Bolger, Katrina

From: Bolger, Katrina
Sent: Monday, June 12, 2023 6:39 AM
To: Ben Grunwald
Cc: Allred, Timothy; Stuart Segrest
Subject: RE: FOIA Request for Hiring and Separation Information

Ben,

POST obtained a new database in 2017. Since then, I can say that the employment actions have been reported more regularly. Agencies weren't consistently reporting employment actions when I started at POST in 2014. POST began an effort to reach out, contact, and educate agency administrators about the need for those things to be reported, and the importance of the same during the several years prior to the new database. This is so that information could be exported/imported more cleanly and so POST has accurate data on an officer's years of service.

The "POST Case" agency is how we track the time that it takes to conduct an investigation of allegations of misconduct. Those entry fields indicate when an investigation was open, and when a final decision was made.

The "other" entry field has been used for several reasons. Such as, if an agency shuts down or is recreated under a different structure. We have had times when, for example, a dispatch center is moved out from under a sheriff's office, and placed under a county commission, or other government entity.

The "unknown" entry field is used when an officer's departure status is unknown. In the past, we have had agencies whose rosters were very out-of-date. Agency administrators had changed, and we were updating our information. Sometimes an administrator would be unable to track down information on an officer's termination of employment. In order to ensure accurate rosters, we need to be able to enter an inactive status, so "unknown" has been used in those instances.

Katrina Bolger, Paralegal/Investigator
Montana Public Safety Officer Standards and Training Council
2260 Sierra Road East
Helena, MT 59602
Office: (406) 444-9974
Cell: (406) 594-8602
Email: kbolger@mt.gov
Office Hours: Mon.-Fri. 7:00-3:00

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From: Ben Grunwald <grunwald@law.duke.edu>
Sent: Friday, June 9, 2023 4:18 PM
To: Bolger, Katrina <KBolger@mt.gov>
Cc: Allred, Timothy <Timothy.Allred@mt.gov>; Stuart Segrest <stuart@cplawmt.com>
Subject: [EXTERNAL] Re: FOIA Request for Hiring and Separation Information

Thanks again, Katrina, for your previous help with this data. I was hoping you could answer a few additional questions for me.

First, I've noticed that the number of hirings and separations has increased over time. I've attached a screenshot of a graph to illustrate this pattern. I'd imagine that one reason is hiring and separation has increased as the number of officers in the state have grown. But I'd also imagine some of this rise is due to differences in data collection practices over time—perhaps, for example, agencies only started reliably reporting hiring/separation information in a given year. If the latter is true, might you know when the data becomes reliable and comparable across years?

Second, I noticed that almost 400 actions have an agency name of "POST Case" and the action is labeled "Case Open" or "Case Closed." Could you tell me what this means?

Third, with some frequency, the final rows for a substantial number of jobs has an action type of "Other." Might you be able to tell me what some of the most common situations this might cover? Should I assume this usually represents the end of an employment stint?

Finally, and similarly, the final rows for a substantial number of jobs has an action type of "Unknown." Might you be able to provide any information about what this might typically be?

Thank you!
Ben Grunwald

From: Ben Grunwald <grunwald@law.duke.edu>
Sent: Tuesday, January 31, 2023 11:12 PM
To: Bolger, Katrina <KBolger@mt.gov>
Cc: Allred, Timothy <Timothy.Allred@mt.gov>; Stuart Segrest <stuart@cplawmt.com>; Jesse Slaughter <jslaughter@cascadecountymt.gov>
Subject: Re: FOIA Request for Hiring and Separation Information

Thank you!

From: Bolger, Katrina <KBolger@mt.gov>
Sent: Monday, January 30, 2023 5:04 PM
To: Ben Grunwald <grunwald@law.duke.edu>
Cc: Allred, Timothy <Timothy.Allred@mt.gov>; Stuart Segrest <stuart@cplawmt.com>; Jesse Slaughter <jslaughter@cascadecountymt.gov>
Subject: RE: FOIA Request for Hiring and Separation Information

I have attached updated spreadsheets for our Archive and Active Employee files. Let me know if this works for you.

Have a great day!

Katrina Bolger, ACP
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From: Ben Grunwald <grunwald@law.duke.edu>
Sent: Sunday, January 29, 2023 10:10 PM
To: Bolger, Katrina <KBolger@mt.gov>
Cc: Allred, Timothy <Timothy.Allred@mt.gov>; Stuart Segrest <stuart@cplawmt.com>; Jesse Slaughter <jslaughter@cascadecountymt.gov>
Subject: [EXTERNAL] Re: FOIA Request for Hiring and Separation Information

Thanks very much, Katrina. On the birthyear, I believe you could extract the year automatically by inserting the following text into a column: "=year([cell number])". Would you be willing to do that? As an example, please see column G of the attached spreadsheet, which extracts the year from the dates in column F.

Again, thanks so much for your help!

Ben

From: Bolger, Katrina <KBolger@mt.gov>
Sent: Monday, January 23, 2023 11:20 AM
To: Ben Grunwald <grunwald@law.duke.edu>
Cc: Allred, Timothy <Timothy.Allred@mt.gov>; Stuart Segrest <stuart@cplawmt.com>; Jesse Slaughter <jslaughter@cascadecountymt.gov>
Subject: RE: FOIA Request for Hiring and Separation Information

Good morning!

I believe the attached zip file contains information responsive to your updated request. We aren't able to provide years of birth without redacting each employee record by hand, as the full date of birth is recorded

as a single field. Montana POST does not record/track race or ethnicity. Additionally, we no longer track rank except the administrators/agency contacts (sheriff, undersheriff, chief, assistant chief, etc.). Please let me know if I missed anything.

Thanks, and have a great day!

