

MINUTES  
MONTANA POST COUNCIL  
May 8, 2014 8:00 a.m.  
MLEA Rooms 213/214  
Helena, MT

PRESENT

Tony Harbaugh - Chairman  
Laurel Bulson  
Jim Cashell  
Bill Dial  
Tia Robbin  
Jesse Slaughter  
John Strandell  
Jim Thomas

NOT PRESENT

Mike Batista  
Kimberly Burdick  
Lewis Matthews  
Jim Smith

STAFF

Perry Johnson – Executive Director  
Katrina Bolger – Paralegal/Investigator  
Mary Ann Keune – Administrative Assistant

LEGAL COUNSEL

Sarah Clerget  
Chris Tweeten

GUESTS

Wade Nash – Chief - Polson Police Department  
Kevin Olson – Administrator - MLEA  
Trent Harbaugh – Undersheriff - Fallen County Sheriff's Office  
Ron Price – Chief - Bozeman Police Department  
Truman Tolson – Training Officer - Missoula Police Department  
Ryan Oster – Chief - Hamilton Police Department  
Kurt Stinson – Captain - Helena Police Department

WELCOME

Roll Call: 8:30  
Tia Robbin gave a short biography about herself.  
Jim Thomas spoke about the Boston Marathon he and his wife ran.

MINUTES

Bill Dial moved and John Strandell seconded the motion to approve the minutes of the February 26, 2014 meeting as submitted. Motion carried, all Council members voted in favor.

GUEST ISSUES

Kevin Olson spoke about the MLEA's relationship with POST. He stated he is very happy and impressed with the changes being made at POST.

Curt Stinson offered a Conference Room at the airport for the next phone conference. Perry Johnson hopes to hold the December meeting at the airport.

## OLD BUSINESS

### ARMs

The ARMs have been reviewed line by line by the ARMs Subcommittee.

### Instructor Development

Perry Johnson asked for clarification by the Council concerning the Instructor Development class requiring 40 hours of instruction for the Instructor Certificate. 23.13.401 (c) must have successfully completed a 40 hours minimum instructor development course of equivalent approved by the council. Should the requirement remain at 40 hours or is 32 hours sufficient.

Truman Tolson and Kevin Olson thought it should remain 40 hours. Jesse Slaughter and Bill Dial thought the quality of content was more important than the number of hours. Jim Thomas would like to see the Council come up with a list of requirements to be taught in an Instructor Development Course.

Perry Johnson asked if the Council would be comfortable leaving the required hours at 40 or equivalent and change the wording from Council to Director and address the training issues with policy. Jim Cashell agreed with addressing the subject matter with policy.

The Council agreed to the word change from Council to Director and to address the subject matter with policy.

### Instructor Certification

23.13.301(3)(d) being at least two hours or more in length.

Perry Johnson stated that lesson plans must be submitted with Instructor Certificate Applications. Since the ARM reads that a class must be at least two hours in length to be awarded POST credit, should the lesson plans submitted with the Instructor Certificate Application be required to be at least two hours in length?

The Council agreed the two hour minimum lesson plan requirement should be worked into the instructor certificate ARM.

23.13.401 (6) Initial primary and master instructor certificates shall be issued for a period of 24 months. At the end of the initial time period, certificates may be renewed for an additional 24 months, providing the instructor has remained current in the applicable discipline. This may be accomplished through continuing education and by actively instructing the course(s).

23.13.401(7) After four years of continuous certification, master instructors may be recertified for a four year period.

Perry Johnson asked to be able to give the same consideration for all instructor types in (7).

The Council agreed that all instructors should follow the same process for renewal.

#### Rule Making Process

Chris Tweeten outlined the process for “Notice of Rule Making”. Bill Dial asked several questions concerning the process.

Chris Tweeten suggested the “Notice of Proposed Rule Making” be placed on the POST website and send notice to all the agencies with a link to the website. The email could also encourage public comment.

John Strandell made a motion to proceed with the Rule Making process and accept the Committees 2<sup>nd</sup> motion including the changes that were made. Jim Thomas seconded the motion. Motion carried, all members voting in favor.

Jim Cashell made a motion for Chris Tweeten to be POST’s Hearing Officer for the Public Comment Meeting. Jim Thomas seconded the motion. Motion carried, all members voting in favor.

Chris Tweeten suggested the Council allow Perry Johnson and Tony Harbaugh to keep an eye on the process to set a date for the Public Comment Meeting. The Council agreed.

#### NEW BUSINESS

##### Certificate Issues

Ron Price, Chief of the Bozeman Police Department, discussed an officer at his agency that was denied a certificate due to the employment history lacking discipline specific time. The precedent in prior years was to accept total time in service as long as the officer was employed as a Public Safety Officer.

