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Welcome to the Montana Public Safety Officers Standards and Training (POST) Council Information and Resource Guide

The Council was formed in 2007 under § 2-15-2029, MCA as an independent *quasi*-judicial board. As allowed by statute, the Council adopted Administrative Rules in order to implement the provisions of Title 44, chapter 4, part 4, MCA. Per § 44-4-403, MCA the Council is required to set employment and training standards for all Public Safety Officers as defined in § 44-4-401, MCA and in addition the Council shall provide for the certification or recertification of public safety officers and for the suspension or revocation of certification of public safety officers.

- ❖ **Our Mission:** To ensure competency and promote quality performance by public safety officers by establishing, maintaining and promoting excellence in standards and training.
- ❖ **Our Vision:** The public is safe, secure and has confidence in and respect for Montana Public Safety Officers.

History of the POST Council: The Montana Peace Officer Standards and Training Advisory Council was initially created during the 1971 Legislative Session in a roundabout way. The Council was conceived in response to a growing body of Federal caselaw and numerous research studies regarding the necessity of training standards in law enforcement. There were actually two bills brought before the Legislature creating POST. One bill would place POST under the Montana Board of Crime Control, the other would place POST under the Attorney General. The bill placing POST under the control and authority of the Attorney General passed both houses of the Legislature, then was vetoed by the Governor as unconstitutional. The Governor issued an executive order creating POST and placing it under the control and authority of the Montana Board of Crime Control. The Council was able to hire an Executive Director and depended upon the Board of Crime Control's nine staff to assist the Director and the Council.

The first meeting of the Montana POST Advisory Council was held on September 21, 1972. In 2007, POST underwent a major makeover. First, POST's name was changed from the "Montana Peace Officer Standards and Training Advisory Council," to the "Montana Public Safety Officer Standards and Training Council." The Council had already been providing standards and training for public safety officers, the 2007 name change just made that apparent. Second, POST was made an independent agency, separate from the Montana Board of Crime Control and only administratively attached to the Montana Department of Justice. Third, POST was made a *quasi*-judicial board as defined in Montana statute. POST was also given the ability and authority to promulgate its own rules. The Council expanded from eleven members to thirteen. Finally, POST was given two positions: an Executive Director, and an Administrative Assistant.

In 2008, POST promulgated its first set of Administrative Rules of Montana (ARMs). In 2010, POST was able to hire a third employee: an investigator. In December of 2014, POST completed an overhaul of its ARMs and has made amendments in 2017, 2018, 2019, 2021, 2022, and 2023. POST is working on additional changes to its ARMs and hopes to update all of its rules in 2023.

During the 2019 Legislative Session, the Legislature passed HB 684, which placed POST staff under the Department of Justice as the Public Safety Officer Standards and Training Bureau. This legislation was effective through June 30, 2021, but was extended during the 2021 session until June 30, 2023. During the 2023 Montana Legislative Session, HB 697 was passed, placing the staff back under the Council, providing for quarterly reporting regarding POST's investigations, and requiring an interim study of the POST Council and its staff.

Montana Public Safety Officer Standards and Training **(POST) Council Members**

Jesse Slaughter, Chair	Sheriff	<u>jslaughter@cascadecountymt.gov</u>
Mark Kraft	Chief of Police	<u>mkraft@richland.org</u>
C. Kristine White	County Attorney	<u>ckwhite@rosebudcoatty.net</u>
Jess Edwards	Tribal Law Enforcement	<u>chiefjessedwards@gmail.com</u>
Shellie Brady	Misd. Prob/Pretrial Serv.	<u>Shellie.Brady@gallatin.mt.gov</u>
Meaghan Mulcahy	Board of Crime Control	<u>mshone@gmail.com</u>
Brian Casey	State Law Enforcement	<u>bcasey@mt.gov</u>
Anthony Hutchings	Local Law Enforcement	<u>hutch_mt@hotmail.com</u>
Jim Anderson	Dept. of Corrections	<u>jim.anderson@mt.gov</u>
Bill Smith	Detention Center Rep.	<u>wsmith@flathead.mt.gov</u>
Kimberly Burdick	Public Representative	<u>kburdick53@outlook.com</u>
Jim Thomas	Public Representative	<u>canyoncreekjim@gmail.com</u>
Leo Dutton	Board of Crime Control	<u>ldutton@lccountymt.gov</u>

Duties:

The Council is responsible for establishing basic and advanced qualification and training standards for employment of Montana's public safety officers, as defined in MCA 44-4-401.

