

MONTANA
Public Safety Officer Standards and Training Council
Conference Call Minutes May 30, 2012
***MLEA Campus, Helena, Montana**

Wednesday, May 30, 2012

Council Members Present: Winnie Ore*-Chair, Steve Barry, Alex Betz, Ray Murray, Dennis McCave, John Shaffer, Jim Smith,

Staff Members Present: Wayne Ternes*

Council Members Absent: Harold Hanser, Mike Anderson, Tony Harbaugh, Georgette Hogan-Boggio, Bob McCarthy, Lewis Matthews

Staff Members Absent: Clay Coker *, Tana Meuer*

Guests: Sarah Hart- Agency Legal Services (appointed to POST as Legal Counsel), Kevin Olson*, Capt. Jeff Newton-Great Falls PD, Chief Mark Muir-Missoula PD,

(*denotes member at MLEA campus)

POST Legislation Discussion

Note from Mr. Anderson and Mr. Barry:

POST Council members, Steve Barry and Mike Anderson met on May 9th and discussed potential POST legislation for discussion and consideration by the council. We anticipated that the Executive Director would have additional items to consider. The council will need to consider and decide on any requests somewhat quickly due to the processes involved in drafting, submitting and supporting legislation. It is suggested that a representative of Attorney General Bullock's office and Kevin Olson, MLEA should be invited to the meeting discussing proposed needs. It would be desirable if a meeting could be scheduled in May if at all possible.

1. Sheriff training qualifications to address the public safety interests involved when the elected sheriff has not met the qualifications required of peace officers as provided in 7-32-303 MCA. Perhaps providing that an elected sheriff would not have "peace officer" authority until they had complied with the requirements of 7-32-303 and provide a one year period to do so, with the allowed 180 day extension based on reasonable need that is currently provided other officers.

Discussion Held.

Dennis McCave moved to have Sara research the statutory issues involved with determining an ARM change to require Sheriff's training for Peace Officer status. John Shaffer seconded

Roll call vote on motion:

All in favor: Steve Barry, John Shaffer, Dennis McCave, Alex Betz, Jim Smith, Ray Murray, Winnie Ore

Opposed:

None

Motion carried

2. Positions such as the “attendance officer” identified in 2-5-105 MCA and generally included within the definition of “Public Safety officer” under 44-4-401 (2) (i) MCA that the council is responsible for establishing the qualification or training standards. Do we need to identify and list these diverse and sometimes difficult to find positions under the PSO definition?

Discussion Held.

Steve Barry moved to establish this as an agenda item for research and reporting to the council on those positions that are not specifically identified but generally identified for review by the council for any action for the next legislative session in 2015

Dennis McCave seconded

Roll Call vote on motion:

All in favor: Steve Barry, John Shaffer, Dennis McCave, Alex Betz, Jim Smith, Ray Murray, Winnie Ore

Opposed:

None

Motion carried

3. Revise 7-32-303 MCA to include language that addresses the concern about licensed physicians assessing a peace officer applicant’s “mental” condition. Language to replace licensed physician for the mental condition assessment to include “Licensed Mental Health Professional” may be viable.

Discussion held.

Ray Murray motioned that the wording be ‘licensed physician’ or ‘licensed psychologist’

Steve Barry seconded

Additional discussion of concerns. Legal Council to draft law change language.

Winnie made an amended motion to Ray Murray’s initial motion: as motion stands to have legal counsel draft some suggested language to expand physician to include licensed psychologist and look at the language around personal physician.

Ray Murray agreed

Steve Barry seconds

Roll Call vote on motion:

All in favor: Steve Barry, John Shaffer, Dennis McCave, Alex Betz, Jim Smith, Ray Murray, Winnie Ore

Opposed:

None

Motion carried

4. Clarifying 7-32-240 related to maintaining certification when moving into a part-time officer position, such as a reserve officer and more clearly defining what “remains an active reserve officer” means, i. e. “works at least one shift a month or quarter, etc.?” And, in conjunction with this clarification consider expanding 7-32-303 to provide that an officer who transfers into an MLEA training officer or POST Compliance Officer Position will maintain certification.

Discussion held.

Steve Barry motioned to hold on this issue and not move anything forward at this point.

Ray Murray seconded

Roll Call vote on motion:

All in favor: Steve Barry, John Shaffer, Dennis McCave, Alex Betz, Jim Smith, Ray Murray, Winnie Ore

Opposed:

None

Motion carried

5. Modify 7-4-2905, regarding Coroner education to establish that POST certifies the Coroner education rather than “conducts the training” and clarifying the funding for this training, which now states that it must be borne by the Department of Justice.

Discussion held.

