14 universities to obtain a certificate, an  
15 associates degree or some other certificate  
16 program in lieu of a Law Enforcement Officer Basic  
17 course.

18 So what we are proposing, with your  
19 approval, is to sort of enter into a study period  
20 where we look at the feasibility of bringing a  
21 model like that to Montana. There's three  
22 community colleges here -- Glendive, Miles City,  
23 and Flathead -- and they're funded a little  
24 differently through the Legislature.

25 The Legislature sends funds to these

1 colleges to promote work force training for folks  
2 to stay in those communities. And like I say,  
3 there is some interest in the Attorney General's  
4 Office to sort of help us do some things we need  
5 to do to get this to reality.

6 The problem is we don't know what we  
7 don't know. So the reason for me being here today  
8 is to really ask for some input and some support,  
9 because ultimately you would have to approve that  
10 curriculum. There's some things we would have to  
11 change legislatively, so kind of half a dozen  
12 little things we've just got to work our way  
13 through to kind of get this one to the finish  
14 line.

15 But my proposal is that we work with the  
16 Curriculum Development Committee. I think I'm on  
17 that still, too -- and the good thing is we're not  
18 reinventing the wheel. We're just sort of looking  
19 for programs that we think might fit Montana's  
20 needs to allow agencies to have a broader pool of  
21 applicants that would allow them to not  
22 necessarily attend a Law Enforcement Officer Basic  
23 course, at least not the whole thing.

24 If we determine at the end that an  
25 associates degree and a couple weeks here in the

1 summer, kind of a skills test out, if you think  
2 that that's the best way to do this, then we can  
3 sort of accommodate that. If you think, "Hey, an  
4 associates degree gets you the diploma, and it's  
5 up to the agency to figure out what to do with you  
6 from a skills/training perspective."

7 So I guess however we land, ultimately  
8 the Council are the ones -- you -- will be  
9 responsible for approving the training that  
10 ultimately gets folks sort of a diploma in lieu of  
11 a Basic course.

12 So those are a couple things we're  
13 working on. Like I say we've got some --

14 CHAIR SLAUGHTER: Turn your mike on.

15 MR. STINAR: Sorry. So we have, like I  
16 said, had mentioned, talked with community college  
17 folks and MSU Bozeman. They're interested in sort  
18 of helping us with this project.

19 Obviously colleges and universities are  
20 businesses also, and everybody wants to stay  
21 relevant. I think this could be sort of a  
22 win-win. The agencies have a broader pool. I  
23 mean a 20 year old kid may not want to be a cop,  
24 they just want to go to college for a couple  
25 years, then at the other end they come out, and

1 they are more employable than having to kind of  
2 wait in line.

3 So I think this is sort of I think the  
4 direction I'd like to maybe take the Academy, and  
5 hopefully maybe that will help agencies, as well  
6 as just people in Montana, you know, promote work  
7 force training, promote alternative ways to get  
8 employed as a peace officer, to get employed as a  
9 peace officer, and then that will help us here,  
10 too, I think as well. So that's sort of --

11 UNKNOWN SPEAKER: You're out of time.

12 CHAIR SLAUGHTER: We're going to get a  
13 new one.

14 MR. STINAR: It's the same problem we  
15 have. It's always batteries and keys that stops  
16 every operation from getting to the finish line,  
17 isn't it?

18 But subject to your questions, that's  
19 sort of the broad overview. As I had mentioned,  
20 we have some folks who are tee'd up to kind of  
21 talk about it a little more. So we don't have a  
22 timeline. We just want to explore, or refine,  
23 come back, and breathe, and hopefully --

24 I don't want to drag this on forever,  
25 but I think it would not take us longer than a few

1 months to kind of see what's out there, see what  
2 fits, and then see where we can go from here. So  
3 that's my ask I guess for today.

4 CHAIR SLAUGHTER: As a point of  
5 clarification, Administrator Stinar, I want to  
6 make sure I understand you correct.

7 You mentioned creating a study group.  
8 You're not talking about waiting until the next  
9 session, doing a legislative group, you're talking  
10 about an internal study group?

11 MR. STINAR: That's correct. Really it  
12 will be driven by me, but I want to have some  
13 connectivity to the Curriculum Committee here,  
14 because it would sort of save time I think at the  
15 other end.

16 We have sort of this window of  
17 opportunity exists, because the legislative  
18 process will kick up again in a little over a  
19 year, and if we're going to ask for funding, if  
20 we're going to ask to FTE, all those things that  
21 have to kind of -- or we will be asking for  
22 Administrative Rule and MCA changes, because right  
23 now, the people have to attend a Law Enforcement  
24 Officer Basic course located at the Academy in  
25 Helena.

1           So they're not huge things to fix,  
2 they're just little things that we've got to make  
3 sure we're tracking so that when we come out the  
4 other end we're not, "Oops, we forgot something."  
5 So does that answer your question, sir?

6           CHAIR SLAUGHTER: Yes. I just wanted to  
7 clarify that, because I don't think it needs that  
8 type of process. The Legislature may deem  
9 otherwise when we approach them.

10           So is your ask to use probably your  
11 staff and the Curriculum Review to kind of  
12 establish how this would flow, and then determine  
13 what I think universities and colleges that would  
14 be willing to jump on board with something like  
15 this?

16           MR. STINAR: Right, and we would do sort  
17 of the leg work here. I guess what -- I don't  
18 want it to be a surprise when I get a hold of Eric  
19 and say, "Let's set up a meeting with the  
20 Curriculum Development Committee," and kind of  
21 brief our progress.

22           So if there's more interest in being a  
23 part of it, then I'll allow other members of the  
24 Curriculum Committee to determine how much they  
25 want to get involved, but I sort of see this

1 playing out as an Academy driven study group that  
2 sort of comes up with recommendations to the  
3 Curriculum Committee, who then says, "We've looked  
4 at this and we think it's going to work, and let's  
5 go to the Council for some more discussion."

6 MR. CONNER SMITH: So Glen and I have  
7 been in talks about this as well, and I'm on the  
8 Curriculum Committee, so I'd like to help out with  
9 whatever you need. I guess it's a good way to  
10 move forward with this, and it makes sense, so --

11 MR. STINAR: I appreciate that.

12 MS. BURDICK: And I'm not on the  
13 Curriculum Committee, but I would like to be on  
14 the Curriculum Committee.

15 MR. GILBERTSON: I'll put on the record  
16 I did talk to Glen about this. But I think one  
17 advantage -- and correct me if I'm wrong, Glen --  
18 but you haven't been able to host any preservice  
19 officers at the Academy for a few years; is that  
20 correct?

21 MR. STINAR: That's correct.

22 MR. GILBERTSON: So in a sense, if an  
23 individual decides that they want to pursue a  
24 career in law enforcement, this is an opportunity  
25 for them to come out the other end with what would

1 potentially be an equivalent Basic certificate.  
2 It is a way to accommodate those officers without  
3 being appointed by an agency prior to attendance,  
4 right?

5 MR. STINAR: That's correct.

6 MR. GILBERTSON: And then another  
7 advantage that crossed my mind is we do have, I  
8 think Glen said 176 public safety agencies across  
9 the state, and many of those agencies, it is a  
10 drain to send an officer to attend the Basic class  
11 here for 12 weeks, and they have to figure out how  
12 to fill those shifts that are still occurring  
13 while that officer is in attendance here.

14 So having that, again, that candidate  
15 who doesn't have to come to the Academy after  
16 their first day of appointment is an advantage to  
17 those smaller stakeholders as well. So just a  
18 couple things I thought about and thought I'd  
19 mention.

20 MR. STINAR: We've talked with other  
21 states who do this sort of thing, Colorado being  
22 one of them. And from a POST Council perspective,  
23 the biggest challenge they have is ensuring that  
24 the training is really equivalent, it is what they  
25 said it was going to be.

1           Sometimes there was deviation from what  
2 is briefed that was going to happen and quality of  
3 training and what actually happens at the other  
4 end. So that QA, quality assurance, you know,  
5 that is one of the things we would have to sort of  
6 build into this is how do we know that the folks  
7 in Glendive are actually doing what they're saying  
8 they're doing, how do we sort of spot check those  
9 things.

10           So I think from your perspective, that  
11 would be the biggest concern is how do we ensure  
12 that, this continuity of training. I sort of  
13 envision that being an FTE that we roll into this  
14 process maybe as part of our and your  
15 organization, or just part of our organization, or  
16 yours, or whatever it is. We're not that far down  
17 the road yet. It's just how do we -- we have a  
18 body to go out and do these checks, so that's a  
19 big part of it.

20           MR. GILBERTSON: I think I heard you say  
21 that POST would get another FTE out of this?

22           MR. STINAR: No. I don't have that kind  
23 of authority, Executive Director. But anyway, the  
24 to-do list, you know. I think it's a good idea.  
25 I think it's time that we sort of look at maybe

1 doing things a little bit differently, and it  
2 sounds like you're on board, so --

3 CHAIR SLAUGHTER: I guess I would ask.  
4 Do we need a motion to codify POST's partnership  
5 with MLEA in this journey with the Curriculum  
6 Committee, and Kimberly Burdick who wants to help,  
7 or anyone on the Council who want to help for that  
8 matter, to give Administrator Stinar an answer so  
9 we know we can move forward.

10 MR. SEGREST: I think you could have a  
11 motion. I don't think you need one. At this  
12 point I think it's more informational from  
13 Administrator Stinar's point of view, and I think  
14 the Curriculum Committee could probably address  
15 it, and if further action is needed at that point,  
16 there might be action from the full Council.

17 CHAIR SLAUGHTER: Sounds good to me. So  
18 it sounds like we're good to go, we're on board  
19 with that, and we will have the Curriculum  
20 Committee I guess at your disposal, as you're a  
21 member of them. Kimberly Burdick also would like  
22 to help, and I would be willing to help as well,  
23 Administrator Stinar, with any meetings or  
24 anything that you want to see happen. I think  
25 it's a great idea.

1 MR. STINAR: Thank you.

2 MR. GILBERTSON: Continuing, moving on  
3 to Item D. The Public Safety Communicator  
4 syllabus can be found on Page 69. This is what is  
5 scheduled to be taught at that February class, and  
6 we need a motion from the Council to approve I  
7 believe the curriculum.

8 CHAIR SLAUGHTER: Sounds correct. Do we  
9 have a motion to approve that?

10 MR. THOMAS: This is Jim. I'll make a  
11 motion to approve that curriculum.

12 MR. SAYLER: This is Matt. I'll second.

13 CHAIR SLAUGHTER: Any further discussion  
14 on the PSC syllabus curriculum?

15 (No response)

16 CHAIR SLAUGHTER: Anyone on the phone?

17 (No response)

18 CHAIR SLAUGHTER: Hearing none, all in  
19 favor of approving the PSC syllabus, signify by  
20 saying aye.

21 (Response)

22 CHAIR SLAUGHTER: All opposed, same  
23 sign.

24 (No response)

25 CHAIR SLAUGHTER: Motion carries.

1 MR. GILBERTSON: Moving on to Item E,  
2 the Probation and Parole syllabus. Similar to the  
3 last item, this is the proposed syllabus for the  
4 upcoming Probation and Parole class.

5 I know Mary Ann and I spoke to Tim  
6 Allred briefly regarding this, and I think there  
7 have been a couple minor changes to the syllabus,  
8 but it's essentially the same; is that correct,  
9 Mary Ann?

10 MS. KEUNE: Yes.

11 MR. GILBERTSON: So we need a motion to  
12 approve.

13 MR. CONNER SMITH: This is Conner. I  
14 motion to approve.

15 MR. THOMAS: This is Jim. I second.

16 CHAIR SLAUGHTER: We have a motion and a  
17 second. Any further discussion regarding the  
18 Probation and Parole Basic Academy syllabus?

19 (No response)

20 CHAIR SLAUGHTER: Hearing no further  
21 discussion, all those in favor signify by saying  
22 aye.

23 (Response)

24 CHAIR SLAUGHTER: Opposed, same sign.

25 (No response)

1 CHAIR SLAUGHTER: Motion carries.

2 Moving on to the Director's report. Director.

3 MR. GILBERTSON: Thank you very much.

4 Hopefully my microphone will carry through on  
5 this.

6 The first item is the budget, and in  
7 short summary, we have some money, we've spent  
8 some money, and we're likely to spend more for the  
9 remainder of the fiscal year. So essentially the  
10 numbers are what they are.

11 I will say that I believe POST to be  
12 good stewards of the money that it's allotted.  
13 Sometimes -- and I think we had a budget meeting  
14 here a week or so ago where potentially we might  
15 exceed our budget by small amounts. We have a  
16 large number of contested cases and other expenses  
17 in the coming year.

18 And I guess the only thing I'll say  
19 regarding the budget specifically is I think we  
20 need to take opportunities to save money where we  
21 can. POST has been in the position where they  
22 want to get the Council out across the state, have  
23 those meetings so other stakeholders can attend.

24 That is an expense that we have to  
25 balance with the other needs of POST, and I think

1 in light of that, my recommendation is that for  
2 calendar year 2022 to hold the POST Council  
3 meetings here in Helena to save some of those  
4 resources, given the number of contested cases and  
5 other fees we're likely to encounter.

6 Moving on to certificates awarded,  
7 you'll see a list of the certificates that have  
8 been awarded since the last meeting. There's been  
9 323 of them. You can find those on Pages 77  
10 through 101.

11 I spoke about it earlier, but the  
12 trainings approved, I approved training for --  
13 myself and Perry -- approved training for 1730  
14 officers to attend 2404 courses, which totaled  
15 32,605 and a half hours, which brings the sum  
16 collective law enforcement knowledge across the  
17 state up roughly three and a half years, if  
18 someone were attending a course every single  
19 minute of every single day in that short period of  
20 time.

21 So on Item 4, we granted equivalency to  
22 24 officers, eleven extensions.

23 And that will move us to the contact  
24 list for the Council members and staff, and this  
25 has been somewhat updated, but it's constantly

1 evolving, and so I guess I'll speak to that.

2 I know with Ryan retiring -- and I'm  
3 hoping he's still on the phone -- I know there was  
4 conversation with Doug Overman, who is the Chiefs  
5 of Police rep, and they were going to solicit  
6 interest in filling Ryan's slot, and I'm just  
7 going to give Ryan the opportunity to provide any  
8 update if he knows of anything.

9 MR. OSTER: This is Ryan. So actually  
10 the new President is Wade Nash out of Polson PD.  
11 He's the Chief there.

12 I know that the Executive Board for the  
13 Chiefs association has I guess picked a rep that  
14 they would like to see appointed to POST. I'm not  
15 sure who that is, because I'm not on the "E" board  
16 anymore, but they I believe are sending a letter  
17 to the Governor with the MACOP support behind that  
18 person, and so hopefully that will kind of  
19 facilitate getting a new appointment. So that's  
20 all I know about it.

21 MR. GILBERTSON: Thank you, Chief. I  
22 appreciate the update.

23 Similar to that, I reached out to  
24 Director Gootkin with DOC last week, and heard  
25 back from him this week. It's his intention to

1 recommend Jim Anderson from DOC to fill that  
2 vacant DOC slot. I forwarded both of them the  
3 recommendation form and the appointment  
4 application, and so hopefully they'll be moving  
5 forward on that.

6 Which leaves us with the third vacant  
7 slot, and anyone listening in today or anyone  
8 present in the room, if you know of any good  
9 citizens who would like to serve on the Council,  
10 please advise them of the opening and ask they  
11 submit an application. We want to include those  
12 voices on the Council, and we would like to fill  
13 as many slots and let them be heard.

14 Moving on to Item 7, I think we covered  
15 adequately previously. That's the MPPA  
16 discussion, unless Shelby has anything more to  
17 address. Okay.

18 Then just generally office updates. We  
19 took on a new staff member -- myself -- and we'll  
20 see how it goes. I don't know how he's doing, but  
21 he's trying. Just a shout out to the staff that I  
22 have. They've been overwhelmingly supportive of  
23 me, and they are a blessing to the State of  
24 Montana, so thanks to them.

25 On another note, I guess we -- and

1 Katrina said it best this morning -- we are the  
2 busiest probably that she can ever recall us being  
3 in her time serving since around 2012.

4 MS. BOLGER: I think it was beginning in  
5 2012. I'm nearing about a decade here.

6 MR. GILBERTSON: So I think your staff  
7 is doing as much as possible with the resources  
8 they have. And we've got a lot of upcoming issues  
9 to address, and we'll continue to move forward the  
10 best we can, and that's my Director's report.

11 CHAIR SLAUGHTER: Thank you, Eric. And  
12 we also agree about how awesome the staff is,  
13 including yourself. So you guys are doing a great  
14 job. Eric, I think you're a really good fit, and  
15 I think things are going to go quite smoothly with  
16 you.

17 So next we have to adjourn the meeting,  
18 but before we do that, do we have anything for the  
19 good of the order that we need to discuss?

20 MR. SAYLER: This is Matt. Are we just  
21 going to go off this February 23rd for our next  
22 meeting, or are we going to set that prior to  
23 leaving? Just so we know.

24 CHAIR SLAUGHTER: Let's do that.

25 MR. GILBERTSON: I think the intention

1 was to adopt that. Do you have a conflict there?

2 MR. SAYLER: No, I just wanted to double  
3 check.

4 MR. GILBERTSON: I think the proposed  
5 four meeting dates on that calendar -- and I don't  
6 remember the pages -- but the next one will be  
7 that one in February, and then we'll evaluate. I  
8 know some commitments come up later on in the  
9 year, and if we need to adjust the ones after  
10 that, we can.

11 CHAIR SLAUGHTER: Director, if the  
12 Council members could just get a calendar invite  
13 in the next week or two just for those meetings to  
14 remind everybody to put them on the calendar.

15 MR. GILBERTSON: They sure can.

16 CHAIR SLAUGHTER: Thank you. Anything  
17 else?

18 (No response)

19 CHAIR SLAUGHTER: Anybody on the phone  
20 have anything?

21 (No response)

22 CHAIR SLAUGHTER: Okay. Hearing none,  
23 do I have a motion to adjourn.

24 MS. BURDICK: Motion to adjourn.

25 MR. SAYLER: Second.

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CHAIR SLAUGHTER: Kimberly made the motion, we're going to say Matt seconded. Any discussion?

(No response)

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

(Response)

CHAIR SLAUGHTER: Meeting adjourned.

(The proceedings were concluded at 12:23 p.m.)

\* \* \* \* \*

<b>1</b>	94:22 <b>2404 [2]</b> 59:4, 94:14 <b>25 - 80:21</b> <b>28 - 52:5</b>	<b>8</b>	63:19 <b>action [5]</b> 42:15, 54:19, 56:19, 90:15, 90:16 <b>active [2]</b> 26:1, 69:20 <b>add [11]</b> 19:18, 23:11, 37:2, 37:9, 37:19, 41:14, 49:22, 55:25, 57:6, 66:17, 69:11 <b>added [2]</b> 20:22, 69:10 <b>adding [3]</b> 13:4, 37:16, 41:20 <b>additional -</b> 36:3 <b>address [9]</b> 7:4, 25:21, 26:17, 43:10, 58:22, 72:15, 90:14, 96:17, 97:9 <b>addressing -</b> 14:1 <b>adequately -</b> 96:15 <b>adjourn [3]</b> 97:17, 98:23, 98:24 <b>adjourned -</b> 99:8 <b>adjudication -</b> 70:9 <b>adjust [2]</b> 74:21, 98:9 <b>adjusted -</b> 74:18 <b>adjustments -</b> 14:6 <b>administrative</b> <b>[6]</b> 1:20, 1:22, 35:9, 36:14, 49:9, 85:22 <b>Administrator</b> <b>[7]</b> 68:7, 78:22, 78:24, 85:5, 90:8, 90:13, 90:23 <b>administrators</b> <b>- 78:2</b> <b>adopt [5]</b> 33:10, 53:7, 67:4, 75:10, 98:1 <b>adopted -</b>	<b>9</b>	40:23 <b>adopting -</b> 13:9 <b>advantage [3]</b> 87:17, 88:7, 88:16 <b>advertised -</b> 63:17 <b>advise - 31:4</b> <b>advise - 96:10</b> <b>advised - 3:23</b> <b>advisement -</b> 48:1 <b>advocate -</b> 34:9 <b>affected -</b> 50:2 <b>affects - 30:3</b> <b>AG [3]</b> 72:8, 72:17, 72:20 <b>AG's [5]</b> 70:14, 71:7, 71:25, 72:16, 73:20 <b>agencies [16]</b> 8:12, 27:5, 33:20, 44:10, 66:3, 66:23, 67:1, 67:7, 80:14, 80:20, 80:22, 82:20, 83:22, 84:5, 88:8, 88:9 <b>agency [13]</b> 8:23, 21:15, 27:7, 52:17, 52:22, 53:1, 55:25, 56:1, 57:7, 80:8, 80:25, 83:5, 88:3 <b>agenda [4]</b> 5:3, 23:10, 23:15, 36:1 <b>aggrieved [11]</b> 52:6, 54:17, 55:23, 55:23, 56:9, 57:2, 57:19, 58:13, 59:21, 62:4, 63:5 <b>agree [3]</b> 32:4, 49:21, 97:12 <b>agreement [2]</b> 48:7, 48:12 <b>ahead [3]</b> 29:8, 47:15, 55:20 <b>align - 11:17</b> <b>allegations -</b> 48:23 <b>Allegiance [2]</b>	77 - 94:9	9:13, 9:14 <b>allotted -</b> 93:12 <b>allow [13]</b> 10:21, 22:7, 26:5, 26:10, 57:24, 57:25, 58:11, 59:5, 64:2, 76:21, 82:20, 82:21, 86:23 <b>allowed [4]</b> 10:25, 42:11, 54:20, 61:4 <b>allowing -</b> 27:7 <b>allows [3]</b> 36:14, 37:10, 54:17 <b>Allred - 92:6</b> <b>alongside -</b> 78:10 <b>already [13]</b> 41:21, 42:9, 42:16, 45:10, 45:22, 47:3, 55:16, 67:6, 69:16, 73:4, 79:6, 79:11, 80:19 <b>alternative -</b> 84:7 <b>although -</b> 8:14 <b>altogether -</b> 80:21 <b>amend [2]</b> 25:24, 44:11 <b>amendment -</b> 26:9 <b>Ammon - 11:9</b> <b>among [2]</b> 22:5, 44:9 <b>amounts -</b> 93:15 <b>analogy -</b> 25:10 <b>analyze -</b> 30:20 <b>ancillary -</b> 26:4 <b>and/or -</b> 43:18 <b>Anderson [4]</b> 2:14, 6:3, 6:3, 96:1 <b>angst - 80:25</b> <b>Ann [7]</b> 1:20, 9:10, 12:21, 16:18, 16:21, 92:5, 92:9 <b>announce -</b>
1 [7] 36:2, 52:13, 53:7, 53:14, 55:10, 56:4, 56:25 101 - 94:10 10:06 - 24:8 11th - 9:18 12 - 88:11 12:23 - 99:10 12:24 - 1:3 13th - 21:8 14 - 8:8 15 - 21:12 16 [2] 7:16, 22:2 1730 [2] 59:3, 94:13 176 [2] 80:20, 88:8 17th [2] 21:9, 24:20 180 - 37:11 1959 - 80:4	<b>3</b>	<b>8</b>	40:23 <b>adopting -</b> 13:9 <b>advantage [3]</b> 87:17, 88:7, 88:16 <b>advertised -</b> 63:17 <b>advise - 31:4</b> <b>advise - 96:10</b> <b>advised - 3:23</b> <b>advisement -</b> 48:1 <b>advocate -</b> 34:9 <b>affected -</b> 50:2 <b>affects - 30:3</b> <b>AG [3]</b> 72:8, 72:17, 72:20 <b>AG's [5]</b> 70:14, 71:7, 71:25, 72:16, 73:20 <b>agencies [16]</b> 8:12, 27:5, 33:20, 44:10, 66:3, 66:23, 67:1, 67:7, 80:14, 80:20, 80:22, 82:20, 83:22, 84:5, 88:8, 88:9 <b>agency [13]</b> 8:23, 21:15, 27:7, 52:17, 52:22, 53:1, 55:25, 56:1, 57:7, 80:8, 80:25, 83:5, 88:3 <b>agenda [4]</b> 5:3, 23:10, 23:15, 36:1 <b>aggrieved [11]</b> 52:6, 54:17, 55:23, 55:23, 56:9, 57:2, 57:19, 58:13, 59:21, 62:4, 63:5 <b>agree [3]</b> 32:4, 49:21, 97:12 <b>agreement [2]</b> 48:7, 48:12 <b>ahead [3]</b> 29:8, 47:15, 55:20 <b>align - 11:17</b> <b>allegations -</b> 48:23 <b>Allegiance [2]</b>	<b>9</b>	77 - 94:9	9:13, 9:14 <b>allotted -</b> 93:12 <b>allow [13]</b> 10:21, 22:7, 26:5, 26:10, 57:24, 57:25, 58:11, 59:5, 64:2, 76:21, 82:20, 82:21, 86:23 <b>allowed [4]</b> 10:25, 42:11, 54:20, 61:4 <b>allowing -</b> 27:7 <b>allows [3]</b> 36:14, 37:10, 54:17 <b>Allred - 92:6</b> <b>alongside -</b> 78:10 <b>already [13]</b> 41:21, 42:9, 42:16, 45:10, 45:22, 47:3, 55:16, 67:6, 69:16, 73:4, 79:6, 79:11, 80:19 <b>alternative -</b> 84:7 <b>although -</b> 8:14 <b>altogether -</b> 80:21 <b>amend [2]</b> 25:24, 44:11 <b>amendment -</b> 26:9 <b>Ammon - 11:9</b> <b>among [2]</b> 22:5, 44:9 <b>amounts -</b> 93:15 <b>analogy -</b> 25:10 <b>analyze -</b> 30:20 <b>ancillary -</b> 26:4 <b>and/or -</b> 43:18 <b>Anderson [4]</b> 2:14, 6:3, 6:3, 96:1 <b>angst - 80:25</b> <b>Ann [7]</b> 1:20, 9:10, 12:21, 16:18, 16:21, 92:5, 92:9 <b>announce -</b>	
<b>2</b>	2 [7] 36:2, 52:19, 56:8, 56:23, 57:12, 60:6, 61:25 2(b - 28:15 2)(a [2] 37:8, 37:23 20 - 83:23 2011 - 13:10 2012 [3] 49:2, 97:3, 97:5 2013 - 49:2 2020 - 3:6 2021 [2] 1:2, 9:18 2022 [6] 20:25, 74:2, 74:7, 75:10, 75:22, 94:2 2023 - 80:17 2260 - 1:5 23.13.102 [2] 40:15, 43:20 23.13.702 - 43:20 23.13.702(3 - 41:18 23.13.703 - 49:9 23.13.721 [2] 52:3, 53:13 23rd - 97:21 24 [2] 66:2,	2404 [2] 59:4, 94:14 <b>25 - 80:21</b> <b>28 - 52:5</b>	<b>8</b>	40:23 <b>adopting -</b> 13:9 <b>advantage [3]</b> 87:17, 88:7, 88:16 <b>advertised -</b> 63:17 <b>advise - 31:4</b> <b>advise - 96:10</b> <b>advised - 3:23</b> <b>advisement -</b> 48:1 <b>advocate -</b> 34:9 <b>affected -</b> 50:2 <b>affects - 30:3</b> <b>AG [3]</b> 72:8, 72:17, 72:20 <b>AG's [5]</b> 70:14, 71:7, 71:25, 72:16, 73:20 <b>agencies [16]</b> 8:12, 27:5, 33:20, 44:10, 66:3, 66:23, 67:1, 67:7, 80:14, 80:20, 80:22, 82:20, 83:22, 84:5, 88:8, 88:9 <b>agency [13]</b> 8:23, 21:15, 27:7, 52:17, 52:22, 53:1, 55:25, 56:1, 57:7, 80:8, 80:25, 83:5, 88:3 <b>agenda [4]</b> 5:3, 23:10, 23:15, 36:1 <b>aggrieved [11]</b> 52:6, 54:17, 55:23, 55:23, 56:9, 57:2, 57:19, 58:13, 59:21, 62:4, 63:5 <b>agree [3]</b> 32:4, 49:21, 97:12 <b>agreement [2]</b> 48:7, 48:12 <b>ahead [3]</b> 29:8, 47:15, 55:20 <b>align - 11:17</b> <b>allegations -</b> 48:23 <b>Allegiance [2]</b>	<b>9</b>	77 - 94:9	9:13, 9:14 <b>allotted -</b> 93:12 <b>allow [13]</b> 10:21, 22:7, 26:5, 26:10, 57:24, 57:25, 58:11, 59:5, 64:2, 76:21, 82:20, 82:21, 86:23 <b>allowed [4]</b> 10:25, 42:11, 54:20, 61:4 <b>allowing -</b> 27:7 <b>allows [3]</b> 36:14, 37:10, 54:17 <b>Allred - 92:6</b> <b>alongside -</b> 78:10 <b>already [13]</b> 41:21, 42:9, 42:16, 45:10, 45:22, 47:3, 55:16, 67:6, 69:16, 73:4, 79:6, 79:11, 80:19 <b>alternative -</b> 84:7 <b>although -</b> 8:14 <b>altogether -</b> 80:21 <b>amend [2]</b> 25:24, 44:11 <b>amendment -</b> 26:9 <b>Ammon - 11:9</b> <b>among [2]</b> 22:5, 44:9 <b>amounts -</b> 93:15 <b>analogy -</b> 25:10 <b>analyze -</b> 30:20 <b>ancillary -</b> 26:4 <b>and/or -</b> 43:18 <b>Anderson [4]</b> 2:14, 6:3, 6:3, 96:1 <b>angst - 80:25</b> <b>Ann [7]</b> 1:20, 9:10, 12:21, 16:18, 16:21, 92:5, 92:9 <b>announce -</b>
<b>3</b>	3 [3] 9:18, 43:20, 56:24 30 - 81:12 30th - 17:24 32,605 - 94:15 323 - 94:9 3rd - 20:25	<b>8</b>	40:23 <b>adopting -</b> 13:9 <b>advantage [3]</b> 87:17, 88:7, 88:16 <b>advertised -</b> 63:17 <b>advise - 31:4</b> <b>advise - 96:10</b> <b>advised - 3:23</b> <b>advisement -</b> 48:1 <b>advocate -</b> 34:9 <b>affected -</b> 50:2 <b>affects - 30:3</b> <b>AG [3]</b> 72:8, 72:17, 72:20 <b>AG's [5]</b> 70:14, 71:7, 71:25, 72:16, 73:20 <b>agencies [16]</b> 8:12, 27:5, 33:20, 44:10, 66:3, 66:23, 67:1, 67:7, 80:14, 80:20, 80:22, 82:20, 83:22, 84:5, 88:8, 88:9 <b>agency [13]</b> 8:23, 21:15, 27:7, 52:17, 52:22, 53:1, 55:25, 56:1, 57:7, 80:8, 80:25, 83:5, 88:3 <b>agenda [4]</b> 5:3, 23:10, 23:15, 36:1 <b>aggrieved [11]</b> 52:6, 54:17, 55:23, 55:23, 56:9, 57:2, 57:19, 58:13, 59:21, 62:4, 63:5 <b>agree [3]</b> 32:4, 49:21, 97:12 <b>agreement [2]</b> 48:7, 48:12 <b>ahead [3]</b> 29:8, 47:15, 55:20 <b>align - 11:17</b> <b>allegations -</b> 48:23 <b>Allegiance [2]</b>	<b>9</b>	77 - 94:9	9:13, 9:14 <b>allotted -</b> 93:12 <b>allow [13]</b> 10:21, 22:7, 26:5, 26:10, 57:24, 57:25, 58:11, 59:5, 64:2, 76:21, 82:20, 82:21, 86:23 <b>allowed [4]</b> 10:25, 42:11, 54:20, 61:4 <b>allowing -</b> 27:7 <b>allows [3]</b> 36:14, 37:10, 54:17 <b>Allred - 92:6</b> <b>alongside -</b> 78:10 <b>already [13]</b> 41:21, 42:9, 42:16, 45:10, 45:22, 47:3, 55:16, 67:6, 69:16, 73:4, 79:6, 79:11, 80:19 <b>alternative -</b> 84:7 <b>although -</b> 8:14 <b>altogether -</b> 80:21 <b>amend [2]</b> 25:24, 44:11 <b>amendment -</b> 26:9 <b>Ammon - 11:9</b> <b>among [2]</b> 22:5, 44:9 <b>amounts -</b> 93:15 <b>analogy -</b> 25:10 <b>analyze -</b> 30:20 <b>ancillary -</b> 26:4 <b>and/or -</b> 43:18 <b>Anderson [4]</b> 2:14, 6:3, 6:3, 96:1 <b>angst - 80:25</b> <b>Ann [7]</b> 1:20, 9:10, 12:21, 16:18, 16:21, 92:5, 92:9 <b>announce -</b>	
<b>4</b>	4 [7] 57:23, 61:13, 61:22, 61:24, 64:12, 64:18, 94:21 4,000 - 80:20 40 - 24:3 41 - 9:19 44-4-404 [2] 25:23, 37:23 4th - 20:25	<b>8</b>	40:23 <b>adopting -</b> 13:9 <b>advantage [3]</b> 87:17, 88:7, 88:16 <b>advertised -</b> 63:17 <b>advise - 31:4</b> <b>advise - 96:10</b> <b>advised - 3:23</b> <b>advisement -</b> 48:1 <b>advocate -</b> 34:9 <b>affected -</b> 50:2 <b>affects - 30:3</b> <b>AG [3]</b> 72:8, 72:17, 72:20 <b>AG's [5]</b> 70:14, 71:7, 71:25, 72:16, 73:20 <b>agencies [16]</b> 8:12, 27:5, 33:20, 44:10, 66:3, 66:23, 67:1, 67:7, 80:14, 80:20, 80:22, 82:20, 83:22, 84:5, 88:8, 88:9 <b>agency [13]</b> 8:23, 21:15, 27:7, 52:17, 52:22, 53:1, 55:25, 56:1, 57:7, 80:8, 80:25, 83:5, 88:3 <b>agenda [4]</b> 5:3, 23:10, 23:15, 36:1 <b>aggrieved [11]</b> 52:6, 54:17, 55:23, 55:23, 56:9, 57:2, 57:19, 58:13, 59:21, 62:4, 63:5 <b>agree [3]</b> 32:4, 49:21, 97:12 <b>agreement [2]</b> 48:7, 48:12 <b>ahead [3]</b> 29:8, 47:15, 55:20 <b>align - 11:17</b> <b>allegations -</b> 48:23 <b>Allegiance [2]</b>	<b>9</b>	77 - 94:9	9:13, 9:14 <b>allotted -</b> 93:12 <b>allow [13]</b> 10:21, 22:7, 26:5, 26:10, 57:24, 57:25, 58:11, 59:5, 64:2, 76:21, 82:20, 82:21, 86:23 <b>allowed [4]</b> 10:25, 42:11, 54:20, 61:4 <b>allowing -</b> 27:7 <b>allows [3]</b> 36:14, 37:10, 54:17 <b>Allred - 92:6</b> <b>alongside -</b> 78:10 <b>already [13]</b> 41:21, 42:9, 42:16, 45:10, 45:22, 47:3, 55:16, 67:6, 69:16, 73:4, 79:6, 79:11, 80:19 <b>alternative -</b> 84:7 <b>although -</b> 8:14 <b>altogether -</b> 80:21 <b>amend [2]</b> 25:24, 44:11 <b>amendment -</b> 26:9 <b>Ammon - 11:9</b> <b>among [2]</b> 22:5, 44:9 <b>amounts -</b> 93:15 <b>analogy -</b> 25:10 <b>analyze -</b> 30:20 <b>ancillary -</b> 26:4 <b>and/or -</b> 43:18 <b>Anderson [4]</b> 2:14, 6:3, 6:3, 96:1 <b>angst - 80:25</b> <b>Ann [7]</b> 1:20, 9:10, 12:21, 16:18, 16:21, 92:5, 92:9 <b>announce -</b>	
<b>5</b>	500 - 20:3 51 - 15:21 52 - 20:1 56 - 20:1 57 [3] 24:22, 28:16, 37:22 58 [2] 41:13, 41:25 59 [2] 52:4, 53:4 59602 - 1:6 5th - 20:25	<b>8</b>	40:23 <b>adopting -</b> 13:9 <b>advantage [3]</b> 87:17, 88:7, 88:16 <b>advertised -</b> 63:17 <b>advise - 31:4</b> <b>advise - 96:10</b> <b>advised - 3:23</b> <b>advisement -</b> 48:1 <b>advocate -</b> 34:9 <b>affected -</b> 50:2 <b>affects - 30:3</b> <b>AG [3]</b> 72:8, 72:17, 72:20 <b>AG's [5]</b> 70:14, 71:7, 71:25, 72:16, 73:20 <b>agencies [16]</b> 8:12, 27:5, 33:20, 44:10, 66:3, 66:23, 67:1, 67:7, 80:14, 80:20, 80:22, 82:20, 83:22, 84:5, 88:8, 88:9 <b>agency [13]</b> 8:23, 21:15, 27:7, 52:17, 52:22, 53:1, 55:25, 56:1, 57:7, 80:8, 80:25, 83:5, 88:3 <b>agenda [4]</b> 5:3, 23:10, 23:15, 36:1 <b>aggrieved [11]</b> 52:6, 54:17, 55:23, 55:23, 56:9, 57:2, 57:19, 58:13, 59:21, 62:4, 63:5 <b>agree [3]</b> 32:4, 49:21, 97:12 <b>agreement [2]</b> 48:7, 48:12 <b>ahead [3]</b> 29:8, 47:15, 55:20 <b>align - 11:17</b> <b>allegations -</b> 48:23 <b>Allegiance [2]</b>	<b>9</b>	77 - 94:9	9:13, 9:14 <b>allotted -</b> 93:12 <b>allow [13]</b> 10:21, 22:7, 26:5, 26:10, 57:24, 57:25, 58:11, 59:5, 64:2, 76:21, 82:20, 82:21, 86:23 <b>allowed [4]</b> 10:25, 42:11, 54:20, 61:4 <b>allowing -</b> 27:7 <b>allows [3]</b> 36:14, 37:10, 54:17 <b>Allred - 92:6</b> <b>alongside -</b> 78:10 <b>already [13]</b> 41:21, 42:9, 42:16, 45:10, 45:22, 47:3, 55:16, 67:6, 69:16, 73:4, 79:6, 79:11, 80:19 <b>alternative -</b> 84:7 <b>although -</b> 8:14 <b>altogether -</b> 80:21 <b>amend [2]</b> 25:24, 44:11 <b>amendment -</b> 26:9 <b>Ammon - 11:9</b> <b>among [2]</b> 22:5, 44:9 <b>amounts -</b> 93:15 <b>analogy -</b> 25:10 <b>analyze -</b> 30:20 <b>ancillary -</b> 26:4 <b>and/or -</b> 43:18 <b>Anderson [4]</b> 2:14, 6:3, 6:3, 96:1 <b>angst - 80:25</b> <b>Ann [7]</b> 1:20, 9:10, 12:21, 16:18, 16:21, 92:5, 92:9 <b>announce -</b>	
<b>6</b>	60 [2] 55:8, 55:9 61 [2] 24:22, 55:8 62 [2] 70:2, 70:15 63 [2] 70:2, 70:15 64 - 74:16 65 - 74:16 69 - 91:4	<b>8</b>	40:23 <b>adopting -</b> 13:9 <b>advantage [3]</b> 87:17, 88:7, 88:16 <b>advertised -</b> 63:17 <b>advise - 31:4</b> <b>advise - 96:10</b> <b>advised - 3:23</b> <b>advisement -</b> 48:1 <b>advocate -</b> 34:9 <b>affected -</b> 50:2 <b>affects - 30:3</b> <b>AG [3]</b> 72:8, 72:17, 72:20 <b>AG's [5]</b> 70:14, 71:7, 71:25, 72:16, 73:20 <b>agencies [16]</b> 8:12, 27:5, 33:20, 44:10, 66:3, 66:23, 67:1, 67:7, 80:14, 80:20, 80:22, 82:20, 83:22, 84:5, 88:8, 88:9 <b>agency [13]</b> 8:23, 21:15, 27:7, 52:17, 52:22, 53:1, 55:25, 56:1, 57:7, 80:8, 80:25, 83:5, 88:3 <b>agenda [4]</b> 5:3, 23:10, 23:15, 36:1 <b>aggrieved [11]</b> 52:6, 54:17, 55:23, 55:23, 56:9, 57:2, 57:19, 58:13, 59:21, 62:4, 63:5 <b>agree [3]</b> 32:4, 49:21, 97:12 <b>agreement [2]</b> 48:7, 48:12 <b>ahead [3]</b> 29:8, 47:15, 55:20 <b>align - 11:17</b> <b>allegations -</b> 48:23 <b>Allegiance [2]</b>	<b>9</b>	77 - 94:9	9:13, 9:14 <b>allotted -</b> 93:12 <b>allow [13]</b> 10:21, 22:7, 26:5, 26:10, 57:24, 57:25, 58:11, 59:5, 64:2, 76:21, 82:20, 82:21, 86:23 <b>allowed [4]</b> 10:25, 42:11, 54:20, 61:4 <b>allowing -</b> 27:7 <b>allows [3]</b> 36:14, 37:10, 54:17 <b>Allred - 92:6</b> <b>alongside -</b> 78:10 <b>already [13]</b> 41:21, 42:9, 42:16, 45:10, 45:22, 47:3, 55:16, 67:6, 69:16, 73:4, 79:6, 79:11, 80:19 <b>alternative -</b> 84:7 <b>although -</b> 8:14 <b>altogether -</b> 80:21 <b>amend [2]</b> 25:24, 44:11 <b>amendment -</b> 26:9 <b>Ammon - 11:9</b> <b>among [2]</b> 22:5, 44:9 <b>amounts -</b> 93:15 <b>analogy -</b> 25:10 <b>analyze -</b> 30:20 <b>ancillary -</b> 26:4 <b>and/or -</b> 43:18 <b>Anderson [4]</b>	

