

**MEETING MINUTES
MONTANA POST COUNCIL
SEPTEMBER 3, 2014
MLEA ROOMS 213/214
HELENA, MT**

PRESENT

Tony Harbaugh - Chairman
Laurel Bulson
Kimberly Burdick
Jim Cashell
Gina Dahl
Bill Dial
Lewis Matthews
Tia Robbins
Jesse Slaughter
John Strandell
Jim Thomas

NOT PRESENT

Mike Batista
Jim Smith

STAFF PRESENT

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

LEGAL COUNSEL PRESENT

Sarah Clerget
Chris Tweeten

GUESTS

Dan Moore ~ Motor Carrier Services
Carl Ibsen ~ Missoula Co Sheriff
Jerry Williams ~ MPPA
Truman Tolson ~ Missoula PD
Curt Stinson ~ Helena PD
Brian Gootkin ~ Gallatin Co Sheriff
Kevin Olson ~ MLEA Director
James Marble ~ Stevensville PD Chief ~ by phone
Chris Hoffman ~ Ravalli Co Sheriff ~ by phone
Steve Ette ~ Director of Gallatin County Court Services ~ by phone

WELCOME

Meeting called to order: 9:04
Tony Harbaugh asked for a moment of silence in memory of two fallen officers.
Gina Dahl gave a short biography about herself.

MINUTES

Bill Dial moved and John Strandell seconded the motion to approve the minutes of the May 8, 2014 Council meeting as submitted. Motion carried, all members voted in favor.

GUEST ISSUES

Jacob Ward was not present to speak about his matter so Perry Johnson led the discussion. John Strandell moved and Bill Dial seconded the motion that Jacob Ward wait until he has served a year with the Columbus PD before he is awarded a Basic Certificate from POST. Motion carried, all Council members voted in favor.

James Marble spoke concerning his firearms instructor training and being POST certified as a firearms instructor. Perry Johnson read 23.13.401(1)(2)(a)-(e) as a list of what he uses to qualify instructors. James Marble commented that he didn't believe that the prior Councils intended in-house training to require a POST certified instructor. The jurisdiction fell upon the Administrator of the agency.

James Marble wondered what the process is that Perry Johnson follows to issue certificates. Perry Johnson explained the process and what he thinks the intent of that ARM and the Council was.

James Marble suggested someone who is trained in a discipline should be the person reviewing the lesson plans submitted for instructor certification. Perry Johnson believes the agency head is signing the application and needs to consult with their legal counsel if they feel like there is a problem with the lesson plans.

Jesse Slaughter shared some history about the Counsel's deliberate actions when they created the resolution to require a POST Certified Instructor to certify the officers in an agency. Jesse Slaughter also stated that he has total confidence in Perry Johnson's ability to check the boxes and certifying instructors with his years of experience in Law Enforcement.

Steve Ette, Director of Gallatin County Court Services, explained the history of his agency. Steve addressed the Pretrial Officer positions with the Council pointing to MCA codes that define the officers that fall under POST's umbrella. He suggested the Pretrial Officers fit the definition and also explained the training they are required to complete through his agency. Steve Ette would like the Council to consider creating some training guidelines for the Pretrial Officer program.

Discussion was held by members of the Council and legal staff concerning Pretrial Officers and the requirements for a basic program. This subject will be an agenda item for the next meeting.

PUBLIC COMMENT

Truman Tolson spoke concerning POST's new website. He stated the forms still aren't fillable and that he would like to be able to access his officer's training records.

OLD BUSINESS

ARMS

Chris Tweeten explained the process for revising the ARMs. He stated there will be a Rule Making Hearing on September 5, 2014 at the MLEA. Members of the public can go on record and present their comments verbally and in writing in respect to the ARMs. The public comment period will end September 18, 2014. Chris Tweeten will itemize the comments in a report for the Council with recommendations. Perry Johnson would like the report sent out in electronic format to the Council before the next meeting.