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From: Ben Grunwald <grunwald@law.duke.edu>
Sent: Tuesday, October 25, 2022 8:55 AM
To: Bolger, Katrina <KBolger@mt.gov>
Subject: [EXTERNAL] Re: FOIA Request for Hiring and Separation Information

Thank you very much, Katrina!

BG

From: Bolger, Katrina <KBolger@mt.gov>
Sent: Monday, October 24, 2022 9:23 AM
To: Ben Grunwald <grunwald@law.duke.edu>
Cc: Allred, Timothy <Timothy.Allred@mt.gov>; Stuart Segrest <stuart@cplawmt.com>; Jesse Slaughter <jslaughter@cascadecountymt.gov>
Subject: RE: FOIA Request for Hiring and Separation Information

Good Morning, Ben!

Yes, your request was received, and we have been working with legal counsel on it. Staff and legal counsel have determined that the updated request needs to be addressed to the full Council for clarification on their prior decision. Their next regularly scheduled meeting is set for December 7, 2022.

In the intervening time, if you have questions, please feel free to reach out. Also note that Timothy Allred is the new POST director.

Katrina Bolger, ACP

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From: Ben Grunwald <grunwald@law.duke.edu>
Sent: Saturday, October 22, 2022 8:09 PM
To: Bolger, Katrina <KBolger@mt.gov>
Subject: [EXTERNAL] Re: FOIA Request for Hiring and Separation Information

Hi Katrina,

Could you clarify whether my renewed information request, filed on 10/11/22, has been received and is under processing? I ask because the email was directed primarily to Eric Gilbertson, but I received notification soon after that the email bounced back from his address. If the request has not been received, could you provide me with the correct address to direct information requests?

Thank you,

Ben Grunwald

From: Ben Grunwald <grunwald@law.duke.edu>
Sent: Tuesday, October 11, 2022 9:28 AM
To: eric.gilbertson@mt.gov <eric.gilbertson@mt.gov>; Bolger, Katrina <KBolger@mt.gov>
Cc: Jesse Slaughter <jslaughter@cascadecountymt.gov>
Subject: Re: FOIA Request for Hiring and Separation Information

Dear Executive Director Gilbertson,
On May 1, 2022, I requested under the Montana Freedom of Information Act, among other things, information about the employment history of all current and past Montana law enforcement officers. That request was largely denied to protect officers' privacy interests (the request was granted only with respect to information about sanctioned officers). I am now submitting a narrowed request that does not ask for any individually identifiable data and thus, I hope, does not pose any risk to officer privacy.

Specifically, I am requesting two forms of information.

First, I am requesting a file--like the "Employees.csv" provided to me on 5/31/2022--containing one row for every law enforcement officer who is currently or was previously employed--including both currently and previously certified individuals--going as far back in time as records are reasonably available. In that file, I am requesting the following information:

- a unique random identification number for each officer
- race/ethnicity
- gender
- education
- and, if possible, year of birth

Note that none of the above items individually identify any officers.

Second, for these officers, I am requesting the following information on all of their current and past employment stints (again, going as far back in time as records are reasonably available):

- the unique random identification number for the officer listed in the first file
- agency name
- rank
- officer type
- date of appointment
- date of separation
- and, if possible, type of separation (i.e., termination, resignation, retirement, decease, revoked, etc.)

Would this request be possible?

Thank you,
Ben Grunwald

From: Bolger, Katrina <KBolger@mt.gov>
Sent: Tuesday, May 31, 2022 11:33 AM
To: Ben Grunwald <grunwald@law.duke.edu>
Cc: Ortley, David <David.Ortley@mt.gov>; Stuart Segrest <stuart@cplawmt.com>; Gilbertson, Eric <Eric.Gilbertson@mt.gov>; Cantrell, Emilee <Emilee.Cantrell@mt.gov>; Nerison, Kyler <Kyler.Nerison@mt.gov>; Jesse Slaughter <jslaughter@cascadecountymt.gov>
Subject: RE: FOIA Request for Hiring and Separation Information

Prof. Grunwald,

In response to your May 1, 2022 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 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 redacted. *See* Mont. Const. Art. II, §10 (Right to Privacy); 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 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 the agency and officer tables for POST's active and archived records for sanctioned 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.

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From: Ben Grunwald <grunwald@law.duke.edu>
Sent: Sunday, May 1, 2022 9:58:15 AM
To: Slaughter, Jesse <jslaughter@cascadecountymt.gov>
Subject: FOIA Request for Hiring and Separation Information

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sheriff Slaughter,
My name is Ben Grunwald, and I am a criminologist and law professor at Duke University performing academic research on police. I would like to submit a request for information to the Montana Public Safety Officer Standards and Training Council.
under the Montana Freedom of Information Act.

I am submitting this request to you because I could not find an email address for public records requests on the council website. Please let me know if there is a better email address to direct this request to.

I am requesting all data available (ideally in machine-readable format such as a .csv) on hiring, change of status, and separation/termination on all Montana officers going as far back as possible. I believe this information is currently collected through the Notice of Appointment, Notice of Rank Change, and Notice of Termination forms. I am requesting all relevant information available, including officer name, date of birth, gender, rank, hiring agency, agency address, appointment date, officer type (e.g., peace officer, deputy coroner, corrections, etc.), change of rank date, current rank, promoted rank, demoted rank, termination date, type of termination (e.g., resigned, retired, involuntary, resigned under investigation, disabled, deceased), and explanation of circumstances.

For all officers covered above, I am also requesting any additional public information about them that is available, such as race, ethnicity, education, citizenship, military history, or any other information, including public information collected through the Standard Application for Position of Public Safety Officer in the State of Montana form.

Thank you very much.

Best,
Ben Grunwald

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