4:24 anti-semitic - 11:13 anymore [2] 76:21, 95:16 anytime - 63:5 anyway [3] 18:22, 42:13, 89:23 apologies - 28:8 apologize - 25:13 appeal [2] 52:7, 62:17 appeals [3] 8:11, 51:19, 53:13 appear - 60:1 appeared - 11:12 appears - 28:3 applicants - 82:21 application [2] 96:4, 96:11 applies [2] 27:1, 28:18 apply [2] 26:24, 30:17 appointed [5] 7:8, 16:2, 17:7, 88:3, 95:14 appointment [4] 18:6, 88:16, 95:19, 96:3 appreciate [17] 9:11, 10:17, 12:25, 14:1, 18:8, 25:13, 28:11, 40:21, 44:20, 53:3, 68:5, 75:1, 76:3, 77:20, 78:3, 87:11, 95:22 approach - 86:9 appropriate [2] 7:2, 64:14 appropriately - 22:14 approval [2] 9:17, 81:19 approve [11] 9:21, 31:13, 33:7, 34:6, 60:24, 82:9, 91:6, 91:9, 91:11,	92:12, 92:14 approved [6] 10:5, 11:4, 59:3, 94:12, 94:12, 94:13 approving [2] 83:9, 91:19 April - 70:6 April's - 25:5 areas [2] 42:7, 43:14 argument - 49:7 ARM [31] 5:18, 19:13, 37:2, 37:21, 40:10, 40:15, 41:2, 42:24, 43:2, 43:3, 43:18, 43:19, 43:20, 45:19, 46:16, 47:3, 47:18, 47:19, 48:18, 50:12, 51:2, 51:6, 52:3, 53:13, 53:16, 53:18, 60:23, 60:24, 61:5, 64:2, 64:19 ARM's - 49:13 armed - 11:10 ARMs [12] 13:5, 13:17, 19:16, 25:17, 40:12, 40:16, 42:17, 45:7, 52:9, 60:3, 64:12, 70:12 arose [2] 52:4, 54:12 array - 8:17 asking [6] 13:22, 47:17, 65:20, 71:11, 72:3, 85:21 assault - 13:23 assignments [2] 15:22, 19:5 assistance - 12:22 Assistant - 1:22 associates [3] 81:15,	82:25, 83:4 association [7] 6:21, 13:11, 20:24, 21:2, 44:25, 45:1, 95:13 assurance - 89:4 attempt [2] 10:20, 23:2 attempted - 13:1 attend [9] 18:21, 26:7, 59:4, 59:6, 82:22, 85:23, 88:10, 93:23, 94:14 attendance [2] 88:3, 88:13 attended [2] 59:11, 65:13 attending - 94:18 attention [3] 16:1, 32:1, 45:4 attorney [13] 8:9, 8:9, 22:16, 27:23, 55:24, 60:15, 70:2, 70:13, 70:17, 71:12, 73:9, 73:13, 82:3 attorneys - 60:16 August [2] 9:18, 23:2 authorities - 11:8 authority [3] 50:12, 76:15, 89:23 authorized [2] 31:8, 31:9 automatically - 62:23 available - 7:17 awarded [2] 94:6, 94:8 awesome - 97:12 awful [2] 24:25, 67:13 awhile [2] 79:8, 79:20 aye [11] 35:18, 39:4, 47:5, 51:13, 54:5, 64:22,	73:14, 75:17, 91:20, 92:22, 99:6 <hr/> <b>B</b> <hr/> B-A-U-M - 6:10 bachelor - 7:11 backfill - 68:24 background [2] 9:1, 21:18 backing - 48:11 bad - 74:23 balance - 93:25 balances - 61:15 Barber - 21:22 basic [21] 9:1, 21:8, 26:7, 36:4, 38:12, 38:25, 60:6, 65:11, 68:20, 79:2, 80:10, 80:16, 80:23, 81:7, 81:16, 82:22, 83:11, 85:24, 88:1, 88:10, 92:18 basically [6] 22:8, 29:17, 45:21, 56:4, 70:23, 72:9 batteries - 84:15 Baum [4] 2:15, 6:7, 6:7, 6:10 bearing - 25:13 became - 7:17 become [6] 7:8, 21:17, 22:20, 44:14, 68:19, 75:3 becomes - 33:23 beginning - 97:4 behalf - 6:20 behind - 95:17 beliefs - 11:1 best [8] 13:16,	25:21, 61:14, 61:15, 79:24, 83:2, 97:1, 97:10 bet - 46:23 better [8] 14:5, 14:8, 14:8, 55:1, 55:4, 58:19, 74:10, 77:13 bigger - 77:13 biggest [4] 66:19, 68:15, 88:23, 89:11 bill [13] 1:10, 3:14, 3:15, 19:21, 33:23, 38:17, 38:17, 39:12, 44:1, 44:1, 52:5, 75:11, 75:11 Billings [2] 21:1, 69:18 bills [4] 33:18, 33:21, 39:13, 39:22 bio - 8:6 bit [6] 5:17, 15:1, 43:13, 59:19, 79:1, 90:1 black - 20:1 blended - 36:1 bless - 78:17 blessing - 96:23 blocks - 66:10 board [10] 8:1, 8:23, 22:16, 52:7, 52:15, 86:14, 90:2, 90:18, 95:12, 95:15 boards [4] 56:6, 57:4, 63:10, 64:4 body - 89:18 Bolger [24] 1:21, 5:19, 17:12, 29:14, 33:1, 33:2, 33:15, 34:3, 39:10, 40:6, 40:20, 41:4, 43:4, 43:8, 48:20, 50:25, 53:20, 53:25,	54:13, 59:18, 61:1, 63:11, 71:22, 97:4 bother - 19:1 bound - 15:10 Bozeman - 83:17 break [10] 15:3, 15:6, 24:2, 24:3, 24:8, 65:3, 74:4, 74:5, 75:23, 76:1 breathe - 84:23 brief [2] 36:6, 86:21 briefed - 89:2 briefly [2] 79:3, 92:6 bring [6] 16:14, 31:25, 56:20, 63:5, 63:6, 65:24 bringing [2] 66:7, 81:20 brings - 94:15 broad [5] 8:16, 42:4, 42:19, 43:13, 84:19 broader [3] 13:12, 82:20, 83:22 brought [3] 15:25, 45:4, 57:17 budget [4] 93:6, 93:13, 93:15, 93:19 build - 89:6 bulk - 24:23 bumping - 22:2 Bundy - 11:9 Burdick [14] 3:16, 3:17, 24:15, 24:19, 38:15, 38:15, 66:18, 66:18, 67:20, 71:15, 87:12, 90:6, 90:21, 98:24 busiest - 97:2 businesses - 83:20 busy - 20:2
--	--	--	---	---	--

<b>C</b>	66:1 <b>cents</b> - 74:22 <b>certain</b> [2] <b>C-H-E-R-I-L-Y-N</b> 36:16, 62:13 - 5:8 <b>calendar</b> [6] 74:2, 75:10, 94:2, 98:5, 98:12, 98:14 <b>calendars</b> - 74:15 <b>caller</b> - 28:2 <b>callers</b> - 12:6 <b>calling</b> [2] 10:20, 28:3 <b>can't</b> [7] 12:15, 14:25, 18:4, 20:4, 27:20, 36:24, 49:3 <b>candidate</b> - 88:14 <b>capable</b> - 23:5 <b>career</b> [2] 7:14, 87:24 <b>carries</b> [12] 10:5, 35:22, 39:8, 39:25, 47:9, 51:17, 54:9, 65:1, 73:19, 75:22, 91:25, 93:1 <b>carry</b> [2] 16:4, 93:4 <b>case</b> [39] 8:23, 16:2, 16:11, 18:19, 19:23, 20:7, 45:7, 46:16, 47:13, 47:19, 48:6, 48:15, 49:1, 49:4, 49:11, 50:9, 50:13, 55:16, 56:7, 56:11, 56:13, 56:23, 57:3, 57:16, 57:24, 58:15, 58:20, 59:14, 60:4, 60:9, 62:1, 62:7, 62:12, 71:1, 71:9, 71:20, 71:23, 72:9, 73:1 <b>cases</b> [4] 20:5, 60:15, 93:16, 94:4 <b>caution</b> - 31:4 <b>centered</b> -	43:15, 43:24, 44:2, 44:5, 44:6, 44:19, 45:24, 46:2, 46:18, 46:24, 47:7, 47:9, 47:22, 48:8, 48:10, 50:7, 50:16, 50:23, 51:4, 51:8, 51:11, 51:15, 51:17, 53:2, 53:8, 53:11, 53:23, 54:1, 54:4, 54:7, 54:9, 55:18, 60:21, 61:8, 61:18, 64:6, 64:9, 64:11, 64:17, 64:24, 65:1, 65:5, 69:24, 70:3, 70:5, 71:16, 72:6, 73:8, 73:12, 73:16, 73:18, 73:25, 74:22, 75:12, 75:16, 75:19, 75:21, 76:1, 76:25, 77:9, 77:18, 78:11, 78:20, 83:14, 84:12, 85:4, 86:6, 90:3, 90:17, 91:8, 91:13, 91:16, 91:18, 91:22, 91:25, 92:16, 92:20, 92:24, 93:1, 97:11, 97:24, 98:11, 98:16, 98:19, 98:22, 99:1, 99:5, 99:8 <b>Chairman</b> [9] 9:20, 11:22, 12:19, 14:7, 16:6, 28:7, 34:15, 48:9, 75:8 <b>challenge</b> - 88:23	<b>challenges</b> [2] 8:16, 55:5 <b>chance</b> [2] 8:22, 76:22 <b>change</b> [22] 28:15, 31:7, 31:10, 31:13, 32:20, 34:10, 36:8, 36:10, 37:2, 37:23, 41:17, 46:8, 46:17, 50:3, 52:3, 52:9, 53:16, 53:18, 53:21, 53:22, 53:24, 82:11 <b>changes</b> [12] 13:17, 22:6, 33:11, 34:20, 34:23, 37:13, 37:19, 40:14, 42:9, 65:15, 85:22, 92:7 <b>check</b> [2] 89:8, 98:3 <b>checks</b> [2] 61:15, 89:18 <b>Cherilyn</b> [6] 2:13, 4:25, 5:8, 5:12, 5:13, 10:18 <b>Chief</b> [9] 77:6, 77:7, 77:9, 77:19, 78:12, 78:13, 78:20, 95:11, 95:21 <b>Chiefs</b> [3] 13:11, 95:4, 95:13 <b>chose</b> - 7:14 <b>chosen</b> - 21:24 <b>Christensen</b> - 8:20 <b>Christmas</b> - 81:9 <b>circled</b> - 74:16 <b>Circuit</b> - 13:22 <b>citizens</b> [3] 67:14, 78:6, 96:9 <b>City</b> - 81:22 <b>civil</b> - 60:9 <b>civilian</b> [3] 21:12, 22:1,	32:7 <b>CJIN</b> [2] 68:19, 68:21 <b>clarification</b> [6] 45:16, 46:6, 46:20, 53:17, 69:7, 85:5 <b>clarify</b> [4] 45:21, 61:6, 62:16, 86:7 <b>clarity</b> - 49:25 <b>Clark</b> - 7:15 <b>class</b> [9] 68:20, 69:7, 69:11, 79:7, 80:16, 80:23, 88:10, 91:5, 92:4 <b>classes</b> [2] 81:7, 81:8 <b>clear</b> [2] 51:1, 61:23 <b>clearly</b> - 53:4 <b>clutter</b> - 41:22 <b>Code</b> - 25:23 <b>codify</b> - 90:4 <b>coincide</b> [2] 35:10, 35:10 <b>collective</b> - 94:16 <b>college</b> [2] 83:16, 83:24 <b>colleges</b> [5] 81:13, 81:22, 82:1, 83:19, 86:13 <b>Colorado</b> - 88:21 <b>combine</b> - 39:25 <b>combined</b> - 21:13 <b>combines</b> - 56:25 <b>comes</b> [3] 45:11, 57:15, 87:2 <b>comfortable</b> [3] 31:22, 43:11, 76:6 <b>coming</b> [4] 7:25, 66:14, 76:2, 93:17 <b>commend</b> - 44:7 <b>comment</b> [18] 5:2, 5:17, 10:7, 10:9, 10:20, 11:21, 12:2, 12:9, 12:18, 14:19, 14:20, 25:5,	25:6, 40:22, 41:12, 42:1, 44:21, 68:2 <b>Commissioners</b> [2] 21:13, 22:5 <b>commitments</b> [2] 76:20, 98:8 <b>committed</b> [2] 70:18, 70:19 <b>committee</b> [61] 13:3, 14:23, 15:15, 15:18, 15:22, 16:3, 16:5, 16:6, 16:17, 17:15, 19:5, 19:9, 19:10, 19:14, 19:17, 19:23, 20:8, 21:19, 22:25, 23:1, 24:6, 30:12, 32:2, 33:17, 34:2, 37:12, 42:25, 43:2, 43:18, 43:22, 45:7, 45:10, 45:19, 47:13, 47:18, 47:19, 48:6, 48:15, 49:1, 49:11, 49:16, 50:9, 50:13, 51:2, 51:6, 53:21, 60:23, 61:6, 64:2, 64:19, 82:16, 85:13, 86:20, 86:24, 87:3, 87:8, 87:13, 87:14, 90:6, 90:14, 90:20 <b>committees</b> [2] 16:9, 17:6 <b>communications</b> - 42:10 <b>Communicator</b> [2] 65:10, 91:3 <b>communities</b> - 82:2 <b>community</b> [3] 81:13, 81:22, 83:16 <b>complain</b> - 60:2 <b>complaints</b> -
----------	---	---	--	--	--

56:18 <b>completely</b> [3] 52:19, 56:8, 72:4 <b>complicated</b> [4] 27:19, 27:19, 32:9, 32:10 <b>complications</b> - 25:20 <b>compliment</b> - 12:21 <b>comport</b> [2] 52:9, 60:3 <b>conceptually</b> - 43:6 <b>concern</b> [3] 21:11, 48:22, 89:11 <b>concluded</b> - 99:10 <b>condition</b> - 62:18 <b>conduct</b> - 45:10 <b>Conference</b> - 20:25 <b>conflict</b> - 98:1 <b>conflicts</b> - 70:12 <b>confuse</b> - 63:1 <b>confusion</b> - 32:14 <b>connection</b> - 81:13 <b>connectivity</b> - 85:13 <b>Conner</b> [23] 1:9, 4:10, 4:11, 16:1, 16:10, 16:20, 16:24, 19:9, 19:12, 23:17, 23:19, 34:24, 34:24, 48:3, 48:3, 48:11, 50:14, 50:14, 53:9, 53:9, 87:6, 92:13, 92:13 <b>consider</b> [13] 28:5, 28:14, 30:23, 38:8, 41:1, 41:9, 45:5, 45:18, 50:5, 60:18, 64:3, 74:6, 74:13 <b>consideration</b> [2] 58:2, 63:15 <b>considerations</b> - 5:18	<b>considered</b> [3] 13:24, 39:21, 69:2 <b>considering</b> [2] 28:22, 37:3 <b>consistent</b> [2] 26:12, 61:16 <b>constant</b> - 32:16 <b>constantly</b> - 94:25 <b>constitutional</b> - 8:16 <b>contact</b> - 94:23 <b>content</b> - 65:11 <b>contest</b> - 57:8 <b>contested</b> [19] 56:7, 56:11, 56:13, 56:22, 57:3, 57:16, 57:24, 58:15, 58:20, 59:14, 60:4, 60:9, 62:1, 62:7, 62:12, 71:23, 73:1, 93:16, 94:4 <b>contesting</b> [2] 55:11, 57:14 <b>context</b> - 36:9 <b>contingent</b> - 21:5 <b>continue</b> [8] 16:8, 17:20, 17:25, 18:8, 24:4, 32:22, 51:24, 97:9 <b>continuing</b> [2] 66:15, 91:2 <b>continuity</b> [2] 18:10, 89:12 <b>Control</b> [2] 52:7, 52:15 <b>conversation</b> [2] 69:17, 95:4 <b>convicted</b> - 70:20 <b>conviction</b> [2] 70:9, 70:23 <b>cop</b> - 83:23 <b>corner</b> - 9:3 <b>coroner</b> [6] 20:19, 21:8, 21:16, 21:24, 22:1, 22:22 <b>coroners</b> [3] 20:24, 21:12, 21:17 <b>correct</b> [18]	39:15, 43:2, 51:5, 51:7, 51:19, 53:19, 62:24, 70:7, 72:7, 72:11, 85:6, 85:11, 87:17, 87:20, 87:21, 88:5, 91:8, 92:8 <b>Corrections</b> [2] 6:4, 81:3 <b>correctly</b> - 46:3 <b>Council</b> [78] 1:1, 1:8, 1:9, 1:12, 1:16, 7:3, 7:9, 8:3, 8:5, 9:5, 16:4, 17:7, 17:20, 23:3, 23:25, 25:7, 25:8, 25:16, 28:6, 31:19, 33:6, 35:11, 36:13, 37:10, 38:2, 38:8, 39:11, 40:25, 47:23, 48:22, 49:3, 52:16, 54:20, 56:20, 57:21, 58:3, 58:7, 58:12, 59:4, 59:23, 60:2, 61:2, 62:6, 62:17, 62:21, 63:7, 63:9, 63:13, 63:15, 63:18, 63:22, 67:23, 71:12, 74:7, 74:12, 75:5, 76:11, 76:13, 76:18, 76:21, 77:2, 77:11, 77:24, 77:25, 78:13, 79:9, 83:8, 87:5, 88:22, 90:7, 90:16, 91:6, 93:22, 94:2, 94:24, 96:9, 96:12, 98:12 <b>Council's</b> [2] 37:3, 75:6 <b>counsel</b> [4]	2:1, 8:2, 8:4, 8:13 <b>count</b> - 29:11 <b>counties</b> - 21:14 <b>county</b> [10] 7:15, 10:21, 11:6, 11:7, 11:11, 21:13, 21:23, 21:24, 22:16, 32:12 <b>couple</b> [15] 6:16, 7:12, 15:13, 33:21, 40:12, 44:13, 45:1, 60:17, 65:13, 81:4, 82:25, 83:12, 83:24, 88:18, 92:7 <b>course</b> [13] 13:24, 15:24, 23:9, 30:18, 65:11, 72:9, 79:2, 81:3, 81:17, 82:23, 83:11, 85:24, 94:18 <b>courses</b> - 94:14 <b>court</b> [11] 8:15, 12:12, 13:22, 14:16, 71:8, 71:20, 71:25, 72:1, 72:2, 72:22, 73:2 <b>courts</b> [2] 13:19, 71:21 <b>covered</b> [3] 24:22, 42:16, 96:14 <b>CPR</b> [3] 67:4, 67:12, 67:14 <b>craft</b> - 30:13 <b>crafting</b> - 13:14 <b>Cranmer</b> [2] 1:22, 9:3 <b>create</b> [3] 22:11, 43:19, 81:2 <b>created</b> - 49:1 <b>creates</b> - 80:25 <b>creating</b> - 85:7 <b>credit</b> [2]	30:2, 31:3 <b>crew</b> - 77:22 <b>Crime</b> [2] 52:7, 52:15 <b>criminal</b> - 8:10 <b>crossed</b> - 88:7 <b>culminated</b> - 40:20 <b>current</b> [5] 15:22, 37:21, 49:18, 55:9, 55:17 <b>currently</b> [11] 23:7, 31:8, 37:6, 37:15, 45:13, 49:13, 54:16, 56:5, 59:17, 59:25, 72:20 <b>curriculum</b> [27] 16:6, 16:13, 16:23, 16:25, 19:10, 65:16, 65:24, 66:20, 69:3, 69:9, 69:13, 82:10, 82:16, 85:13, 86:11, 86:20, 86:24, 87:3, 87:8, 87:13, 87:14, 90:5, 90:14, 90:19, 91:7, 91:11, 91:14 <b>curtail</b> - 58:5	71:2 <b>dealing</b> - 39:17 <b>dealt</b> - 72:17 <b>death</b> [2] 21:15, 22:9 <b>decade</b> - 97:5 <b>December</b> [5] 1:2, 3:6, 17:24, 21:8, 23:4 <b>decide</b> [3] 8:18, 31:19, 61:9 <b>decided</b> [3] 7:8, 7:13, 79:20 <b>decides</b> - 87:23 <b>decision</b> [19] 52:7, 52:17, 52:17, 52:22, 53:1, 54:18, 55:12, 56:3, 57:3, 57:20, 57:25, 58:25, 59:22, 60:3, 62:5, 63:6, 73:4, 74:19 <b>decisions</b> [6] 55:6, 57:19, 58:4, 58:14, 59:9, 62:13 <b>deem</b> - 86:8 <b>defended</b> - 8:15 <b>defer</b> [4] 24:16, 24:23, 25:2, 26:13 <b>define</b> [7] 13:14, 41:8, 41:16, 42:14, 55:4, 55:4, 55:10 <b>defined</b> [2] 41:19, 48:17 <b>defining</b> [2] 41:23, 47:19 <b>definitely</b> [2] 16:12, 22:18 <b>definition</b> [10] 13:12, 40:15, 40:16, 41:3, 41:7, 41:17, 41:20, 42:3, 43:19, 46:15 <b>degree</b> [4] 31:10, 81:15, 82:25, 83:4 <b>delineate</b> -
---	---	---	--	---	--