Curt Stinson commented concerning the firearms proficiency requirement, Rule II (2)(d), patrol rifle. He stated that the 100 yard range would be hard for his agency and most agencies to accommodate. He believes that minimum range is excessive.

Curt Stinson also wondered about the possible change in 23.13.201(2)(e) concerning GED and the new language, equivalency certificate. The MCA code and the new ARM won't match and he is wondering what the ramifications would be.

Perry Johnson reported that POST has received other written comments with regard to the patrol rifle 100 yard range. Curt Stinson suggested 50 yards and Kevin Olson agreed with a 50 yards minimum and allow an agency to use discretion if they would like their officers to shoot further than the 50 yards. Bill Dial believes the industry standard is 50 yards. Jesse Slaughter also made comments in agreement with this suggestion.

Perry Johnson J and Sarah Clerget commented on 23.13.201. Chris Tweeten stated POST tried to fix the GED language in the last session and were unsuccessful so POST is trying again.

Chris Tweeten had to leave early so he gave a Legal Counsel Legislative update out of agenda order. Chris Tweeten explained the process for POST to be designated a Criminal Justice Agency for the sole purpose of obtaining confidential criminal justice information for purposes of their licensing function.

He also talked about the changes to 7-32-303 and 44-4-403.

Perry Johnson commented that he presented this package to the Law and Justice Interim Committee and it was well received.

Chris Tweeten also updated the Council concerning the Lake County claim against POST.

Carl Ibsen questioned the automatic issuing of a basic certificate to officers. Sarah Clerget explained the reasoning behind this decision by the Council. Truman Tolson, Dan Moore, Kevin Olson and Brian Gootkin and John Strandell all commented on the subject.

Bill Dial made a motion and Kimberly Burdick seconded the motion to accept the language changes in 7-32-303 concerning basic equivalency. Motioned carried, all members voting in favor.

NEW BUSINESS

Director's Report

Perry Johnson reported he has been traveling and visiting agencies across the state. He and John Strandell are hoping to put together a package once the ARMs are done and reach out to the administrators of the agencies with some training.

Perry Johnson also told the Council Katrina Bolger and him have done some traveling concerning contested cases. They have been pretty well received. The goal is to sit down across the table over a cup of coffee and talk about the allegations. Perry Johnson wants this to be a personal business and has been doing that.

He was also able to go to Butte and present to a group of students explaining what POST does.

Perry Johnson related that the POST staff spends a lot of time on the phone, answering emails, processing certificates and visiting with officers whose goal is to move to Montana.

POST bought file cabinets and unpacked the ninety-two boxes of files that were in the office.

CORONER ISSUES

Perry Johnson asked Sarah Clerget to address the subject of tracking and training coroners. Sarah Clerget referred the Council to 7-4-2904 and 7-4-2905. In 7-4-2904, a coroner is to certify to the County Clerk and 7-4-2905 states that POST must conduct the training. Sarah Clerget finds conflicting language as to who should approve EQ. One statute states that POST will approve and the other states the Attorney General will approve EQ. ARM 23.13.601 addresses POST's responsibility but they aren't very clear.

Currently, POST is tracking the deputy coroners. Some of the elected coroners are in POST's database and have their training tracked.

Perry Johnson explained that POST is required to conduct a 40 hour basic coroner course at the MLEA. Presently, a basic is held annually.

Chris Tweeten explained his view on the statutes and ARMs. He believes it is the Council's responsibility to provide training for the certification and recertification of coroners. He also talked about the duties of the Attorney General's and County Clerk's role with regards to coroners.

John Strandell, Jim Thomas, Jim Cashell, Bill Dial and Tony Harbaugh all commented on the Coroner subject. The Council decided to include the Coroner subject on the agenda of the December 3, 2014 Council meeting. John Strandell suggested a meeting with the Coroners Committee to discuss these issues.

Adjourned for lunch at 12:02.

Reconvened at 1:00.

Laurel Bulson left the meeting.

