## Bolger, Katrina

**From:** Bolger, Katrina
**Sent:** Friday, May 27, 2022 12:18 PM
**To:** Biraben, Amancai
**Cc:** Gilbertson, Eric; Stuart Segrest; Ortley, David; Cantrell, Emilee; Nerison, Kyler; Jesse Slaughter
**Subject:** RE: Open Records Request from the Associated Press
**Attachments:** Employment Active.csv; Certifications Active.csv; Employees Active.csv; Employees Archive.csv; Employment Archive.csv; Certifications Archive.csv

Amancai,

In response to your February 16, 2022, records request to Montana POST, attached are six .csv files.

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 the records of Montana peace officers whose certification has been sanctioned by 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 removed for the same reasons, as well as other federal and state statutory requirements including HIPPA.

The Microsoft Excel spreadsheets contain export information from the following tables for our active and archived records for sanctioned officers: employee table, employment table, and certifications table. Irrelevant or unused fields and protected information have been redacted (dates of birth, social security numbers, etc.). Please note that officers' records remain in our 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. 8:00-4:00

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**From:** Biraben, Amancai <ABiraben@ap.org>
**Sent:** Friday, April 22, 2022 5:21 PM
**To:** Bolger, Katrina <KBolger@mt.gov>
**Subject:** [EXTERNAL] RE: Open Records Request from the Associated Press

Katrina,

Do you have an update on the status of this request?

Amancai Biraben
News Associate
AP StoryShare

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**From:** Bolger, Katrina <KBolger@mt.gov>
**Sent:** Thursday, February 24, 2022 11:55:38 AM
**To:** Biraben, Amancai <ABiraben@ap.org>
**Cc:** Gilbertson, Eric <Eric.Gilbertson@mt.gov>
**Subject:** RE: Open Records Request from the Associated Press

[EXTERNAL]

Amancai,

The Montana POST Council has reviewed your request. POST will be reaching out to agencies in Montana to determine whether there are any undercover officers whose information may need to be redacted for the safety of the officers. We anticipate being able to provide you the information around April 1, 2022.

Thanks, and feel free to reach out with any questions!

**Katrina Bolger, ACP**
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**From:** Bolger, Katrina
**Sent:** Thursday, February 17, 2022 11:50 AM
**To:** Biraben, Amancai <ABiraben@ap.org>
**Cc:** Gilbertson, Eric <Eric.Gilbertson@mt.gov>
**Subject:** RE: Open Records Request from the Associated Press

Good Morning Amancai,

Montana POST has received your request and will provide it to the POST Council and their attorney for discussion at their next meeting. Their next meeting is currently scheduled for February 23, 2022. I will be able to provide you with an estimate regarding when to expect the records in the days following the meeting.

As an initial note, Montana POST does not collect or maintain any information on officers' race/ethnicity.

Additionally, our certificates do not "expire," but they simply are inactive after an officer leaves employment and does not return for more than five years. Because of this, it will likely be difficult to determine which of our inactive officers' peace officer certification is inactive. We can more easily produce records regarding certified officers who were actively working from 2010 to present. If you want the ones that are still active, even though they may not have been working for years, that will be a much more complicated/time-consuming undertaking.

POST does maintain certification sanction information in the same database, so no need for a separate records request.

Finally, POST will likely have to produce the information in a file with an extension labeled "csv." If you have Microsoft Office, the tables/data it will automatically open with Excel.

Let me know if you have any questions, and have a great day!

**Katrina Bolger, ACP**
Advanced Certified Paralegal – Discovery
Montana Public Safety Officer Standards and Training Council
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Helena, MT 59602
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**From:** Biraben, Amancai <ABiraben@ap.org>
**Sent:** Wednesday, February 16, 2022 4:02 PM
**To:** Bolger, Katrina <KBolger@mt.gov>
**Subject:** [EXTERNAL] Open Records Request from the Associated Press

Dear Katrina Bolger of the Montana Public Safety Officers Standards & Training:

My name is Amancai Biraben, and I am a reporter at the Associated Press. I'm writing on behalf of AP to request certain information your agency keeps on peace officers who held a license in your state during any time between Jan. 1, 2010, and the present.

AP would like to get a copy of the database your agency maintains that contains licensing information on peace officers that includes, but is not limited to, the officer's name, gender, race, ethnicity, original licensing date, most recent licensing action and a description of that action, years of service and agencies where they have been employed in your state (including current employer, current start date and latest end date).

If this same database contains information specific to decertification or enforcement actions, AP would like to have those fields of information as well. But if information on decertification or enforcement actions is maintained in a separate database, AP will file a second request for that separate database.

To be clear, AP's request should cover all officers who held a license in your state during any time between Jan. 1, 2010, and the present -- such as an officer who was first licensed in 2008 (pre-2010) and whose license expired in 2014, and an officer who was first licensed in 2019 (post-2010) and remains active as of today.

In this request, AP is not seeking any personal or financially sensitive information about the officers as made confidential under your state's open-records laws. AP is seeking the publicly available information about them.

AP would like to receive copies of the responsive records electronically, emailed to my address or made available for download through a file-sharing site.

AP is not requesting this information for commercial purposes or for profit, as it is a non-profit. Because AP is a non-profit and because this information is in the public interest, AP requests a fee waiver. If your agency declines the request for a fee waiver, then AP asks that you give it a cost estimate if the cost of fulfilling this request is estimated to exceed $50.

If you have any questions about this request, please call or email me, rather than contacting AP by postal mail, so that I can promptly talk through any issues and possible resolutions.

Many thanks,

Amancai Biraben, Associated Press
abiraben@ap.org
310-562-6761

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