## D

D-E-M-A-R-S -

6:19

D-E-V-R-I-E-S

- 5:9

**date** [2] 21:7,

23:21

**dates** [7]

21:5, 23:25,

74:17,

74:17,

74:21,

79:13, 98:5

**day-to-day** -

59:10

**DCI** [4] 2:15,

4:5, 6:7,

8:13

**deal** [4] 48:1,

48:4, 53:25,

39:19 delineated - 47:2 DeMars [10] 2:9, 6:19, 6:19, 40:22, 44:21, 44:22, 46:20, 46:23, 47:17, 50:22 denial - 54:19 denied [3] 56:15, 59:13, 60:6 denies [2] 11:6, 62:2 Department [2] 6:4, 17:23 depends - 33:6 deployed [2] 25:20, 26:1 deployment [2] 36:10, 38:13 deserve - 32:14 designed - 22:11 detail - 20:5 detention [5] 32:7, 36:22, 37:5, 37:14, 81:3 determination - 58:8 determinations - 63:8 determine [7] 21:2, 30:20, 32:20, 71:8, 82:24, 86:12, 86:24 determined - 21:1 develop - 50:11 developing - 51:2 Development [2] 82:16, 86:20 deviation - 89:1 Devries [6] 2:13, 4:25, 4:25, 5:6, 10:18, 10:18 dialed - 10:14 differently [4] 71:5, 71:6, 81:24, 90:1 difficulty - 5:14 diploma [5]	79:22, 79:24, 80:2, 83:4, 83:10 diplomas - 79:12 direct [8] 34:7, 34:19, 34:22, 38:12, 38:24, 50:11, 56:3, 64:5 directing [2] 32:22, 38:8 direction [7] 31:20, 35:12, 44:11, 44:16, 61:2, 67:16, 84:4 directions [2] 67:5, 67:11 directly [2] 5:23, 71:2 Director [57] 1:20, 3:9, 3:9, 4:20, 6:25, 7:3, 7:9, 7:22, 8:2, 15:4, 19:20, 22:3, 23:13, 24:12, 24:19, 24:24, 25:4, 26:6, 30:19, 32:3, 33:8, 34:8, 34:19, 35:7, 38:5, 39:9, 40:9, 45:11, 47:14, 47:21, 48:24, 49:15, 49:17, 51:19, 54:18, 55:5, 55:12, 56:14, 56:18, 56:19, 57:25, 58:3, 58:25, 59:22, 60:21, 62:2, 62:5, 62:13, 63:8, 65:6, 74:1, 76:4, 76:12, 89:23, 93:2, 95:24, 98:11 Director's [5] 20:14, 60:2, 63:6, 93:2, 97:10	disagrees [2] 43:16, 53:3 discipline [3] 55:7, 55:13, 56:10 disciplines [2] 26:5, 26:11 discovered - 26:4 discovery - 60:10 discuss [6] 8:25, 29:12, 46:9, 46:16, 74:2, 97:19 discussed [11] 16:15, 22:6, 29:10, 30:12, 48:24, 58:18, 61:5, 65:8, 66:15, 66:22, 70:8 discussing [2] 46:25, 70:12 discussion [55] 8:1, 10:2, 10:4, 15:23, 17:9, 19:4, 21:22, 22:22, 23:10, 23:24, 24:17, 24:22, 24:23, 25:16, 26:19, 31:18, 34:14, 35:1, 35:5, 35:14, 36:3, 38:19, 39:3, 43:1, 44:2, 46:4, 46:8, 47:1, 50:18, 50:24, 51:9, 51:12, 53:12, 54:2, 54:12, 61:10, 61:20, 61:21, 64:7, 64:20, 65:23, 66:6, 66:19, 67:22, 68:1, 71:17, 73:9, 75:14, 78:21, 87:5, 91:13, 92:17, 92:21, 96:16, 99:3 discussions [8] 30:1,	45:1, 65:14, 66:1, 66:13, 68:10, 76:11, 80:13 Dispatch - 65:19 dispatchers - 66:22 dispatching [2] 66:9, 66:22 disposal - 90:20 disregard - 65:21 District [2] 72:1, 73:2 DOC [4] 2:14, 95:24, 96:1, 96:2 document - 41:9 documents - 20:3 DOJ [6] 8:12, 31:13, 31:22, 31:24, 32:23, 33:9 dollars - 60:13 double - 98:2 Doug - 95:4 downtown - 8:19 dozen - 82:11 draft - 73:22 drafted - 40:19 drafting [3] 64:16, 64:17, 64:19 drag - 84:24 drain - 88:10 draw - 65:7 DRE - 23:9 driven [2] 85:12, 87:1 due [3] 60:18, 71:8, 79:5 duties - 17:20 Dutton [5] 1:16, 3:18, 19:14, 20:20, 20:23 duty [2] 26:1, 26:23	Edwards [2] 1:17, 3:21 effective - 17:24 efficient - 33:25 either [3] 8:11, 50:18, 63:4 elaborate - 59:19 elected - 21:16 elective - 68:19 eleven - 94:22 email - 20:22 EMD [7] 66:2, 66:20, 66:24, 67:2, 67:7, 68:18, 68:21 emergency [2] 65:19, 67:15 employable - 84:1 employed [4] 25:18, 29:19, 84:8, 84:8 employee [2] 27:5, 29:17 employer - 30:10 employers [2] 26:21, 27:1 employing [3] 27:5, 56:1, 57:7 employment [2] 13:25, 18:1 encompass - 42:5 encompassed - 42:9 encounter - 94:5 encourage [2] 13:6, 44:17 endangering - 49:7 enforcement [22] 1:4, 7:14, 10:22, 11:8, 11:10, 11:18, 30:15, 31:2, 32:12, 34:18, 67:9, 68:8, 70:21, 78:2, 78:25, 79:1, 80:16, 81:16, 82:22, 85:23,	87:24, 94:16 engage - 68:14 engaged - 23:6 engagement - 3:21 Engaging - 41:18 enjoyed - 8:17 ensure - 89:11 ensuring - 88:23 enter - 81:19 envision [2] 39:12, 89:13 equivalency [3] 57:20, 58:8, 94:21 equivalent [4] 30:7, 30:14, 88:1, 88:24 Eric [21] 1:19, 3:9, 7:7, 8:7, 8:21, 9:9, 20:6, 20:24, 29:9, 31:16, 35:24, 45:2, 58:9, 58:19, 58:21, 63:2, 77:22, 79:4, 86:18, 97:11, 97:14 escalator - 29:16 especially - 77:1 Esq [2] 2:2, 2:5 essentially [5] 49:15, 52:8, 70:16, 92:8, 93:9 establish [2] 74:13, 86:12 established - 80:4 ethical - 22:12 ethics [3] 7:17, 44:12, 44:15 evaluate [2] 43:18, 98:7 eventual - 80:2 everybody [6] 3:4, 5:20, 24:11, 75:1, 83:20, 98:14 everyone [2] 25:13, 27:4 everything [2]
--	---	--	---	--	--

## E

earlier -  
94:11  
East - 1:5  
editing -  
64:14

14:17, 74:24 <b>evolving</b> - 95:1 <b>exact</b> - 40:3 <b>exactly</b> [4] 15:6, 18:2, 30:6, 58:1 <b>example</b> [6] 29:21, 36:21, 37:22, 42:8, 58:25, 62:16 <b>exceed</b> [2] 37:11, 93:15 <b>exceptions</b> - 28:19 <b>excited</b> [2] 7:22, 8:24 <b>Executive</b> [5] 1:19, 45:11, 47:21, 89:23, 95:12 <b>exist</b> [2] 49:10, 60:7 <b>existence</b> - 71:10 <b>existing</b> [2] 65:10, 69:9 <b>exists</b> [3] 54:17, 71:1, 85:17 <b>expand</b> - 67:17 <b>expanding</b> - 80:1 <b>expense</b> - 93:24 <b>expenses</b> - 93:16 <b>experience</b> [5] 27:24, 30:25, 30:25, 31:2, 39:16 <b>expert</b> - 26:14 <b>experts</b> - 16:14 <b>explaining</b> - 52:21 <b>explanation</b> - 36:7 <b>explicitly</b> - 26:8 <b>explore</b> [2] 61:13, 84:22 <b>expunged</b> [2] 70:10, 70:18 <b>expungement</b> - 70:23 <b>extension</b> [9] 26:5, 26:11, 26:13, 36:4, 36:15, 36:16, 36:19,	36:22, 37:11 <b>extensions</b> [5] 36:25, 37:4, 38:12, 38:24, 94:22 <b>extensive</b> - 24:5 <b>extra</b> [2] 58:16, 58:16 <b>extremely</b> [2] 42:4, 43:13 <b>extremist</b> - 11:9 <hr/> <b>F</b> <hr/> <b>Face</b> [2] 1:3, 1:3 <b>facilitate</b> - 95:19 <b>fairly</b> - 32:13 <b>fall</b> - 42:13 <b>Fanning</b> [3] 2:2, 54:12, 57:9 <b>fantastic</b> - 77:12 <b>fashion</b> - 12:24 <b>favor</b> [11] 35:18, 39:4, 47:5, 51:12, 54:5, 64:21, 73:13, 75:17, 91:19, 92:21, 99:5 <b>feasibility</b> - 81:20 <b>February</b> [5] 69:8, 80:5, 91:5, 97:21, 98:7 <b>federal</b> [7] 11:7, 26:20, 26:25, 27:17, 27:18, 27:18, 28:25 <b>feedback</b> - 28:6 <b>feel</b> [3] 43:10, 76:24, 79:18 <b>fees</b> - 94:5 <b>felt</b> - 7:19 <b>figure</b> [5] 31:14, 52:25, 81:1, 83:5, 88:11 <b>fill</b> [3] 88:12, 96:1, 96:12 <b>filling</b> - 95:6 <b>fills</b> - 18:16 <b>final</b> [6] 13:9, 40:21,	52:16, 52:17, 52:22, 53:1 <b>finalized</b> - 33:13 <b>finances</b> - 59:16 <b>fine</b> - 16:10 <b>finish</b> [3] 79:23, 82:13, 84:16 <b>fire</b> - 67:8 <b>firefighter</b> - 66:9 <b>firefighting</b> - 69:16 <b>firm</b> [3] 8:20, 8:21, 45:23 <b>fiscal</b> - 93:9 <b>fit</b> [6] 7:19, 8:5, 17:8, 74:10, 82:19, 97:14 <b>fits</b> [2] 71:9, 85:2 <b>five</b> [5] 14:8, 24:8, 28:17, 28:20, 28:22 <b>fix</b> - 86:1 <b>Flathead</b> - 81:23 <b>floor</b> [7] 39:2, 46:14, 46:25, 50:17, 53:12, 61:20, 75:13 <b>flow</b> - 86:12 <b>folks</b> [6] 69:18, 82:1, 83:10, 83:17, 84:20, 89:6 <b>follow</b> [3] 13:6, 27:8, 55:15 <b>force</b> [2] 82:1, 84:7 <b>forever</b> - 84:24 <b>forgot</b> - 86:4 <b>formally</b> [2] 20:9, 50:12 <b>former</b> - 34:17 <b>forward</b> [18] 18:6, 31:20, 33:9, 33:22, 42:23, 44:10, 44:16, 44:17, 48:7, 53:16, 53:20, 53:21, 77:6, 78:4, 87:10,	90:9, 96:5, 97:9 <b>forwarded</b> - 96:2 <b>framed</b> - 46:9 <b>framework</b> - 73:5 <b>frankly</b> - 60:1 <b>free</b> [2] 76:24, 79:18 <b>freedom</b> [2] 10:24, 11:1 <b>friendship</b> - 78:9 <b>front</b> [3] 5:21, 24:21, 78:14 <b>FTE</b> [3] 85:20, 89:13, 89:21 <b>FTE's</b> - 81:5 <b>full</b> [4] 27:21, 41:20, 49:3, 90:16 <b>full-on</b> - 60:9 <b>fun</b> - 8:17 <b>function</b> - 50:13 <b>funded</b> - 81:23 <b>funding</b> - 85:19 <b>funds</b> [2] 11:2, 81:25 <b>future</b> [3] 11:16, 75:3, 77:23 <b>FYI</b> - 21:20 <hr/> <b>G</b> <hr/> <b>gave</b> [2] 8:13, 12:22 <b>general</b> [14] 8:2, 8:4, 26:17, 28:18, 29:3, 30:21, 34:7, 49:17, 70:2, 70:17, 71:13, 73:9, 73:13, 74:5 <b>General's</b> [4] 8:9, 8:10, 70:14, 82:3 <b>generally</b> - 96:18 <b>gets</b> [3] 14:16, 83:4, 83:10 <b>Gilbertson</b> [87] 1:19, 3:9, 3:11, 3:14, 3:16, 3:18, 3:20, 3:23, 4:2,	4:6, 4:8, 4:10, 4:12, 4:14, 4:16, 4:18, 5:10, 6:5, 6:12, 6:15, 6:22, 6:25, 7:6, 7:7, 9:2, 10:12, 10:16, 12:1, 12:4, 14:22, 15:16, 15:19, 17:3, 17:16, 18:7, 18:12, 18:23, 19:4, 19:8, 19:13, 19:22, 20:10, 20:18, 22:21, 22:24, 23:16, 23:23, 24:14, 24:20, 24:24, 25:3, 28:1, 28:10, 31:17, 32:4, 32:25, 35:25, 38:6, 40:9, 40:11, 49:22, 51:20, 52:2, 58:23, 60:22, 65:6, 65:7, 67:21, 68:4, 69:6, 69:25, 74:3, 76:4, 76:5, 87:15, 87:22, 88:6, 89:20, 91:2, 92:1, 92:11, 93:3, 95:21, 97:6, 97:25, 98:4, 98:15 <b>given</b> [3] 49:4, 74:11, 94:4 <b>gives</b> - 60:4 <b>giving</b> [6] 18:4, 22:12, 27:21, 32:13, 67:5, 67:11 <b>Glad</b> - 10:17 <b>Glade</b> [5] 1:13, 3:25, 10:11, 10:12, 75:25 <b>Glen</b> [11] 2:8, 65:14, 67:17, 68:5, 68:6, 78:22, 78:23, 87:6,	87:16, 87:17, 88:8 <b>Glendive</b> [2] 81:22, 89:7 <b>goal</b> - 50:3 <b>God</b> - 78:16 <b>goes</b> [2] 80:8, 96:20 <b>gone</b> [3] 29:22, 63:22, 71:20 <b>goose</b> - 5:20 <b>Gootkin</b> - 95:24 <b>government</b> - 11:7 <b>governmental</b> - 27:2 <b>Governor</b> [2] 18:5, 95:17 <b>grab</b> - 3:4 <b>graduating</b> - 79:3 <b>grant</b> [3] 26:10, 36:15, 37:10 <b>granted</b> [2] 26:5, 94:21 <b>granting</b> - 37:4 <b>green</b> - 5:22 <b>ground</b> [2] 57:23, 58:11 <b>group</b> [8] 7:23, 45:5, 45:15, 45:18, 85:7, 85:9, 85:10, 87:1 <b>group's</b> - 20:22 <b>groups</b> - 68:25 <b>guess</b> [35] 7:10, 17:16, 25:4, 26:13, 28:13, 36:2, 40:25, 45:17, 46:7, 47:22, 48:14, 48:21, 53:5, 54:22, 55:2, 58:17, 61:8, 61:12, 64:13, 65:19, 67:22, 69:6, 72:3, 74:12, 77:15, 83:7, 85:3, 86:17, 87:9, 90:3, 90:20, 93:18, 95:1, 95:13, 96:25 <b>guest</b> [4]
---	--	--	---	---	--

10:8, 10:9, 14:19, 14:20 <b>guests [9]</b> 2:7, 2:11, 4:21, 4:22, 4:22, 6:2, 6:12, 6:16, 6:17 <b>guidance [2]</b> 40:17, 40:24 <b>guide - 26:24</b> <b>guys [5]</b> 6:17, 44:22, 54:24, 78:7, 97:13	56:11, 56:14, 56:23, 57:3, 57:16, 58:15, 59:15, 59:24, 60:1, 60:5, 60:11, 60:14, 61:4, 62:1, 62:8, 62:12, 62:23, 64:20, 71:23, 73:2, 73:12, 73:18, 75:16, 75:21, 91:18, 92:20, 98:22 <b>hearings [3]</b> 54:11, 58:20, 60:9 <b>heavy [4]</b> 16:3, 16:25, 18:25, 74:25 <b>held - 21:6</b> <b>Helena [5]</b> 1:6, 3:7, 70:8, 85:25, 94:3 <b>helpful -</b> 13:14 <b>helping [2]</b> 67:12, 83:18 <b>helps - 63:23</b> <b>here's - 69:5</b> <b>Hey - 83:3</b> <b>Hi - 20:24</b> <b>highest - 11:8</b> <b>Highway [2]</b> 8:13, 23:6 <b>hired - 80:8</b> <b>historically</b> <b>[2]</b> 63:15, 63:22 <b>history [2]</b> 7:10, 63:12 <b>hold [5]</b> 27:9, 29:13, 30:16, 86:18, 94:2 <b>holders -</b> 33:19 <b>Holton [2]</b> 20:21, 21:4 <b>honor [2]</b> 32:10, 32:13 <b>hopeful - 18:5</b> <b>hopefully [5]</b> 84:5, 84:23, 93:4, 95:18, 96:4 <b>hoping - 95:3</b> <b>horizon - 81:5</b> <b>host - 87:18</b>	<b>hosted -</b> 65:14 <b>hotel - 20:25</b> <b>hour [4]</b> 24:2, 59:11, 60:16, 60:16 <b>hours [5]</b> 59:7, 60:14, 66:2, 68:24, 94:15 <b>however [7]</b> 5:16, 11:2, 27:4, 36:18, 46:6, 70:25, 83:7 <b>huge [2]</b> 67:8, 86:1 <b>Human [4]</b> 2:13, 5:1, 5:5, 10:19 <b>hurts - 49:19</b>	<b>I</b> <b>IACP - 40:22</b> <b>idea [11]</b> 26:17, 27:6, 30:22, 34:8, 37:1, 43:6, 49:3, 55:3, 74:23, 89:24, 90:25 <b>identified [2]</b> 8:3, 69:3 <b>ideology -</b> 11:5 <b>ignore - 14:12</b> <b>illness - 79:6</b> <b>illuminate -</b> 54:25 <b>implemented -</b> 48:16 <b>improve -</b> 25:17 <b>in-custody [2]</b> 21:15, 22:8 <b>in-house -</b> 69:15 <b>inaudible -</b> 10:15 <b>incident -</b> 21:14 <b>include [3]</b> 40:16, 62:7, 96:11 <b>including [4]</b> 32:19, 37:5, 38:25, 97:13 <b>inclusive -</b> 40:17 <b>incorporate -</b> 25:25 <b>increase -</b> 5:15 <b>independent -</b> 21:16	<b>indicate -</b> 59:12 <b>individual [5]</b> 16:4, 37:13, 37:16, 62:4, 87:23 <b>individuals [2]</b> 7:23, 23:20 <b>information -</b> 21:18 <b>informational</b> <b>- 90:12</b> <b>informed -</b> 49:6 <b>initial [2]</b> 31:23, 57:11 <b>input - 82:8</b> <b>instances -</b> 45:12 <b>instead [3]</b> 7:14, 69:12, 81:7 <b>instruct -</b> 33:8 <b>instructing -</b> 23:8 <b>instructors -</b> 69:3 <b>instrumental -</b> 9:5 <b>intending -</b> 5:16 <b>intensively -</b> 13:19 <b>intention [4]</b> 17:20, 70:24, 95:25, 97:25 <b>intentionally</b> <b>[2]</b> 14:11, 14:12 <b>interest [3]</b> 82:3, 86:22, 95:6 <b>interested [5]</b> 40:12, 45:21, 51:21, 69:18, 83:17 <b>interesting -</b> 69:17 <b>interim -</b> 33:17 <b>internal -</b> 85:10 <b>internally -</b> 80:13 <b>International -</b> 13:11 <b>interplay -</b> 25:7 <b>interrupt -</b> 28:9 <b>introduce [2]</b> 6:18, 7:2 <b>investigate -</b>	22:8 <b>investigation</b> <b>[2]</b> 22:13, 45:20 <b>Investigator -</b> 48:25 <b>invite - 98:12</b> <b>Invocation -</b> 9:15 <b>involved [2]</b> 49:12, 86:25 <b>ironed - 69:14</b> <b>isn't [5]</b> 31:9, 40:17, 44:9, 59:1, 84:17 <b>issue [27]</b> 10:24, 26:3, 26:4, 29:10, 30:1, 31:21, 32:5, 35:5, 38:7, 38:10, 40:3, 45:19, 46:5, 46:13, 51:24, 54:25, 55:13, 56:10, 56:20, 57:1, 57:1, 57:13, 63:3, 67:24, 70:1, 72:20, 74:13 <b>issues [12]</b> 7:5, 10:8, 10:9, 14:19, 14:20, 23:3, 39:18, 62:20, 62:20, 70:8, 70:11, 97:8 <b>item [11]</b> 15:21, 23:10, 54:10, 74:4, 74:6, 91:3, 92:1, 92:3, 93:6, 94:21, 96:14 <b>items - 24:21</b> <b>itself [2]</b> 28:17, 41:7	10:1, 19:23, 32:21, 50:10, 61:17, 61:19, 75:8, 91:10, 92:15, 96:1 <b>job [7]</b> 29:19, 30:16, 72:18, 77:4, 77:12, 78:8, 97:14 <b>Johnson [3]</b> 8:2, 25:6, 76:12 <b>joined - 6:24</b> <b>journey - 90:5</b> <b>jump [3]</b> 14:23, 41:4, 86:14 <b>jumped - 8:22</b> <b>June - 10:23</b> <b>jury - 49:4</b> <b>Justice - 32:1</b>
<b>H</b>					<b>K</b>	
<b>half [3]</b> 82:11, 94:15, 94:17 <b>handle [2]</b> 55:5, 58:19 <b>handled -</b> 22:13 <b>happen [5]</b> 72:10, 73:3, 80:18, 89:2, 90:24 <b>happens -</b> 89:3 <b>happy [3]</b> 8:24, 20:16, 37:24 <b>haven't -</b> 87:18 <b>having [11]</b> 5:14, 9:7, 28:22, 28:23, 35:16, 43:16, 60:1, 69:19, 72:16, 84:1, 88:14 <b>he's [6]</b> 17:17, 25:1, 95:3, 95:11, 96:20, 96:21 <b>heads - 23:21</b> <b>hear [11]</b> 5:7, 5:24, 10:9, 11:23, 11:25, 12:5, 12:15, 14:4, 14:7, 14:13, 49:3 <b>heard [3]</b> 89:20, 95:24, 96:13 <b>hearing [35]</b> 5:14, 10:4, 39:3, 51:11, 54:4, 54:21, 55:16, 56:7,				<b>Katrina [30]</b> 1:21, 5:19, 9:10, 17:12, 29:9, 32:25, 33:12, 39:11, 40:9, 40:20, 48:20, 49:21, 50:25, 53:18, 53:24, 54:13, 54:25, 55:24, 57:6, 58:9, 58:18, 58:21, 59:18, 60:21, 61:1, 63:1, 63:11, 71:22, 72:12, 97:1 <b>Kelly [2]</b> 65:14, 66:13 <b>Keune [5]</b> 1:20, 16:18, 16:21, 17:2, 92:10 <b>keys - 84:15</b> <b>kick - 85:18</b> <b>kid - 83:23</b> <b>Kimberly [11]</b> 3:16, 24:15, 38:15, 65:8, 65:13, 66:16, 66:18, 71:16, 90:6, 90:21, 99:1		

<p>knowing - 63:21  <b>knowledge</b> - 94:16  <b>knowledgeable</b> [2] 16:13, 54:14  <b>knows</b> [2] 24:25, 95:8  <b>Kristine</b> [6] 1:9, 4:14, 4:16, 5:25, 6:23, 43:24</p> <hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>laid</b> - 53:4  <b>language</b> [19] 13:9, 33:11, 33:14, 34:11, 34:14, 36:23, 37:6, 37:9, 37:15, 40:19, 40:24, 43:1, 43:6, 50:11, 51:3, 52:21, 55:14, 61:25, 64:3  <b>later</b> [8] 3:25, 5:2, 17:5, 20:9, 20:11, 29:13, 59:2, 98:8  <b>law</b> [28] 1:4, 7:12, 7:14, 10:22, 11:8, 11:10, 11:17, 26:20, 27:17, 27:18, 30:15, 31:1, 32:1, 32:12, 34:17, 67:8, 68:7, 70:13, 70:21, 78:2, 78:25, 79:1, 80:16, 81:16, 82:22, 85:23, 87:24, 94:16  <b>laws</b> [4] 27:18, 27:18, 27:19, 42:14  <b>lawyer</b> - 7:13  <b>lay</b> - 55:11  <b>leader</b> - 78:15  <b>leadership</b> - 66:7  <b>least</b> [7] 14:8, 28:21, 29:18,</p>	<p>31:23, 36:12, 55:4, 82:23  <b>leave</b> [7] 30:1, 52:14, 52:16, 52:21, 57:9, 63:4, 63:25  <b>leaves</b> - 96:6  <b>leaving</b> - 97:23  <b>leg</b> - 86:17  <b>legal</b> [3] 2:1, 26:14, 33:16  <b>legislation</b> [2] 31:14, 38:14  <b>legislative</b> [8] 32:19, 36:8, 40:1, 42:10, 52:9, 81:6, 85:9, 85:17  <b>legislatively</b> - 82:11  <b>Legislature</b> [6] 37:18, 52:4, 78:14, 81:24, 81:25, 86:8  <b>legitimacy</b> - 11:6  <b>Leo</b> [4] 1:16, 3:18, 3:20, 78:10  <b>less</b> [2] 16:13, 32:10  <b>lesson</b> - 69:3  <b>let's</b> [6] 24:7, 61:19, 75:23, 86:19, 87:4, 97:24  <b>letter</b> [13] 70:2, 70:15, 71:4, 71:13, 72:13, 73:10, 73:14, 73:23, 76:7, 77:14, 79:14, 79:17, 95:16  <b>letters</b> - 79:11  <b>letting</b> [2] 16:11, 44:22  <b>level</b> [3] 58:12, 58:15, 81:1  <b>Lewis</b> - 7:15  <b>lies</b> - 49:14  <b>lieu</b> [2] 81:16, 83:10  <b>lift</b> [3] 16:3, 16:25, 74:25  <b>likely</b> [2] 93:8, 94:5</p>	<p><b>limit</b> [9] 28:14, 28:18, 28:20, 28:23, 28:24, 28:24, 30:24, 57:13, 62:11  <b>lines</b> - 21:21  <b>listening</b> - 96:7  <b>listing</b> - 58:6  <b>lists</b> - 81:9  <b>literature</b> - 13:10  <b>litigated</b> [2] 72:21, 72:22  <b>LJIC's</b> - 33:16  <b>load</b> [2] 18:20, 18:25  <b>located</b> - 85:24  <b>logical</b> [2] 41:10, 50:3  <b>longer</b> - 84:25  <b>longevity</b> [3] 29:18, 30:7, 31:1  <b>looking</b> [11] 25:23, 26:3, 27:16, 35:25, 42:3, 45:6, 45:21, 56:24, 61:2, 75:2, 82:18  <b>looks</b> [2] 24:10, 76:19  <b>love</b> - 9:7  <b>luck</b> [2] 77:22, 78:17  <b>lunch</b> [3] 74:5, 75:24, 76:1</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>M-A-R-K</b> - 5:13  <b>M-U-I-R</b> [2] 5:13, 12:20  <b>Mack</b> - 10:21  <b>Mack's</b> - 11:5  <b>MACOP</b> - 95:17  <b>main</b> - 55:21  <b>majority</b> - 49:16  <b>makes</b> [5] 32:2, 36:9, 58:25, 62:14, 87:10  <b>making</b> [5] 37:13, 42:24, 43:3, 45:18, 66:2</p>	<p><b>mandatory</b> [2] 44:14, 66:4  <b>manner</b> - 57:18  <b>map</b> - 32:9  <b>marijuana</b> [4] 16:5, 16:13, 16:20, 22:25  <b>Mark</b> [16] 2:12, 5:12, 11:22, 12:1, 12:2, 12:7, 12:10, 12:11, 12:20, 14:4, 28:8, 28:10, 40:13, 41:8, 44:6, 44:19  <b>Mary</b> [7] 1:20, 9:10, 12:21, 16:18, 16:21, 92:5, 92:9  <b>MASTER</b> - 2:4  <b>materials</b> [2] 28:16, 59:13  <b>math</b> - 80:24  <b>Matt</b> [18] 1:10, 4:8, 11:12, 18:15, 18:18, 18:25, 42:2, 42:22, 43:9, 53:6, 61:12, 61:18, 62:15, 64:12, 71:14, 91:12, 97:20, 99:2  <b>matter</b> [8] 13:18, 14:24, 26:25, 35:2, 71:18, 72:20, 72:21, 90:8  <b>matters</b> - 71:5  <b>maybe</b> [14] 6:17, 15:23, 17:7, 17:17, 18:9, 24:1, 34:12, 43:13, 54:24, 58:6, 84:4, 84:5, 89:14, 89:25  <b>MCA</b> [4] 22:6, 35:5, 37:7, 85:22  <b>means</b> [6] 40:20, 51:5, 57:20, 79:9, 80:7, 80:18  <b>medical</b> [2] 65:19, 67:8</p>	<p><b>meet</b> [3] 24:20, 59:7, 76:9  <b>meeting</b> [32] 1:1, 1:3, 3:5, 3:7, 9:5, 15:24, 16:1, 16:15, 20:2, 21:2, 23:1, 23:2, 23:4, 23:25, 25:6, 26:19, 28:6, 34:2, 48:2, 48:6, 59:2, 59:5, 65:9, 69:1, 70:7, 86:19, 93:13, 94:8, 97:17, 97:22, 98:5, 99:8  <b>meeting's</b> - 23:15  <b>meetings</b> [14] 33:17, 74:7, 74:8, 74:10, 74:14, 74:15, 74:23, 75:6, 75:10, 75:23, 90:23, 93:23, 94:3, 98:13  <b>member</b> [8] 10:13, 16:4, 56:2, 77:2, 77:3, 78:13, 90:21, 96:19  <b>members</b> [16] 1:8, 1:12, 1:16, 1:19, 17:14, 25:7, 25:19, 32:6, 38:2, 45:3, 50:8, 76:14, 77:11, 86:23, 94:24, 98:12  <b>mention</b> [2] 36:19, 88:19  <b>mentioned</b> [5] 68:9, 76:12, 83:16, 84:19, 85:7  <b>met</b> - 79:17  <b>Michael</b> - 2:2  <b>microphone</b> [3] 5:21, 28:3, 93:4  <b>middle</b> [2] 57:23, 58:11  <b>mike</b> [11] 2:15, 5:23, 6:7, 6:8,</p>	<p>6:11, 54:12, 55:19, 57:9, 57:17, 59:20, 83:14  <b>Miles</b> - 81:22  <b>military</b> [14] 25:19, 26:2, 26:23, 27:10, 27:14, 28:18, 29:20, 30:1, 30:5, 30:13, 32:6, 36:10, 38:10, 38:13  <b>militia</b> - 11:5  <b>mimic</b> - 37:20  <b>mind</b> [2] 16:15, 88:7  <b>minor</b> - 92:7  <b>minute</b> [3] 12:21, 15:6, 94:19  <b>minutes</b> [6] 9:17, 9:22, 10:5, 15:13, 24:3, 24:8  <b>misconduct</b> [9] 13:6, 13:13, 13:15, 40:18, 41:16, 41:19, 43:19, 46:15, 47:2  <b>missed</b> [4] 51:22, 77:4, 79:5, 79:16  <b>mission</b> - 77:23  <b>missteps</b> - 25:12  <b>MLEA</b> [2] 2:8, 90:5  <b>model</b> - 81:21  <b>Monday</b> [2] 68:11, 69:1  <b>money</b> [4] 93:7, 93:8, 93:12, 93:20  <b>Montana</b> [22] 1:1, 1:4, 2:13, 3:7, 5:1, 6:20, 7:11, 7:18, 8:9, 10:19, 13:19, 13:21, 25:23, 44:25, 68:7, 72:2, 78:6, 78:24, 80:14, 81:21, 84:6, 96:24</p>
--	---	---	---	---	---

