



Memorandum

DCI

To: Law and Justice Interim Committee
From: Bryan Lockerby, Administrator
CC: Perry Johnson, POST Bureau Chief; Tony Harbaugh, POST Council Chairman
Date: 5/4/2020
Re: May 2020 status update regarding POST per MCA 2-15-2029

The 2019 Montana legislature passed HB684 which merged Public Safety Officers Standards and Training (POST) with the Montana Department of Justice, under the Division of Criminal Investigation (DCI). The bill added POST as a Bureau to DCI with a two-year sunset and required regular updates to the Law and Justice Interim Committee.

For several years, POST has been functioning successfully through the merger of two attorney positions by using one contracted attorney to serve dual roles: counsel to the Council and as prosecuting counsel. Following legal discussions at DOJ and the timing of the contracted attorney's notice of intent to resign from the position, the two positions were bifurcated to remove potential conflicts of interest during contested cases that could create due process issues for the certificate holder. As a matter of practice, the Department of Labor and Industry (DLI) also separates the roles for all boards by providing a lawyer for any Board or Commission and another to prosecute licensing cases that come before the same Board or Commission.

Working with the POST Executive Director, DOJ identified an experienced legal resource at the Gambling Control Division who can ideally absorb most of the contested case prosecution work for POST. An MOU was signed internally between GCD, DCI, and POST to share the resource equitably with a contingency plan in place if unexpected issues arose. POST then contracted a part-time private counsel to serve as legal advisor to the POST Council, creating greater efficiency and cost-share benefit.

The infrastructure upgrade to the MLEA campus is nearing 80% completion which created more office space. MLEA administration vacated their office space which POST moved into. Although it is still the older part of the campus, it provides additional capacity.

COVID-19 has delayed some efforts at imaging records through Print & Mail services. A recent assessment to store the massive number of documents digitally will require a new server, something future budgeting will be set aside for.

POST is to be commended for no change to operations when the COVID-19 pandemic struck Montana. Although some parts of state government may have lurched with operational changes, the adjustment to teleworking and workplace modifications by POST staff was seamless. Public safety certificates, investigations, reviews, and other duties continue to be completed on-time and efficiently.

DIVISION OF CRIMINAL INVESTIGATION