John Strandell made a motion to accept the precedent from prior years and award the certificate. Bill Dial seconded the motion.

Sarah Clerget stated there is plenty of case law to support the Council’s decision. Kevin Olson, Wade Nash, and Ron Price stated that some sort of compensation should be given for the years of employment no matter what the discipline is.

Motion carries, all members voting in favor.

Perry Johnson commented that the new ARMs will require time in service be discipline specific to be awarded a certificate.

Perry Johnson informed the Council about another certificate issue. An officer was employed for one year by the Bozeman Police Department and failed to apply for his Basic Certificate before he gained employment at the Columbus Police Department. He applied for his basic certificate after a few months of employment at the Columbus PD. Perry Johnson, Jim Cashell, Jesse Slaughter and Jim Thomas commented on the situation.

Bill Dial made a motion for Perry Johnson to draft a letter to the applicant and Chief Pronovost from the Columbus Police Department. Perry Johnson is to suggest the applicant submit a Basic Certificate Application signed by both the Columbus Police Department Chief and the Bozeman Police Department Chief. Jesse Slaughter seconded the motion. Motion carried, all members voting in favor.

Perry Johnson informed the Council of three officers that had the same discipline specific issues as the first officer. The three officers were awarded certificates based on earlier discussion.

Perry Johnson explained the situation of two Montana Highway Patrol officers who applied for a basic certificate. Each had been granted reciprocity because of prior law enforcement experience. Because they were going to attend the Advanced MHP Academy they weren't required to attend an EQ class at the MLEA. The two officers were given instruction on two classes that weren't covered in the MHP Advanced Academy. Kevin Olson remembered the situation and the discussion surrounding them at the time. Jim Thomas was an instructor at the MLEA at the time and also remembers the two officers. No record of the tests can be found either at the MLEA or at MHP.

John Strandell made a motion to allow these two officers to be awarded their basic certificate. Jesse Slaughter seconded the motion. Motion carried, all members voting in favor.

Perry Johnson discussed a MHP officer that will have his one year in a supervisory position on June. Perry asked the Council to approve the Supervisory Certificate be awarded on the officer's anniversary date as it means a substantial monetary gain for the officer. Tony Harbaugh stated that the Director was given the power to make those certificate decisions in an earlier council meeting. The certificate will be awarded in June.

Perry Johnson explained that an officer applied for an intermediate certificate with four years of experience. Out of the four years, only four months were spent as a deputy. The officer was a Reserve Deputy to rest of the four years. Perry Johnson stated that an officer needs to be "employed" according to the definition of a "Peace Officer". A Reserve Deputy is a "voluntary" position. John Strandell concurred with Perry. Chris Tweeten stated the service of each position isn't equivalent. Wade Nash agreed.

Jesse Slaughter made a motion that as a matter of policy the council does not approve Reserve Officer time towards and certificate because by definition they don't fit the legal definition of a Peace Officer. John Strandell seconded the motion. Perry Johnson wanted the motion changed to: Reserve Officers don't meet the requirement because it is a volunteer position. Motion carried, all members voting in favor.

#### Closed Cases

Perry Johnson stated there are 18 open cases. April 2, 2014 was the last Case Status Subcommittee meeting. Sarah Clerget stated that there is one case that is at the letter four point.

### Introduction of Staff

Perry Johnson spoke about the POST Council office and thinks that it is headed in the right direction. Truman Tolson echoed Perry's statements and noted he is very happy with the support.

Mary Ann Keune and Katrina Bolger each said a few words about their work at POST.

### Budget Report

Perry Johnson reported the total budget for the year was \$314,974.00. The projected budget balance for the end of the 2014 fiscal year is \$55,518.00. He pointed out there was a deficit of **-20,970.00** at the end of the 2013 fiscal year.

Perry Johnson has spoken with Tony Harbaugh and John Strandell about capturing the POST budget in-house by hiring a staff attorney. Perry had no information to share about the subject as he is waiting to hear back from DOJ. Contested Cases cost POST a tremendous amount of money. Perry also stated he would like to have the ARMs included in the 2014 budget. Tony Harbaugh would like to see the remainder of the funds be used to get the ARMs through the process.

Chris Tweeten shared the last date for submitting the ARMs is June 30 which is within the current budget year. He thought it would be a good idea to talk to a budget analyst to see if the funds could be encumbered once the ARM process is started.

Perry Johnson commented that Tony Harbaugh, Chris Tweete , Sarah Clerget and himself will work on getting the ARMs ready to submit.

Perry Johnson shared he would like to give \$2,000.00 toward an Officer Involved training. Leo Dutton will be sponsoring this training with a total cost of \$4,000.00. Perry would like POST to co-sponsor the training.