In addition, the Council:

- Conducts and approves training;
- Provides for the certification and re-certification of public safety officers; and
- Is responsible for the suspension or revocation of certification of public safety officers.

POST Staff Information

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*Montana POST Council Staff (left to right):
Katrina Bolger, Tina Cranmer, Timothy Allred, Chad McFadden, and Brooke Standish*

POST Council Committees

ARM Committee

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

Business Plan/Policy Committee

Jess Edwards – Chair
Kimberly Burdick
Jesse Slaughter

Case Status Committee

Jim Thomas – Chair
Brian Casey
Bill Smith

Coroner Committee

Leo Dutton – Chair
Bill Smith
Kristine White
Mt. Coroner Assn.
President – *Ex Officio*

Curriculum Review Committee

Anthony Hutchings – Chair
Meaghan Mulcahy
Kimberly Burdick
Shellie Brady
Jim Anderson
Joel Wendland - *Ex officio*

Executive Committee

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



Montana POST Council

Montana Public Safety Officer Standards and Training Council



2025 Business Plan

POST General Overview

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an independent agency, separate from the Montana Board of Crime Control and only administratively attached to the Montana Department of Justice (DOJ). Third, POST was made a *quasi*-judicial board as defined in Montana statute. POST was also given the ability and authority to promulgate its own rules. The Council expanded from eleven members to thirteen. Finally, POST was given two positions: an Executive Director, and an Administrative Assistant.

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During the 2019 Legislative Session, the Legislature passed HB 684, which placed POST staff under the DOJ as the Public Safety Officer Standards and Training Bureau. This legislation was effective through June 30, 2021, but was extended during the 2021 session until June 30, 2023.

During the 2023 Legislative session, the passage of HB 697 allowed HB 684's temporary placement of POST as a bureau of DOJ to expire, and thereby placed POST staff back under the direct control of the Council, provided for quarterly reporting regarding POST's investigations, and required an interim study of the POST Council and its staff. In addition, funds were appropriated to POST in 44-10-204.

Council

Council Meetings: The Council meets four times annually to discuss employment and training standards for all Public Safety Officers, provide for the certification or recertification of public safety officers, and for the suspension or revocation of certification of public safety officers as defined in 44-4-401, MCA. They further discuss the operation and goals of the Council and POST staff. The Council may also call Special Meetings to discuss issues that require more immediate attention. Meetings are open to the public.

Council Committees: Committees of the Council generally meet on an “as needed” basis. The Case Status Committee meets every six weeks, and occasionally holds special meetings, when necessary, in order to review the growing number of allegations and investigations.

- **ARM:** The ARM Committee’s purpose is to review and analyze POST ARMs and recommend appropriate rule language to carry out the decisions of the POST Council.
- **Business Plan/Policy:** The Business Plan/Policy Committee’s purpose is to review and, when necessary, propose changes to the long-range business plan of the Council and the daily operations, policies, and procedures under which the POST staff perform day-to-day business.
- **Case Status Committee:** The Case Status Committee’s purpose is to determine whether allegations of misconduct by a public safety officer warrant investigation by POST staff, to determine whether a certificate sanction or other action is appropriate, to determine the appropriate sanction to a certificate upon a finding of misconduct, and to review other proposed actions at the request of the director.
- **Coroner:** The Coroner Committee’s purpose is to track and monitor issues of interest to the Montana Coroner’s Association, and coroners in general.
- **Curriculum Review:** The purpose of the Curriculum Review Committee is to review and discuss proposed training curricula requiring POST approval or additional information.
- **Executive Committee:** The purpose of the Executive Committee is to make decisions necessary to implement the policies of the POST Council, and to provide additional oversight of POST staff.

