



HB 697

A STUDY OF THE POST COUNCIL

DRAFT FINAL REPORT TO THE 69TH LEGISLATURE

Law and Justice Interim Committee

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This report is a summary of the work of the Law & Justice Interim

Committee, specific to the Law & Justice Interim Committee’s 2023-2024 POST Council study as outlined in the Law & Justice Interim Committee’s 2023-24 work plan and House Bill 697 (2023). Members received additional information and public testimony on the subject, and this report is an effort to highlight key information and the processes followed by the Law & Justice Interim Committee in reaching its conclusions. To review additional information, including audio minutes, and exhibits, visit the Law & Justice Interim Committee website: <https://leg.mt.gov/committees/interim/ljic/>

A full report, including links to the documents referenced in this print report, is available at the Law & Justice Interim Committee website: <https://leg.mt.gov/committees/interim/ljic/>

HB 697: A STUDY OF THE POST COUNCIL

OVERVIEW

[HB 697](#) introduced by Rep. Bill Mercer during the 2023 Legislative Session, directs the Law and Justice Interim Committee to study the structure, staffing, and duties of the Public Safety Officers Standards and Training (POST) Council. The committee allocated approximately 10% of their time to a low-level study of this topic.

HB 697 directs the committee to:

- examine the legislative history of the council's structure, staffing, and duties;
- review the current structure, staffing, and duties of the council;
- compare the council's current structure and administrative attachment to similar entities in other states; and
- provide recommendations to the 69th legislature for how the council should be structured and staffed.

FINDINGS AND RECOMMENDATIONS

DRAFT (not adopted by committee)-- The committee gained a greater understanding of the POST Council's duties as outlined in Montana statute and carried out through administrative rule, as well as the Council's historical structure within state government. The committee did not request draft legislation or recommend changes to current staffing and structure of the POST Council.

STUDY PROCESS

In the course of its HB 697 study, the committee learned about the role, history, and structure of the Montana POST Council, the duties the Council carries out per statute and administrative rule, a comparison of POST councils in other states, and the distinction between the POST Council and the Montana Law Enforcement Academy (MLEA).

THE ROLE OF THE POST COUNCIL

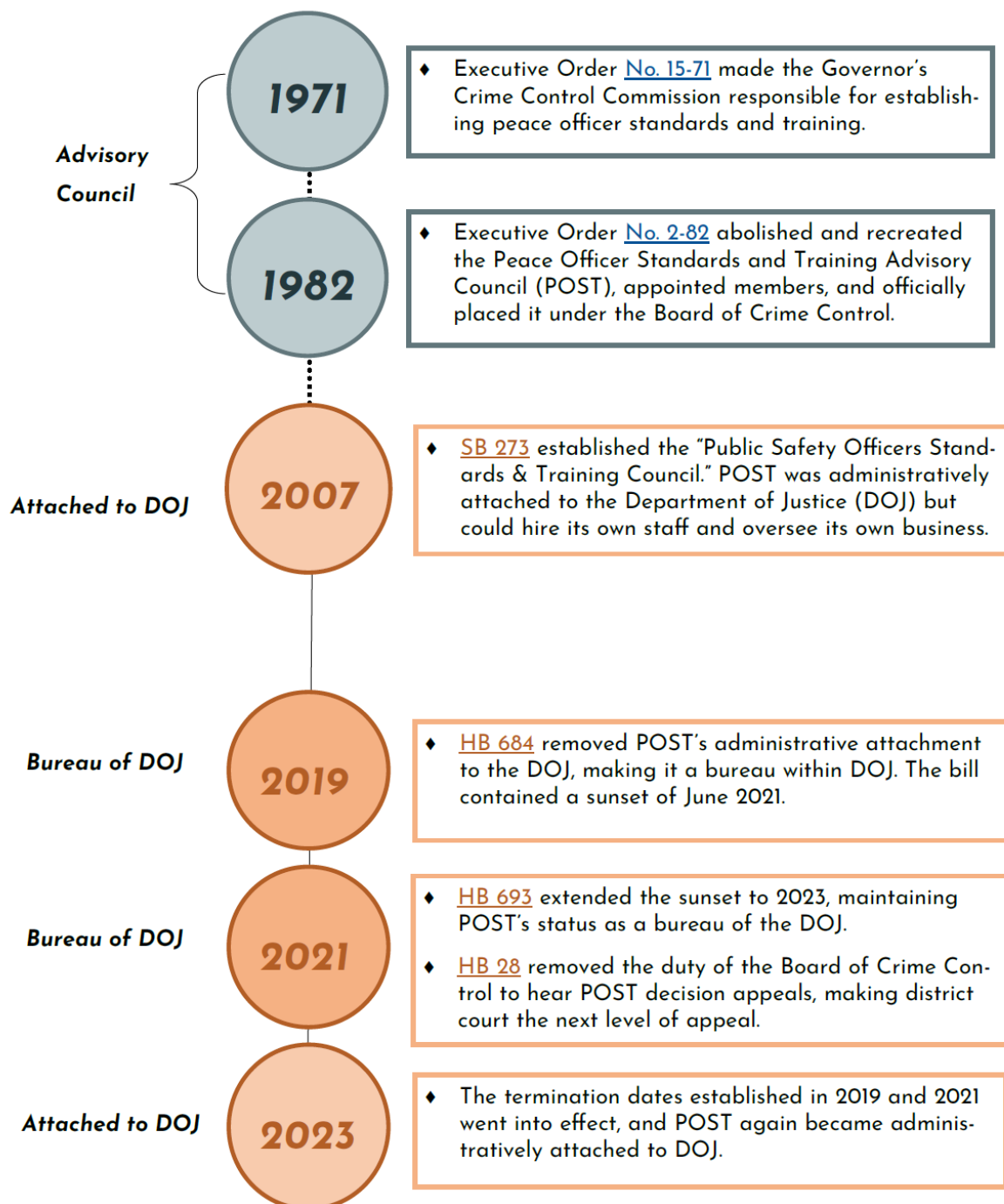
The Public Safety Officers Standards and Training (POST) Council is a [quasi-judicial board](#) that oversees training and certification of public safety officers as defined in [44-4-401, MCA](#). POST's statutory duties as outlined in [44-4-403, MCA](#) include:

- establishing basic and advanced qualification and training standards for employment,
- conducting and approving training, and
- providing for the certification or recertification of public safety officers and for the suspension or revocation of certification of public safety officers.

The committee heard a [panel presentation](#) from members and staff of the Montana POST Council explaining the scope of the council's duties. The POST Council also provided a [resource guide](#) that covers current staffing, council reports, and relevant statutes, rules, and policies.

HISTORY AND STRUCTURE

Since its inception, the POST Council's location and role within state government has changed numerous times. It first existed as an advisory council under the Montana Board of Crime Control, then was changed by legislative measures to an administratively attached entity and later a bureau of the Department of Justice. The committee received a [background paper](#) that outlined each of these structural changes from POST's creation until July 2023.



POST IN OTHER STATES

No national governing body sets compulsory standards for all POST organizations. As a result, POST boards or councils in other states vary in role, structure, and authority and even those with similar structures may operate differently in practice.

The National Conference of State Legislatures (NCSL) compiled a list of each state's POST [authorizing statutes](#) and determined that 24 states' POST organizations can be [categorized](#) as **independent boards or commissions**, and 27 (including Montana's) are **housed in executive agencies**. Council membership varies widely, ranging from as few as 4 members (Rhode Island) to as many as 32 (Virginia). Minimum training requirements imposed may differ by as much as 4 months.

IADLEST MODEL STANDARDS

The [International Association of Directors of Law Enforcement Standards and Training \(IADLEST\)](#) is a non-profit organization that provides support to POST councils across the country. Though membership is not mandatory, IADLEST provides training curriculum and accreditation standards, maintains a [national decertification index](#), and issues [model standards](#) for POST council best practices and operations. Among these standards is a recommendation for POST councils to be independent and autonomous.

1.0.2. Independent Agency

To combat undue political influence or pressure, and to avoid any appearance of impropriety or favoritism, the commission should be a separate, autonomous national or state agency rather than a division or branch of another agency.

IADLEST Model Standards for POST Administration

LEGISLATIVE TRENDS

Since 2020, there has been a surge in state legislation related to police officer certification and decertification, with many states establishing or updating statutory framework for POST activities. The committee received a [NCSL brief](#) which boiled these legislative trends down to four categories:

- Standardizing or establishing certification and decertification procedures,
- Expanding statutory guidance on when decertification can or must be pursued,
- Requiring certification renewal procedures that include ongoing training,
- And, when needed, changing statutory frameworks entirely to allow greater transparency of these processes.

MONTANA LAW ENFORCEMENT ACADEMY (MLEA)

To a casual observer, it may appear that the POST Council and the Montana Law Enforcement Academy (MLEA) are connected. Both entities deal in some way with training of law enforcement, both receive funds from a special revenue account established in [44-10-204, MCA](#), and POST currently has office space on MLEA's campus. Though POST and MLEA work collaboratively at times, they are separate entities with distinct roles. It is the role of the POST Council to issue certification to law enforcement officers and set training standards, and MLEA is one place in

the state where officers can obtain basic and advanced training in various disciplines. Attorney General Knudsen and staff from the Department of Justice elaborated on the role of MLEA in a [presentation](#) to the committee, and some members visited the MLEA campus in Helena to learn more about the training programs and facilities.

APPENDIX A: LAW AND JUSTICE INTERIM COMMITTEE MEMBERS

Before the close of each legislative session, House and Senate leadership appoint lawmakers to interim committees. The members of the Law and Justice Interim Committee, like most other interim committees, serve one 20-month term. Members who are reelected to the Legislature, subject to overall term limits and if appointed, may serve again on an interim committee. This information is included in order to comply with 2-15-155, MCA.

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