Chris Hoffman joined by phone.

PROCTORS

Perry Johnson stated there is no defining MCA or ARM that speaks to the subject of Proctors. Truman Tolson, Kevin Olson and John Strandell explained the history and purpose of proctors. It was determined that POST is no longer tied to any tests that proctors are required for and that section will be eliminated on the new forms.

LEOB & CDOB SYLLABUS REVIEW

Perry Johnson asked the Council what they want to do in regards to review and approval of the basic courses by POST. Jim Thomas asked if the Council is required to review and approve by MCA. Kevin Olson commented that the MCA does require the Council to review and approve the curriculums.

Tony Harbaugh wondered if the Curriculum Committee should have a conference call to do this review. Perry Johnson explained how the POST procedure for reviewing officers applying for reciprocity. Jesse Slaughter, Bill Dial, Kevin Olson, Sarah Clerget, John Strandell, Tony Harbaugh and Jim Thomas all made comments concerning the review process for the basic courses.

John Strandell made a motion and Bill Dial seconded the motion to accept the Course Syllabus for review by POST of the LEOB and CDOB and all other basic programs recommended by the MLEA each year.

Sarah Clerget mentioned that it would be helpful to get a policy in place concerning the review of the basic curriculum. She also stated there is a problem with 23.13.304(3) and suggested a written comment could be submitted with the hope of fixing the discrepancy.

CASE FILES

Cases Open/Closed

Perry Johnson reported the last Case Status Subcommittee meeting was held in July and will have the next meeting mid-September. John Strandell feels like the review process by the committee is helpful. Tony Harbaugh complimented the staff for the job they are doing in keeping the ball rolling in the cases.

Sarah Clerget reminded the Council not to take outside information or talk to each other about any officer who may be in trouble. Gina Dahl asked if she would be disqualified because of her job duties in her county. Perry Johnson asked if she could be substituted into the Case Status Subcommittee when a conflict arose. Sarah Clerget thinks keeping Gina Dahl out of the situation would be better. John Strandell and Jim Cashell both made comments concerning the subject.

Perry Johnson asked for a discussion concerning the officers who don't respond to correspondence sent to them by POST. Tony Harbaugh and Jim Cashell made comments in favor or putting time limits on the non-responders. Jim Cashell made a motion and Bill Dial seconded the motion that a non-responding officer will be sent a Notice of Agency Action that would include the phrase, "if you don't supply POST with a response within six months you are revoked." Jim Cashell revised the motion to read "if you don't supply POST with a response within 90 days you are revoked." Carl Ibsen asked if the process could be shortened. Tony Harbaugh assured Carl Ibsen that the process has been shortened immensely and is working very well.

Motion carried, all members voting in favor.

BUDGET REPORT

SUGAR CRM

Perry Johnson gave the Council an update on the SUGAR CRM software POST purchased.

POST is hoping to see the new software roll out by Dec 31, 2014.

New Website

DOJ updated all the websites for their agencies. Truman Tolson would like the forms to be fillable.

Office Updates

Perry Johnson would like feedback from the Council as to POST and social media and a newsletter. Bill Dial reported that the BOCC started a Facebook page that has been well received. Jesse Slaughter thinks Facebook is essential in this day and age. Katrina Bolger stated she has looked into the policies concerning social media and is aware of the hoops that have to be jumped through. Jesse Slaughter said they have a policy about what responses can be placed on Facebook and suggested POST does the same. Jim Cashell, Gina Dahl, Jerry Williams and John Strandell commented concerning this subject. Perry Johnson asked if it would be okay to do some research with BOCC and place it on the agenda for the next Council meeting. The Council agreed.

Budget

Perry Johnson reported a budget update to the Council. John Strandell complimented Perry Johnson on the job he has done with the budget this past year and all agreed.

Approval/Denial of Certificate Requests

Perry Johnson reported 307 certificate requests. Jim Cashell questioned why there were so many MSP certificate requests. Perry Johnson thinks it's a result of good communication between DOC and POST. Also, Director Batista is paying more attention to the training track for his agency.