Legislature and Legislative Interim Committees: The Council, Director, and the Executive Committee take an active role by working with the Montana Legislature or Legislative interim committees. They:

- Provide Requested Information
- Testify on POST Practices
- Provide information regarding positions adopted by the Council or the Executive Committee

Budget: The Council approves personnel expenses. The Director approves the day-to-day operating expenses. The Director provides a budget update at Council meetings.

Public Safety Agencies/Stakeholders: The Council and Director work with agencies and groups that have an interest in POST including, but not limited to, attending stakeholder meetings, providing POST updates and training, receiving feedback and concerns, and discussing possible legislation.

Staff

POST Staff Meetings: The staff at POST meet weekly to discuss their mission of providing support for the Council by working together as a team and supporting one another. They:

- Discuss Daily Operations
- Make Goals and Give Updates
- Plan for Council and Committee Meetings
- Review Schedules for Staff and Calendar Items
- Discuss General Concerns and Updates
- Discuss Investigations and the Status Thereof

Audio/Video Conferencing: POST staff updated its conference room with audio/video capability. This saves time, money, increase productivity, and allows POST to be more efficient. The Council and staff have audio/video conferencing options and make scheduling meetings more convenient. Video conferences are available for:

- Council Meetings
- Committee Meetings
- Investigations
- Interviews
- Training
- General Meetings

POST Staff Daily Duties: POST staff complete tasks daily and work to support public safety officers and the community. Among other tasks, they:

- Process Training Applications

- Analyze and Process Certificate Applications
- Process Complaint Allegations/Investigations
- Respond to Extension Requests
- Respond to Public Information Requests
- Process Notices of Employment
- Review Letter Responses
- Scan Training Files and Upload to Website
- Process Equivalency Applications

Contracts Updated: POST has contracts with several attorneys in order for POST to fulfill its statutory obligations.

- General Counsel to the Council
- Contested Case Counsel
- Hearing Examiners

POST Staff Provide Briefings at Basics: POST presents an overview of POST and its basic functions to every basic academy and basic equivalency course.

- Law Enforcement Officer (3 times a year)
- Probation and Parole (1 time a year)
- Public Safety Communicator (4 times a year)
- Misdemeanor Probation and Pre-trial Officers (1 time a year)
- Corrections/Detention officer (6 times a year)
- Coroner (1 time a year)
- Peace Officer Equivalency (2 times a year)
- Corrections/Detention Equivalency (as needed up to 6 times a year)

Random Audits: POST Staff will conduct random audits of POST-approved training and required continuing training.

- Each month, POST staff will audit a POST-approved training.
- Each month, POST staff will audit an officer's required continuing training.
- Should records be lacking, the officer or the agency will be given an opportunity to remedy the matter.
- If POST staff does not receive a response, or the response received does not remedy the issue, the training credit hours related to the training may be removed from the officer or officers' training transcript.

- If an officer has not received the required continuing training, the agency and officer will be given 6 months to obtain and document the required training.
- If an officer has obtained the requisite continuing training, the employing authority will submit a letter to POST staff, stating that the officer has been brought into compliance.

Basic Audits: POST staff will conduct audits of any prior or current basic course or courses on a regular basis, but not less than annually.

- POST's audits of POST-approved basic courses will include reviewing documentation of the standards set forth in POST's ARMs, following the Compliance Audit Form.
- If there are any areas of noncompliance identified in POST's written report, the agency or entity will have 30 days from receipt of the written report to provide POST with documentation of the resolution of any issues.
- If POST staff do not receive a response, or receive a response which lacks the required information, POST staff will contact the agency or entity in writing. The training entity will be given 30 days to submit the required documentation.
- If POST staff do not receive a response, or the response received does not remedy the issue, the audit report and deficiencies will be taken to the council for review to determine the next appropriate steps.

