

STATE OF MT
Office of Public Defender
Investigator Firearms Proposal

A.) Purpose

To authorize OPD Criminal Investigators to carry concealed weapons during work hours, while conducting official OPD business in state buildings and state automobiles.

B.) Authorization

- 1) Governor may authorize.
- 2) An amendment to the current "exceptions" to the concealed carry law.
- 3) A bill, sponsored by a member of the Legislature. (To be drafted by OPD)
- 4) To "piggy back" another state agency's proposal (i.e.: Auditor's office/DOC).

C.) Administration/Commission

- 1) Support of OPD Administration and Commission
 - a) The formal proposal will contain detailed explanations from a number of investigators outlining the need.
 - b) There is no set protocol for who is in charge of office "security" or "safety" if and when a client or individual poses an immediate threat in an office.
 - 1) This falls on the administration to determine whether or not investigators are to be relied upon to be office security, escorts and body guards without being equipped to handle that role.
 - 2) Letters of support would be requested to accompany a Legislative Bill from OPD staff, investigators, administration and OPD Commission.

D.) Training/Certifications/Qualifications

- 1) Three current OPD Investigators are, or have been at one time, Certified POST and/or law enforcement accredited firearms instructors.
- 2) In addition, two spouses of current OPD investigators are Certified POST and/or law enforcement accredited firearms instructors.
- 3) Under the Law Enforcement Officer Safety Act, an officer retired (or former officer in good standing) may receive certification and the State of Montana card necessary to carry a concealed firearm under LEOSA by applying to the Montana Police Protective Association. See attachments.
- 4) The actual cost of instructors, certifications, ammunition, etc. has not yet been determined due to too many variables. The decision on who and when will affect the dollar figures.
 - a) Carrying a concealed weapon is optional, so it cannot be figured as 19 people.
 - b) An initial certification will be needed, along with some type of annual recertification for those opting to carry.
 - c) Without knowing who will be the instructors, how often certifications will need to be done and how many individuals will need to qualify, it's impossible to determine a cost for the time being.

E.) Safety and Security of Firearms

- 1) Until it is determined that OPD Investigators will be allowed by law and certified to carry firearms, policies and procedures have not yet been developed.
- 2) It should be a coordinated effort between investigators, the investigative supervisor, the administration and the safety coordinators to determine policy on firearms.
- 3) A security box/locker or safe shall be installed in each OPD office in order to have a secure on site location for firearm storage should the need arise. (Cost to be determined.)