Bill Dial made a motion and John Strandell seconded the motion to approve the certification requests. Motion carried, all members voting in favor.

Extension Requests

Perry Johnson recommended granting an extension for the two officers that applied. John Strandell made a motion and Jim Thomas seconded the motion to approve the extension requests. Motion carried, all members voting in favor.

Equivalency

There was some discussion concerning the fourteen EQ applicants. Two applicants hadn't attended a basic but had sufficient training. Tia Robbin asked if there is an ARM that guides POST in training. Bill Dial commented that the ARMs don't address common sense. Jim Thomas made a motion and Bill Dial seconded the motion to approve the 14 EQ requests. Motion carried, all members voting in favor.

Perry Johnson wanted to confirm that the Council has given him permission to give conditional approval for EQ to be later confirmed by the Council. He stated there are 6 such pending EQ requests that may show up on the December 3rd agenda.

He also talked about an officer the Council granted reciprocity to who attended a college in Alexandria, MN. This officer had graduated but had never served as a peace officer. Kevin Olson explained that the Council has the power to wave the standard for good cause and has done so over the past 10 years. Sarah Clerget confirmed the statute 44.4.403(2).

COMMITTEE REPORTS

ARM: Tony Harbaugh had nothing further to report.

Coroner: Tony Harbaugh and John Strandell plan to spearhead some discussion.

Integrity & Professional Standards: Kimberly Burdick is looking for some direction as to the focus of this committee. She would like to see a list and description of each of these committees created. Kimberly Burdick also wondered if the committees are open to everyone or just Council members. Sarah Clerget explained the history of why the committee was formed. Sarah Clerget said the membership of a committee is open to anyone; they just can't be a voting member unless they are a Council Member. Discussion followed stating Kimberly Burdick's role could be proactive towards integrity education with Facebook or a newsletter.

Curriculum: Jim Thomas reported that Perry Johnson and Randy Robinson reviewed the Misdemeanor P & P's basic curriculum. There was some discussion as to how many hours a basic should include. Kevin Olson explained the difference between Misdemeanor Probation Officer and a Pretrial Officer. Discussion followed with Perry Johnson, Carl Ibsen, Jim Thomas, Tony Harbaugh, Sarah Clerget, and Jim Cashell making statements. It was decided that Sarah Clerget will write a memo defining the two groups and Perry Johnson will help her come up with a plan.

BUSINESS PLAN

Perry Johnson stated that POST's business plan is good through the end of this year. Perry Johnson proposed the staff update the business plan before the committee takes a look at it. John Strandell, Jesse Slaughter, Tia Robbin and Tony Harbaugh will all sit on the Business Plan Committee.

Policy Committee: Perry Johnson asked the Council to let the staff come up with a template before a Policy Committee is appointed. Tony Harbaugh agreed.

COUNCIL MEMBER REPORT

Bill Dial encouraged the Council Members to be involved in the Council if they commit to being on the POST Council. Bill Dial stated that Jim Smith hasn't been involved in the Council and thinks he should resign. Gina Dahl suggested waiting out Jim Smith's appointment date as she has had some experience with trying to have a Council member removed. Tony Harbaugh reiterated that everyone is busy but if a person is going to commit to being on a Council it needs to be a secondary priority at the least.

Tony Harbaugh asked each member to share some thoughts with the rest of the Council. Each member made a comment.

FUTURE MEETINGS

Meeting dates for 2015:

March 11, 2015- Wednesday – phone conference

June 17, 2015, Wednesday – face to face

September 16, 2015, Wednesday – face to face

December 9, 2015, Wednesday – phone conference

Next meeting will be held, Wednesday, December 3, 2014. It will be a phone conference.

EXECUTIVE SESSION

The doors were closed for Executive Session.

MEETING ADJOURNED

Submitted by MAK

11/11/14