<p><b>Montana's</b> - 82:19</p> <p><b>month</b> [5] 26:12, 36:15, 36:15, 36:19, 36:22</p> <p><b>months</b> - 85:1</p> <p><b>morning</b> [5] 10:11, 14:2, 68:6, 78:23, 97:1</p> <p><b>motion</b> [62] 9:21, 10:1, 10:5, 32:22, 33:5, 34:7, 34:18, 34:22, 35:17, 35:22, 38:8, 38:11, 38:18, 38:23, 39:2, 39:8, 42:23, 42:24, 43:17, 43:22, 43:25, 45:18, 46:4, 46:14, 46:25, 47:9, 47:18, 50:6, 50:9, 50:11, 50:16, 51:17, 53:5, 53:7, 53:11, 53:15, 54:9, 60:23, 61:9, 61:13, 61:18, 64:11, 65:1, 71:12, 73:18, 75:5, 75:9, 75:12, 75:22, 90:4, 90:11, 91:6, 91:9, 91:11, 91:25, 92:11, 92:14, 92:16, 93:1, 98:23, 98:24, 99:2</p> <p><b>motions</b> - 60:10</p> <p><b>move</b> [22] 9:17, 12:5, 18:6, 19:8, 31:20, 39:3, 41:2, 42:23, 43:22, 44:17, 46:5, 46:16, 47:1, 48:7, 53:15, 64:21, 65:2, 70:1, 87:10,</p>	<p>90:9, 94:23, 97:9</p> <p><b>moved</b> [3] 38:16, 43:23, 71:14</p> <p><b>moves</b> - 49:17</p> <p><b>moving</b> [14] 19:13, 20:18, 22:24, 25:5, 53:20, 53:21, 54:10, 77:6, 91:2, 92:1, 93:2, 94:6, 96:4, 96:14</p> <p><b>MPPA</b> [5] 2:9, 49:23, 77:2, 96:15</p> <p><b>MPPA's</b> [2] 47:12, 47:23</p> <p><b>MSU</b> - 83:17</p> <p><b>MT</b> - 1:6</p> <p><b>Muir</b> [17] 2:12, 5:12, 5:13, 11:22, 11:23, 12:2, 12:10, 12:10, 12:14, 12:19, 12:20, 14:7, 28:7, 28:8, 40:13, 44:6, 44:6</p> <p><b>Muir's</b> - 41:8</p> <p><b>multiple</b> - 42:15</p> <p><b>mute</b> - 55:19</p> <p><b>muted</b> - 28:4</p> <p><b>muting</b> - 28:5</p> <p><b>myself</b> [3] 65:12, 94:13, 96:19</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>narrow</b> - 42:19</p> <p><b>narrowed</b> - 42:5</p> <p><b>Nash</b> - 95:10</p> <p><b>nation</b> - 11:9</p> <p><b>nearing</b> - 97:5</p> <p><b>necessarily</b> [3] 10:13, 40:17, 82:22</p> <p><b>necessary</b> [2] 3:25, 32:20</p> <p><b>neck</b> - 5:21</p> <p><b>needed</b> - 90:15</p> <p><b>needs</b> [5] 42:19, 63:17,</p>	<p>82:20, 86:7, 93:25</p> <p><b>Network</b> [3] 2:13, 5:1, 10:19</p> <p><b>news</b> - 69:15</p> <p><b>Ninth</b> - 13:22</p> <p><b>noble</b> - 77:23</p> <p><b>non-certificate</b> - 57:1</p> <p><b>non-certificatio</b> - 58:14</p> <p><b>non-sanction</b> - 54:11</p> <p><b>none</b> [8] 54:4, 73:12, 73:18, 75:16, 75:21, 75:21, 91:18, 98:22</p> <p><b>note</b> [2] 21:21, 96:25</p> <p><b>noted</b> [2] 13:3, 78:12</p> <p><b>nothing</b> [2] 19:12, 19:16</p> <p><b>notice</b> - 10:23</p> <p><b>notify</b> - 72:7</p> <p><b>November</b> - 24:20</p> <p><b>numbers</b> [3] 33:18, 33:22, 93:10</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>obeying</b> - 42:13</p> <p><b>objection</b> - 10:6</p> <p><b>obligation</b> - 12:23</p> <p><b>obtain</b> - 81:14</p> <p><b>obviously</b> [2] 72:10, 83:19</p> <p><b>occurring</b> - 88:12</p> <p><b>occurs</b> - 21:14</p> <p><b>odd</b> - 80:21</p> <p><b>offense</b> [3] 46:20, 70:19, 70:20</p> <p><b>offer</b> [5] 5:16, 10:20, 10:21, 12:21, 13:2</p> <p><b>offered</b> - 66:25</p> <p><b>offers</b> - 61:15</p> <p><b>office</b> [10] 7:16, 8:9, 8:10, 25:21, 27:23, 72:16, 72:19,</p>	<p>73:20, 82:4, 96:18</p> <p><b>officer</b> [19] 1:20, 11:3, 11:18, 27:12, 34:18, 36:17, 57:2, 70:21, 70:22, 79:2, 80:16, 81:3, 81:16, 82:22, 84:8, 84:9, 85:24, 88:10, 88:13</p> <p><b>officers</b> [22] 10:22, 10:25, 11:11, 11:15, 29:11, 30:4, 36:20, 36:21, 36:22, 37:5, 37:5, 37:10, 37:14, 37:15, 37:20, 39:1, 39:1, 59:3, 87:19, 88:2, 94:14, 94:22</p> <p><b>offices</b> [2] 21:14, 21:25</p> <p><b>on-duty</b> - 13:23</p> <p><b>ones</b> [5] 40:2, 40:5, 67:13, 83:8, 98:9</p> <p><b>online</b> - 59:11</p> <p><b>Oops</b> - 86:4</p> <p><b>open</b> [8] 17:9, 26:22, 27:9, 61:19, 63:4, 63:17, 77:15, 77:17</p> <p><b>opening</b> - 96:10</p> <p><b>operation</b> - 84:16</p> <p><b>opinion</b> [11] 41:7, 67:10, 70:2, 70:14, 71:7, 71:13, 71:25, 72:8, 73:5, 73:9, 73:14</p> <p><b>opinions</b> [3] 41:5, 72:17, 72:20</p> <p><b>opportunities</b> [2] 78:9, 93:20</p> <p><b>opportunity</b> [9] 8:24, 18:1, 24:18, 25:2, 51:22,</p>	<p>76:9, 85:17, 87:24, 95:7</p> <p><b>opposed</b> [14] 29:23, 35:20, 39:6, 41:19, 47:7, 51:15, 54:7, 64:24, 72:23, 73:16, 75:19, 75:22, 91:22, 92:24</p> <p><b>option</b> [28] 32:2, 34:13, 41:15, 52:13, 52:18, 52:19, 53:7, 53:14, 55:10, 55:10, 56:4, 56:8, 56:23, 56:24, 56:25, 57:12, 57:23, 60:6, 61:13, 61:14, 61:22, 61:24, 61:25, 62:9, 62:25, 63:10, 64:12, 64:18</p> <p><b>optional</b> - 66:3</p> <p><b>options</b> [10] 41:13, 52:11, 53:14, 55:3, 58:18, 60:25, 61:5, 62:11, 63:3, 64:1</p> <p><b>oral</b> - 49:7</p> <p><b>order</b> [7] 3:5, 11:4, 33:14, 52:25, 60:22, 76:6, 97:19</p> <p><b>Oregon</b> [2] 3:21, 7:12</p> <p><b>organization</b> [5] 32:5, 32:15, 78:4, 89:15, 89:15</p> <p><b>Oster</b> [13] 1:14, 4:6, 4:7, 9:20, 9:21, 9:25, 17:22, 77:6, 77:8, 77:17, 77:20, 78:19, 95:9</p> <p><b>others</b> [2]</p>	<p>26:8, 66:11</p> <p><b>otherwise</b> [3] 23:6, 30:17, 86:9</p> <p><b>outcomes</b> - 69:22</p> <p><b>outgoing</b> [2] 8:1, 76:12</p> <p><b>outlined</b> - 31:18</p> <p><b>outside</b> [3] 26:6, 62:19, 63:3</p> <p><b>overlooking</b> - 19:5</p> <p><b>Overman</b> - 95:4</p> <p><b>overreach</b> - 43:14</p> <p><b>oversee</b> - 33:20</p> <p><b>Oversight</b> - 32:1</p> <p><b>overview</b> [2] 29:3, 84:19</p> <p><b>overwhelmingly</b> - 96:22</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>p.m</b> [2] 1:3, 99:10</p> <p><b>packet</b> - 9:19</p> <p><b>pages</b> [10] 9:18, 20:1, 20:3, 24:22, 55:8, 70:1, 70:15, 74:16, 94:9, 98:6</p> <p><b>paragraph</b> - 21:11</p> <p><b>Paralegal/invest</b> - 1:21</p> <p><b>Parole</b> [3] 92:2, 92:4, 92:18</p> <p><b>participant</b> - 69:21</p> <p><b>participating</b> - 23:8</p> <p><b>particular</b> [5] 29:19, 30:15, 37:14, 39:24, 56:3</p> <p><b>particularly</b> - 79:10</p> <p><b>parties</b> [3] 40:12, 51:21, 56:13</p> <p><b>partnership</b> - 90:4</p> <p><b>party</b> - 55:23</p> <p><b>party's</b> - 55:23</p>
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<p> <b>passing</b> - 52:5  <b>passions</b> - 7:19  <b>past</b> [5]  21:20,  40:23, 41:9,  56:21, 66:24  <b>Pat</b> - 21:22  <b>patient</b> - 12:8  <b>Patrol</b> [2]  8:13, 23:6  <b>pause</b> [3]  27:12, 28:1,  29:2  <b>pay</b> [2] 29:21,  29:23  <b>paying</b> - 11:2  <b>PD</b> - 95:10  <b>peace</b> [3]  36:21, 84:8,  84:9  <b>Perfect</b> - 46:18  <b>perfectly</b> - 71:9  <b>perhaps</b> [5]  28:23,  30:12, 61:4,  63:25, 64:16  <b>period</b> [4]  25:25,  27:12,  81:19, 94:19  <b>Perry</b> [4] 8:2,  25:6, 76:12,  94:13  <b>person's</b> - 70:17  <b>personally</b> [3]  7:20, 48:5,  59:3  <b>perspective</b> [6] 49:24,  54:23,  74:10, 83:6,  88:22, 89:10  <b>phrase</b> - 58:1  <b>picked</b> - 95:13  <b>pictures</b> - 42:12  <b>piece</b> [3]  31:4, 63:12,  69:16  <b>pieces</b> - 69:14  <b>plan</b> [12]  17:14,  18:10,  18:23,  18:24, 23:2,  23:21, 24:4,  24:13,  24:15,  25:17,  26:19, 68:10  <b>planning</b> - 20:7 </p>	<p> <b>plans</b> - 69:3  <b>playing</b> - 87:1  <b>please</b> [13]  3:10, 4:24,  4:24, 9:12,  9:12, 11:25,  12:13,  12:16,  14:10,  14:10,  14:15,  55:19, 96:10  <b>pleasure</b> [2]  77:10, 77:21  <b>Pledge</b> [2]  9:13, 9:14  <b>point</b> [27]  7:1, 15:3,  17:13,  20:10,  28:13, 29:2,  31:6, 32:18,  33:7, 34:12,  36:2, 36:2,  39:20, 41:8,  43:1, 44:20,  49:22,  53:17,  57:17,  60:22,  63:25,  66:24, 69:7,  85:4, 90:12,  90:13, 90:15  <b>points</b> - 58:10  <b>police</b> [6]  6:20, 13:11,  17:23,  30:14,  44:25, 95:5  <b>policy</b> [8]  17:14, 24:4,  24:13,  24:16,  44:11, 49:8,  49:10, 72:19  <b>Polson</b> - 95:10  <b>pool</b> [2]  82:20, 83:22  <b>pornographic</b> - 42:12  <b>portion</b> - 52:14  <b>position</b> [7]  7:17, 18:14,  21:24, 25:9,  26:21, 27:9,  93:21  <b>positioned</b> - 81:10  <b>possible</b> [3]  23:18,  23:25, 97:7  <b>POST</b> [41]  1:1, 2:1,  7:8, 8:14,  9:4, 25:8,  26:10, 27:2,  27:3, 27:4,  27:6, 27:13,  27:13, 31:9,  31:21,  36:14, 38:8,  38:12,  38:24, 50:2,  52:16,  54:22,  56:20,  59:10,  59:16, 62:6,  67:3, 67:24,  70:9, 74:6,  77:2, 78:4,  79:14, 80:3,  88:22,  89:21,  93:11,  93:21,  93:25, 94:2,  95:14  <b>POST's</b> [5]  37:21, 50:3,  52:22,  77:23, 90:4  <b>potential</b> - 52:3  <b>potentially</b> [12] 16:9,  30:23,  31:25, 41:2,  49:2, 54:23,  55:25, 59:5,  59:14, 66:2,  88:1, 93:14  <b>power</b> - 49:14  <b>practice</b> [4]  8:19, 37:3,  49:16, 49:18  <b>precise</b> - 18:5  <b>predictability</b> - 81:2  <b>prefer</b> [2]  41:15, 41:23  <b>preference</b> [3]  61:3, 74:13,  75:7  <b>preliminary</b> - 30:8  <b>present</b> [11]  1:8, 1:12,  1:16, 1:19,  5:25, 16:5,  23:3, 58:21,  75:25,  77:16, 96:8  <b>presented</b> [2]  53:14, 61:14  <b>presently</b> - 13:18  <b>presents</b> - 25:21  <b>preservice</b> - </p>	<p> 87:18  <b>President</b> - 95:10  <b>previously</b> [3]  21:23, 68:9,  96:15  <b>Prezeau</b> - 8:20  <b>primary</b> - 68:13  <b>prior</b> [5]  13:9, 15:2,  68:20, 88:3,  97:22  <b>priorities</b> - 16:12  <b>privacy</b> - 42:10  <b>private</b> [2]  8:19, 27:1  <b>pro</b> - 11:5  <b>probably</b> [25]  13:20,  16:12,  20:13,  21:19, 22:2,  23:8, 33:24,  37:17,  39:17,  39:23, 40:4,  41:22,  58:24,  66:11,  66:23,  66:25,  67:17,  69:25,  72:11,  77:13,  78:16, 80:5,  86:10,  90:14, 97:2  <b>Probation</b> [3]  92:2, 92:4,  92:18  <b>problem</b> [2]  82:6, 84:14  <b>problematic</b> - 21:17  <b>proceedings</b> [2] 3:1, 99:9  <b>process</b> [12]  8:3, 22:15,  45:14,  45:22,  47:20,  55:11,  60:18,  71:23, 81:6,  85:18, 86:8,  89:14  <b>processes</b> - 50:4  <b>professionally</b> - 7:20  <b>program</b> - </p>	<p> 81:16  <b>programs</b> - 82:19  <b>progress</b> - 86:21  <b>prohibit</b> - 70:20  <b>project</b> - 83:18  <b>promote</b> [3]  82:1, 84:6,  84:7  <b>promotes</b> - 11:11  <b>promotion</b> - 76:20  <b>prompt</b> - 12:24  <b>promptly</b> - 15:7  <b>proposal</b> - 82:15  <b>propose</b> - 31:14  <b>proposed</b> [8]  26:9, 28:15,  40:14, 43:5,  52:2, 74:17,  92:3, 98:4  <b>proposing</b> - 81:18  <b>Protective</b> [2]  6:20, 44:25  <b>provide</b> [11]  12:24, 30:2,  31:11, 34:9,  60:18, 62:4,  63:21, 64:1,  66:16,  73:23, 95:7  <b>provided</b> [5]  28:24,  37:22,  55:15, 62:9,  63:16  <b>provides</b> [9]  13:12,  21:18,  29:15,  40:16,  49:16,  49:25,  55:17,  55:22, 78:5  <b>providing</b> [2]  57:18, 69:18  <b>provision</b> - 29:16  <b>PSC</b> [4] 66:8,  68:20,  91:14, 91:19  <b>public</b> [31]  5:2, 5:17,  7:4, 7:18,  10:7, 10:9,  10:13,  10:20, 12:9,  12:18, 13:1,  14:19,  14:20,  22:12,  25:19,  26:11, 27:7,  30:16,  36:16,  36:20, 37:4,  37:9, 37:20,  39:1, 56:2,  57:2, 65:10,  65:17,  70:21, 88:8,  91:3  <b>purpose</b> - 78:25  <b>purposes</b> [4]  29:18,  45:16,  52:23, 68:13  <b>pursue</b> - 87:23  <b>push</b> [2] 35:8,  35:9  <b>pushing</b> - 22:4  <b>puts</b> - 55:22  <b>putting</b> [5]  18:9, 28:14,  45:6, 56:5,  63:10 </p>
<hr/>			
<b>Q</b>			
<p> <b>QA</b> - 89:4  <b>quality</b> [2]  89:2, 89:4  <b>quick</b> [5]  12:24, 28:2,  39:10,  44:23, 61:20  <b>quickly</b> [3]  6:18, 58:24,  61:22  <b>quite</b> [2]  14:13, 97:15  <b>quorum</b> - 49:7  <b>quote</b> - 49:14 </p>			
<hr/>			
<b>R</b>			
<p> <b>rails</b> - 55:22  <b>raise</b> [3]  29:21,  29:23, 51:24  <b>ranks</b> - 32:7  <b>rare</b> - 8:14  <b>reach</b> [3]  20:19, 24:1,  73:20  <b>reached</b> [3]  8:21, 19:14,  95:23 </p>			

reaching - 66:23	[3] 47:13, 47:20, 87:2	relatively [2] 25:4, 27:17	59:13, 63:19	91:17, 91:21, 91:24, 92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	roster - 79:14
reading - 52:24	recommending [2] 36:8, 36:12	relevant [3] 65:25, 68:17, 83:21	requirement [3] 26:7, 63:18, 67:6	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	roughly [2] 24:3, 94:17
ready - 15:7	reconsider - 57:21	remainder - 93:9	requirements [5] 27:8, 44:15, 59:8, 63:14, 79:17	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	rule [11] 36:14, 41:21, 49:9, 52:15, 52:21, 54:16, 55:9, 55:17, 58:13, 67:4, 85:22
real [6] 6:18, 18:4, 28:1, 58:23, 61:20, 77:21	reconsideration [6] 59:24, 62:6, 62:7, 62:12, 63:7, 63:9	remaining - 21:17	requires [2] 26:21, 49:10	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	52:15, 52:21, 54:16, 55:9, 55:17, 58:13, 67:4, 85:22
reality [2] 25:18, 82:5	Reconvened - 15:11	remembering - 66:11	research [2] 12:22, 30:8	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	54:16, 55:9, 55:17, 58:13, 67:4, 85:22
realize - 36:1	record [8] 3:8, 6:9, 12:17, 14:17, 47:3, 47:12, 70:18, 87:15	remembers - 48:17	reserved [2] 80:15, 80:19	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	ruled [2] 71:5, 71:6
really [21] 5:6, 8:17, 8:17, 8:24, 12:25, 18:4, 20:4, 35:7, 35:14, 39:14, 40:8, 42:6, 44:23, 68:13, 75:1, 76:3, 80:24, 82:8, 85:11, 88:24, 97:14	records - 70:10	remind - 98:14	resignation [3] 17:23, 76:7, 77:14	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	rules [3] 40:10, 41:19, 52:24
rearranging - 15:14	recuse - 49:6	removed - 52:6	resignations - 17:5	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	rush - 41:11
reask - 73:5	reducing - 47:13	rep [2] 95:5, 95:13	resister - 69:20	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	Ryan [11] 1:14, 4:6, 9:20, 9:25, 17:17, 17:19, 17:22, 18:8, 95:2, 95:7, 95:9
reason [5] 41:10, 48:18, 50:5, 72:11, 82:7	refer [2] 43:5, 45:19	repeal - 52:19	resolve - 79:21	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	17:17, 17:19, 17:22, 18:8, 95:2, 95:7, 95:9
reasons - 36:16	referencing [2] 28:23, 41:24	replacement - 17:21	resource [2] 58:20, 76:13	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	Ryan's - 95:6
receive [2] 26:7, 80:1	referring - 5:8	report [14] 19:11, 19:12, 19:14, 19:16, 19:19, 19:23, 20:14, 20:19, 20:23, 24:5, 24:6, 32:2, 93:2, 97:10	resources [6] 57:15, 58:16, 59:16, 60:19, 94:4, 97:7	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	
received [4] 19:15, 20:20, 76:8, 76:19	refers - 49:9	Reporter [2] 12:12, 14:16	respect - 5:17	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	
recent - 28:2	refine [2] 61:6, 84:22	reports [5] 13:3, 14:24, 15:15, 15:18, 19:9	response [60] 3:19, 3:22, 4:1, 4:4, 4:15, 4:17, 6:14, 10:3, 12:3, 14:21, 17:11, 19:7, 19:15, 20:17, 20:20, 22:23, 23:12, 29:7, 35:3, 35:15, 35:19, 35:21, 38:3, 38:20, 38:22, 39:5, 39:7, 44:4, 46:1, 47:6, 47:8, 51:10, 51:14, 51:16, 52:1, 54:3, 54:6, 54:8, 64:8, 64:10, 64:23, 64:25, 65:4, 73:11, 73:15, 73:17, 75:15, 75:18, 75:20, 91:15,	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	
recently - 12:23	reflect - 25:17	Representative - 39:24	resource [2] 58:20, 76:13	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	
recess [3] 15:9, 24:9, 75:24	reflection - 45:6	represented - 8:12	resources [6] 57:15, 58:16, 59:16, 60:19, 94:4, 97:7	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	
recognize [2] 59:6, 76:17	regard - 44:12	representing - 8:22	responder [60] 3:19, 3:22, 4:1, 4:4, 4:15, 4:17, 6:14, 10:3, 12:3, 14:21, 17:11, 19:7, 19:15, 20:17, 20:20, 22:23, 23:12, 29:7, 35:3, 35:15, 35:19, 35:21, 38:3, 38:20, 38:22, 39:5, 39:7, 44:4, 46:1, 47:6, 47:8, 51:10, 51:14, 51:16, 52:1, 54:3, 54:6, 54:8, 64:8, 64:10, 64:23, 64:25, 65:4, 73:11, 73:15, 73:17, 75:15, 75:18, 75:20, 91:15,	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	
recognizes - 50:12	regarding [10] 13:5, 22:22, 29:6, 46:14, 47:12, 53:13, 71:18, 92:6, 92:17, 93:19	request [19] 45:17, 47:12, 54:20, 56:6, 56:13, 56:22, 57:3, 57:21, 58:2, 59:14, 59:23, 59:24, 59:25, 62:5, 62:11, 66:8, 71:7, 72:4, 72:5	responder [60] 3:19, 3:22, 4:1, 4:4, 4:15, 4:17, 6:14, 10:3, 12:3, 14:21, 17:11, 19:7, 19:15, 20:17, 20:20, 22:23, 23:12, 29:7, 35:3, 35:15, 35:19, 35:21, 38:3, 38:20, 38:22, 39:5, 39:7, 44:4, 46:1, 47:6, 47:8, 51:10, 51:14, 51:16, 52:1, 54:3, 54:6, 54:8, 64:8, 64:10, 64:23, 64:25, 65:4, 73:11, 73:15, 73:17, 75:15, 75:18, 75:20, 91:15,	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	
recognizing - 20:8	regards [4] 17:5, 19:16, 29:11, 47:10	request [19] 45:17, 47:12, 54:20, 56:6, 56:13, 56:22, 57:3, 57:21, 58:2, 59:14, 59:23, 59:24, 59:25, 62:5, 62:11, 66:8, 71:7, 72:4, 72:5	responder [60] 3:19, 3:22, 4:1, 4:4, 4:15, 4:17, 6:14, 10:3, 12:3, 14:21, 17:11, 19:7, 19:15, 20:17, 20:20, 22:23, 23:12, 29:7, 35:3, 35:15, 35:19, 35:21, 38:3, 38:20, 38:22, 39:5, 39:7, 44:4, 46:1, 47:6, 47:8, 51:10, 51:14, 51:16, 52:1, 54:3, 54:6, 54:8, 64:8, 64:10, 64:23, 64:25, 65:4, 73:11, 73:15, 73:17, 75:15, 75:18, 75:20, 91:15,	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	
recommend [4] 15:3, 18:9, 57:12, 96:1	register - 21:9	request [19] 45:17, 47:12, 54:20, 56:6, 56:13, 56:22, 57:3, 57:21, 58:2, 59:14, 59:23, 59:24, 59:25, 62:5, 62:11, 66:8, 71:7, 72:4, 72:5	responder [60] 3:19, 3:22, 4:1, 4:4, 4:15, 4:17, 6:14, 10:3, 12:3, 14:21, 17:11, 19:7, 19:15, 20:17, 20:20, 22:23, 23:12, 29:7, 35:3, 35:15, 35:19, 35:21, 38:3, 38:20, 38:22, 39:5, 39:7, 44:4, 46:1, 47:6, 47:8, 51:10, 51:14, 51:16, 52:1, 54:3, 54:6, 54:8, 64:8, 64:10, 64:23, 64:25, 65:4, 73:11, 73:15, 73:17, 75:15, 75:18, 75:20, 91:15,	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	
recommendation [12] 23:17, 27:15, 27:25, 36:5, 36:12, 40:21, 41:1, 45:12, 52:10, 52:13, 94:1, 96:3	regulates - 27:4	request [19] 45:17, 47:12, 54:20, 56:6, 56:13, 56:22, 57:3, 57:21, 58:2, 59:14, 59:23, 59:24, 59:25, 62:5, 62:11, 66:8, 71:7, 72:4, 72:5	responder [60] 3:19, 3:22, 4:1, 4:4, 4:15, 4:17, 6:14, 10:3, 12:3, 14:21, 17:11, 19:7, 19:15, 20:17, 20:20, 22:23, 23:12, 29:7, 35:3, 35:15, 35:19, 35:21, 38:3, 38:20, 38:22, 39:5, 39:7, 44:4, 46:1, 47:6, 47:8, 51:10, 51:14, 51:16, 52:1, 54:3, 54:6, 54:8, 64:8, 64:10, 64:23, 64:25, 65:4, 73:11, 73:15, 73:17, 75:15, 75:18, 75:20, 91:15,	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	
recommendations	regulator - 27:2	request [19] 45:17, 47:12, 54:20, 56:6, 56:13, 56:22, 57:3, 57:21, 58:2, 59:14, 59:23, 59:24, 59:25, 62:5, 62:11, 66:8, 71:7, 72:4, 72:5	responder [60] 3:19, 3:22, 4:1, 4:4, 4:15, 4:17, 6:14, 10:3, 12:3, 14:21, 17:11, 19:7, 19:15, 20:17, 20:20, 22:23, 23:12, 29:7, 35:3, 35:15, 35:19, 35:21, 38:3, 38:20, 38:22, 39:5, 39:7, 44:4, 46:1, 47:6, 47:8, 51:10, 51:14, 51:16, 52:1, 54:3, 54:6, 54:8, 64:8, 64:10, 64:23, 64:25, 65:4, 73:11, 73:15, 73:17, 75:15, 75:18, 75:20, 91:15,	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	
	rehash - 61:22	request [19] 45:17, 47:12, 54:20, 56:6, 56:13, 56:22, 57:3, 57:21, 58:2, 59:14, 59:23, 59:24, 59:25, 62:5, 62:11, 66:8, 71:7, 72:4, 72:5	responder [60] 3:19, 3:22, 4:1, 4:4, 4:15, 4:17, 6:14, 10:3, 12:3, 14:21, 17:11, 19:7, 19:15, 20:17, 20:20, 22:23, 23:12, 29:7, 35:3, 35:15, 35:19, 35:21, 38:3, 38:20, 38:22, 39:5, 39:7, 44:4, 46:1, 47:6, 47:8, 51:10, 51:14, 51:16, 52:1, 54:3, 54:6, 54:8, 64:8, 64:10, 64:23, 64:25, 65:4, 73:11, 73:15, 73:17, 75:15, 75:18, 75:20, 91:15,	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	
	reinventing - 82:18	request [19] 45:17, 47:12, 54:20, 56:6, 56:13, 56:22, 57:3, 57:21, 58:2, 59:14, 59:23, 59:24, 59:25, 62:5, 62:11, 66:8, 71:7, 72:4, 72:5	responder [60] 3:19, 3:22, 4:1, 4:4, 4:15, 4:17, 6:14, 10:3, 12:3, 14:21, 17:11, 19:7, 19:15, 20:17, 20:20, 22:23, 23:12, 29:7, 35:3, 35:15, 35:19, 35:21, 38:3, 38:20, 38:22, 39:5, 39:7, 44:4, 46:1, 47:6, 47:8, 51:10, 51:14, 51:16, 52:1, 54:3, 54:6, 54:8, 64:8, 64:10, 64:23, 64:25, 65:4, 73:11, 73:15, 73:17, 75:15, 75:18, 75:20, 91:15,	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	
	reissue - 72:12	request [19] 45:17, 47:12, 54:20, 56:6, 56:13, 56:22, 57:3, 57:21, 58:2, 59:14, 59:23, 59:24, 59:25, 62:5, 62:11, 66:8, 71:7, 72:4, 72:5	responder [60] 3:19, 3:22, 4:1, 4:4, 4:15, 4:17, 6:14, 10:3, 12:3, 14:21, 17:11, 19:7, 19:15, 20:17, 20:20, 22:23, 23:12, 29:7, 35:3, 35:15, 35:19, 35:21, 38:3, 38:20, 38:22, 39:5, 39:7, 44:4, 46:1, 47:6, 47:8, 51:10, 51:14, 51:16, 52:1, 54:3, 54:6, 54:8, 64:8, 64:10, 64:23, 64:25, 65:4, 73:11, 73:15, 73:17, 75:15, 75:18, 75:20, 91:15,	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	
	rejoining [2] 12:10, 28:8	request [19] 45:17, 47:12, 54:20, 56:6, 56:13, 56:22, 57:3, 57:21, 58:2, 59:14, 59:23, 59:24, 59:25, 62:5, 62:11, 66:8, 71:7, 72:4, 72:5	responder [60] 3:19, 3:22, 4:1, 4:4, 4:15, 4:17, 6:14, 10:3, 12:3, 14:21, 17:11, 19:7, 19:15, 20:17, 20:20, 22:23, 23:12, 29:7, 35:3, 35:15, 35:19, 35:21, 38:3, 38:20, 38:22, 39:5, 39:7, 44:4, 46:1, 47:6, 47:8, 51:10, 51:14, 51:16, 52:1, 54:3, 54:6, 54:8, 64:8, 64:10, 64:23, 64:25, 65:4, 73:11, 73:15, 73:17, 75:15, 75:18, 75:20, 91:15,	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	
	relation - 70:9	request [19] 45:17, 47:12, 54:20, 56:6, 56:13, 56:22, 57:3, 57:21, 58:2, 59:14, 59:23, 59:24, 59:25, 62:5, 62:11, 66:8, 71:7, 72:4, 72:5	responder [60] 3:19, 3:22, 4:1, 4:4, 4:15, 4:17, 6:14, 10:3, 12:3, 14:21, 17:11, 19:7, 19:15, 20:17, 20:20, 22:23, 23:12, 29:7, 35:3, 35:15, 35:19, 35:21, 38:3, 38:20, 38:22, 39:5, 39:7, 44:4, 46:1, 47:6, 47:8, 51:10, 51:14, 51:16, 52:1, 54:3, 54:6, 54:8, 64:8, 64:10, 64:23, 64:25, 65:4, 73:11, 73:15, 73:17, 75:15, 75:18, 75:20, 91:15,	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	
		request [19] 45:17, 47:12, 54:20, 56:6, 56:13, 56:22, 57:3, 57:21, 58:2, 59:14, 59:23, 59:24, 59:25, 62:5, 62:11, 66:8, 71:7, 72:4, 72:5	responder [60] 3:19, 3:22, 4:1, 4:4, 4:15, 4:17, 6:14, 10:3, 12:3, 14:21, 17:11, 19:7, 19:15, 20:17, 20:20, 22:23, 23:12, 29:7, 35:3, 35:15, 35:19, 35:21, 38:3, 38:20, 38:22, 39:5, 39:7, 44:4, 46:1, 47:6, 47:8, 51:10, 51:14, 51:16, 52:1, 54:3, 54:6, 54:8, 64:8, 64:10, 64:23, 64:25, 65:4, 73:11, 73:15, 73:17, 75:15, 75:18, 75:20, 91:15,	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	
		request [19] 45:17, 47:12, 54:20, 56:6, 56:13, 56:22, 57:3, 57:21, 58:2, 59:14, 59:23, 59:24, 59:25, 62:5, 62:11, 66:8, 71:7, 72:4, 72:5	responder [60] 3:19, 3:22, 4:1, 4:4, 4:15, 4:17, 6:14, 10:3, 12:3, 14:21, 17:11, 19:7, 19:15, 20:17, 20:20, 22:23, 23:12, 29:7, 35:3, 35:15, 35:19, 35:21, 38:3, 38:20, 38:22, 39:5, 39:7, 44:4, 46:1, 47:6, 47:8, 51:10, 51:14, 51:16, 52:1, 54:3, 54:6, 54:8, 64:8, 64:10, 64:23, 64:25, 65:4, 73:11, 73:15, 73:17, 75:15, 75:18, 75:20, 91:15,	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	
		request [19] 45:17, 47:12, 54:20, 56:6, 56:13, 56:22, 57:3, 57:21, 58:2, 59:14, 59:23, 59:24, 59:25, 62:5, 62:11, 66:8, 71:7, 72:4, 72:5	responder [60] 3:19, 3:22, 4:1, 4:4, 4:15, 4:17, 6:14, 10:3, 12:3, 14:21, 17:11, 19:7, 19:15, 20:17, 20:20, 22:23, 23:12, 29:7, 35:3, 35:15, 35:19, 35:21, 38:3, 38:20, 38:22, 39:5, 39:7, 44:4, 46:1, 47:6, 47:8, 51:10, 51:14, 51:16, 52:1, 54:3, 54:6, 54:8, 64:8, 64:10, 64:23, 64:25, 65:4, 73:11, 73:15, 73:17, 75:15, 75:18, 75:20, 91:15,	92:19, 92:23, 92:25, 98:18, 98:21, 99:4, 99:7	
		request [19] 45:17, 47:12, 54:20, 56:6, 56:13, 56:22, 57:3, 57:21, 58:2, 59:14, 59:23, 59:24, 59:25,			

