

Officers turn out in force to express opposition

By Grace Holman
Leader Staff Writer

The Anaconda-Deer Lodge County Study Commission received a clear, distinct message from the Department of Law Enforcement at the Thursday night public hearing: Don't mess with our department.

Assistant Chief Guy Monaco and Capt. Dewey Francisco represented Chief of Law Enforcement Jim Conners, who was in Nashville, Tennessee, with a U.S. Department of Justice project.

The majority of others in the 25 or so group attending appeared to be in support of Law Enforcement, among them Sgt. Mark Blaskovich, who said he has an interest in issues raised

because of his current position with law enforcement — sergeant — and he is one of the five deputy coroners and is one of the three candidates for chief.

Although no commissioners attended, one candidate was present, Jerry Kelly. Others present included county recorder Traci Sweeney and staff in the recorder's office.

County Attorney Ed Beaudette commented briefly on the proposal to make the county prosecutor's office non-partisan, noting he wanted to clarify what had been published in another newspaper. He said the report was "essentially true" although he alleged he was misquoted. Essentially, he said, partisan politics should

not affect the office of county attorney, as the qualifications are set by law. Beaudette and his opponent, Mike Grayson, both filed as Democrats. Beaudette said he supports the two-party system, and that most county attorney elections in Montana are partisan, although he does not know the exact number.

In subsequent comments, virtually in full support of the position taken by the law enforcement officers, Beaudette more than once alleged he is frequently misquoted by newspapers.

In his introduction to the proposed changes regarding the chief of law enforcement, Study Commission chairman Jake Maciag said the com-

mission considered the chief of law enforcement position because of 1993 changes in the county charter with their proposals taken from Montana Code Annotated. Commission members looked at duties both a county sheriff and chief of police because the two offices combined in A-DLC.

Despite this explanation, the commission was later asked by an officer, "Why don't you look at the Montana Code regarding the office....?"

Also, with repeated comments queries as to why the commission would consider changing law enforcement, Maciag answered that the proposals are exactly that: proposals. (See *Charter Changes*, Page

Charter changes . . .

(Continued from Page 1)
set in stone, with the public hearings a part of the process to learn what citizens of A-DLC want and expect from county government.

Connors' letter outlining his objections to the proposals, was read by Capt. Francisco. In response to the proposal that "The Chief of Law Enforcement ... shall not be the department head of, or supervise, any other department of local government," Connors wrote that having the coroner's office a part of the law enforcement department "greatly facilitates any death investigations... and enables us to take complete control of any dead body as necessary to complete our investigation... directing when the body is to be removed from the scene... accompany the body to the State Crime Lab in Missoula ... and (enabling an officer to be) present during an autopsy."

"It serves well to preserve the evidence," Connors wrote.

Francisco, who identified himself as one of the five deputy coroners, was asked by commission member Tom Radonich "Could you be a coroner?," to which Francisco replied, "I am a deputy coroner."

Francisco later said the duty of the coroner is to determine the cause of death and "do the death certificate, starting the chain of evidence operation." The coroner also can maintain follow-up, and with the combined offices, getting information to the county attorney is easier, Francisco said.

Beaudette's comments on the

coroner question was to say that "...lay coroners are subject to influences beyond the scope of death. The coroner and chief can control and protect evidentiary things." He said the chief as coroner creates a chain of custody which "makes cases and gets convictions." After a pause, he added, "...or frees the innocent."

Sgt. Blaskovich emphasized the cost of a separate coroner's office, noting that Butte-Silver Bow's cost is \$14,532, and Lewis and Clark County's cost is \$34,142.40.

In his letter, Connors related he receives \$3,600 per year for being the coroner, with a budget of \$6,600, with the balance used only for autopsies, at a cost of approximately \$700 per autopsy.

"The bottom line is to help the taxpayer," Blaskovich said.

He added that the chief supervises 12 budgets, with the pay only for the coroner's office. That information, supervision of 12 budgets by the chief, drew comment from Radonich, "isn't that quite a bit of responsibility?"

The quick answer was that the chief executive supervises budgets for the entire county ... with competence. Also, having the chief as budget supervisor for the 12 makes facilitation of grants, both obtaining and disbursing, easier. Budgets of justice court, the county attorney and law enforcement are all intertwined, Beaudette said.

"The chief must have control of all budgets to move and make adjustments," he contended.

To change the coroner's of-

fice would "put a monkey wrench" in the department, Blaskovich said.

Monaco was succinct: "The chief as coroner has worked good. The chief should be boss. When something works, keep it. It has worked for 19 years."

Commission member Ed McCarthy Jr. commented that conflict can occur when one person is both coroner and chief, with Radonich adding that two persons look at situations differently, a possible advantage with the coroner's duties. The officers, however, presented a picture of near total conflict if anyone other than the chief of law enforcement is coroner.

In reference to section four of the proposal, listing ways in which the office of chief shall become vacant, Beaudette, repeating an oft-heard comment, admonished the commission to use "...as provided by state law..."

He added the commission had incorporated "hard, terse items ... more appropriate to appointed persons."

Beaudette contended "if you use state law, you can look up (the topic), and find precedents."

"Be more in tune with state law. It's better," he said.

Beaudette contended the study commission's proposals would bind the county in the future, tying the hands of future officials.

Regarding duties of the chief of law enforcement, Beaudette advised the commission to be more affirmative, making the proposal to read, "...shall provide for..." As written, the section is direct: "Duties of the Chief of Law Enforcement are: " with one of the 13 drawing the ire of both Connors, in his letter, and from Beaudette.

Connors' letter read: "since all duties for the chief of law enforcement are established in

Montana Code Annotated these are the explicit duties, I do not understand what duties can be 'directed by the chief executive', since the position of chief of law enforcement is a publicly elected office, with the responsibility to the law and to the public who elected him."

Beaudette reiterated his comments on the differences between elected and appointed officers, with inherent separation of powers, contending this issue involves that separation plus labor relations and the chain of command.

The state constitution closely delineates how much the governor can direct others, in particular the attorney general's office, principally in two areas, to investigate corporations and to assist county attorneys, he said in comparison.

Beaudette also commented the county has established no qualifications for the chief executive ... nor for the chief of law enforcement.

A second proposal among the 13, that law enforcement comply with personnel procedures and the budget established by the commission, drew the comment from Francisco that the police union does not follow the county rules regarding personnel, nor does it intend to do so.

He of a the u the u rehir the l confi wom ing i DLC the u Th durin who with the c who Du said one