Steve Barry motioned to move past this agenda item for further discussion by the Council with potential future action.

Alex Betz seconded

Roll Call vote on motion:

All in favor: Steve Barry, John Shaffer, Dennis McCave, Alex Betz, Jim Smith, Ray Murray, Winnie Ore

Opposed:

None

Motion carried

6. Reserve Officers....discussion of what may need to change to allow law enforcement administrators to utilize them without stretching or being outside the boundaries of statute, i.e. what “may not serve unless supervised by a full-time law enforcement officer whose span of control would be considered within reasonable limits” means. And, is 88 hours training attained within two years of appointment sufficient for public safety interests?

Discussion held.

Dennis McCave motioned to move item 4 and 6 to become an agenda item for input from the various agencies in an effort to have clear language to move forward in the legislative process.

Jim Smith seconded

Roll Call vote on motion:

All in favor: Steve Barry, John Shaffer, Dennis McCave, Alex Betz, Jim Smith, Ray Murray, Winnie Ore

Opposed:

None

Motion carried

7. Public Safety and newly appointed officer competency during the Pre-Basic training period, which may extend up to 18 months. Question of need for some agency requirements to assure officers are provided training on those areas where public safety may be at risk, i.e. use of firearms, laws of arrest, use of force, vehicle operations, etc.

Discussion held.

Ray Murray motioned to request the legislature to have an interim committee examine the question of training required to become and active Peace Officer.

John Shaffer seconded

Roll Call vote on motion:

All in favor: Steve Barry, John Shaffer, Dennis McCave, Alex Betz, Jim Smith, Ray Murray, Winnie Ore

Opposed:

None

Motion carried

8. Require POST to issue a BASIC Certificate once an officer has completed the BASIC training Academy requirements and served the required one year probation period.

Mandatory issue versus allowing the officer to apply for the certificate and requiring POST to issue it if qualifications have been met.

Discussion held.

Dennis McCave motioned to have staff work with Legal Counsel to develop a form and draft language as discussed to interim Committee.

Steve Barry seconded

Roll Call vote on Motion:

All in favor: Steve Barry, John Shaffer, Dennis McCave, Alex Betz, Jim Smith, Ray Murray, Winnie Ore

Opposed:

None

Motion carried

9. Modify 7-32-303 (4) to require not only employers of “peace officers” to report on officer hiring, terminations, etc but to include the broader definition of “public safety officer.”

No action taken.

10. Require officers who hold POST issues certificates to self-report when they have been arrested for or convicted of high-misdemeanors and felonies. Also require all law enforcement officers to report serious crimes they observe or have direct knowledge of involving other officers. This is a slippery slope issue involving the “thin blue line” but may be necessary to address the ethical issues surfacing within the complaints the council is receiving?

Discussion held.

Dennis McCave motioned to move this item forward as an agenda item to the POST Professional and Integrity committee for evaluation and recommendation to the Council.

Ray Murray seconded

Roll Call vote on Motion:

All in Favor: Steve Barry, John Shaffer, Dennis McCave, Alex Betz, Jim Smith, Ray Murray, Winnie Ore

Opposed:

None

Motion Carried

11. Addresses 7-32-214, M.C.A. which provided the basic training requirements of Reserve Officers. Reserve Officers are “sworn peace officer” and must meet the same appointment requirements of 7-32-303, M.C.A. (except a mental examination) but are only required to obtain a minimal 88 hours of training as outlined by the statute that can be obtained over a 2 year period. It must be noted that when the number of required training hours was set at 88 hours, the full peace officer basic course was only 120 hours. Peace officer basic training is now 480+. Reserve officers have 2 years to obtain this minimal 88 hours of training. Again, an individual can be given a badge and gun *without any formal training*. The proposed amendment to the statute would require Reserve Officers to attend the same basic training course as full time officers. In fact, many agencies in the state only appoint fully certified peace officers (such as retired officer) to their Reserve positions. All reserve components of our Armed Forces are required to complete the same *basic* training as our active duty forces. A volunteer fireman must obtain the same *basic* training as a full time firemen. A Reserve peace officer, when acting in that capacity, must be able to face the same job requirements as a full time officer. Why then do they not need the same *basic* training? This is why it is called *basic* training. Amending this statute as outlined in Proposal #6 would solve many of the abuses and non-compliance issues regarding Reserve Officers discovered during recent audits.

Discussion held.

Steve Barry motioned to fold this item into the Interim Committee material.

Dennis McCave seconded

Roll Call vote on Motion:

All in favor: Steve Barry, John Shaffer, Dennis McCave, Alex Betz, Jim Smith, Ray Murray, Winnie Ore

Opposed:

None

Motion carried