Executive Director Attends Basic Graduations:

- Law Enforcement Officer (3 times a year)
- Probation and Parole (1 time a year)
- Public Safety Communicator (4 times a year)
- Misdemeanor Probation and Pre-trial Officers (1 time a year)
- Corrections/Detention officer (6 times a year)

Website

POST Information and Resource Guide: POST Staff will keep the “POST Information and Resource Guide” updated on the POST website to provide information, laws, and legal opinions that direct the Council or affect stakeholders. The following information is available for transparency for all public safety agencies and the community:

- General Information
- Statistics and Graphs
- Current Integrity Report
- Statutes
- ARMs
- AG-Opinions
- Attorney Memos
- Policies
- Legislative Reports

Statistics/Graphs/Reports: POST staff collect statistics and develop graphs to track progress and growth, measure performance, analyze problems, and prioritize requests. The following statistics and graphs will be on POST’s website along with a biannual report:

- Equivalency Requests
- Courses that Officers Completed
- Training Hours Officers Completed
- Training profile/Information Requests
- Complaints
- Cases Closed
- Investigations
- Investigations Closed
- Sanctions
- Revocations/Denial of Certificates

Public Record Requests: POST staff will establish a public information request process, provide statistics about public information requests, and retain and

publish public information requests on POST's website. This information will include:

- Requester
- Date of Request
- 5-day Acknowledgement
- 90-day Deadline
- Completion Date
- Hours/Cost

Legislative Report: POST staff track investigations/contested cases, the anticipated time to complete the case, cases that are on hold, and officers serving sanctions completion date.

- Date Investigation is Opened
- Stage of Investigation
- Process Remaining
- Anticipated Completion Date of Cases and Sanctions

Integrity Reports: The Montana POST Integrity Reports provide a summary of cases which resulted in a certificate sanction, and on which the POST Council has ruled. The integrity reports are on POST's website.

- Current Integrity Report
- Historical Integrity Reports

IADLEST National Certification Program: In 2015, the International Association of Directors of Law Enforcement Standards and Training developed a National Certification program (NCP) for law enforcement continuing education. On December 6, 2023, the Montana POST Council became the 37th state to approve NCP trainings for POST credit hours. Courses submitted for certification are reviewed by subject matter experts in adult learning concepts, curriculum design, and classroom instruction practitioners.

- Link on POST's Website to NCP
- Instructions for Agencies and Officers to Submit for Training Credit Hours
- Guidance for Vendors Seeking Pre-Approved Credit for Montana Officers

Goals

FTE: POST currently has three permanent FTE, one modified administrative assistant FTE, and a .5 modified compliance investigator. POST has an immediate need for 1.5 permanent FTE.

- **Administrative Assistant Modified Position:** This modified position is currently staffed. This staff reviews applications for individuals seeking POST credit, prepares certificate applications, completes minutes for Case Status Committee Meetings, is the file clerk for contested cases, and handles public records requests for officers' transcripts.
- **Compliance Investigator:** The duties of the one POST Paralegal/Investigator have grown substantially over the years. POST has an obligation to conduct its own unbiased investigation of allegations of misconduct. The increased allegations and investigations justify the need for an additional .5 FTE POST Compliance Investigator.

Software: POST upgraded its officer training and certification database in 2024. As the needs of the stakeholders have increased, and as POST has continued to fulfill its obligations to the people of Montana, POST identified the need for more robust software to meet the growing demand on POST. POST staff are now working with stakeholders to provide the education and resources they need so that POST can process all stakeholder requests through the portal, and to eliminate the need for paper forms by July 1, 2025.

- **Case Management System:** The case management system is a central location for all POST case information. It tracks information of the individuals/agencies involved. It can also provide information concerning what cases are open, closed, active, or holding.
- **Portal:** Officers can now submit training to POST through a portal. POST receives notification of the training submitted. Notices and Certificate Applications are also submitted to POST through the portal.
- **Training:** Officers' training hours for certificates are compiled automatically, and POST can be notified when an officer completes the required training and years of service.
- **Forms:** All POST forms are included and built into the software system.
- **Storage:** Officers are able to store all their training documents in the storage that the software provides.

