MONTANA police certification 2023-01-03

Maggie Green filed this request with the Montana Public Safety Officer Standards & Training of Montana.

Submitted	Jan. 3, 2023

STATUS

Completed

Get Help

This request was filed by Maggie Green through MuckRock, a non-profit organization that helps journalists, researchers, and the public file, track, and share records requests. You may follow up directly with the requester by following the prompts below. Should this request be directed elsewhere? Have you already responded? Click Get Help above and let us know, or reach our team directly at info@muckrock.com . Frequently asked questions about MuckRock.

Upload documents and update the status of the request below, or choose an option to reach our team directly:

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- I'm not the best contact for this
- This request should go to a different agency
- Something else not covered here.

8 Communications 1 File

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From: Maggie Green 01/20/2023

Subject: Montana Freedom of Information Act Request: MONTANA police certification 2023-01-03 Email

To Whom It May Concern:

This is a public records request made via MuckRock under the Montana Freedom of Information Act, seeking records related to law enforcement officer certification in this state.

University's Journalism and Democracy Initiative and helps journalists collect, process and analyze public data.

We are seeking two categories of certification records:

* All certified officers
All law enforcement officers who are actively certified as of the date of this request (or when the request is processed). If your system maintains historical records of previously certified officers who are no longer active, please include them as far back as possible. If correctional officers are certified by your agency, please include them as well.

* Decertified officers
All law enforcement officers who have been decertified through revocations, voluntary surrenders, suspensions or any other actions going back as far as possible. Please include records for decertified correctional officers if available.

Data elements for certified officers:
* Officer unique ID number
* POST or state certification ID number
* Officer's full name
* Officer's date of birth or, if not releasable, year of birth or current age
* Officer's city and/or zip code of residence
* Officer's last/current department or agency
* Officer's last/current department or agency start date
* Officer's last/current position and/or rank at that department or agency
* Officer's previous departments/agencies (employment history), with start and end dates
* Officer's positions and/or ranks at previous departments or agencies
* Officer's original date of certification
* Current status of certification (active, lapsed, expired, suspended, etc.)
* Last action taken on certification
* Date of last action on certification
* Disciplinary actions taken against this officer's certification
* Dates of disciplinary actions taken against this officer's certification
* Training history/additional certifications of this officer, if available

Data elements for decertified officers:
* Officer unique ID number
* POST ID number
* Officer's full name
* Officer's date of birth or, if not releasable, year of birth or current age
* Officer's city and/or zip code of residence.

* Decertification action taken (revocation, suspension, voluntary surrender, etc.)
* Date decertification action taken
* POST case number, if applicable
* Reason for decertification or similar action

If your certification system contains data elements not listed above, please include them in the response, provided they are releasable under the law. On the other hand, we recognize some of the information we are asking for may not be tracked by your system. If that is the case, we are willing to accept as many of the data elements as your agency maintains. If some records are more readily available, we are happy to receive partial information as soon as possible while the remaining request is processed.

In addition to the data elements listed, we request documentation necessary to understand and interpret the data, including but not limited to record layouts, data dictionaries, code sheets, lookup tables, etc.

Our preference is to receive structured data provided in a machine-readable text file, such as delimited or fixed-width formats. We can also handle a variety of other data formats including SQL databases, Excel workbooks and MS Access. If there are additional formats your agency would prefer to provide, please let us know.

We are seeking this information as a news media organization on a matter of public interest concerning the conduct of government. As such, we ask for a waiver of all fees, if allowed under state law. If fees are necessary to reimburse the agency for actual costs, we agree to pay up to $100. If costs exceed that amount, please let us know before fulfilling the request.

Please send clarifications and questions via electronic communication at any time. Thank you very much for your time and attention to this request.

Maggie Green
ABC-Owned Television Stations
(901)517-1963

From: Maggie Green 01/13/2023

Subject: RE: Montana Freedom of Information Act Request: MONTANA police certification 2023-01-03 Mail

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* POST or state certification ID number
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* Officer's date of birth or, if not releasable, year of birth or current age
* Officer's city and/or zip code of residence
* Officer's last/current department or agency
* Officer's last/current department or agency start date
* Officer's last/current position and/or rank at that department or agency
* Officer's previous departments/agencies (employment history), with start and end dates
* Officer's positions and/or ranks at previous departments or agencies
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* Current status of certification (active, lapsed, expired, suspended, etc.)
* Last action taken on certification
* Date of last action on certification
* Disciplinary actions taken against this officer's certification
* Dates of disciplinary actions taken against this officer's certification
* Training history/additional certifications of this officer, if available

Data elements for decertified officers:
* Officer unique ID number
* POST ID number
* Officer's full name
* Officer's date of birth or, if not releasable, year of birth or current age
* Officer's city and/or zip code of residence.

* Decertification action taken (revocation, suspension, voluntary surrender, etc.)
* Date decertification action taken
* POST case number, if applicable
* Reason for decertification or similar action

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Please send clarifications and questions via electronic communication at any time. Thank you very much for your time and attention to this request.

