

**MONTANA Public Safety Officer Standards and Training Council**  
**2260 Sierra Road E, Helena, MT**  
**Meeting Minutes - October 15, 2012**  
**Conference Call 10:00-12:00**

**Conference Call Information**

Dial-in number: (866) 576-7975  
Access code: 576754

**Monday, October 15, 2012 Conference Call**

- I.** 10:00 Call Meeting to Order, roll call, identify guests. Introduce new Council Chairperson Hal Harper.

Hal Harper thanked Winnie Ore for chairing the Council.

**Council Members Present:** Hal Harper-Chair, Steve Barry, Georgette Boggio, Dennis McCave, Tony Harbaugh, Jim Smith, Alex Betz, Ray Murray, Mike Anderson- (attended meeting at 11:05)

**Staff Members Present:**, Clay Coker-Acting Executive Director, Tana Meuer, Chris Tweeten

**Council Members Absent:** Harold Hanser, Bob McCarthy, Lewis Matthews, John Schaffer

**Staff Members Absent:** Wayne Ternes – Executive Director

**Guests:** Sarah Hart-Agency Legal Services, Kevin Olson-MLEA, Chief Kirk Fitch-Havre, Gabe Matosich– Havre, Cliff Manley-, Dorothy Gremaux-Livingston

- II.** **Approval of Minutes for the August 16, 2012 Regular POST Meeting**

**Tony Harbaugh moved to approve the minutes as written**  
**Steve Barry seconded**  
**Motion carried**

- III.** **Old Business**

- 1. Executive Director Status- Jim Kerins**

Steve Barry commented that he did not send out a notice but has met with Jim Kerins, SPHR (Communications & Mgmt Services) last week who will submit his report upon completion. A separate (executive session) meeting will be held to discuss this.

- 2. Release of Information Policy/Policy manual**

Clay referenced the table of contents from a policy manual that he put together. The manual consist of mostly MOMs policy and

Clay also put together a draft Release of Information Policy for the Policy and Procedure Committee to review.

Georgette will send out a notice to the committee to meet.

Sara made an offer to be part of this Policy and Procedure Committee, primarily for the issue of the allegation screening committee update.

Dennis asked Clay if this was just thrown together or is it modeled after any other type of Policy and Procedures from another state's POST Council or is this something that has been cut and pasted.

Clay stated he put this policy together from scratch, basically formatted like his old police department policy using the information from the AG's site and the reference material to that to at least come up with a starting point for reviewing.

**3. Allegation Screening Committee Update – Is there going to be an Allegation Screening Committee-Legal advice- If so- composition- where on allegation flow chart.**

Chris Tweeten referenced an outline he sent out regarding review panels. Chris reviewed the procedures used by the Supreme Court's Commission on Practice and felt that the POST Council could follow this. Chris explained that when a complaint comes to the Executive Director's office, this complaint would be reviewed by the Executive Director and by Sarah and then they would jointly make a decision as to whether the matter should be brought forward to the full council for a hearing.

Chris suggested a procedure for the Executive Director to divide the council into 4 review panels of 3 members each, leaving one council member out. Chris suggested this council member left out would automatically be on a panel the following year. One review panel at a time would be assigned to sit for a calendar quarter (3 months). During each quarter, the assigned review panel would consider any recommendation that comes from Sarah and the Executive Director in which the review panel would receive a written report along with any documents pertaining to the decision.

At this point, the review the panel would then make the decision whether to bring charges or not; followed up with a written notice to the complaining party and employing agency.

Chris stated that if this is a route the council would like to take; this would have to be drafted into administrative rule to put this matter into law.

Discussion held. No action taken at this point.

Steve Barry asked the Executive Director to put together a document that outlines the review panels.

Jim Smith suggested having the Executive Director and Sarah weed through the allegations to see which ones may be frivolous before bringing them before a review panel.

Sarah asked for a motion to provide her with a deadline to have the flowchart completed with the added review panel process.

Mike suggested having an outline in writing at the face-to-face meeting in December.

Georgette suggested having the paperwork in November so they have time to review then make a decision at the December meeting.

Clay will have this available for the December meeting and until then, we will continue to move forward with the flow chart as it stands.

Chris asked to have this paperwork available by December 1<sup>st</sup> as a deadline to get paperwork circulated for consideration.

**Steve Barry motioned to have the information to be at hand December 1<sup>st</sup> for consideration during the December 20<sup>th</sup> meeting.**

**Jim Smith seconded**

**Motion carried**

#### **IV. Guest Issues**

##### **a. Public Questions/Concern**

No reports.

#### **V. New Business**

##### **1. Legal Counsel Update - Chris Tweeten**

Chris referenced a hand out regarding the Misdemeanor Probation Officer Training and whether the Council has authority to approve training standards for these officers. After review, Chris feels the Council does have such authority, but only with respect to misdemeanor probation officers employed by a local government.

Chris followed up by stating that he does not think the council certifies training for private probation officers; (private probation officers that work for a company that contracts with the local government). These officers are not employed by local government, so by statute, they are not public safety officers. Chris does not believe these officers are within the scope of who POST is authorized to certify.

Discussion held.

Chris attended the Law & Justice Interim Committee in September and was asked to the podium by Senator Shakley to ask about POST requesting legislation. Chris prepped Shakley that we would not be going forward with the Criminal Justice Agency legislation then added the discussion of two additional issues of the Mental Health evaluation and the obligation of the Council to issue a certificate when the basic qualifications have been met whether the officer has requested it or not.

