

POST Minutes

02/16/10

I. Call meeting to Order, roll call, identify guests:

Council Members Present: Winnie Ore – Chair, Mike Anderson, Dennis McCave, Levi Talkington, Steve Barry, Ray Murray, Greg Watson, Georgette Hogan, Bob McCarthy

Staff Members Present: Wayne Ternes - Director, Deborah Butler, Tana Meuer, Clay Coker

Absent: Frances Weeks, Bonnie Wallem, James Marble, Tony Harbaugh

Guests: none

II. Approval of minutes from December 17, 2009 meeting

Dennis McCave moved to approve the December minutes
Bob McCarthy seconded
Motion carried

III. Old Business

1. Update on HR 218

a. State Firearms Requirement Resolution 10-001

Wayne and Deb attended another meeting with the AG's office on HR218 and creating a statewide standard is next on the agenda.

Wayne and Clay also reviewed information that other states are doing; also received a lot of input from agencies across the state and firearms instructors who advised POST that they like their own material. Wayne explained that this would be the 'minimum' requirement within each agency's current course of fire.

Wayne explained this draft is open for discussion and only for review at this time but hopes to get something approved by April's face to face meeting.

Dennis talked to Seth (firearms) and Seth had concerns that agencies do more than the 30 round MLEA qualification course and probably does more difficult training... Dennis asked in order to qualify current officers, is it the intention that the agencies with current TRC course that in the view of firearms person exceeds the minimum; that's acceptable as a qualification to be firearms qualified in the state of Montana even though it's not 100% testing, it exceeds the minimum standards; Has it been thought about whether POST has to look at this on a case by case basis?

Wayne explained agencies can exceed this, but not less than these standards. Wayne expressed that POST really needs to set a statewide standard that every agency has to do at least once a year.

Dennis asked why we would put any one through this 30 round qualifying course when what they do 4 times a year exceeds that; as far as skill level, ability and accuracy at 80% with 50 rounds?

Wayne stated this was only to be the minimum 'within' the course. Wayne reminded everyone that in order for this federal law to take effect, the law states there must be a statewide minimum standard that has to be the same for everyone.

Levi stated he agrees with Dennis and states he has never been a fan of the 100% hits requirement.

Wayne explained that this is not a course of fire; this is a 'minimum' included in the course of fire.

Clay stated if you shoot at 80% with 50 rounds TRC, you'd qualify at 100% at 30 rounds.

Wayne clarified that the agencies need to write their standards to either meet or exceed the POST standard.

Steve Barry stated that he doesn't agree with the 100%, it should be changed to 80%.

Wayne clarified that this is for every law enforcement public safety officer in the state of Montana. First we must set a state standard, and then HR218 can follow along. HR218 from the Federal Government cannot go into effect until there is a state standard.

Discussion held.

Winnie stated that any thoughts should be brought to Wayne prior the April meeting so they can be distributed to the whole council, well in advanced and we can get this standard adopted.

2. Investigative/Complaint Files review

Wayne stated there are several more complaint files coming in.

Wayne commented that Kathleen Jenks has information on at least two court outcomes where POST certification is tied to their disposition of sentences.

In April there will a spread sheet of all the progress of the complaint files as to where they're at.

Levi asked if he would be receiving information on closed cases to post on the Integrity Report?

Wayne stated yes. And the Integrity Report is on the list to update.

IV. Guest Issues

No guest issues

IV. New Business

1. MOU with DOJ

Steve Barry commented that he didn't see any need of change or modification.

Wayne addressed Ray regarding his concern about the investigative services of DCI; if POST finds anything of legal/criminal nature, it has to go to the agency, city attorney, county attorney or the AG's Office first. DCI wouldn't get involved unless requested by that local agency. POST doesn't have the ability to request the investigation.

Ray asked if POST would have access to information such as background checks etc.

Deborah stated John was willing to do this.

Winnie stated our goal is to have this ready to go to Justice for their thoughts within two weeks. We need to finalize this draft.

2. Director's Report

a. Compliance Report

Clay has completed 9 agencies so far; updating rosters to assist with our database cleanup. Out of these 9, there has been only 2 agencies that were not compliant.