Maggie Green
ABC-Owned Television Stations
(901)517-1963

From: Muckrock Staff 01/20/2023

Subject: RE: Montana Freedom of Information Act Request: MONTANA police certification 2023-01-03 Email

To Whom It May Concern:
I wanted to follow up on the following request, copied below. Please let me know when I can expect to receive a response.
Thanks for your help, and let me know if further clarification is needed.

Subject: None Web

In response to your January 20, 2023 records request to Montana POST, attached is a zip file with several .csv files, including code tables for each group of spreadsheets.

Because of the Right to Privacy guaranteed to all Montanans in Article II, Section 10 of the Montana Constitution, opposition of the Montana Attorney General, and hundreds of Montana peace officers who are in good standing, the Montana POST Council has voted to only produce identifying information of Montana peace officers whose certification has been sanctioned by POST. POST has redacted identifying information for officers whose certifications have not been sanctioned by Montana POST. This position represents the balancing of the public's right to know against the individual officers' right to privacy in the absence of disciplinary action having been taken against them.

The names and information of four officers whose discipline involved mental health issues have been redacted. See Health Insurance Portability and Accountability Act of 1996, Pub. L. 104-191 ("HIPAA"); 45 C.F.R. § 160.103.

The following columns have been redacted from the sanctioned officers' attached files:
1. Social Security Numbers - Mont. Code Ann. § 2-6-502; Mont. Const. Art. II, §10 (Right to Privacy)
2. Dates of Birth - Mont. Const. Art. II, § 10 (Right to Privacy); Art. II, § 9 (no merit to public disclosure)
3. Add ID and Chg ID, which contain POST Staff's system login IDs - Mont. Const. Art. II, §§ 9-10 (no merit to public disclosure, private, security risk)

The attached spreadsheets contain export information from tables for POST's active and archived records for sanctioned and unsanctioned officers. Please note that officers' records remain in the active records for one year after they have become inactive, meaning that some officers who show up in the "active" files may not be actively working today.

Katrina Bolger, ACP
Advanced Certified Paralegal – Discovery
Montana Public Safety Officer Standards and Training Council
2260 Sierra Road East
Helena, MT 59602
Phone: 406-444-9974
Fax: 406-444-9978
Office Hours: Mon.-Fri. 7:00-3:00

MuckRock_Production.zip

Download

From: Maggie Green 01/24/2023

Hi,

Thanks so much for your help with this request! I really appreciate it.

Sincerely,
Maggie Green

From: Maggie Green 02/06/2023

Subject: RE: Montana Freedom of Information Act Request: MONTANA police certification 2023-01-03 Email

Good morning,

I hope you are doing well. We are asking you to reconsider your partial denial of our records request, given that the agency released this data with officer's names, including officers with no previous sanctions, in 2018-2019 to USA Today and again in that same time frame to the Invisible Institute. We're glad to send a copy of the data released at that time to document that, if necessary. If the agency has made a policy decision since that time to begin redacting the names of all officers to protect their privacy, we'd like you to further elaborate on the POST's rationale for that decision, when that decision was made, and the specific Montana statute(s) that allow the POST to redact or keep secret that information.

For your convenience, I am copying our original request below:
Data elements for certified officers:
* Officer unique ID number
* POST or state certification ID number
* Officer's full name
* Officer's date of birth or, if not releasable, year of birth or current age
* Officer's city and/or zip code of residence
* Officer's last/current department or agency
* Officer's last/current department or agency start date
* Officer's last/current position and/or rank at that department or agency
* Officer's previous departments/agencies (employment history), with start and end dates
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* Training history/additional certifications of this officer, if available

* POST ID number
* Officer's full name
* Officer's date of birth or, if not releasable, year of birth or current age
* Officer's city and/or zip code of residence.
* Officer's last department/agency, with start and end date
* Officer's last position and/or rank at that department or agency
* Decertification action taken (revocation, suspension, voluntary surrender, etc.)
* Date decertification action taken
* POST case number, if applicable
* Reason for decertification or similar action

Thank you so much for your assistance. We look forward to hearing from you.

All the best,
Maggie Green
ABC-Owned Television Stations
(901)517-1963

From: Montana Public Safety Officer Standards & Training 02/17/2023

Subject: None Web

Dear Ms. Green,

In response to your request for reconsideration, POST denies your request to provide individual officer names. As I explained in a previous email, the names of individual officers were redacted because the POST Council determined that the privacy interests of the individual officers exceeded the merits of public disclosure. The Council reconsidered its 2019 decision to release officer names based on these privacy rights as articulated by the Montana Attorney General and hundreds of individual officers.

The Council's position represents the balancing of the public's right to know against the individual officers' right to privacy in the absence of disciplinary action having been taken against them. See Article II, Sections 9 and 10 of the Montana Constitution; Mont. Code Ann. 2-6-1002(1) (exempting from public information: "confidential information that must be protected against public disclosure under applicable law"); Mont. Code Ann. 2-6-1003(2) (exempting "information relating to individual or public safety"). The POST Council made this decision during its meeting on May 11, 2022. The Council later approved providing randomly assigned numbers in place of individual officer names at its meeting on December 7, 2022.

Katrina Bolger

Passcode Required

OK

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