Paperless: For the last several years POST staff have archived an electronic and hard copy of training, investigations, notices, and other documents regarding public safety officers. POST staff are in the process of ensuring that files are digitized and removing the hard copies of documents. POST Staff have submitted a retention policy to the Secretary of State for approval. In addition, in 2022, POST staff began issuing all certificates electronically. This has saved time and money.

- New documents sent in are digitized and shredded. Requests, forms, and applications which are submitted through the portal online are saved through POST's software system, and can easily be attached to an officer's record in that system.
- POST's inactive or closed investigation files are being saved electronically, and hard copies are being destroyed. Additionally, POST staff will no longer create any hard files on investigations until an investigator is assigned to the case. For those cases that are dismissed without an investigation, or in which the officer does not respond, all files are maintained electronically.
- Council meeting records, including meeting recordings, minutes and materials, have all been digitized and are available to all staff in POST's electronic shared drive. This includes the meeting minutes for every POST Council meeting held since its first meeting in September of 1972.

POST Council Commendation Program: POST staff have submitted requests for commendation letters from the Director when an officer goes above and beyond to assist POST in its day-to-day operations. Primarily, these director commendations are sent after a complaint investigation has been fully adjudicated, and involve officers who were helpful during the investigation or legal proceedings. POST would like to expand on this idea, and create a process by which someone can request a POST Council commendation for an officer. This process would involve:

- A webform available to agency administrators in the Acadis Portal, which can be submitted to POST staff, who would provide the information to the Council.
- A fillable pdf form available to any member of the public, upon request, wishing to submit an officer's name for a Council commendation.

- A letter that would be signed by the Council Chair and the Director, along with a certificate to be sent to the officer (or the officer's supervisor, as appropriate).
- POST Staff will include a new "Council Commendations" agenda item for Council meetings; during this portion of the agenda, the Council would be provided with the information regarding any nominations, and could discuss the extraordinary actions of Montana's public safety officers.
- Upon Council approval, commendation letters and certificates will be sent to the appropriate party.
- POST staff will maintain a Council Commendation Report, which will be made available to all members of the public to review.

Policy Updates: POST plans to update all of its current policies and procedures to ensure that they are consistent with:

- POST's goal to become paperless;
- ARM changes concerning complaints, investigations, training, employment standards, and education;
- The functionality of POST's new software; and
- To ensure that POST remains compliant with all laws and regulations, while remaining responsive to its stakeholders and the people of Montana.

Glossary of POST Terms

Case Status Committee: a three-member committee of the POST Council, appointed by the chair of the council. The council chair designates a chair of the case status committee. The case status committee's purpose is to determine whether allegations of misconduct by a public safety officer should be investigated by POST staff, to determine whether a certificate sanction is appropriate, to determine the appropriate sanction to a certificate upon a finding of misconduct, and to review other proposed actions at the request of the director. The director will act based upon a majority vote of the case status committee.

Contested Case: a civil administrative proceeding initiated by a request for a hearing from an officer after an officer has received a notice of agency action imposing sanction, suspension, or revocation by the director when the case could not be settled at the preliminary stage of review or investigation.

Employing Authority or Appointing Authority: an entity that is statutorily empowered with administration, supervision, appointment or termination authority, training, or oversight over a public safety agency or officer. This may include but is not limited to: the chief of police, mayor, county attorney, city council, warden, sheriff, etc.

Equivalency: the process through which an officer who has successfully completed a basic course that is taught or approved by a federal, state, local, or United States military law enforcement agency, that satisfies the basic training requirement for that agency, may obtain a Montana POST basic certificate without completing the MLEA basic academy.

Inservice Training: training which is not POST-approved training, and which is provided by an employing agency to public safety officers to review and develop skills and knowledge for a specific officer's needs.

MAPA: the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, MCA.

POST-Approved Training: training reviewed and approved by POST pursuant to POST's rules for which POST gives training credit, including but not limited to basic, regional, and professional courses.