



Montana Public Safety Officer Standards & Training Council

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POST Due Process for Officers and Resources Needed for Complaints/Allegations

- ❖ POST receives a complaint/allegation
- ❖ POST notifies the employing authority and requests a response in 30 days
- ❖ POST presents the complaint and employing authority's response to the Case Status Committee
- ❖ The Committee then closes the allegation or open an investigation
- ❖ POST contacts officer to request a response
- ❖ POST conducts an Independent Administrative Investigation and provides a synopsis to the Committee
- ❖ The Committee determines whether sanctions are appropriate, and if so, what sanctions are appropriate
- ❖ POST sends a Settlement Agreement to the officer
- ❖ If no agreement can be reached, POST takes action on the officer's certification
- ❖ If the officer requests a contested case hearing, the MAPA process is followed

Contested Case Counsel

- Provides Consultation with the Case Status Committee and POST staff
- Reviews and edits Settlement Agreements drafted by POST staff
- Reviews and edits the Notices of Agency Action drafted by POST staff
- Is the prosecuting counsel in contested cases before the Council
- Participates in Scheduling Conference
- Conduct Discovery and Depositions
- Prepares Summary Judgment and other Motions
- Represents the Director during contested case hearings and in oral argument before the Council

Hearing Examiner

- Issues an Order setting a telephonic scheduling conference
- Sends out a Scheduling Order
- Holds final prehearing conference
- Conducts hearing
- Issues Findings of Fact, Conclusions of Law and Recommended Disposition for the Council's review

Transcriptionist/Court Reporter

- Records a record of all POST Council meetings and hearings

Special Master/General Counsel

- Receives recommendation from Hearing Examiner
- Oversees briefing and oral argument before the Council
- Legal advisor for the Council
- Drafts final POST Council decisions
- Represents the Council before the Courts

* The same lawyer cannot serve as (1) general legal advisor to the Council; (2) prosecuting attorney for cases presented to the Council for decision; and (3) legal advisor to the Council with respect to its decision-making role *in those very same contested cases*.