John Strandell made a motion to support the training. Jessing Slaughter seconded the motion. Motion carried, all member voting in favor.

### Coroner Training

Perry Johnson reported he would like POST to keep an eye on the Coroner training and establish a partnership with the Coroner Association. Tony Harbaugh stated that Willie Kemp is working on some online classes.

### IADLEST

Perry Johnson spoke concerning the National IADLEST Conference in Florida in June. At this point, Perry would rather spend funds with an outreach, visiting agencies across the state. He is interested in attending the Western States IADLEST Conference in the fall. Kevin Olson shared that he has attended the Nation IADLEST Conference and encouraged Perry to attend at some point. Jesse Slaughter also thinks that POST should seriously consider building an IADLEST into the budget.

### LEGAL UPDATE

Chris Tweeten reported that the Lake County claim is still in the "gathering evidence" process.

Chris Tweeten also reported on the ARMs. He has been in touch with the Legal Counsel for the Law and Justice Interim Committee. Julianne Burkhardt will look at the draft in the next two or three weeks. Chris thinks POST should lead a legislative suggestion to delete "GED" in the statute. Another issue Chris believes the Council may need to discuss is the question of whether the Council wants to be designated as a Law Enforcement Agency for the purpose of the Criminal Justice Act.

Bill Dial and Jim Cashell had questions concerning the Criminal Justice designation. Sarah Clerget shared that she has already drafted the legislation on these issues along with legislation concerning a mental health examination by a licensed physician. Those drafts will be resurrected and used. John Strandell agreed that it would be a good idea to petition for the Criminal Justice designation.

The list of prior legislation will be placed on the agenda for the next Council meeting. John Strandell will help lobby for the Criminal Justice Status. Jesse Slaughter and Tony Harbaugh stated they believe the Criminal Justice Status will be supported by their Associations.

Wade Nash agreed with trying to obtain Criminal Justice Status.

Sarah Clerget reported that Carolyn Gray, a summer intern, will be helping POST while Sarah is on maternity leave.

#### CERTIFICATE REQUESTS

Bill Dial made a motion to approve all 170 certificate requests. Jim Thomas seconded the motion. Motion carried, all members voting in favor.

#### EXTENSION REQUESTS

Perry Johnson presented four officers that are requesting extension requests. Jim Cashell made a motion to approve all four extension request. John Strandell seconded the motion. Motion carried, all members voting in favor.

#### EQUIVALENCY REQUESTS

Perry Johnson presented four officers that are requesting equivalency requests. Jim Thomas made a motion to approve all four basic equivalency requests. Tia Robbin seconded the motion. Motion carried, all members voting in favor.

#### COMMITTEE REPORTS

##### ARMs

Tony Harbaugh – nothing further to add.

##### Coroner

Tony Harbaugh – reported he attended a good training earlier this week. He believes things are moving in the right direction with POST. POST needs to keep an eye on the two year recertification training for Coroners.

##### Integrity & Professional Standards

Kimberly Burdick - wasn't present to give a report.

##### Curriculum

Jim Smith – wasn't present to give a report. Perry Johnson did report that he has a complete package of the Misdemeanor Probation Curriculum. Jim Thomas, Randy

Robinson from the MLEA and Perry plan to review the books and report to the Council.

Business Plan

It was noted that former Council member, Georgette Hogan, was the head of the committee. A new head needs to be appointed.

Policy

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Jim Thomas asked if there will be a committee to look at the Advanced Instructor Training content. Jim Cashell will head the committee. Bill Dial will co-chair and Jim Thomas will sit on the committee.

PUBLIC COMMENT

Kevin Olson commented that Perry Johnson will be getting the rewrite within the next 60 days of the Detention/Correction Officer Basic curriculum. He also reported that in May the Sheriffs and Chiefs will receive a recommendation that the MLEA has received. APCO has recommended the MLEA increase the Public Safety Communicators basic course from 40 to 64 hours. Tony Harbaugh suggested Kevin contact Jim Smith, the committee head.

Wade Nash added that this was the first POST Council meeting he has attended. He thanked the Council for their dedication and professionalism. He appreciates the great strides that have taken place in the last two years.

Truman Tolson reminded the Council he would love to have access to his officers training records. Perry Johnson reported POST is frustrated with the current software and is shopping around for something better.

Next Face to Face meeting will be held September 3, 2014 at the MLEA.

Next Conference Call will be announced.

Jim Cashell made a motion to adjourn the meeting. Jesse Slaughter seconded the motion. Motion carried, all members voting in favor. Meeting adjourned at 11:47 a.m.

Submitted by:

*Mary Ann Keune 8/21/14*