54:5, 64:21, 73:14, 75:17, 79:11, 79:17, 89:7, 91:20, 92:21, 99:6 <b>Saylor [16]</b> 1:10, 4:8, 4:9, 18:15, 19:1, 42:2, 43:12, 53:6, 53:22, 61:12, 62:15, 71:14, 91:12, 97:20, 98:2, 98:25 <b>says [7]</b> 20:24, 37:19, 37:21, 42:8, 43:13, 57:2, 87:3 <b>schedule -</b> 68:21 <b>scheduled [4]</b> 66:13, 69:8, 79:6, 91:5 <b>science - 7:11</b> <b>scope [2]</b> 13:24, 27:21 <b>scrutinized -</b> 13:19 <b>seamless -</b> 46:22 <b>seat [2]</b> 15:17, 80:15 <b>seats [3]</b> 3:5, 76:3, 80:19 <b>seconded [4]</b> 35:17, 61:19, 71:16, 99:2 <b>Secondly -</b> 13:2 <b>section [4]</b> 41:17, 41:24, 51:23, 53:13 <b>seek - 63:9</b> <b>seeking -</b> 40:22 <b>seem - 68:14</b> <b>seems [7]</b> 27:24, 41:9, 42:3, 42:5, 43:12, 50:2, 61:14 <b>Segrest [27]</b> 2:5, 8:5, 8:7, 19:2, 26:16, 28:12, 29:9,	29:15, 33:2, 33:4, 34:1, 34:5, 36:6, 39:20, 41:6, 46:12, 49:21, 52:12, 55:2, 55:21, 61:24, 62:24, 63:24, 64:16, 72:15, 73:21, 90:10 <b>Senator -</b> 39:25 <b>send [2]</b> 42:11, 88:10 <b>sending -</b> 95:16 <b>sends - 81:25</b> <b>sense [9]</b> 26:17, 27:11, 27:12, 27:20, 34:7, 36:9, 78:5, 87:10, 87:22 <b>separate [6]</b> 21:25, 22:17, 39:18, 39:21, 41:23, 71:5 <b>separately [2]</b> 15:10, 41:16 <b>separation -</b> 22:11 <b>seriously -</b> 78:1 <b>serve [9]</b> 32:12, 32:12, 67:6, 76:18, 76:21, 76:22, 77:21, 78:9, 96:9 <b>served [2]</b> 76:25, 77:24 <b>service [10]</b> 27:10, 27:14, 28:19, 29:10, 29:20, 30:3, 30:17, 76:11, 77:5, 80:10 <b>Services -</b> 40:1 <b>serving [5]</b> 26:2, 30:5, 30:13, 77:10, 97:3 <b>session [3]</b>	42:11, 52:5, 85:9 <b>set-up - 15:1</b> <b>sets - 35:11</b> <b>several [2]</b> 61:5, 77:11 <b>sexual [10]</b> 13:5, 13:12, 13:14, 13:23, 40:18, 41:16, 41:18, 43:19, 46:14, 47:1 <b>She'll - 4:19</b> <b>she's [3]</b> 9:5, 9:8, 77:2 <b>Shelby [9]</b> 2:9, 6:19, 6:22, 20:12, 44:5, 44:21, 45:24, 46:7, 96:16 <b>Sheriff [7]</b> 19:14, 20:19, 20:21, 20:23, 21:4, 21:23, 22:7 <b>Sheriff's [2]</b> 7:16, 22:8 <b>Sheriffs [2]</b> 11:7, 22:6 <b>Sherman -</b> 65:15 <b>shifts - 88:12</b> <b>short [3]</b> 24:7, 93:7, 94:19 <b>shouldn't -</b> 63:20 <b>shout - 96:21</b> <b>Sierra - 1:5</b> <b>sign [11]</b> 35:20, 39:6, 47:7, 51:15, 54:7, 64:24, 73:16, 73:23, 75:19, 91:23, 92:24 <b>signed - 70:15</b> <b>significant [2]</b> 32:5, 35:6 <b>signify [11]</b> 35:18, 39:4, 47:5, 51:12, 54:5, 64:21, 73:14, 75:17, 91:19, 92:21, 99:6 <b>signing - 67:1</b> <b>similar [5]</b> 30:20, 38:6,	38:13, 92:2, 95:23 <b>simple - 37:18</b> <b>simpler -</b> 37:17 <b>simply - 27:17</b> <b>single [3]</b> 39:12, 94:18, 94:19 <b>sit [2]</b> 18:16, 49:23 <b>six [7]</b> 26:12, 36:15, 36:15, 36:19, 36:22, 76:18, 79:4 <b>skills - 83:1</b> <b>skills/training</b> <b>- 83:6</b> <b>slanted -</b> 10:23 <b>Slaughter</b> <b>[149]</b> 1:8, 3:4, 3:12, 3:13, 4:20, 5:4, 6:1, 6:8, 6:11, 6:23, 9:9, 9:16, 9:25, 10:4, 11:20, 11:24, 12:7, 12:11, 12:16, 14:3, 14:9, 14:22, 15:4, 15:12, 15:20, 18:11, 18:18, 18:24, 19:19, 22:3, 22:4, 23:13, 24:7, 24:10, 29:5, 29:8, 31:15, 31:25, 32:3, 34:16, 34:21, 35:1, 35:4, 35:16, 35:20, 35:22, 38:1, 38:4, 38:11, 38:18, 38:21, 38:23, 39:6, 39:8, 39:14, 40:8, 42:21, 42:22, 43:7, 43:9, 43:15, 43:24, 44:2, 44:5, 44:19, 45:24, 46:2, 46:18, 46:24, 47:7, 47:9, 47:22, 48:8, 48:9,	48:10, 50:7, 50:16, 50:23, 51:4, 51:8, 51:11, 51:15, 51:17, 53:2, 53:8, 53:11, 53:23, 54:1, 54:4, 54:7, 54:9, 55:18, 60:21, 61:8, 61:18, 64:6, 64:9, 64:11, 64:17, 64:24, 65:1, 65:5, 69:24, 70:3, 70:5, 71:16, 72:6, 73:8, 73:12, 73:16, 73:18, 73:25, 74:22, 75:8, 75:12, 75:16, 75:19, 75:21, 76:1, 76:25, 77:9, 77:18, 78:11, 78:20, 83:14, 84:12, 85:4, 86:6, 90:3, 90:17, 91:8, 91:13, 91:16, 91:18, 91:22, 91:25, 92:16, 92:20, 92:24, 93:1, 97:11, 97:24, 98:11, 98:16, 98:19, 98:22, 99:1, 99:5, 99:8 <b>slight - 5:17</b> <b>slightly -</b> 13:12 <b>slot [3]</b> 95:6, 96:2, 96:7 <b>slots [2]</b> 17:8, 96:13 <b>smaller [2]</b> 81:8, 88:17 <b>Smith [29]</b> 1:9, 1:10, 3:14, 3:15, 4:10, 4:11, 15:10, 16:2, 16:10, 16:20,	16:24, 19:9, 19:12, 19:21, 23:19, 34:24, 35:17, 38:17, 38:17, 44:1, 44:1, 48:3, 50:14, 50:17, 53:9, 75:11, 75:11, 87:6, 92:13 <b>smoothly -</b> 97:15 <b>solicit - 95:5</b> <b>somebody [4]</b> 43:16, 59:21, 63:16, 78:6 <b>somehow -</b> 73:2 <b>someone [14]</b> 18:9, 18:16, 23:3, 23:11, 23:18, 26:1, 52:6, 54:17, 57:7, 59:6, 59:11, 69:19, 69:20, 94:18 <b>somewhat -</b> 94:25 <b>sooner -</b> 80:18 <b>sorry [6]</b> 5:6, 11:24, 12:14, 18:3, 18:18, 83:15 <b>sort [34]</b> 26:21, 29:3, 33:13, 33:18, 42:6, 48:1, 55:2, 57:23, 68:11, 69:19, 79:7, 80:25, 81:4, 81:10, 81:19, 82:4, 82:18, 83:3, 83:10, 83:17, 83:21, 84:3, 84:10, 84:19, 85:14, 85:16, 86:16, 86:25, 87:2, 88:21, 89:5, 89:8, 89:12, 89:25 <b>sounds [8]</b> 23:23, 25:3,
--	---	---	---	---	---

28:12, 73:25, 90:2, 90:17, 90:18, 91:8 <b>speak</b> [16] 5:21, 5:23, 9:7, 14:10, 36:21, 36:24, 48:21, 49:14, 51:22, 52:10, 52:20, 60:7, 70:3, 70:5, 76:15, 95:1 <b>SPEAKER</b> [2] 4:5, 84:11 <b>speakers</b> - 11:13 <b>speaking</b> - 21:4 <b>speaks</b> [5] 27:3, 37:9, 52:15, 56:25, 62:1 <b>SPECIAL</b> - 2:4 <b>specific</b> [11] 26:25, 33:11, 34:11, 34:14, 36:23, 37:6, 41:6, 42:20, 56:22, 70:8, 73:3 <b>specifically</b> [3] 27:3, 36:18, 93:19 <b>specified</b> - 49:11 <b>speech</b> [2] 10:24, 11:1 <b>spell</b> [4] 6:8, 12:12, 12:16, 14:15 <b>spelled</b> - 14:14 <b>spend</b> - 93:8 <b>spent</b> [2] 8:8, 93:7 <b>spoke</b> [3] 20:21, 92:5, 94:11 <b>spot</b> - 89:8 <b>staff</b> [28] 1:19, 7:5, 25:8, 26:10, 31:21, 32:22, 33:16, 34:19, 34:22, 35:11, 38:9, 38:12, 38:24,	50:11, 57:15, 57:15, 60:15, 65:14, 65:21, 67:24, 74:9, 79:10, 86:11, 94:24, 96:19, 96:21, 97:6, 97:12 <b>staff's</b> - 54:22 <b>stage</b> - 79:22 <b>stake</b> - 56:3 <b>stakeholders</b> [7] 7:24, 50:1, 65:17, 66:8, 68:14, 88:17, 93:23 <b>stand</b> - 49:13 <b>stand-offs</b> - 11:10 <b>standards</b> [2] 11:18, 78:7 <b>stands</b> - 45:10 <b>start</b> [5] 3:8, 4:22, 14:25, 39:23, 40:4 <b>started</b> [2] 8:10, 24:11 <b>state</b> [17] 7:11, 7:24, 8:15, 8:23, 8:23, 21:13, 22:1, 23:7, 27:19, 44:10, 65:25, 70:13, 78:16, 88:9, 93:22, 94:17, 96:23 <b>stated</b> [2] 26:8, 46:10 <b>states</b> [2] 81:12, 88:21 <b>stating</b> - 56:12 <b>status</b> [16] 16:2, 16:11, 18:19, 19:23, 20:8, 26:1, 45:7, 46:16, 47:13, 47:19, 48:6, 48:15, 49:1, 49:11, 50:9, 50:13 <b>statute</b> [14] 25:24, 26:10, 27:1, 27:24,	28:25, 31:8, 31:9, 31:10, 36:11, 37:2, 42:9, 52:20, 52:25, 60:4 <b>statutes</b> [2] 36:18, 37:7 <b>statutory</b> - 34:10 <b>stay</b> [5] 16:22, 16:24, 69:13, 82:2, 83:20 <b>step</b> [5] 31:12, 31:24, 44:10, 44:16, 66:21 <b>Steve</b> - 20:21 <b>stewards</b> - 93:12 <b>Stinar</b> [22] 2:8, 67:19, 68:2, 68:6, 68:6, 69:10, 78:22, 78:23, 78:24, 83:15, 84:14, 85:5, 85:11, 86:16, 87:11, 87:21, 88:5, 88:20, 89:22, 90:8, 90:23, 91:1 <b>Stinar's</b> [2] 65:14, 90:13 <b>stops</b> - 84:15 <b>strain</b> [2] 57:14, 58:20 <b>streamline</b> - 65:24 <b>struggle</b> - 32:16 <b>Stuart</b> [22] 2:5, 8:5, 8:6, 8:8, 24:24, 26:13, 28:2, 29:8, 31:15, 31:17, 33:2, 36:5, 39:15, 41:4, 46:7, 49:20, 52:10, 53:2, 54:25, 61:22, 72:12, 73:19 <b>students</b> [2] 79:5, 80:1 <b>stuff</b> [2] 8:17, 35:9 <b>subcommittee</b>	[2] 41:2, 47:3 <b>subject</b> [2] 44:15, 84:18 <b>subjects</b> - 39:21 <b>submit</b> [2] 79:16, 96:11 <b>subpoenas</b> - 60:11 <b>subsection</b> [3] 13:5, 40:15, 43:20 <b>subsections</b> [2] 43:21, 47:2 <b>substantially</b> - 54:14 <b>substantive</b> - 62:13 <b>success</b> [2] 35:7, 35:12 <b>sufficient</b> - 58:7 <b>suggest</b> [7] 26:14, 28:21, 33:11, 41:24, 46:15, 52:20, 72:23 <b>suggested</b> - 68:25 <b>suggesting</b> [2] 56:10, 63:20 <b>suggestion</b> [4] 13:8, 25:24, 63:25, 74:3 <b>suggestions</b> - 18:13 <b>suggests</b> - 57:11 <b>sum</b> - 94:15 <b>summary</b> - 93:7 <b>summer</b> [2] 8:18, 83:1 <b>support</b> [4] 32:18, 37:2, 82:8, 95:17 <b>supportive</b> - 96:22 <b>supposal</b> - 43:5 <b>suppose</b> - 56:19 <b>supposed</b> - 43:6 <b>supremacy</b> [3] 10:22, 11:6, 11:11 <b>Supreme</b> [2] 13:21, 72:2 <b>surprise</b> - 86:18 <b>suspended</b> [2] 56:15, 62:19	<b>suspends</b> - 62:3 <b>sworn</b> [3] 32:7, 39:1, 80:21 <b>syllabus</b> [7] 91:4, 91:14, 91:19, 92:2, 92:3, 92:7, 92:18 <b>system</b> - 65:20 <hr/> <b>T</b> <hr/> <b>table</b> [3] 23:14, 72:3, 72:5 <b>tabled</b> - 72:24 <b>taken</b> [5] 15:9, 24:9, 54:19, 68:11, 75:24 <b>takes</b> [4] 58:16, 60:11, 60:12, 60:14 <b>taking</b> [2] 44:8, 66:20 <b>talks</b> [2] 67:18, 87:7 <b>taught</b> [2] 69:8, 91:5 <b>taxpayers</b> - 11:2 <b>TCPR</b> - 67:10 <b>technological</b> - 14:5 <b>technology</b> - 14:13 <b>tee'd</b> - 84:20 <b>telecommunicator</b> - 67:4 <b>ten</b> - 15:6 <b>Tens</b> - 60:12 <b>terms</b> - 13:14 <b>test</b> - 83:1 <b>testified</b> - 78:14 <b>thank</b> [55] 3:11, 4:20, 6:11, 6:22, 7:6, 9:9, 9:10, 10:16, 11:18, 11:20, 12:19, 14:3, 14:17, 15:4, 15:7, 15:19, 17:2, 18:24, 19:25, 24:14, 24:19, 28:10, 31:15, 32:3, 34:21,	35:22, 35:25, 39:9, 39:9, 40:6, 43:15, 44:18, 44:19, 44:22, 45:24, 46:18, 51:17, 52:12, 53:2, 55:19, 61:19, 64:17, 69:24, 76:2, 76:10, 77:5, 78:8, 78:11, 78:17, 78:19, 91:1, 93:3, 95:21, 97:11, 98:16 <b>thanks</b> [7] 6:5, 8:7, 12:11, 40:9, 67:20, 78:9, 96:24 <b>themselves</b> [2] 20:5, 49:6 <b>there's</b> [20] 5:15, 26:12, 29:21, 32:17, 41:11, 42:17, 53:14, 56:21, 60:10, 60:10, 60:10, 60:11, 73:3, 75:2, 76:23, 78:21, 81:21, 82:10, 86:22, 94:8 <b>they'll</b> [4] 23:22, 79:21, 79:23, 96:4 <b>they're</b> [14] 25:20, 30:5, 30:13, 31:1, 40:3, 57:14, 65:20, 79:11, 81:23, 83:17, 86:1, 86:2, 89:7, 89:8 <b>they've</b> [2] 79:17, 96:22 <b>thing</b> [12] 22:5, 33:14, 46:24, 50:20, 63:14, 67:3,
---	---	---	--	--	---

68:16, 79:25, 82:17, 82:23, 88:21, 93:18 <b>thinking</b> - 57:6 <b>thinks</b> - 16:7 <b>third</b> - 96:6 <b>Thomas</b> [37] 1:9, 4:12, 4:13, 9:23, 9:23, 10:1, 19:24, 19:25, 20:15, 32:21, 32:21, 33:5, 34:15, 34:16, 34:17, 34:21, 35:17, 48:9, 48:10, 48:11, 50:6, 50:7, 50:10, 50:10, 50:17, 50:20, 51:7, 61:17, 71:19, 71:24, 72:6, 72:14, 73:7, 75:8, 75:9, 91:10, 92:15 <b>though</b> [2] 62:22, 72:21 <b>thousands</b> - 60:13 <b>thus</b> - 45:14 <b>Tia</b> [5] 1:17, 4:18, 76:8, 76:10, 77:1 <b>Tim</b> - 92:5 <b>time-wise</b> - 33:13 <b>timeline</b> - 84:22 <b>Tina</b> [2] 1:21, 9:3 <b>to-do</b> [2] 72:25, 89:24 <b>today</b> [12] 13:3, 23:10, 36:1, 42:23, 43:3, 47:25, 48:4, 78:18, 80:15, 82:7, 85:3, 96:7 <b>tolling</b> - 25:25 <b>top</b> [2] 14:11, 55:9 <b>topic</b> [4] 13:4, 13:25, 22:20, 44:8 <b>topics</b> - 21:3	<b>totaled</b> - 94:14 <b>toward</b> - 10:23 <b>towards</b> - 78:22 <b>track</b> - 46:3 <b>tracking</b> - 86:3 <b>traction</b> - 81:10 <b>training</b> [30] 7:18, 10:21, 11:3, 11:18, 21:3, 26:7, 27:13, 27:13, 44:12, 59:6, 59:7, 59:8, 59:11, 59:13, 63:16, 65:18, 65:22, 66:4, 66:5, 66:7, 69:21, 79:5, 82:1, 83:9, 84:7, 88:24, 89:3, 89:12, 94:12, 94:13 <b>trainings</b> [5] 11:4, 11:16, 59:4, 65:25, 94:12 <b>transcript</b> - 15:10 <b>transparency</b> - 52:23 <b>transparent</b> - 50:4 <b>treat</b> - 29:17 <b>trial</b> - 60:9 <b>trump</b> - 70:23 <b>Tuesday</b> - 79:4 <b>turn</b> [8] 7:1, 15:17, 24:12, 35:23, 40:10, 74:1, 76:3, 83:14 <b>turning</b> [2] 3:8, 15:21 <b>tweaking</b> - 64:13 <b>type</b> [3] 30:2, 63:14, 86:8 <b>types</b> [2] 58:19, 59:9	83:10 <b>understand</b> [4] 37:12, 52:24, 74:25, 85:6 <b>understanding</b> [6] 17:19, 20:11, 22:25, 45:9, 51:4, 53:23 <b>unheard</b> - 60:13 <b>uniformity</b> - 44:9 <b>universities</b> [3] 81:14, 83:19, 86:13 <b>University</b> - 7:11 <b>UNKNOWN</b> [2] 4:5, 84:11 <b>unless</b> [8] 3:24, 23:11, 34:13, 41:10, 43:16, 51:22, 53:3, 96:16 <b>unquote</b> - 49:14 <b>unsolicited</b> - 42:12 <b>upcoming</b> [2] 92:4, 97:8 <b>update</b> [3] 66:16, 95:8, 95:22 <b>updated</b> - 94:25 <b>updates</b> - 96:18 <b>upon</b> [5] 7:25, 13:13, 63:19, 65:7, 67:18 <b>USERRA</b> [6] 26:20, 27:8, 27:8, 28:17, 28:23, 29:15 <b>utilizing</b> - 65:18	<b>virtually</b> - 21:6 <b>vocal</b> - 76:14 <b>vocal</b> [2] 41:5, 68:15 <b>voices</b> - 96:12 <b>volume</b> [3] 5:15, 74:9, 74:11 <b>volunteer</b> - 18:13 <b>vote</b> [10] 3:24, 34:10, 39:3, 45:12, 46:5, 46:15, 47:4, 49:16, 64:21, 75:17 <b>voting</b> [2] 17:14, 47:20	98:7 <b>we're</b> [43] 3:6, 4:21, 9:16, 10:6, 15:5, 15:5, 15:13, 15:14, 20:7, 28:5, 28:12, 30:24, 36:7, 36:12, 42:23, 43:3, 46:21, 46:24, 47:4, 48:12, 51:2, 61:23, 66:25, 68:12, 71:11, 74:2, 79:8, 81:1, 81:10, 82:17, 82:18, 83:12, 84:12, 85:19, 85:20, 86:3, 86:4, 89:16, 90:18, 90:18, 93:8, 94:5, 99:2 <b>we've</b> [21] 20:1, 20:2, 22:6, 46:4, 46:21, 58:18, 66:12, 68:9, 79:20, 80:5, 80:6, 80:7, 80:12, 81:5, 82:12, 83:13, 86:2, 87:3, 88:20, 93:7, 97:8 <b>website</b> - 21:10 <b>week</b> [9] 19:15, 20:20, 21:23, 66:14, 68:20, 93:14, 95:24, 95:25, 98:13 <b>weeks</b> [2] 82:25, 88:11 <b>weigh</b> - 13:22 <b>weird</b> - 72:10 <b>welcome</b> [2] 4:21, 78:20 <b>well-deserved</b> - 76:19 <b>weren't</b> - 65:18 <b>what's</b> [3] 55:15,	58:25, 85:1 <b>whatever</b> [6] 30:15, 32:19, 75:6, 79:16, 87:9, 89:16 <b>wheel</b> - 82:18 <b>WHEREUPON</b> - 3:1 <b>whether</b> [10] 13:23, 21:5, 26:20, 26:23, 26:24, 29:10, 40:2, 74:14, 74:20, 75:14 <b>whole</b> [2] 9:7, 82:23 <b>wholly</b> - 44:7 <b>whom</b> - 56:14 <b>wildland</b> [2] 66:9, 69:16 <b>willing</b> [5] 17:25, 18:16, 35:13, 86:14, 90:22 <b>willingness</b> - 18:8 <b>win-win</b> - 83:22 <b>window</b> - 85:16 <b>wisdom</b> - 76:16 <b>wish</b> [3] 13:16, 77:22, 81:9 <b>withdraw</b> [2] 71:12, 72:23 <b>withdrawing</b> - 73:13 <b>within</b> [3] 8:12, 13:24, 28:24 <b>witnesses</b> - 60:11 <b>women</b> - 32:11 <b>won't</b> [2] 76:21, 79:22 <b>wondering</b> [2] 48:16, 58:24 <b>workable</b> - 33:5 <b>workings</b> - 59:10 <b>works</b> - 54:15 <b>worried</b> - 18:20 <b>wouldn't</b> [3] 3:24, 50:2, 74:23 <b>writing</b> [4] 45:16,
---	--	---	---	--	--

45:22,  
47:14, 49:19  
**written** -  
79:11  
**wrong** [4]  
39:16, 51:5,  
72:12, 87:17  
**wrote** - 70:24  
**Wyatt** [6]  
1:13, 3:25,  
4:2, 10:12,  
10:16, 75:25

---

**Y**

---

**yesterday** [2]  
20:3, 48:5  
**yet** [3] 21:1,  
72:22, 89:17  
**you'd** [4]  
28:4, 62:22,  
76:23, 77:19  
**you'll** - 94:7  
**yours** - 89:16  
**yourself** [3]  
4:24, 7:2,  
97:13  
**yourselves** -  
6:18

## **POST Council Committees 2021**

### **BUSINESS PLAN/POLICY**

Kimberly Burdick – Chairman  
Jess Edwards  
Jesse Edwards  
EJ Clark

### **MARIJUANA**

Leo Dutton  
Jesse Slaughter  
Eric Gilbertson  
Matt Saylor

### **CURRICULUM REVIEW**

Conner Smith – Chairman  
Jim Thomas  
Bill Smith  
Kimberly Burdick  
Glen Stinar

### **CASE STATUS**

Jim Thomas– Chairman  
Conner Smith  
Matt Saylor

### **CORONER**

Leo Dutton – Chairman  
Bill Smith  
Kristine White  
Wyatt Glade

### **ARM**

Leo Dutton – Chairman  
Jess Edwards  
Bill Smith  
Jesse Slaughter

1 **23.13.102 Definitions** As used in this chapter, the following definitions apply:

2 ...