Chris prepared initial drafts of the two bills which he had circulated to Sarah, Steve and Hal. These bills should be considered by the Council during the December meeting.

## **2. Director's report**

### **a. EPP request completed and forwarded on 27 Aug- (copy)**

Clay informed the Council that he completed and forwarded the EPP request to CSD. This request is for an Admin position and a staff attorney.

### **b. Case Files- Cases closed-written report**

Clay provided a report reflecting the status of 2010-2012 cases.

### **c. Case Files – Cases pending hearings**

Provided on the report reflecting the status of 2010-2012 cases.

### **d. Office Issues-**

#### **1. Temp working- back log caught up-**

Clay stated Teri Mehn, who has been coming into the office, currently has us caught up with data entry and any additional office support as needed.

### **e. Budget Report-**

Clay provided the budget report to the council as previously requested, and mentioned that we have spent about \$30,000 in legal fees during the last two months.

Steve commented on the operating end of the budget and mentioned to Hal that we may need a supplemental at some point.

Clay stated he has been communicating with Kathy Seacat already regarding these expenditures and they are aware of these numbers and will deal with them when necessary.

Sarah stated that she is continuing to place a lot of tasks back onto Clay to help with expenditures.

## **3. Decertification- Edwin Young, Retired Billings PD- Felony Conviction (11-25)**

Clay provided a news article showing Edwin Young pleading guilty to 2 felonies. He also sent a letter to Young; which he did not respond to, so last week he left a message on his phone and sent a letter over night to his house (so he would have the opportunity to be present if so desired) stating the Council was going to meet today to present the request of his revocation. There was no response.

**Dennis McCave motioned to decertify Edwin Young  
Ray Murray seconded  
Motion carried**

## **4. Proposed Stipulation- Freedom Crawford (12-02)**

Sarah stated the information is provided in the order from Mike Carter stating

Freedom received a pretty good deal because he was very cooperative and has owned his behavior making steps forward in fixing it.

Tony continues to receive questions from sheriffs asking if POST actually has authority over elected sheriffs.

Chris stated it's his understanding that elected Sheriffs are no required to be certified by POST.

Sarah commented that her functioning order is that she has the ability to take away their POST certificate if they do something bad, but they can still perform as Sheriff in an administration function, the just can't service in a peace officer function.

Chris felt this might be a good subject for an Attorney General's Opinion since the Sheriff's responsibilities are spelled out in statute.

Discussion held.

**Steve Barry motioned to approve the proposed stipulation and resolution.  
Mike Anderson seconded  
Motion carried**

**Lewis Matthews voted 'nay'.**

#### **5. Approval/Denial of Certificate Requests**

**Dennis McCave motioned to approve the pending list with the corrected duplication  
Tony Harbaugh seconded  
Motion carried**

#### **6. Approval/Denial of Extension Requests**

- a. Aaron Frank –St. Ignatius PD**
- b. Daniel Shreeve – Yellowstone County Detention**
- c. Jacob Whittle – Yellowstone County Detention**

**Mike Anderson moved to approve the extension requests  
Ray Murray seconded  
Motion carried**

#### **7. Approval/Denial of Equivalency Requests**

- a. Ian Baker- Fergus Co SO**
- b. Patrick Kruse- Teton Co SO**
- c. Kevin Kipling- Blackfeet LE**

**Dennis McCave motioned to approve the EQ request  
Steve Barry seconded  
Motion carried**

## **VI. Council Member Reports**

**Steve Barry** ~ Department of Corrections is staying very busy with the legislative session. And a number of retirements at the end of the year; including himself.

**Mike Anderson** ~ next week is the 6<sup>th</sup> Annual Crime Prevention Conference, which will be kicked off Wednesday October 23<sup>rd</sup>. There are approximately 230 preregistered, predominantly law enforcement. Also, Mike stated his position with the Auditor's office is proposing legislation to make his investigator sworn peace officer status.

**Dennis McCave** ~ will follow up on the private investigator within the next 30 days with Chris and Kevin. Dennis will also get together with RaeAnn Forseth regarding the basic curriculum she proposed for Misdemeanor Probation Officers. Law enforcement basic material had been handed off to Lewis Matthews for review.

**Tony Harbaugh** ~ no update from the Coroners Committee. The next MSPOA board meeting is scheduled to be in Lewistown November 15-16, 2012.

Tony also stated that the day he returned from the August meeting he had received a letter from the ACLU stating he had 30 days to close his jail. As of October 1<sup>st</sup>, he is housing their inmates in Valley County in Glasgow.

**Ray Murray** ~ Private security will meet Monday in Helena to discuss an Attorney General's opinion on whether the contractors with Corrections are required to have private security licenses.

**Alex Betz** ~ no report

**Georgette Boggio** ~ will contact her committee members to discuss the draft to see if there are any necessary changes or recommendation.

Their next County Attorneys Association meeting is set for November 29 – 30, 2012.

**Jim Smith** ~ no report

## **VII. Public Comments**

Kirk Fitch from Havre stated he had previously returned from IECT Conference and the legal advisors talked about the Federal EOC trying to push down a deal with specific pre-employment guidelines; one relating to felony convictions stating just because you have a felony conviction doesn't automatically disqualify you from employment. This is a heads-up as it may bring legal challenges from a state level.

## **VIII. 12:00 Adjourn**

**Mike Anderson motioned to adjourn**

**Dennis McCave seconded**

**Motion carried**