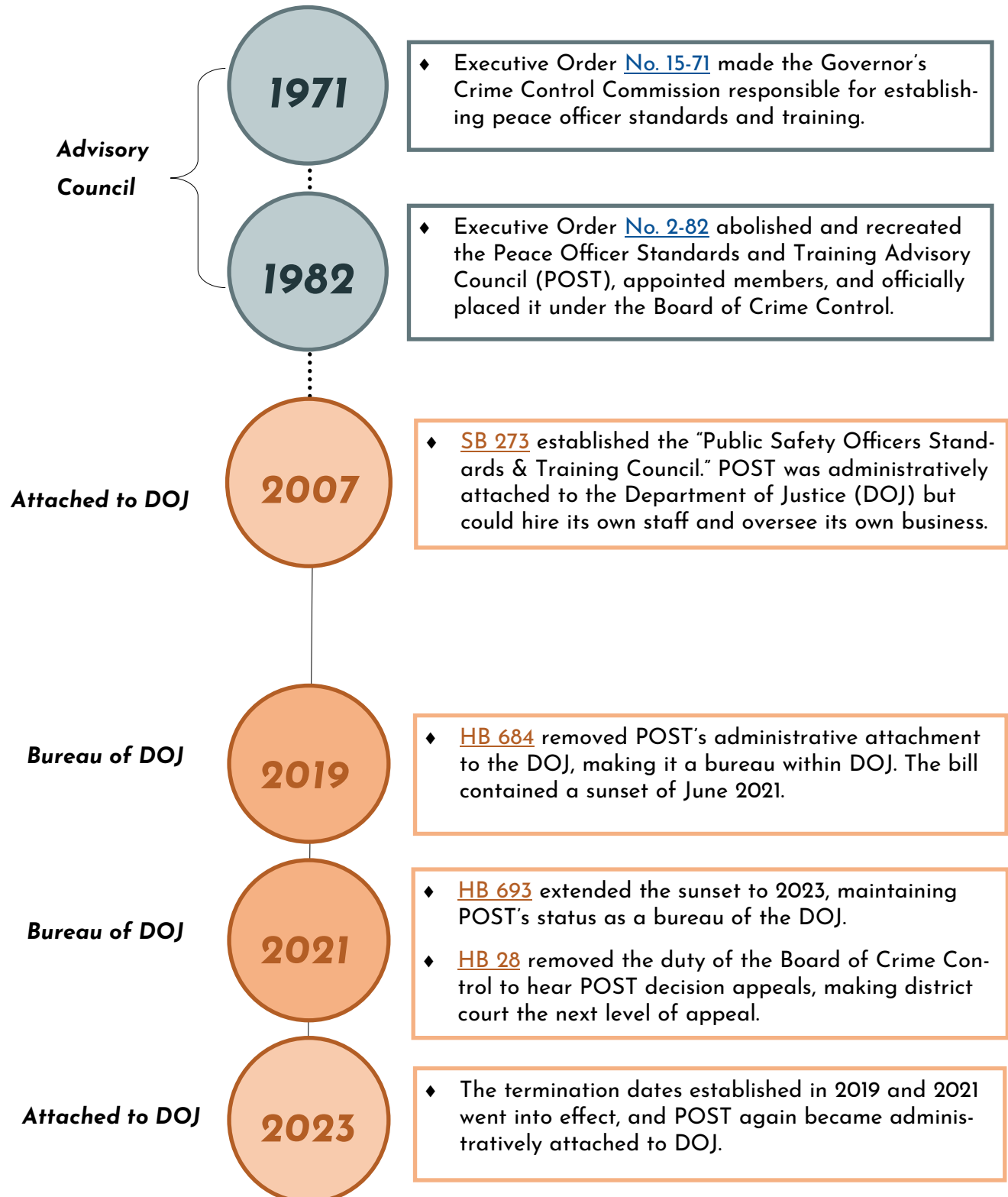


P.O.S.T. COUNCIL ORGANIZATIONAL HISTORY

LAW & JUSTICE INTERIM COMMITTEE
SARA HESS, SEPTEMBER 2023



BACKGROUND

The Public Safety Officers Standards and Training (POST) Council was established in Title 44, Chapter 4, Part 4, MCA during the 2007 regular session.

44-4-403. Council duties -- determinations -- appeals. (1) The council shall:

- (a) establish basic and advanced qualification and training standards for employment;
- (b) conduct and approve training; and
- (c) provide for the certification or recertification of public safety officers and for the suspension or revocation of certification of public safety officers.

Since its inception, the Post Council's location within state government has changed numerous times. Prior to 2007, POST existed as an advisory council under the Montana Board of Crime Control (MBCC). As an advisory council, all POST actions were subject to review by MBCC.

2007

SB 273 established the POST Council in statute as a quasi-judicial board. It made POST an administratively attached entity to the Department of Justice (DOJ), but gave the POST Council authority to hire its own staff and conduct its own business operations. The bill also allowed for POST decisions on revoking certifications to be appealed to MBCC. POST was provided 1 FTE to fulfill its duties. Proponents of the bill cited the importance of the POST council's duties and the need for autonomy.

2019

HB 684 came out of the Section D budget committee and sought to move the POST Council under DOJ as a bureau. POST's duties and quasi-judicial status were unchanged, but the council's growing FTE request would be provided by DOJ using existing resources. Opponents of the bill were concerned about public perception and potential conflicts of interest that may be created by placing POST staff directly under an agency that also employs public safety officers. An amendment was added to allow the council to hire the POST bureau chief, but the bill ultimately passed without this provision. The final bill was set to terminate in 2021.

2021

The termination date was extended to 2023, and the duty for MBCC to review appeals was removed.

2023

HB 697 established a reporting requirement and required LJIC to conduct an interim study. The bill went through several iterations, with the first draft placing POST under MBCC, and a second draft repealing the termination date established in 2021 to keep POST as a bureau under DOJ. The final draft of the bill simply allowed the termination date to go into effect, again making the POST Council administratively attached to DOJ.

Proponents of the bill as first introduced cited the need for POST to be independent and autonomous, while opponents reported improvements in the consistency and transparency of POST's actions since becoming a bureau of DOJ.