3 (2) “Case status committee” is a three-member committee of the POST  
4 Council, appointed by the Chair of the council. The council chair shall designate a  
5 chair of the case status committee. The case status committee’s purpose is to  
6 determine whether allegations of misconduct by a public safety officer should be  
7 investigated by POST staff, to determine whether a certificate sanction is  
8 appropriate, to determine the appropriate sanction to a certificate upon a finding of  
9 misconduct, and to review other proposed actions at the request of the director. The  
10 director will act based upon a majority vote of the case status committee.

11 ...

12 (27) “sexual misconduct” is defined as:

13 (a) any sexual activity, contact, or communication which occurs while the  
14 officer is on duty;

15 (b) any sexual contact without consent as defined in 45-5-501(1)(b), MCA,  
16 without regard to whether such violation results in criminal charges or a conviction,  
17 including gratuitous physical contact with suspects or other civilians, such as  
18 unnecessary searches, frisks, or pat-downs;

19 (c) any sexual activity, contact, or communication, on or off duty, which the  
20 officer facilitates with public safety agency property, resources, or information  
21 systems;

22 (d) procuring, observing, or disseminating pornographic or sexually  
23 offensive material either on duty or using department property or resources, when  
24 such procurement, observation, or dissemination is not related to the officer’s  
25 official duties;

26 (e) engaging in sexual harassment as defined in applicable laws; or  
27

1           (f) any other sexual conduct which, whether committed in the officer's  
2 capacity as an officer or otherwise, is prejudicial to the administration of justice or  
3 reflects adversely on the employing authority's integrity or the officer's honesty,  
4 integrity, or fitness as an officer.

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1 **23.13.702 Grounds for Sanction, Suspension, or Revocation of POST**

2 **Certification** (1) The case status committee and the executive director or the  
3 council will consider any legitimate allegation made against any public safety  
4 officer that may result in the denial, sanction, revocation, or suspension of that  
5 officer's certification.

6 ...

7 (3) The grounds for denial, sanction, suspension, or revocation of the  
8 certification of public safety officers are as follows:

9 ...

10 (l) the use of excessive or unjustified force in conjunction with official  
11 duties; ~~or~~

12 (m) the denial, sanction, suspension, or revocation of any license or  
13 certification equivalent to a POST certification imposed by a board or committee  
14 equivalent to POST in any other state; or

15 (n) engaging in sexual misconduct as defined in these rules.

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1 **23.13.703 Procedure for Making and Receiving Allegations of Officer**  
2 **Misconduct and for Informal Resolution of Those Allegations by the Director**

3 ...

4 (5) After the employing authority has been notified and given the  
5 opportunity to act, the director or POST staff may accept an allegation to be  
6 presented to the case status committee. If an allegation is received from an  
7 employing agency, the executive director may, if appropriate under the  
8 circumstances, send a “Letter 1” (as described in the POST Council’s policy and  
9 procedure adopted under subsection (1)) to the officer prior to consultation with the  
10 case status committee, provided the director notify the committee of the Letter 1 as  
11 soon as practicable.

12 (6) The director may initiate an allegation, based on good cause and reliable  
13 information, and must follow the procedure set forth in this rule as if initiated by  
14 any other individual, including but not limited to submitting the complaint to the  
15 employing authority.

16 (7) After an allegation has been received or has been initiated by the  
17 director, the director, in consultation with the case status committee and contested  
18 case counsel for POST, will correspond with the respondent in writing.

19 (8) After an allegation is made by or filed with the director, and upon a  
20 majority vote of the case status committee, the director, contested case counsel for  
21 POST, or other POST staff or designees will investigate the complaint.

22 (9) Following the review and investigation of an allegation, communication  
23 with the respondent, communication with the employing authority, and consultation  
24 with counsel for POST, and based upon a majority vote of the case status  
25 committee, the director may take any appropriate action, including but not limited  
26 to the following:  
27

1 (10) If a review of the conduct of an officer is pending before any court,  
2 council, tribunal, or agency, the director may, as a matter of discretion, stay any  
3 proceedings for denial, sanction, suspension, or revocation pending before the  
4 council, no matter what stage or process they have reached, until the other  
5 investigation or proceeding is concluded. If the case has already been assigned to a  
6 hearing examiner, the hearing examiner must grant a stay based on an application  
7 by the director or counsel for POST. The director will notify the case status  
8 committee of the stay at the next available opportunity.

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1 **23.13.704 Requests for a Formal Contested Case Hearing Under MAPA**

2 ~~(1) Any person aggrieved by a decision of the director or a decision of the~~  
3 ~~council, other than a decision by the director to deny, sanction, suspend, or revoke a~~  
4 ~~certificate, that is not a final decision following a contested case hearing, as~~  
5 ~~provided in 2-4-623, MCA, may request a contested case hearing before the council~~  
6 ~~by following the procedures set forth in Title 2, chapter 4, part 6, MCA.~~

7 ~~(2)~~ (1) If the director denies, sanctions, suspends, or revokes an officer's  
8 POST certification pursuant to ARM 23.13.703(9) and the officer receives a notice  
9 of agency action, then the officer has the right to request a formal contested case  
10 proceeding under MAPA, to include a hearing, pursuant to 44-4-403(3), MCA.

11 (a) The proceedings and hearing can only be initiated by a request from the  
12 officer whose certificate was denied, sanctioned, suspended, or revoked, or the  
13 officer's attorney, and not by any other person or entity.

14 (b) To request a hearing, the officer must follow the instructions contained  
15 in the "notice of agency action" and notify the appropriate individual or the director  
16 that the officer requests a hearing within 30 days of the date of the notice of agency  
17 action.

18 (c) Failure to notify and request a hearing within 30 days of the date of the  
19 notice of agency action will constitute a waiver of the right to a hearing.

20 (2) Any public safety officer or employing authority aggrieved by a decision  
21 of the director, other than a decision by the director to deny, sanction, suspend, or  
22 revoke a certificate, that is not a final decision following a contested case hearing,  
23 as provided in 2-4-623, MCA, may request the denial be placed on the agenda for  
24 consideration by the council at the council's next regularly scheduled meeting.

1 **23.13.706 Contested Cases, Emergency Suspension of a License** (1) Pursuant  
2 to 2-4-631(3), MCA, if the director or the council determines that public health,  
3 safety, or welfare requires emergency action, the director or council may  
4 immediately suspend a certification. The order must include findings justifying  
5 emergency action, and regular proceedings must be promptly initiated. If the  
6 director takes emergency action to suspend a certification, the director will inform  
7 the case status committee as soon as practicable and will take further action based  
8 upon a majority vote of the committee.

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1 **23.13.719 Decision and Order, Stays**

2 (7) Case status committee members may not participate in deliberations or  
3 any decision of the full council regarding the denial, revocation, or suspension of an  
4 officer's POST certification, unless the committee member did not participate in the  
5 committee's decisions on the matter and did not participate in committee meetings  
6 at which the matter was discussed.

7  
8 **OR**

9  
10 (7) Case status committee members may not participate in deliberations or  
11 any decision of the full council regarding the denial, revocation, or suspension of an  
12 officer's POST certification, unless:

13 (a) the committee member has not reviewed any material which is outside of  
14 the administrative record before the council; and

15 (b) the committee member is not otherwise prevented from making an  
16 unbiased decision due to the committee member's participation in committee  
17 meetings at which the matter was discussed.

18  
19 **OR**

20  
21 (7) Case status committee members may participate in deliberations and any  
22 decision of the full council regarding the denial, revocation, or suspension of an  
23 officer's POST certification, unless the committee member determines that the  
24 committee member cannot make an unbiased decision due to the committee  
25 member's participation in committee meetings at which the matter was discussed.

1 **23.13.721 Appeals** (1) A party, other than the council, adversely affected by a  
2 final POST Council decision rendered after a contested case proceeding, may  
3 appeal to the Montana Board of Crime Control pursuant to ARM 23.14.1004 and  
4 44-4-403(3), MCA. The decision of the Montana Board of Crime Control is the  
5 final agency decision subject to judicial review pursuant to 2-4-702, MCA.

6 (2) The council may appeal to the Board of Crime Control under the  
7 conditions provided in Title 2, chapter 4, part 6, MCA.

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**Montana Public Safety Officer Standards and Training Council**

2260 Sierra Road East  
Helena, MT 59602

Phone: (406) 444-9975

Fax: (406) 444-9978

[dojmt.gov/post](http://dojmt.gov/post)

February 15, 2022

To: POST Council

From: Jim Thomas, Case Status Committee Chair

Subject: Closure of Cases

The Case Status Committee of the POST Council met one time, on January 19, 2022, since the December 8, 2021 Council meeting. 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:

**2017: No Cases from 2017 were closed**

There is one open case from 2017. That case is in district court.

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

There are 3 open cases from 2018. In two cases, the officer is serving a sanction, and one case is an active investigation.

**2019: One case from 2019 was closed**

19-02 was closed. An officer failed to document emails which contained criminal allegations. The officer also accepted a gift of an elk hunt which was in excess of \$50. POST and the officer reached a Stipulated agreement for the officer's POST certification to be placed on probation for 3 years. The officer has successfully completed his probationary period.

There are 6 open cases from 2019. Five officers are serving a sanction, and one case is an active investigation.

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

There are 12 open cases from 2020. In eight cases, the officers are serving a sanction, and four cases are active investigations.

## **2021: Five cases from 2021 were closed**

21-44 was closed. A corrections officer was alleged to have used excessive force on two occasions. The case was closed with a finding of “Not Sustained” regarding both instances. There was insufficient evidence to prove or disprove a violation of POST ARMs.

21-54 was closed. A peace officer made derogatory statements about his supervisor and was alleged to have neglected his duty with regard to the number of cases he opened, appeared to work hung over, and to have posted inappropriate images on social media. While POST sustained some of the allegations, the Committee did not feel that POST action was warranted and deferred to the employing authority’s discipline.

21-57 was closed. A corrections officer engaged in an inappropriate, romantic relationship with an inmate. The officer’s certification was revoked when she failed to respond to POST’s allegations.

21-61 was closed. A reserve officer inappropriately used his officer status to obtain video footage for personal reasons. The officer voluntarily surrendered his POST Certification.

21-72 was closed. A peace officer from North Dakota requested equivalency. During POST’s review, it was discovered that he had been suspended in North Dakota, and was currently under suspension when he was appointed in Montana. Additionally, there were questions regarding his Driver’s License status for the first two months of his employment in Montana. His request for equivalency was denied, and he requested a hearing. After a short period, the officer withdrew his hearing request, indicating he accepted a job in another state.

There are 31 open cases from 2021. Of those, 23 cases are active investigations, two are in the contested case process, two cases are on hold pending other matters, and five officers are serving a sanction.

## **2022: No cases from 2022 were closed**

There are 10 open cases from 2021. All 10 cases are active investigations.

Since the last Council meeting, POST has **closed a total of 13 cases**.

POST currently has 39 active investigations.

POST currently has 2 cases which are in the MAPA process.

POST currently has 1 case on judicial review.

POST currently has 9 new allegations to present to case status.

POST currently has 20 cases awaiting information from agencies.

POST currently has 2 investigations on hold pending other matters.

POST has **a total of 73 cases** which it is currently working on.

POST currently also has **20 cases** in which officers are serving sanctions.

**RECEIVED**

JAN 06 2022

**MT POST Council**

Montana Law Enforcement Academy  
 Law Enforcement Officer Basic Course  
 Release - January 2022

**Course Classifications****Administrative**

Orientation ONLINE	2
Orientation and Graduation	10
Evaluations	2
Class and Squad Photos	1
POST Council	2
Written Examinations	5
	22

**Law and Criminal Procedure**

Introduction to Constitutional Law ONLINE	2
Introduction to MCA title 45 ONLINE	4
U.S. Constitution/Bill of Rights/ Montana Constitution Article II	2
Law of Search & Seizure, Montana Right to Privacy	2
Laws of Arrest & Interrogation/ Investigative Detention	6
Montana Criminal Code Title 45 and 46	4
Montana Traffic Code Title 61	4
Court Systems	2
Application and Warrant preparation	2
Search Warrant crime scene processing	4
Testifying in court	2
Prep for court room scenario	2
Court Room Scenario - Practical	4
Protective Orders, Full Faith and Credit	2
Domestic Violence/ Stalking and the Law	2
Minors and Youth Court Act	2
Civil Process	2
Risk Management and Liability Reduction ONLINE	4
Legal Issues in the Use of Force	4
Legal Issues in Indian Country	2
Hate crimes	2
Laws of Gambling and Alcohol	4
	64

**Human Behavior and Social Interaction**

History of Law Enforcement ONLINE	2
Below 100	3
Ethics	2
Gender Diversity ONLINE	2
Sexual Harrassment	1
21st Century Policing/ Fair and Impartial Policing	6
Community Policing	2
Emotional Intelligence	2
Policing on Camera	2
CIT Montana	4
	26

<b>Patrol Operations</b>	
Patrol Operations	6
Patrol Readiness Training	24
Classroom	8
Skill building exercises	8
Walkthroughs	8
Police Vehicle Operations ONLINE	4
Police Vehicle Operations Track	40
Youth Gangs	2
Mental Health First Aid	8
Mental Health/ CIT Scenario deescalation	4
CJIN	2
Report Writing	4
Child Protective Services	2
Outlaw Motorcycle Gangs	2
Patrol Skills Practice (formerly patrol negotiations)	4
	102
<b>Investigations</b>	
Elder Abuse and Neglect	2
SAKI Investigations with Final scenarios	12
Sex Assault Scenario	4
Child Interviews	2
Drug Endangered Children ONLINE	2
Drug Endangered Children Classroom	2
Domestic Violence Victimology	2
Domestic Violence Investigation with Scenario	3
Domestic Violence Scenario	4
Crime Scene Photography	4
Evidence Analysis	7
Crime Scene Management	2
DCI Major Cases	4
Computer Crimes	2
Dangerous Drugs	8
Criminal Intelligence Systems MATIC	2
Human Trafficking online	2
Human Trafficking classroom	4
Investigative Interviewing	11
Photo Lineup Class and Final Scenario	2
VIN numbers	1
Missing Persons Investigations - Juveniles, Indigenous Persons	2
	84
<b>Health and Wellness</b>	
Diet and Exercise	2
CPR/AED	4
First Aid/Stop the Bleed	1
Critical Incident Stress	3
Emotional Survival for Families	2
Physical Fitness Exercise Including MPAT	6
	18

<b>Traffic Enforcement</b>	
Crash Investigation	4
TIMS traffic incident management system	4
Vehicle Stops classroom	4
Vehicle Stops practice	4
DUI Enforcement - SFST	40
DUI Scenario	4
Traffic Radar 4 hours classroom	4
	64
<b>Survival Skills</b>	
Firearms Classes and Range Simulator	16
Firearms Live Fire Range	40
Firearms Disabled Officer and Off Duty Considerations	2
Pat Downs and Searches	2
Defensive Tactics - Human Factors and Control Principals	4
Defensive Tactics Hands on Training	36
Handcuffing (separate from DT)	4
Chemical Agents and OC spray (During DT week)	4
MILO Simulations - Use of Force Final Scenarios	4
Defensive Tactics - Confrontation Simulation	4
Calls for Service Scenarios	8
Final Assessment Rotations	
	124

**TOTAL HOURS**

**504 504**

**PRETRIAL  
And  
MISDEMEANOR PROBATION OFFICER  
BASIC COURSE  
CURRICULUM**

**February 15, 2022**

## **BACKGROUND**

In early 2022, the Pretrial Services and Misdemeanor Probation (PTS/MP) Officer Basic Course was moved from Dawson Community College to the Montana Law Enforcement Academy, in Helena, Montana.

With this move, it was determined that the curriculum for the course should be reviewed, and any changes made as well as maintaining the curriculum as it was, be submitted to the POST Board for approval in the course.

On February 14, 2022, a group consisting of certified instructors and agency management from the PTS/MP assembled and reviewed the current curriculum that had been developed over the previous two (2) years. Some minor changes were made, however the subject matter stayed basically the same. 140 hours is required for a complete academy program and the curriculum listed here exceeds that with TOTAL OF 150 HOURS.

The biggest changes were in the areas of Motivational Interviewing increased to eight (8) hours from two (2) hours, and in the areas of firearms training, increased from sixteen (16) to twenty (20) hours and defensive tactics increased from twenty (20) to twenty-four (24) hours.

PTS/MP is a unique field in the Criminal Justice System and having practitioners review, develop and teach the curriculum pays dividends to new officers as this career field continues to grow.

If after reviewing the attached curriculum, there are questions, please contact Rick SyWassink, at 406-647-6345 or by email at [rick.sywassink@gmail.com](mailto:rick.sywassink@gmail.com).

## Pretrial Services and Misdemeanor Probation Officer Basic Course, 2022

COURSE	HOURS
<b>1.Orientation and Professional Standards</b>	
1.1 Orientation	2
1.2 POST Council Overview	2
1.3 PTS and Misdemeanor Probation Overview	2
1.4 Ethics and Professional Boundaries	4
<b>2. Legal Studies</b>	
2.1 Montana Court Systems	2
2.2 Pretrial Status	2
2.3 Misdemeanor Probation	2
2.4 Working with Public Defenders	2
2.5 Working with County Attorney Office	2
2.5A Report Writing	4 (New)
2.6 Court Room Testimony	6
2.7 Specialty Courts	4
2.8 PREA (Online)	2
<b>3. Substance Misuse</b>	
3.1 Substance Use and Addictions	4
3.2 Urinalysis and Drug Testing	2
<b>4. Supervising Special Charges</b>	<b>2</b>
<b>5. Mental Health and Communication</b>	
5.1 Official Mental Health 1 <sup>st</sup> Aid Curriculum	8
5.2 Mental Health Overview and Supervision	8
5.3 Motivational Interviewing	8
<b>6. Communication and Situational Awareness</b>	<b>12</b>
<b>7. Case Management</b>	
7.1 Case Management	6
7.2 Release Assessment	2
7.3 Supervision Assessment	2
7.4 Child Protective Services	2
7.5 Diversity Training	4
7.6 Interstate Compact	2
7.7 Victim Services (Include Human Trafficking)	2

<b>8. Officer Safety and Expectations</b>	
8.1 Firearms	20
8.2 Use of Force	4
8.3 Law Enforcement Expectations	2
8.4 Defensive Tactics	24
<b>9. Self-Preservation and Career Planning</b>	<b>2</b>
<b>10. Final Exam</b>	<b>2</b>

**TOTAL 154 hours of which four (4) hours will be included in firearms and defensive tactics for a total of 150 hours.**

## Pretrial Services and Misdemeanor Probation Officer Basic Course

	Course	Content to include	Hours	IP/O	NOTES (Numbers correspond to 2019 curriculum.)
<b>1</b>	<b>Orientation &amp; Professional Standards</b>		<b>10</b>		<b>3+5+16+34+35</b>
1.1	Orientation	Academy overview, expectations, facility information, and agency ethic/code of conduct documents.	2	IP	34 - Orientation
1.2	POST Council Overview	Introduction to Peace Officer Standards and Training (POST). Overview of certification processes and Administrative Rules of Montana (ARMs).	2	IP	3 - Post Council Overview
1.3	PTS & Misd PB Overview	Introduction to Pretrial Services, National Association of Pretrial Service Agencies (NAPSA), and Misdemeanor Probation. Include major case impacts (i.e. Salerno).	2	IP	New
1.4	Ethics and Professional Boundaries	Professional Boundaries, Ethics	4	IP	5 - Professional Boundaries 16 & 35 - Ethics
<b>2</b>	<b>Legal Studies</b>		<b>20</b>	<b>IP</b>	<b>8+9+10+11+36+38+39</b>
2.1	Montana Court Systems	Overview of processes and differences between Municipal, Justice, and District. Constitutional Law and Montana Code Annotated.	2	IP	8 - Montana Court Systems 10 & 36 - Constitutional Law 39 - Montana Code Annotated
2.2	Pretrial Status	Applicable statutes, including civil rights. Bail and bond. Defendants.	2	IP	9 - Civil Rights
2.3	Misdemeanor Probation	Applicable statutes, including civil rights. Sentencing. Offenders.	2	IP	9 - Civil Rights
2.4	Working with Office of Public Defenders	Working with Office of Public Defenders (OPD).	2	IP	New
2.5	Working with County Attorney's Office	Working with County Attorney's Office (CA).	2	IP	New
2.6	Court Room Testimony	Court Room Testimony.	4	IP	11 - Court Room Testimony
2.7	Specialty Courts	Overview of Veteran's, Mental Health, Family, Drug, and DUI specialty courts.	4	IP	New
2.8	PREA	Prison Rape Elimination Act (PREA) as it applies to PTS and Misd. PB.	2	O	38 - PREA
<b>3</b>	<b>Substance Misuse</b>		<b>8</b>	<b>IP</b>	<b>12+14+20</b>
3.1	Dangerous Drug Identification	Dangerous Drug Identification - trends and symptoms.	2	IP	12 - Dangerous Drugs (Identification)
3.2	Urinalysis and Drug Testing	Urinalysis and Drug Testing - result interpretation.	2	IP	14 - Urinalysis and Drug Testing
3.3	Substance Use Addictions & Treatment	Substance Use Addictions & Treatment - including resources and philosophies.	4	IP	20 - Substance Use Addictions and Treatment
<b>4</b>	<b>Supervising Special Charges</b>	<b>Special considerations for supervising sexual/violent charges. How the Sexual and Violent Offender Registry (SVOR) works. Domestic Violent (DV), Parter Family Member Assault (PFMA), Driving Under the influence (DUI) supervision escalation.</b>	<b>4</b>	<b>IP</b>	<b>13 - Supervising Sex Offenders 21 - Sexual Violent Offenders Registry 41 - Domestic Violence</b>
<b>5</b>	<b>Mental Health</b>		<b>16</b>	<b>IP</b>	<b>17+23</b>
5.1	Mental Health Overview and Supervision	Overview of common Mental Health and Co-occurring disorders. Special considerations for supervision. Focus on resources and options.	8	IP	17 - Supervising Mental Health
5.2	Mental Health 1st Aid	Official Mental Health 1st Aid curriculum	8	IP	23 - Mental Health 1st Aid
<b>6</b>	<b>Communication and Situational Awareness</b>		<b>12</b>	<b>IP</b>	<b>18+24+25+40</b>

6.1	Communication and Situational Awareness	De-escalation, non-violent crisis intervention, risk management, and situational awareness.	10	IP	18 - Verbal Defense and Influence 24 - Situational Awareness 40 - Risk Management
6.2	Motivational Interviewing	Official Motivational Interviewing curriculum	2	IP	25 - Motivational Interviewing
<b>7</b>	<b>Case Management</b>		<b>20</b>	<b>IP</b>	<b>4+6+7+15+19+22+42+43</b>
7.1	Case Management and Report Writing	Including scenario based learning. ROIs and HIPPA.	6	IP	15 - Case Planning/Management 22 - Reports of Violation/Report Writing
7.2	Release Assessment	Best practices, PSA, DMF, Criminal Histories	2	IP	New
7.3	Supervision Assessment	Best practices and data supporting use of assessment tools (ie. Risk & Needs).	2	IP	4 - Risk and Needs Assessment
7.4	Child Protective Services	Role and resources. Signs of abuse. Mandatory Reporting. Drug Endangered Children. (Include ROI requirements.)	4	IP	6 - Child Protection Services 43 - Drug Endangered Children
7.5	Diversity Training	Diversity/historically disadvantaged groups (to include Native American cultural awareness)	4	IP	7 - American Indian Cultural Awareness
7.6	Interstate Compact	Compact overview. Rules specific to misdemeanor probation. Human Trafficking.	2	IP	19 - Interstate Compact 42 - Human Trafficking
<b>8</b>	<b>Officer Safety and Expectations</b>		<b>44</b>	<b>IP</b>	<b>26+27+28</b>
8.1	Firearms	Firearms. De-escalation with firearms.	16	IP	28 - Firearms
8.2	Use of Force	Use of Force.	4	IP	26 - Use of Force
8.3	Law enforcement expectations	Law enforcement expectations.	4	IP	New
8.4	Defensive Tactics	Defensive Tactics.	20	IP	27 - Defensive Tactics
<b>9</b>	<b>Self-preservation and Career Planning</b>	<b>Corrections Fatigue to Fulfillment, including workplace violence.</b>	<b>4</b>	<b>IP</b>	<b>29 - CF2F</b>
<b>19</b>	<b>FINAL EXAM</b>		<b>2</b>	<b>IP</b>	

**TOTAL HOURS**

**140**

**140**



**Montana Public Safety Officer Standards & Training Council**  
 2260 Sierra Road East  
 Helena, MT 59602  
 Phone: (406) 444-9975  
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dojmt.gov/post

**APPLICATION FOR INDIVIDUALS SEEKING POST  
 CREDIT HOURS FOR ONLINE, OUT OF STATE, AND OTHER COURSES**

ARM 23.13.301 & 23.13.302

**Instructions:** This form is to be completed and submitted by an officer who attended training (including online training) which was not already approved for POST credit hours. This form must be submitted after the training takes place. This form must be submitted within one year of completion of the training. This form is the only document the individual needs to submit to POST.

**Applicant Information:**

Full Name: Garrett Peterson Agency Name: Billings Police Department  
 Date of Birth: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
 Personal Phone: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**Requirements:**

**Please note the requirements for POST credit are:**

**1) if the course is taught by a Montana public safety officer, the officer must be a certified instructor. If the course is not taught by a Montana public safety officer, you must retain the instructor biography.**

- Is the instructor/s a Montana public safety officer?  Yes  No
- If the instructor/s is a Montana public safety officer, does the instructor/s have a POST instructor certificate?  Yes  No  N/A
- If the instructor/s is not a Montana public safety officer, do you have a copy of the instructor's biography/ies?  Yes  No  N/A
- If you do not have a copy of the instructor's biography, and you wish to request a waiver of the requirement that you retain the instructor's biography, please outline the efforts you made to obtain the biography below:

FBI does not release course or instructor information. Security Waiver signed.

- Do you have a copy of the documentation of the above efforts?  Yes  No

**2) you must complete this application and retain all required materials. Do NOT submit the materials to POST with this application.**

Do you have the following materials:

- a copy of the course certificate of completion?  Yes  No
- course outline, lesson plan, or agenda?  Yes  No
- study guide or course syllabus?  Yes  No
- student materials & handouts?  Yes  No

3) the course must be a minimum of two hours in length

Is the course at least 2 hours in length?  Yes  No

4) the course must be open and advertised to all public safety agencies

Is the course open and advertised to all public safety agencies?  Yes  No

Do you have a copy of the course advertisement? (Not necessary for online courses)

Yes  No

5) you must attend a minimum of 90% of the training

Did you attend a minimum of 90% of the training?  Yes  No

If you do not meet these requirements, you will not receive POST credit hours. The documents which you are required to retain may be audited by POST on a random basis.

**Course Information:**

Course Name: U.S. Public Safety Bomb Technician-Recertification

Date Taken: 5/3/21-5/7/21

Number of Course Hours: 40 hours

Course Provider: U.S. Dept of Justice-FBI

Course Location: Redstone Arsenal, AL

Provider Website: https://www.justice.gov/oip/training

**Certification of Applicant:**

My signature certifies that all required documentation has been obtained and will be retained and that all of the requirements of ARMs 23.13.301 and 23.13.302 have been met. I certify that I should be granted POST Training Credit Hours for this course.



Signature of Applicant

1/19/22  
Date

**Certification of Agency:**

My signature certifies that all required documentation has been obtained and will be retained and that all of the requirements of ARMs 23.13.301 and 23.13.302 have been met. I certify that this officer should be granted POST Training Credit Hours for this course.

Samantha Puckett

Printed Name of Agency Head



Signature of Agency Head

1/19/22

Date

E-mail: \_\_\_\_\_

Phone: \_\_\_\_\_

**\*For Special Courses (Instructor Development, Firearms Instructor & SWAT Primary, proceed to page 3.**

For POST Staff Use:

Reviewed by \_\_\_\_\_

Date \_\_\_\_\_

## LEGAL MEMORANDUM

To: Katrina Bolger and Eric Gilbertson

From: J. Stuart Segrest

Date: January 7, 2022

Re: Public Information Request Scenarios

Katrina and Eric,

You have asked that I provide some guidance as to certain types of public record requests made to POST. With the understanding that public record requests are often fact specific and require a case-by-case analysis, I provide the following suggested responses to the scenarios you propose (labeled "Analysis"). I also include a general road map for analyzing public record requests. As we discussed, please reach out to me or other counsel with any additional questions you have based on the circumstances of a particular request.

### Background

As you are aware, the Montana Constitution provides persons a Right to Know and corresponding right to "examine documents." Art. II, § 9. The right to know must be balanced against the "demand of individual privacy." *Id.* The privacy interest must "clearly exceed[] the merits of public disclosure" to prevent dissemination.

The Supreme Court, however, has held that public safety officers serve in a position of "great public trust," and thus their expectation of privacy is reduced and will generally not outweigh the right to know, especially regarding allegations of professional misconduct. *See, e.g., Billings Gazette v. Billings*, 2011 MT 293, ¶ 26, 362 Mont. 522, 267 P.3d 11 ("society is not willing to recognize as reasonable the privacy interest of individuals who hold positions of public trust when the information sought bears on that individual's ability to perform public duties"); *Great Falls Tribune v. Sheriff*, 238 Mont. 103, 107, 775 P.2d 1267, 1269 (1989) (the public's right to know outweighed the privacy interests of three disciplined police officers because police officers hold positions of "great public

trust"); *Bozeman Daily Chronicle v. Bozeman Police Dept.*, 260 Mont. 218, 227, 859 P.2d 435, 440-41 (1993) (allegations of sexual intercourse without consent by an off-duty police officer were proper matters for public scrutiny because "such alleged misconduct went directly to the police officer's breach of his position of public trust . . .").