Clay stated this process has been very well received. He is also verifying if there is a Police Commission; who does the annual trainings, checking on the racial profiling status making sure they have everything in place according to law, etc.

Bob McCarthy asked if Clay shows up unexpectedly.

Clay explained that all his agency visits are scheduled.

Wayne stated that the idea is to have everyone involved be invited to these meetings; police commissions, mayors, etc.

Ray asked if Deb had a chance to look at any citations on the Police Commission information and whether or not this would be something Clay could had out during his travels.

Deb stated she had reviewed the material and explained that these are just an informational document and stated they should be provided to the agencies if they want to use a Police Commission. The next step is to have POST adopt it.

Winnie stated this will be placed on April's meeting. After it's adopted, Clay can start using it.

Clay stated the agencies that needed one already had one in place.

Winnie commented how valuable this process is that Clay is enforcing.

Wayne stated he will send out more information regarding the budget and explain where we are going to cut out 5% of the budget. The vacancy savings from Clay's position saved us in this area.

We still have in our budget enough for our coroners and the DACUM for the reserve officers. Possibly a two day DACUM.

Wayne is looking for two days in the first week of April to begin the DACUM for Reserves.

The deadline of gathering the reserves names is February 24th.

Wayne stated he had purchased copies of the CALEA Standards to help us move forward as the field asks questions, the CALEA book can be referenced.

Wayne stated there has been a huge change with ITSD; they're down 9 FTEs...but the good news is the gentleman whom originally began the POST database program creation is now self employed, so he stated he will take this project back on to help us get our database rolling.

April's face-to-face meeting is Wednesday afternoon (Committee meetings), April 14th and all day Thursday, April 15th is our business meeting. On the morning of April 14th (8:00am-12noon) is when MSPOA is sponsoring an open forum on reserve officers so whoever would like to attend this will be covered by the POST budget.

Winnie verified that the curriculum meeting is scheduled for the afternoon of April 14th, what other committees are going to meet this afternoon?
...No additional response was received.

Winnie asked if anyone was to decide their committee will be meeting on the 14th, please let Wayne or Winnie know so accommodations are made available.

Wayne stated our meeting in April coincides with the region meeting for the IADLIST group; National POST Directors group. The Department of

Homeland Security is paying for each POST Director or the designee to show up at the meeting.

Wayne stated that June meeting was originally scheduled to be a conference call, but the Law Enforcement Summit is being held the same time.

Wayne asked what it would look like to hold the conference call the week prior the summit so any council member interested in attending the Summit could. Registration fee would be covered by POST.

Law Enforcement Summit starts on June 22nd.

Winnie stated to keep the conference call for Monday June 21st to provide convenience for those who need to travel.

Ray stated he had a Board of Private Security meeting on the 21st.

*Winnie changed the conference call back to June 14th so Ray can participate.

3. Approval/Denial of Pending Certification List

Dennis asked about a request for basic certificate showing unassigned; also another request under instructor certification showing unassigned.

Wayne explained that this person is now a reserve officer but is not updated in the database.

Discussion held regarding instructor requirements and rule changes.

Winnie suggested writing an administrative rule change stating “employed or assigned” as a reserve officer.

Dennis McCave moved to approve the Pending list
Ray Murray seconded
Motion carried

4. Approval/Denial of Extension Requests

Levi Talkington moved to approve the Extension Request
Bob McCarthy seconded
Motion carried

5. Approval/Denial of Equivalency Requests

Dennis McCave moved to approve the Equivalency request.
Bob McCarthy seconded
Motion carried

6. Council Member Reports

Levi Talkington ~ Professional and Integrity Standards Committee

Submitted report prior to the meeting via email.

Steve Barry ~ Business Plan Committee

Submitted report prior to the meeting via email.

Dennis McCave ~ Curriculum meeting

During the April meeting they will look at the P&P lesson plan and hopefully by then the DACUM for the reserves will be done. Between now and then Dennis will ask Kevin Olson to give update on CDOB lesson plans.

V. Public Comment

No public comment

VI. Adjourn

Levi Talkington motioned to adjourn
Bob McCarthy seconded
Motion carried