### Road Map

Though the specific analysis and outcome may differ depending on the circumstances, each public record request should go through the same basic analytical framework. Is the information:

1. Privileged (if yes then non-disclosable)
2. Confidential by law (if yes then non-disclosable)
3. Disclosable after balancing the right to know vs. the right to privacy

Privilege is a legal term of art. The most relevant for POST's work would be the attorney-client and work-product privileges (discussed below). There may be other privileges that apply in unique circumstances. Confidential by law generally means by statute, either state or federal. This includes confidential criminal justice information (CCJI) and may include federally protected information such as medical and student records. Finally, whether non-privileged, non-confidential information is disclosable is determined by balancing the right to know versus the privacy rights of the officer or other individuals whose information is disclosed in the record. Protected private information or other confidential information (such as CCJI) should be redacted or withheld prior to dissemination.

//////////

## Analysis of Scenarios

**Scenario 1** – After allegation but before the agency’s response.

An allegation has been made directly to POST against an officer. Under ARM 23.13.703, POST has forwarded the allegation to the employing agency to provide a written response within 30 days. Prior to the agency providing the response, POST receives a public record request asking whether an allegation has been made and for a copy of the allegation.

### **Analysis 1**

Where a request is made concerning an allegation that has been sent to the employing agency to investigate and respond, the allegation is likely public information subject to disclosure (and potentially redaction). It is, however, appropriate to tell the requestor you have received an allegation about the officer and have sent it to the employing authority for a response under ARM 23.13.703. If they ask for a copy of the allegation, I suggest you respond that you will provide it after the agency has provided its response. Section 2-6-1006(2) only requires that public information be provided “in a timely manner,” and 30 days (or so) is a reasonable response time.

**Scenario 2** – After agency response but before POST opens an investigation.

POST receives a public record request for the employing agency’s response to an allegation prior to opening its own investigation or providing the allegation to the Cases Status Committee for review and direction.

### **Analysis 2**

1. Direct to originating agency. Where a person requests the agency response before the case status committee has considered the information, I think it is appropriate to direct the requestor to the employing/originating agency. In doing so I would explain that because the originating agency created and compiled the information, it can better assess whether there is privileged or confidential criminal justice information (CCJI) that needs to be redacted, and can better weigh the public interest in disclosure against the privacy interests of the officer and other individuals.

2. Inform agency and officer of request. If the requestor refuses and insists on POST providing the response, POST should contact the agency and officer to inform them of the request and then analyze the response to see whether any portions are 1. privileged, 2. confidential by law (CCJI or other), or 3. protected private information, including: (a) protected personal information as explained by Judge Seeley in the *Missoula Independent Orders* (birthdates, social security numbers, telephone numbers, etc.), and (b) other private information that outweighs the public interest in disclosure (e.g., information identifying minors or officer information that is not relevant to the allegations). Another option before reviewing and redacting, or during the process, is to contact the agency and ask if this is information within the response they feel should be redacted.

3. Redact and release. If the agency or officer objects to release of the entire response, or requests more redactions that POST thinks is legally defensible, POST should respond that it has an obligation to provide the response as information held by a public agency (assuming the agency doesn't label the entire file as CCJI). An officer's expectation of privacy, especially concerning allegations of misconduct, generally will not outweigh the right to know as explained by the Supreme Court. If the agency or officer disagrees with disclosure, then POST should suggest they file a declaratory judgment action to prevent dissemination by a certain date (e.g. "POST plans to release the records on \_\_\_ date absent a court order prohibiting disclosure.").

4. File declaratory judgment action if necessary. If POST knows or suspects that the requestor will object to POST's redactions, or if POST is unsure whether some redactions should be made, POST can file a declaratory judgment action as it did in the *Missoula Independent* case, naming all interested parties as defendants: generally the requestor, the accused officer(s), and the agency.

### **Scenario 3 – Investigative file between "Letter 1" and "Letter 2."**

POST has provided the agency response to the Case Status Committee, and the Committee has directed POST to send a "Letter 1" to the officer and to investigate. During the investigation, but prior to providing an investigation synopsis and sanction recommendation to the Committee, POST receives a record request for its investigative file.

### Analysis 3

The analysis where POST's investigation is underway is primarily the same as in Scenario 2 above. That is, the information is public unless it is privileged, confidential, or if privacy outweighs the right to know. However, make sure you first read the record request narrowly, and only provide POST's investigation information if expressly requested.

As in Scenario 2, first direct the requestor to the employing agency, explaining that they are the originating agency of (most of) the information and can better assess whether there is privileged, confidential, or private information that needs to be redacted.

If the requestor refuses, then proceed as explained above as to information received from the agency: let the agency and officer know of the record request and ask whether they object. If we disagree and think more should be released, then we explain that and suggest they seek a declaratory judgment if needed to prevent us from releasing the information. If POST is unsure, then you can affirmatively file a declaratory judgment action.

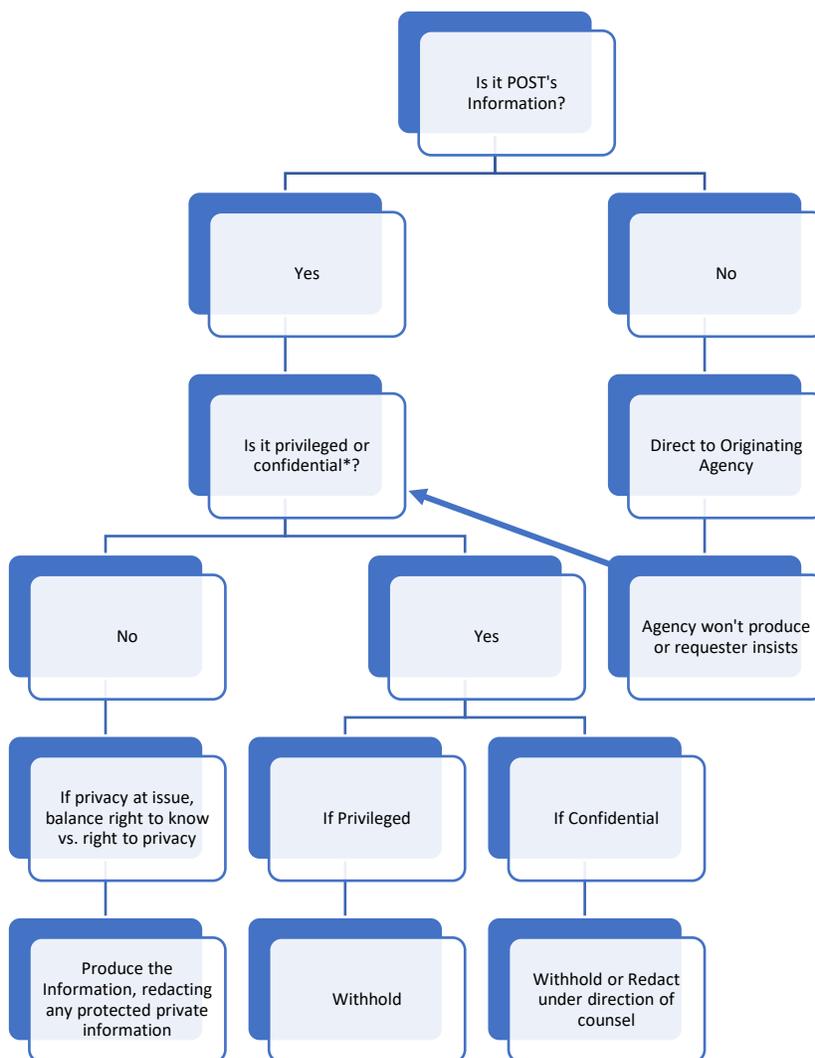
1. Internally generated information may be privileged. As to POST's internally generated information that is not made public, i.e., internal drafts as opposed to Letters 1 and 2, these may be privileged, depending. If the paralegal/investigator is operating as a paralegal, and the document was drafted in anticipation of litigation (i.e., an administrative hearing or district court litigation), the drafts are protected from disclosure as "attorney work product" (the attorney-work-product privilege applies to paralegal work). See *Nelson v. City of Billings*, 2018 MT 36, ¶¶ 30, 37 ("documents protected by the attorney-client and attorney-work-product privileges [are] not subject to release" under the right to know). And if the drafts or correspondence are provided to an attorney to obtain legal advice (or from the attorney giving legal advice), then they are also protected from disclosure.

2. Externally generated information is likely not privileged or confidential. As to information compiled from external sources during POST's investigation, it is not privileged or confidential if compiled or created by the paralegal/investigator while operating as an investigator. Specifically, as an investigator (as opposed to a paralegal working with an attorney), the information is not privileged work product. And interview recordings and other information gathered by POST from external sources is not confidential as CCJI

because POST is not designated as a criminal justice agency for purposes of creating investigatory information (only for “obtaining and retaining” CCJI). The investigation information would thus be redactable only where privacy outweighs the right to know (an unlikely scenario at this stage).

If particular questions you ask, or discussions you have, show your analysis of the matter (as opposed to the witness’s factual answers), you may be able to argue those are work product and should be redacted, especially if created with or for an attorney. This will need to be a case-by-case determination.

## Public Records Requests ~ Generally



Scenario 1 ~ Allegation sent to agency, and agency hasn't responded yet.

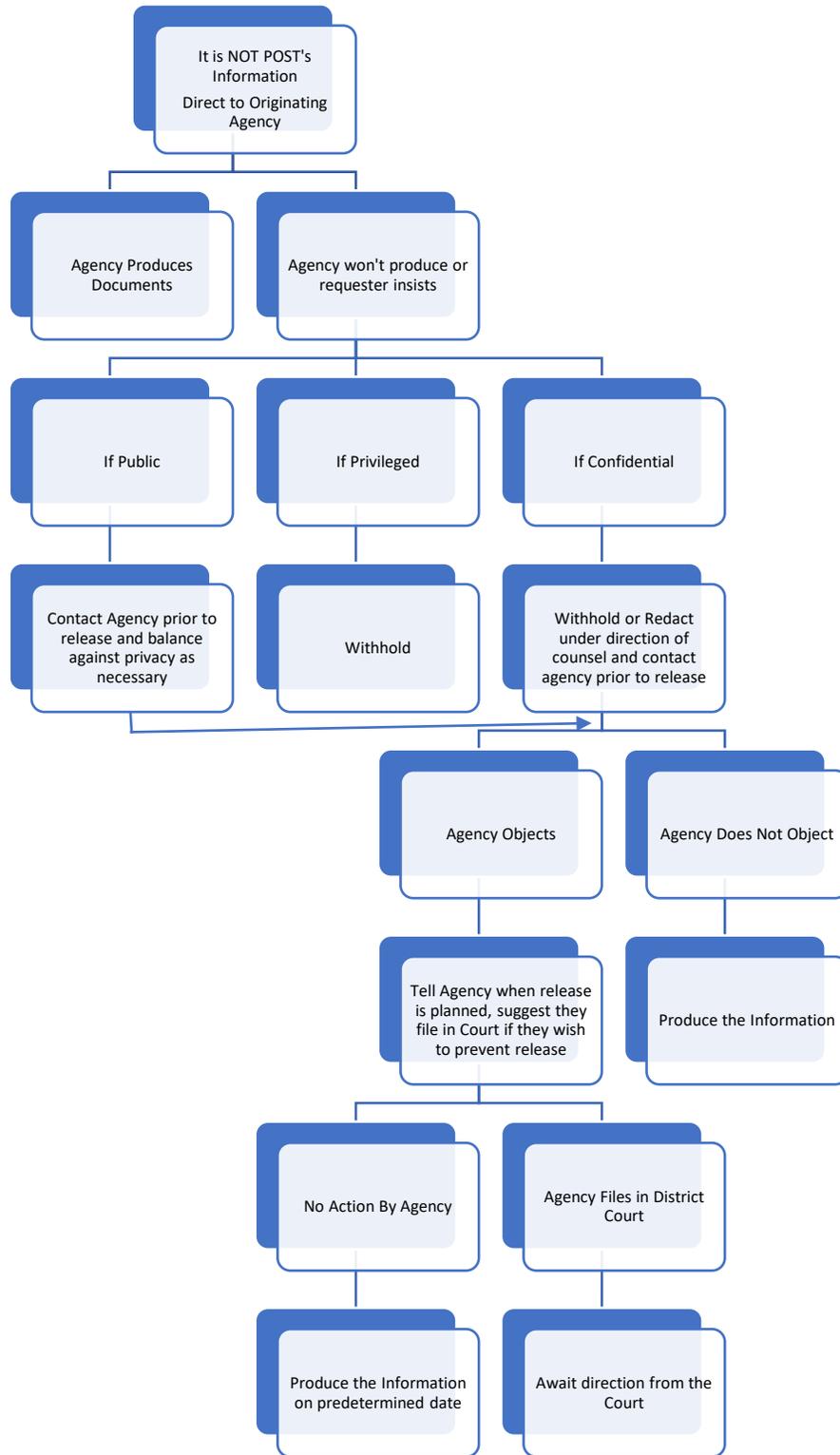
It is appropriate to tell the requestor you have received an allegation about the officer and have sent it to the employing authority for a response under ARM 23.13.703. If they ask for a copy of the allegation, respond that you will provide it after the agency has provided its response.

\*Privileged Could be: Attorney-Client Communications, Attorney Work Product

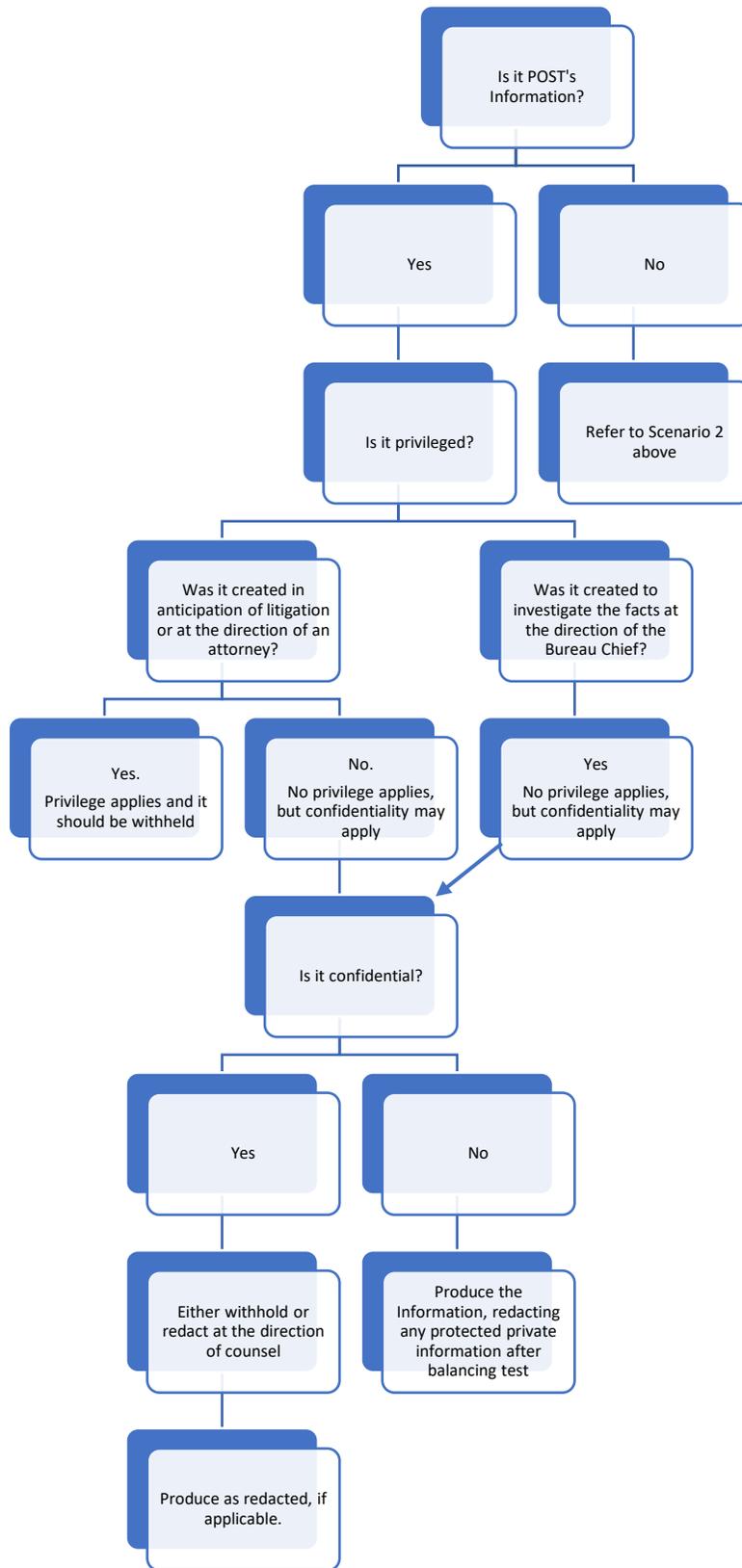
\*Confidential Could be: CCJI, Dates of Birth, Social Security Numbers, Medical/Mental Health Information

Scenario 2 ~ Agency has responded, but Case Status Committee hasn't reviewed.

Regarding Agency Response:



Scenario 3 ~ Request for POST's investigation information prior to completion of investigation.



## LEGAL MEMORANDUM

To: Eric Gilbertson and Katrina Bolger

From: J. Stuart Segrest

Date: February 3, 2022

Re: Response to Conrad City Attorney's legal memo

Katrina and Eric,

You have asked that I provide a response to a "legal opinion" written by Conrad City Attorney Daniel Jones ("legal memo") regarding the City's obligation to comply with POST's request that it investigate allegations of misconduct against a city police officer. The City Attorney concludes that only POST has authority to investigate allegations of officer misconduct, that POST cannot change this obligation by rule, and that POST cannot require a city to investigate in its stead.

I disagree with the City Attorney's analysis. While he is correct that POST has the authority to investigate allegations of officer misconduct, POST also has authority to adopt rules effectuating investigations, and a city has a corresponding duty to enforce POST's standards, including conducting investigations to determine whether misconduct allegations are substantiated.

### Applicable Law

As the legal memo acknowledges, POST has statutory authority to set standards and qualifications for public safety officers, including a city's police officers (i.e. "peace officers"), and to investigate and suspend or revoke certification if these standards are violated. § 44-4-403(1)(a), (c), MCA. An officer whose certification has been revoked or suspended "is entitled to a contested case hearing[.]" § 44-4-403(3), MCA.

The duty to enforce standards and investigate misconduct, however, is not solely POST's. It is also the responsibility of the appointing authority (i.e. the employing agency) "to apply the employment standards and training criteria established by the [POST] council," including "terminating the employment of a public safety officer for failure to meet the minimum standards established by

the council[.]” § 44-4-404, MCA. Likewise, the appointing authority has a duty “to ensure that each peace officer appointed under its authority” meets all “requirements of peace officer certification promulgated by” POST. § 7-32-303(5), MCA. As to cities specifically, each city is required to have a police department, and its police officers “must meet the minimum qualifying standards for employment promulgated by” POST. §§ 7-32-4101; 7-32-4112, MCA.

To implement its oversight of public safety officer standards, POST has adopted administrative rules as allowed by § 2-15-2029(2), MCA. Relevant here, POST has adopted standards for appointment, certification, and continued employment of officers, and grounds for denying, sanctioning, suspending, and revoking an officer’s certification. ARM 23.13.201, 23.13.702(3). The procedure for investigating and resolving allegations of misconduct is laid out at ARM 23.13.703, with additional detail provided in POST’s “Officer Misconduct Allegation Policy and Procedure.”

Considering their duty to apply and enforce POST’s standards, POST requires employing agencies to “report to the executive director any substantiated grounds for denial, sanction, suspension, or revocation of POST certification as enumerated in [23.13.702(3)].” ARM 23.13.702(2). To further facilitate coordination with the employing agency, and to ensure it is aware of and has a chance to investigate the allegations, POST requires most allegations to be made first to the employing agency. ARM 23.13.703(2)-(3). POST also requires the employing agency “give POST a notice of the employing authority’s investigation, action, ruling, finding, or response to the allegation, in writing, which must include a description of any remedial or disciplinary action pending or already taken against the officer regarding the allegation in question, and which may contain a recommendation from the employing authority regarding whether POST should impose a sanction.” ARM 23.13.703(4).

### Analysis

As explained above, POST is authorized, and required, by law to set public safety officer employment standards and training criteria, and to investigate and discipline officers as necessary. § 44-4-403, MCA. POST has set these standards. But POST does not hire or directly supervise officers: individual agencies, whether local or state, are the “employing agency.” Montana law therefore requires these employing agencies (including the City of Conrad) to ensure its officers meet POST’s standards, and to terminate those who do not. §§ 44-4-404, 7-32-303(5), 7-32-4112, MCA. As such, POST requires agencies to report, and

investigate, allegations of misconduct made against one of its employed officers. ARM 23.13.702(2), 23.13.703(4).

These investigation and reporting requirements are not only authorized under Montana law, they are necessary to effectuate the statutory scheme. It is not possible for POST, on its own, to investigate at the local level every allegation of misconduct. The Legislature thus requires the employing agency to ensure its officers meet POST's standards. To do so, the agency must investigate allegations of misconduct: i.e. allegations that an officer has violated one or more standards. Even if POST had not adopted ARM 23.13.703(4), Montana law impliedly requires agencies to investigate allegations of misconduct to determine whether the officer continues "to meet the minimum standards established by the council[.]" § 44-4-404, MCA. And it's of no merit that this statute doesn't use the phrase "investigate." It's implied, just like it's implied, but not expressly stated, in § 44-4-403, MCA (the statute providing POST investigatory authority), as acknowledged in the legal memo. Neither POST nor the employing agency can ensure compliance with POST's standards without investigating allegations of misconduct.<sup>1</sup> Contrary to the legal memo's conclusion, then, the City of Conrad is obligated to conduct investigations into misconduct implicating a violation of POST's standards.

The city's duty to investigate is not inconsistent with or prohibited by Montana law regarding self-government powers. As the memo notes, the self-government power is broad, including any power or service not prohibited by statute. § 7-1-101 to 102, MCA. And Montana law explicitly allows and requires a city, as the employing agency of a police officer, to investigate allegations of misconduct.<sup>2</sup> Indeed, the City's refusal to investigate officer misconduct at the direction of POST would itself be "inconsistent with state law or regulation." § 7-1-113(1), MCA (emphasis added). This is so not only because statutes and POST rules require the employing agency's participation, but also because refusing to

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<sup>1</sup> Otherwise, the City would not be able to effectively investigate or manage misconduct of its own officers, a result at odds with the Montana Supreme Court's consistent holding that the public has a right to know about officer misconduct. *See, e.g., Billings Gazette v. Billings*, 2011 MT 293, ¶ 26, 362 Mont. 522, 267 P.3d 11 ("society is not willing to recognize as reasonable the privacy interest of [officers] who hold positions of public trust when the information sought bears on that [officer's] ability to perform public duties").

<sup>2</sup> This situation is thus different than *City of Helena v. Svee*, where the subject matter "had been made the exclusive domain" of the state agency. 2014 MT 311, ¶ 16, 377 Mont. 158, 339 P.3d 32 (emphasis added).

investigate would establish “standards or requirements which are lower or less stringent than those imposed by state law or regulation.” § 7-1-113(2), MCA (emphasis added). In short, the City’s investigation, at POST’s direction, would not be “inconsistent with state law and administrative regulation,” it’s required by state law and regulation.

The legal memo is also incorrect in suggesting the duty to investigate misconduct may not be delegated to the employing agency. First, POST may promulgate rules to effectuate its duties, which includes investigating misconduct. §§ 2-4-201, 2-15-2029, MCA. Investigating misconduct requires obtaining information from the employing agency who is in the best position to obtain that information and initially assess whether misconduct occurred. Second, as explained, the employing agency has an independent obligation to ensure its officers are in compliance with POST’ standards: i.e. have not committed misconduct. Finally, POST does not abdicate its duty to investigate by having the employing agency conduct an initial investigation. On the contrary, POST considers the agency investigation when deciding whether to dismiss the allegation as unsupported or conduct its own investigation, which may lead to sanctions and a contested case hearing. *See* ARM 23.13.703 and POST’s Officer Misconduct Allegation Policy and Procedure. The agencies investigation is not the end of POST’s investigation, it’s the beginning, and the ultimate decision as to whether the officer committed misconduct rests with the POST council.

### Conclusion

POST is authorized by law to investigate allegations of misconduct and to pass regulations to facilitate this process. In addition, the law requires an employing agency, such as the City of Conrad, to ensure its officers meet POST standards. As such, POST’s rule requiring the agency to investigate allegations of misconduct is lawful and enforceable. Hopefully the City of Conrad reconsiders its position and fulfils its duty under the laws and regulations of the State (not to mention its duty to the citizens of Conrad) to investigate allegations of officer misconduct.

	A	B	C	D	E	F
1	<b>POST Budget as of 02/15/2022</b>					
2	<b>Org</b>	<b>Acct Lvl 1</b>	<b>Account</b>	<b>Budget</b>	<b>Actuals Amt</b>	<b>Balance</b>
3				<b>478,733.00</b>	<b>303,145.10</b>	<b>175,587.90</b>
4	<b>05POST POST</b>	<b>61000 Personal Services</b>		<b>269,776.00</b>	<b>212,770.51</b>	<b>57,005.49</b>
5			61101 Regular	-	124,748.40	
6			61103 Sick Leave	-	2,631.31	
7			61104 Vacation	-	3,808.28	
8			61105 Holiday	-	7,247.71	
9			61139 VEBA Sick Leave Payout	-	1,552.49	
10			61158 Compensatory Time Taken	-	2,398.38	
11			61173 VEBA Annual Leave Payout	-	22,966.87	
12			61401 FICA	-	10,318.97	
13			61402 Retirement - Other	-	12,632.79	
14			61403 Group Insurance	-	23,188.00	
15			61404 Workers Compensation Insur	-	924.91	
16			61410 State Unemployment Tax	-	352.40	
17						
18		<b>62000 Operating Expenses</b>		<b>208,957.00</b>	<b>90,374.59</b>	<b>118,582.41</b>
19			62102 Consult & Prof Services	-	1,435.00	
20			62104 Insurance & Bonds-Fixed Costs	-	1,735.06	
21			62108 Legal Fees & Court Costs	-	37,957.29	
22			62127 Other Legal Costs	-	-	
23			62134 Honorariums	-	2,350.00	
24			62190 Printing/Pub & Graphics	-	241.96	
25			621B4 ITSD Application Hosting Servi	-	7.32	
26			621B5 ITSD EMail Services	-	44.42	
27			62216 Gasoline	-	935.89	
28			62236 Ofc Supplies/E-Market	-	1,018.59	
29			62241 Office Sup/Minor Equip-NonStat	-	406.62	
30			62245 Computer Hardware	-	1,893.44	
31			62249 Non-Capitalized Software	-	24,670.00	
32			62272 Law Enforcement For Persons	-	1,898.56	
33			62304 Postage & Mailing	-	145.67	

	A	B	C	D	E	F
34			62319 Cellular Phones	-	717.21	
35			62322 Teleconferences	-	564.43	
36			62407 In-State Meals	-	128.00	
37			62408 In-State Lodging	-	1,313.36	
38			62410 In-State Meals Overnight	-	220.50	
39			62489 Non-Employee In State Mileage	-	2,957.26	
40			62490 Non-Employee In State Meals	-	361.50	
41			62497 Non-Employee In-State Lodging	-	2,806.72	
42			62506 Postage Meter	-	418.68	
43			62519 Photo Copy Equipment	-	1,685.90	
44			62706 Vehicles - Passenger	-	357.96	
45			62801 Dues	-	154.00	
46			62802 Subscriptions	-	536.33	
47			62809 Education/Training Costs	-	2,500.00	
48			62817 Meetings/Conference Costs	-	878.52	
49			62892 Electronic Information/Data	-	34.40	
50						
51				-	303,145.10	(303,145.10)

**Montana POST Council**  
**Employee Certification Report**  
Certificates issued between 12-8-21 to 1-15-22

Certificate	Level	Status Date	Status	Cert #	Certified	Expires	Probation
<b>Allen, Trevor</b> <b>027643</b>							
Detention/Correction Basic		12-31-2021	Certified		12-31-2021		
<b>Andrews, Justin C.</b> <b>020912</b>							
Detention/Correction Basic		12-31-2021	Certified		12-31-2021		
Detention/Correction Intermediate		12-31-2021	Certified		12-31-2021		
<b>Arnold, Eric J.</b> <b>027162</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Ault, Maribeth</b> <b>027297</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Baltezar, Beau C.</b> <b>020921</b>							
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
<b>Basner, Matthew</b> <b>027344</b>							
Detention/Correction Basic		1-31-2022	Certified		1-31-2022		
<b>Beatty, Andrew L.</b> <b>022846</b>							
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
<b>Beaulieu, Scott</b> <b>027361</b>							
Adult Parole & Probation Basic		1-31-2022	Certified		1-31-2022		
<b>Beck, Benjamin T.</b> <b>021082</b>							
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
<b>Bell, Vincent</b> <b>027209</b>							
Detention/Correction Basic		12-31-2021	Certified		12-31-2021		
<b>Bennett, Bryan R.</b> <b>023948</b>							
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
Peace Officer Intermediate		1-31-2022	Certified		1-31-2022		
<b>Berland, Kevin W.</b> <b>027284</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Bernhardt, Patrick R.</b> <b>027163</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		

**Montana POST Council**  
**Employee Certification Report**  
Certificates issued between 12-8-21 to 1-15-22

Certificate	Level	Status Date	Status	Cert #	Certified	Expires	Probation
<b>Blair, Bryan W. 024915</b>							
Detention/Correction Supervisor		12-31-2021	Certified		12-31-2021		
<b>Boeckel, Jeremy A. 017956</b>							
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
<b>Boettger, Benjamin 027328</b>							
Detention/Correction Basic		12-31-2021	Certified		12-31-2021		
<b>Boynton, Hayden T. 027125</b>							
Detention/Correction Basic		12-31-2021	Certified		12-31-2021		
<b>Bristow, Salvador J. 021758</b>							
Detention/Correction Intermediate		1-31-2022	Certified		1-31-2022		
<b>Brooks, Kyanna 027450</b>							
Detention/Correction Basic		1-31-2022	Certified		1-31-2022		
<b>Burman, Tristen 027865</b>							
Detention/Correction Basic		12-31-2021	Certified		12-31-2021		
<b>Burton, Andrew 027296</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Cales, Mitchell R. 021764</b>							
Detention/Correction Supervisor		1-31-2022	Certified		1-31-2022		
<b>Carden, Kendall M. 027164</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Cassidy, Brian J. 022113</b>							
Peace Officer Advanced		1-31-2022	Certified		1-31-2022		
<b>Catlin, James A. 027319</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Champa, Nathan R. 026277</b>							
Peace Officer Advanced		12-31-2021	Certified		12-31-2021		
Peace Officer Intermediate		12-31-2021	Certified		12-31-2021		

**Montana POST Council**  
**Employee Certification Report**  
Certificates issued between 12-8-21 to 1-15-22

Certificate	Level	Status Date	Status	Cert #	Certified	Expires	Probation
<b>Chickos, Michael C. 027345</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Christensen, Don A. 021766</b>							
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
<b>Cichosz, Jason P. 009350</b>							
Coroner Basic		12-31-2021	Certified		12-31-2021		
<b>Clark, William W. 027165</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Clausen, Zachary K. 027342</b>							
Detention/Correction Basic		12-31-2021	Certified		12-31-2021		
<b>Close, Bailey J. 027644</b>							
Detention/Correction Basic		12-31-2021	Certified		12-31-2021		
<b>Combs, Adam J. 027320</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Contreras, Nathan P. 021373</b>							
Peace Officer Advanced		1-31-2022	Certified		1-31-2022		
<b>Corbett, Taylor D. 027166</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Cross, Austin M. 025099</b>							
Peace Officer Basic		1-31-2022	Certified		1-31-2022		
<b>Cross, Chad M. 016294</b>							
Coroner Basic		12-31-2021	Certified		12-31-2021		
Peace Officer Supervisor		12-31-2021	Certified		12-31-2021		
<b>Dahlberg, Robert J. 027318</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Day, Aaron K. 019068</b>							
Instructor		12-31-2021	Certified		12-31-2021	12-31-2025	

**Montana POST Council**  
**Employee Certification Report**  
Certificates issued between 12-8-21 to 1-15-22

Certificate	Level	Status Date	Status	Cert #	Certified	Expires	Probation
<b>DeVault, Jared</b>	<b>027515</b>						
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Doll, Timothy J.</b>	<b>021265</b>						
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
<b>Edwards, Victor M.</b>	<b>026998</b>						
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Eik, Karri A.</b>	<b>019991</b>						
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
<b>Evans, Hannah B.</b>	<b>025477</b>						
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Evans, Thomas R.</b>	<b>022799</b>						
Peace Officer Advanced		1-31-2022	Certified		1-31-2022		
<b>Everett, James L.</b>	<b>022585</b>						
Coroner Basic		12-31-2021	Certified		12-31-2021		
<b>Farmer, Trenten</b>	<b>025314</b>						
Peace Officer Intermediate		1-31-2022	Certified		1-31-2022		
<b>Flammang, Tyrel</b>	<b>023328</b>						
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
<b>Gallagher, Jon P.</b>	<b>027321</b>						
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Gassett, Jarin H.</b>	<b>025143</b>						
Coroner Basic		12-31-2021	Certified		12-31-2021		
<b>Gibbs, Shane C.</b>	<b>020298</b>						
Peace Officer Supervisor		12-31-2021	Certified		12-31-2021		
<b>Gray, Malaki T.</b>	<b>027306</b>						
Detention/Correction Basic		12-31-2021	Certified		12-31-2021		
<b>Gregoire, Jeffrey A.</b>	<b>026168</b>						

FEB 16,2022  
08:24AM

**Montana POST Council**  
**Employee Certification Report**  
Certificates issued between 12-8-21 to 1-15-22

Page: 5

Certificate	Level	Status Date	Status	Cert #	Certified	Expires	Probation
Coroner Basic		12-31-2021	Certified		12-31-2021		
<b>Haegele, Michael A.</b>	<b>022794</b>						
Peace Officer Intermediate		12-31-2021	Certified		12-31-2021		
<b>Harris, Spencer R.</b>	<b>027380</b>						
Peace Officer Basic		1-31-2022	Certified		1-31-2022		
<b>Hazel, Krista A.</b>	<b>027745</b>						
Detention/Correction Basic		1-31-2022	Certified		1-31-2022		
<b>Hazelton, Shawn P.</b>	<b>006576</b>						
Instructor		12-31-2021	Certified		12-31-2021	12-31-2025	
<b>Hilyard, Mark A.</b>	<b>006059</b>						
Adult Parole & Probation Basic		12-31-2021	Certified		12-31-2021		
<b>Hines, Brian J.</b>	<b>022513</b>						
Coroner Basic		1-31-2022	Certified		1-31-2022		
<b>Hipolito, Roman M.</b>	<b>027307</b>						
Detention/Correction Basic		1-31-2022	Certified		1-31-2022		
<b>Horrocks, Joe A.</b>	<b>022080</b>						
Peace Officer Intermediate		1-31-2022	Certified		1-31-2022		
<b>House, Jeremy J.</b>	<b>002606</b>						
Peace Officer Command		1-31-2022	Certified		1-31-2022		
<b>Huskins, Steven L.</b>	<b>027322</b>						
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Irwin, Lawrence D.</b>	<b>005143</b>						
Instructor		12-31-2021	Certified		12-31-2021	12-31-2025	
<b>Jam, Kevin A.</b>	<b>027281</b>						
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Janttie, Nicholas A.</b>	<b>027238</b>						
Peace Officer Intermediate		12-31-2021	Certified		12-31-2021		

**Montana POST Council**  
**Employee Certification Report**  
Certificates issued between 12-8-21 to 1-15-22

Certificate	Level	Status Date	Status	Cert #	Certified	Expires	Probation
<b>Jensen, Scott A. 021675</b>							
Peace Officer Supervisor		12-31-2021	Certified		12-31-2021		
<b>Jensen, Wyatt C. 027124</b>							
Detention/Correction Basic		12-31-2021	Certified		12-31-2021		
<b>Jessop, Clarence I. 021602</b>							
Peace Officer Advanced		1-31-2022	Certified		1-31-2022		
Peace Officer Intermediate		12-31-2021	Certified		12-31-2021		
Peace Officer Supervisor		12-31-2021	Certified		12-31-2021		
<b>Jester, Luke J. 027167</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Johnson, Michael D. 019076</b>							
Instructor		12-31-2021	Certified		12-31-2021	12-31-2025	
<b>Johnson, Travis 027295</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Kelly, Marshall L. 027941</b>							
Detention/Correction Basic		1-31-2022	Certified		1-31-2022		
<b>Kent, Caitlin D. 022002</b>							
Peace Officer Advanced		1-31-2022	Certified		1-31-2022		
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
Peace Officer Supervisor		1-31-2022	Certified		1-31-2022		
<b>Kimpton, McKenzie M. 027378</b>							
Communicator Basic		1-31-2022	Certified		1-31-2022		
Detention/Correction Basic		1-31-2022	Certified		1-31-2022		
<b>Koch, Brenton B. 024263</b>							
Peace Officer Supervisor		1-31-2022	Certified		1-31-2022		
<b>Kokkeler, Donald J. 026700</b>							
Coroner Basic		12-31-2021	Certified		12-31-2021		
<b>Kruger, Rick A. 007257</b>							

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**Montana POST Council**  
**Employee Certification Report**  
Certificates issued between 12-8-21 to 1-15-22

Page: 7

Certificate	Level	Status Date	Status	Cert #	Certified	Expires	Probation
Coroner Basic		12-31-2021	Certified		12-31-2021		
<b>Kultgen, Matthew B.</b>	<b>025045</b>						
Peace Officer Intermediate		12-31-2021	Certified		12-31-2021		
<b>Lamb, Landon D.</b>	<b>014487</b>						
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
<b>Larson, Steven N.</b>	<b>024540</b>						
Peace Officer Intermediate		1-31-2022	Certified		1-31-2022		
<b>Latham, Clinton J.</b>	<b>027353</b>						
Peace Officer Basic		1-31-2022	Certified		1-31-2022		
<b>Leal, Joshua K.</b>	<b>027340</b>						
Peace Officer Basic		1-31-2022	Certified		1-31-2022		
<b>LeBrun, Andrew J.</b>	<b>016244</b>						
Instructor		12-16-2021	Certified		12-16-2021	12-16-2025	
<b>Lennick, Matthew F.</b>	<b>017303</b>						
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
<b>Lewis, Gage H.</b>	<b>027168</b>						
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Liechty, Jason G.</b>	<b>020875</b>						
Instructor		12-31-2021	Certified		12-31-2021	12-31-2025	
<b>Liedle, Rob E.</b>	<b>009428</b>						
Peace Officer Intermediate		1-31-2022	Certified		1-31-2022		
<b>Lindgren, Scott E.</b>	<b>011067</b>						
Coroner Basic		12-31-2021	Certified		12-31-2021		
<b>Lugo, Alec</b>	<b>023218</b>						
Coroner Basic		1-31-2022	Certified		1-31-2022		
<b>Lugo, Andre A.</b>	<b>024349</b>						
Coroner Basic		1-31-2022	Certified		1-31-2022		
Peace Officer Basic		12-31-2021	Certified		12-31-2021		

**Montana POST Council**  
**Employee Certification Report**  
Certificates issued between 12-8-21 to 1-15-22

Certificate	Level	Status Date	Status	Cert #	Certified	Expires	Probation
<b>Malenowsky, Ethan P. 024761</b>							
Peace Officer Intermediate		12-31-2021	Certified		12-31-2021		
<b>Marsh, Gavin D. 027316</b>							
Detention/Correction Basic		12-31-2021	Certified		12-31-2021		
<b>Marshall, Jonathan J. 023567</b>							
Peace Officer Intermediate		12-31-2021	Certified		12-31-2021		
<b>Martens, Kimberlee R. 015653</b>							
Detention/Correction Basic		12-31-2021	Certified		12-31-2021		
<b>Mayo, Killian D. 027269</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>McDuffie, Patrick J. 020145</b>							
Instructor		12-31-2021	Certified		12-31-2021	12-31-2025	
Peace Officer Supervisor		12-31-2021	Certified		12-31-2021		
<b>McGary, Riley 027300</b>							
Detention/Correction Basic		1-31-2022	Certified		1-31-2022		
<b>McKenrick, Jennifer 015539</b>							
Communicator Advanced		1-31-2022	Certified		1-31-2022		
Communicator Intermediate		1-31-2022	Certified		1-31-2022		
<b>McKnight, Amanda C. 021954</b>							
Peace Officer Advanced		1-31-2022	Certified		1-31-2022		
<b>McLaughlin, Kyle 027169</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>McNabb, Jeffrey R. 019887</b>							
Detention/Correction Intermediate		1-31-2022	Certified		1-31-2022		
Detention/Correction Supervisor		1-31-2022	Certified		1-31-2022		
<b>Meier, Joshua J. 024902</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Mendus, Toth J. 026369</b>							

**Montana POST Council**  
**Employee Certification Report**  
Certificates issued between 12-8-21 to 1-15-22

Certificate	Level	Status Date	Status	Cert #	Certified	Expires	Probation
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Meyer, Joshua D.</b>	<b>027290</b>						
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Miller, Travis V.</b>	<b>014468</b>						
Peace Officer Intermediate		12-31-2021	Certified		12-31-2021		
<b>Minnick, Chad</b>	<b>025669</b>						
Peace Officer Intermediate		12-31-2021	Certified		12-31-2021		
<b>Mitchell, Tanner</b>	<b>027369</b>						
Peace Officer Basic		1-31-2022	Certified		1-31-2022		
<b>Miwa, Canyon W.</b>	<b>025825</b>						
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Moen, Bryan C.</b>	<b>007177</b>						
Misde Prob-Pretrial Services Basic		1-31-2022	Certified		1-31-2022		
<b>Monaco, Nicholas R.</b>	<b>023050</b>						
Peace Officer Supervisor		1-03-2022	Certified		1-03-2022		
<b>Moore, Jacob A.</b>	<b>027023</b>						
Detention/Correction Basic		12-31-2021	Certified		12-31-2021		
<b>Morgan, Amanda R.</b>	<b>025136</b>						
Communicator Intermediate		1-31-2022	Certified		1-31-2022		
<b>Morley, Robert</b>	<b>027384</b>						
Adult Parole & Probation Basic		1-31-2022	Certified		1-31-2022		
<b>Moss Jr, Duntrael Y.</b>	<b>026526</b>						
Detention/Correction Basic		12-31-2021	Certified		12-31-2021		
<b>Munkres, Brett C.</b>	<b>021985</b>						
Peace Officer Intermediate		12-31-2021	Certified		12-31-2021		
<b>Muri, Troy R.</b>	<b>008150</b>						
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	

**Montana POST Council**  
**Employee Certification Report**  
Certificates issued between 12-8-21 to 1-15-22

Certificate	Level	Status Date	Status	Cert #	Certified	Expires	Probation
<b>Nelson, Hannah K. 027285</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Novak, Andrew R. 018171</b>							
Instructor		12-31-2021	Certified		12-31-2021	12-31-2025	
<b>O'Dell, Brandon M. 021932</b>							
Peace Officer Advanced		12-31-2021	Certified		12-31-2021		
Instructor		12-31-2021	Certified		12-31-2021	12-31-2025	
<b>Olson, Keith 027311</b>							
Detention/Correction Basic		1-31-2022	Certified		1-31-2022		
<b>Owen, Libby J. 026425</b>							
Coroner Basic		12-31-2021	Certified		12-31-2021		
<b>Paakkonen, Garrett N. 027362</b>							
Peace Officer Basic		1-31-2022	Certified		1-31-2022		
<b>Paris, Riley G. 027364</b>							
Detention/Correction Basic		1-31-2022	Certified		1-31-2022		
<b>Peters, Clint D. 016714</b>							
Peace Officer Command		12-31-2021	Certified		12-31-2021		
<b>Poppie, Todd S. 026744</b>							
Coroner Basic		12-31-2021	Certified		12-31-2021		
<b>Potton, Rebecca 024772</b>							
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
<b>Ranger, Makenzie R. 026370</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Richter, Christopher M. 020947</b>							
Peace Officer Advanced		12-31-2021	Certified		12-31-2021		
<b>Richter, Jeffrey M. 019558</b>							
Peace Officer Advanced		1-31-2022	Certified		1-31-2022		

**Montana POST Council**  
**Employee Certification Report**  
Certificates issued between 12-8-21 to 1-15-22

Certificate	Level	Status Date	Status	Cert #	Certified	Expires	Probation
<b>Ritton, Andrew J.</b>	<b>027341</b>						
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Rodrick, Hunter C.</b>	<b>027317</b>						
Detention/Correction Basic		12-31-2021	Certified		12-31-2021		
<b>Ruff, Jason P.</b>	<b>025668</b>						
Adult Parole & Probation Basic		1-31-2022	Certified		1-31-2022		
<b>Rush, Zachary M.</b>	<b>021960</b>						
Peace Officer Intermediate		1-31-2022	Certified		1-31-2022		
<b>Ruttenbur, Jessica A.</b>	<b>027368</b>						
Communicator Basic		1-31-2022	Certified		1-31-2022		
<b>Samuelson, Douglas C.</b>	<b>021684</b>						
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
<b>Sanderson, James M.</b>	<b>013803</b>						
Instructor		12-31-2021	Certified		12-31-2021	12-31-2025	
<b>Seder, Jordan D.</b>	<b>027336</b>						
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Short, Jesse L.</b>	<b>027170</b>						
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Shoupe, Racquel L.</b>	<b>027315</b>						
Detention/Correction Basic		12-31-2021	Certified		12-31-2021		
<b>Skunkcap, Aaron L.</b>	<b>024345</b>						
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Smith, Brittany</b>	<b>027289</b>						
Adult Parole & Probation Basic		12-31-2021	Certified		12-31-2021		
<b>Smith, Ken B.</b>	<b>022681</b>						
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
<b>Snowden, Thomas H.</b>	<b>022922</b>						

**Montana POST Council**  
**Employee Certification Report**  
Certificates issued between 12-8-21 to 1-15-22

Certificate	Level	Status Date	Status	Cert #	Certified	Expires	Probation
Detention/Correction Command		12-31-2021	Certified		12-31-2021		
Instructor		12-31-2021	Certified		12-31-2021	12-31-2025	
<b>Spencer, John A. 005901</b>							
Instructor		12-31-2021	Certified		12-31-2021	12-31-2025	
<b>Spurr II, Steven C. 020861</b>							
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
<b>Standing, Errol 014195</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Standing, Jared W. 024564</b>							
Coroner Basic		12-31-2021	Certified		12-31-2021		
<b>Steger, Kyle A. 026680</b>							
Adult Parole & Probation Basic		12-31-2021	Certified		12-31-2021		
<b>Stroble, Dustin 024624</b>							
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
<b>Sutton, Benjamin T. 021272</b>							
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
Peace Officer Supervisor		1-31-2022	Certified		1-31-2022		
<b>Swanson, Ronald F. 005337</b>							
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
<b>Sweet, Glen R. 023188</b>							
Peace Officer Intermediate		12-31-2021	Certified		12-31-2021		
<b>Thompson, Crystal L. 015118</b>							
Instructor		12-31-2021	Certified		12-31-2021	12-31-2025	
<b>Tietjen, Justyn 028024</b>							
Detention/Correction Basic		1-31-2022	Certified		1-31-2022		
<b>Tihlarik, Charles D. 027291</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Timm, Jill 018330</b>							

**Montana POST Council**  
**Employee Certification Report**  
Certificates issued between 12-8-21 to 1-15-22

Certificate	Level	Status Date	Status	Cert #	Certified	Expires	Probation
Communicator Intermediate		1-31-2022	Certified		1-31-2022		
<b>Toth, Michael W.</b>	<b>006529</b>						
Coroner Basic		12-31-2021	Certified		12-31-2021		
<b>Tri, Jacob T.</b>	<b>022561</b>						
Peace Officer Advanced		1-31-2022	Certified		1-31-2022		
<b>Tsuchiyama, Kris K.</b>	<b>027386</b>						
Communicator Basic		1-31-2022	Certified		1-31-2022		
<b>Van Orden, Jonathan J.</b>	<b>027343</b>						
Peace Officer Advanced		1-31-2022	Certified		1-31-2022		
Peace Officer Basic		1-31-2022	Certified		1-31-2022		
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
Peace Officer Intermediate		1-31-2022	Certified		1-31-2022		
<b>Van Zee, Brandyn D.</b>	<b>027171</b>						
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Villaluz, Dhareen A.</b>	<b>024615</b>						
Coroner Basic		12-31-2021	Certified		12-31-2021		
<b>Vincent, Wesley</b>	<b>027332</b>						
Detention/Correction Basic		1-31-2022	Certified		1-31-2022		
<b>Vonada, Jacie L.</b>	<b>027173</b>						
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Walker, Laura C.</b>	<b>027294</b>						
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Wallis, Zachary V.</b>	<b>020762</b>						
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
<b>Waner, Kyle C.</b>	<b>027287</b>						
Detention/Correction Basic		12-31-2021	Certified		12-31-2021		
<b>Weishaar, Kayla M.</b>	<b>027327</b>						
Peace Officer Basic		12-31-2021	Certified		12-31-2021		

**Montana POST Council**  
**Employee Certification Report**  
Certificates issued between 12-8-21 to 1-15-22

Certificate	Level	Status Date	Status	Cert #	Certified	Expires	Probation
<b>West, Nathan E. 019101</b>							
Instructor		1-31-2022	Certified		1-31-2022	1-31-2026	
<b>Whaley, Joshua H. 025688</b>							
Coroner Basic		12-31-2021	Certified		12-31-2021		
<b>Wick, Cynthia 027335</b>							
Adult Parole & Probation Basic		12-31-2021	Certified		12-31-2021		
<b>Wilcox, Nathan W. 027330</b>							
Detention/Correction Basic		12-31-2021	Certified		12-31-2021		
<b>Will, Stephen L. 027293</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Williams, Mark C. 026997</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Wilson, Matthew J. 024450</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Wolf, Alexis A. 025950</b>							
Communicator Basic		1-31-2022	Certified		1-31-2022		
<b>Woodvine, Jordan N. 027323</b>							
Peace Officer Basic		12-31-2021	Certified		12-31-2021		
<b>Wren, Bridger 022959</b>							
Coroner Basic		12-31-2021	Certified		12-31-2021		
<b>Wright, Kevin H. 009796</b>							
Coroner Basic		1-31-2022	Certified		1-31-2022		

**Employees this Report 180**

Date	Topic	Title / Description
<b>Blackburn, Cody M. 027912</b>		
1-24-2022	Equivalency Granted	Detention Officer equivalency approved
<b>Brown, Carlee J. 025820</b>		
1-24-2022	Equivalency Granted	Peace Officer equivalency approved
<b>Buissereth, Joshua M. 027203</b>		
12-23-2021	Equivalency Granted	Peace officer equivalency approved
<b>Carr, Jamie L. 027736</b>		
12-13-2021	Equivalency Granted	Peace Officer Equivalency Approved
<b>Cervantes, Juan A. 028000</b>		
12-27-2021	Equivalency Granted	Peace Officer equivalency approved
<b>Cox, Clifton M. 028108</b>		
2-08-2022	Equivalency Granted	Peace Officer equivalency approved
<b>Curtin, Calen F. 027924</b>		
12-09-2021	Equivalency Granted	Peace Officer Equivalency Approved
<b>Eich, Brian 027959</b>		
1-04-2022	Equivalency Granted	Peace Officer Equivalency Approved
<b>Elander, Lucas M. 027897</b>		
1-04-2022	Equivalency Granted	Detention Officer Equivalency Approved
<b>Ellis, Justin D. 027936</b>		
12-13-2021	Equivalency Granted	Peace Officer Equivalency Approved
<b>Feagler, Steven R. 027962</b>		
12-09-2021	Equivalency Granted	Peace Officer Equivalency Approved
<b>Gortmaker, Bryan R. 028025</b>		
12-28-2021	Equivalency Granted	Peace Officer Equivalency Approved
<b>Gotcher, Kyle L. 027390</b>		
1-05-2022	Equivalency Granted	Peace Officer Equivalency Approved
<b>Hardcastle, Anthony S. 008568</b>		
2-01-2022	Equivalency Granted	Peace Officer equivalency approved
<b>Harris, Dylan R. 028018</b>		
12-29-2021	Equivalency Granted	Peace Officer Equivalency Approved
<b>Heisterman, Karlie L. 027960</b>		
1-12-2022	Equivalency Granted	Peace Officer Equivalency Approved
<b>Hobbs, Kyle R. 028032</b>		
2-01-2022	Equivalency Granted	Peace Officer equivalency approved

<b>Date</b>	<b>Topic</b>	<b>Title / Description</b>
<b>Jacobson, Robert B. 027932</b>		
12-20-2021	Equivalency Granted	Peace Officer Equivalency Approved
<b>Janikowski, Kyle D. 027957</b>		
12-13-2021	Equivalency Granted	Peace Officer Equivalency Approved
<b>Kablitz, William 028112</b>		
2-10-2022	Equivalency Granted	Corrections Detention equivalency approved
<b>Kelley, Aero L. 027919</b>		
2-14-2022	Equivalency Granted	Detention/Correction Officer Equivalency Approved
<b>Mauldin, Gregory R. 027978</b>		
12-21-2021	Equivalency Granted	Peace Officer equivalency approved
<b>McClure, Christopher J. 027994</b>		
2-07-2022	Equivalency Granted	Peace Officer equivalency approved
<b>McGregor, Sean S. 028019</b>		
1-03-2022	Equivalency Granted	Peace Officer Equivalency Approved
<b>Minaglia, George J. 028072</b>		
1-22-2022	Equivalency Granted	Peace Officer equivalency approved
<b>Misner, Shawn C. 020423</b>		
1-06-2022	Equivalency Granted	Peace Officer Equivalency Approved
<b>Mitma, Dina R. 027670</b>		
12-27-2021	Equivalency Granted	Peace Officer Equivalency Approved
<b>Peterson, Braden E. 027876</b>		
12-09-2021	Equivalency Granted	Peace Officer Equivalency Approved
<b>Plafcan, Joshua G. 027863</b>		
12-13-2021	Equivalency Granted	Peace Officer Equivalency Approved
<b>Porter, Josie L. 028034</b>		
2-08-2022	Equivalency Granted	Peace Officer equivalency approved
<b>Reynolds, Aaron Z. 028075</b>		
2-01-2022	Equivalency Granted	Peace Officer equivalency approved
<b>Schafer, Todd W. 027948</b>		
12-09-2021	Equivalency Granted	Peace Officer Equivalency Approved
<b>Snook, Robert L. 028103</b>		
2-10-2022	Equivalency Granted	Peace Officer equivalency approved
<b>Tirello, Nicholas C. 027956</b>		
12-09-2021	Equivalency Granted	Peace Officer Equivalency Approved

<b>Date</b>	<b>Topic</b>	<b>Title / Description</b>
<b>Trueblood, Nathan</b>		<b>023545</b>
1-12-2022	Equivalency Granted	Peace Officer Equivalency Approved
<b>Vinson, Amber R.</b>		<b>027884</b>
1-03-2022	Equivalency Granted	Peace Officer Equivalency Approved
<b>Whipple, Ian R.</b>		<b>028073</b>
1-24-2022	Equivalency Granted	Peace Officer Equivalency Approved
<b>Wilshusen, Thomas</b>		<b>028123</b>
2-10-2022	Equivalency Granted	Peace Officer equivalency approved

**Employees this Report 38**

<b>Date</b>	<b>Topic</b>	<b>Title / Description</b>
<b>Becker, Cameron</b> <span style="float: right;"><b>027271</b></span>		
1-11-2022	Extension Granted	Approval PSC Email Sent
<b>Brown, Connor W.</b> <span style="float: right;"><b>027324</b></span>		
12-16-2021	Extension Granted	Letter approving CDOB extension sent
<b>Evans, Jaci M.</b> <span style="float: right;"><b>027374</b></span>		
1-10-2022	Extension Granted	Email sent for PSC extension
<b>Gervais, Casey M.</b> <span style="float: right;"><b>025351</b></span>		
1-24-2022	Extension Granted	Email sent approving Coroner Ed Extension 1-24-22
<b>Hicks, Austin</b> <span style="float: right;"><b>027927</b></span>		
12-09-2021	Extension Granted	Peace Officer Equivalency Approved
<b>Horn, Stephen D.</b> <span style="float: right;"><b>022978</b></span>		
1-24-2022	Extension Granted	Email sent approving Coroner Ed Extension 1-24-22
<b>Livingston, Logan W.</b> <span style="float: right;"><b>023791</b></span>		
1-24-2022	Extension Granted	Email sent approving Coroner Ed Extension 1-24-22

**Employees this Report** **7**

**Montana Public Safety Officer Standards and Training (POST) Council  
& Staff - 2022**

**Mark Kraft**

Sidney Police Department  
300 12<sup>th</sup> Ave. NW, Suite 5  
Sidney, Montana 59270  
(406) 433-2210

[mark.kraft@richland.org](mailto:mark.kraft@richland.org)

Term ends: **January 1, 2023 (1st term)**

Qualification: Chief of Police

**Jess Edwards**

Box 348  
Browning, MT 59417  
(406) 450-6090

[chiefjessedwards@gmail.com](mailto:chiefjessedwards@gmail.com)

Term ends: **January 1, 2023 (1st term)**

Qualification: Certified Tribal Law Enforcement Representative

**Matt Saylor**

Butte Silver Bow Law Enforcement  
15 East Center Street  
Butte, MT 59701  
(406) 490-5724 (cell)  
(406) 497-1171 (work)

[msaylor@bsb.mt.gov](mailto:msaylor@bsb.mt.gov)

Term ends: **January 1, 2023 (1st term)**

Qualification: Local Law Enforcement Officer (non administrative)

**Wyatt Glade**

1010 Main Street  
Miles City, MT 59301  
(406) 874-3310 (work)  
(406) 421-5695 (home)

[w.glade@co.custer.mt.us](mailto:w.glade@co.custer.mt.us)

Term ends: **January 1, 2023 (1st term)**

Qualification: Board of Crime Control Representative

**Conner Smith**

18 Trooper Dr.  
PO Box 117 Boulder, MT 59632  
(406) 461-4115

[csmith2@mt.gov](mailto:csmith2@mt.gov)

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

Qualification: State Government Law Enforcement Representative

**Jesse Slaughter**

3800 Ulm North Frontage Road  
Great Falls, MT 59404  
(406) 454-7688

[jslaughter@cascadecountymt.gov](mailto:jslaughter@cascadecountymt.gov)

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

Qualification: Sheriff

**Bill Smith**

920 Main Street, Ste. 100  
Kalispell, MT 59901  
(406) 758-5919

[wsmith@flathead.mt.gov](mailto:wsmith@flathead.mt.gov)

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

Qualification: Detention Center Representative

**Kimberly Burdick**

Chouteau County Sheriff's Office  
Box 459  
Fort Benton, MT 59442  
(406) 622-5425

[kburdick53@outlook.com](mailto:kburdick53@outlook.com)

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

Qualification: Public Representative

**Jim Thomas**

P. O. Box 503  
Canyon Creek, MT 59633  
H: (406) 368-2349

[barlazyjl@linctel.net](mailto:barlazyjl@linctel.net)

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

Qualification: Public Representative

**Leo Dutton**

221 Breckenridge  
Helena, MT 59601  
(406) 447-8235

[ldutton@lccountymt.gov](mailto:ldutton@lccountymt.gov)

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

Qualification: Montana Board of Crime Control

**Kristine Byron-White**

PO Box 146  
Forsyth, MT 59327  
(406) 351-3359 (cell)  
(406) 346-2236 (work)

[ckwhite@rosebudcoatty.net](mailto:ckwhite@rosebudcoatty.net)

Term ends: **January 1, 2023 (1<sup>st</sup> term)**

Qualification: County Attorneys

**Jim Anderson**

PO Box 201301  
Forsyth, MT 59327  
(406) 580-2543 (cell)

[jim.anderson@mt.gov](mailto:jim.anderson@mt.gov)

Term ends: **January 1, 2023 (1<sup>st</sup> term)**

Qualification: Department of Corrections

**Mike McCarthy**

PO Box 6903  
Helena, MT 59602  
C: (406)

[odiemic.mcc@gmail.com](mailto:odiemic.mcc@gmail.com)

Term ends: **January 1, 2023 (1<sup>st</sup> term)**

Qualification: Public Representative

**Eric Gilbertson**

2260 Sierra Road East  
Helena, MT 59602  
(406) 438-7253 (cell)  
(406) 444-9976 (work)

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**Mary Ann Keune**

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Helena, MT 59602

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**Katrina Bolger**

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Helena, MT 59602

(406) 444-9974 (work)

[kbolger@mt.gov](mailto:kbolger@mt.gov)

**Tina Cranmer**

2260 Sierra Road East  
Helena, MT 59602

(406) 444-9964 (work)

[tina.cranmer2@mt.gov](mailto:tina.cranmer2@mt.gov)