

Gallatin County DUI Enforcement Practices and the Gallatin County DUI Task Force

A report to enhance public safety through proactive policing, tougher prosecution, and community outreach

This report is presented to Montana's public decision makers, law enforcement officials, and the Gallatin County DUI Task Force in the interest of its citizens.

November 2014

Printed by the Gallatin County DUI Task Force

Table of Contents

| | |
|--|----|
| Foreword | 1 |
| Executive Summary | 2 |
| Introduction | 3 |
| Background..... | 3 |
| Objective..... | 6 |
| Methodology..... | 6 |
| Research Findings | 8 |
| Interviews in Gallatin County..... | 8 |
| Law Enforcement Survey | 11 |
| Out-of-County Interviews..... | 19 |
| Literature Review and Other Resources | 22 |
| Recommendations | 24 |
| Enforcement and Prosecution | 24 |
| Task Force | 31 |
| Conclusion | 36 |
| Appendix A – Survey Results | 37 |
| Appendix B – Literature | 55 |
| Appendix C – Summary of Recommendations..... | 57 |
| Appendix D – Acronym List..... | 60 |
| About the Author | 61 |

Foreword

A little more than a year ago, I began a journey into the world of Gallatin County's driving under the influence (DUI) enforcement practices and its DUI Task Force. I recently became a full time resident of Gallatin County and wished to volunteer in an area of community need. I am a retired deputy chief of police who has been involved in the development and management of traffic enforcement and safety practices for well over 30 years. As a believer that focused, consistent, and ethical traffic enforcement saves lives, prevents injury, and protects property, I wanted to lend my expertise and insight into assisting the Task Force in its stated objective of reducing the toll that DUI crime takes in our county.

Now, as I begin to write about what I saw, did, and heard during the past 18 months, I most importantly want to reflect and give thanks to the many people who were instrumental in helping me guide this work. This effort is made worthwhile because of the men and women, in and outside of government, who as change agents care about public safety and go above and beyond that which is expected of them everyday. There are many wonderful and talented people in this story, and I wish to acknowledge just a few:

- David McManus, Captain, Ret., Bozeman Police Department;
- Erin Inman, Attorney, Montana Department of Transportation;
- Erin Murphy, Prosecutor, Gallatin County Attorney's Office;
- Glen Barcus, Trooper, Montana Highway Patrol;
- Lonie Hutchison, Missoula County DUI Task Force Coordinator, Missoula City-County Health Department;
- Lorelle DuMont, DUI Programs Specialist, Ret., Montana Department of Transportation;
- Mark La Chapelle, Assistant Chief of Police, Ret., Montana State University;
- Michael Salvagni, Judge of the District Court, Gallatin County;
- Russ Nelson, Mayor, City of Belgrade;
- Salvatore Rosano, Law Enforcement Liaison, Ret., National Highway Traffic and Safety Administration;
- Stephen Thomas, Principal, Tickler and Thomas;
- Tom Woods, Member of the House, Montana Legislature; and
- the women and men of Gallatin County law enforcement whom see DUI enforcement as a priority concern and take assertive action to bring offenders to justice.

Any errors, omissions, or faults with this report lay with me, and my only hope is that they are minor.

Executive Summary

In assessing Gallatin County DUI enforcement practices, I found that county law enforcement agencies, prosecutors, and the judiciary must take a new and enhanced proactive and accountability-based management philosophy in order to reduce the incidence of driving under the influence (DUI) crime. Opportunities abound for law enforcement agencies to take advantage of current data-driven trends to identify patterns of DUI and to develop unique strategies that prevent, deter, and penalize offenders.

Poor communication and a lack of collaboration hinder the efforts of all involved in the fight against DUI crime. I found that officer perceptions of prosecutors and lax penalties for DUI offenders are demoralizing to those tasked with DUI enforcement. I also learned that the number of DUI arrests have decreased, while DUI-caused crashes have increased. This is a trend that can be reversed, but only with a concerted and intentional commitment of time, resources, and leadership by agency decision makers.

In my assessment of the Gallatin County DUI Task Force, I uncovered causal factors behind a deflated and seemingly irrelevant group designated to be a community leader in the fight against DUI crime. What should be the county's go-to resource for DUI prevention and outreach is instead plagued by volunteer frustration and a lack of guidance and vision.

I also found that, with a change in organizational leadership, commitment from elected officials, and a reinvigorated volunteer base, the Task Force has the potential to reshape DUI education, outreach, and preventative endeavors. By working in tandem with local law enforcement and lawmakers, the Task Force can be a hub for collaborative, community-driven initiatives to benefit the greater public good.

I present recommendations that, if enacted, will change the course for DUI enforcement and Task Force effectiveness. These recommendations are built upon the input, research, observations, and experiences of those battling the DUI epidemic impacting our state, from peace officers to public health officials to prosecutors and courts to the community. The onus is upon elected and executive leadership to move recommendations forward.

Introduction

Background

The Gallatin County DUI Task Force (Task Force) is a citizens group appointed by the county commissioners, and it is responsible for public education, advocacy, and enforcement projects that aim to reduce the frequency and number of impaired driving crashes in the county. Established in 1982, the Task Force is led by an elected board and coordinated by a half time, paid member of the county staff. The Task Force is headquartered in Bozeman, MT, and its membership is composed of private citizens, city and county attorneys, and law enforcement representatives from throughout Gallatin County.

I initiated this report of DUI enforcement practices and the Task Force as a result of what I learned from a conversation with the Task Force's coordinator during a spring 2013 meeting. I heard a distressing tale of a perceived disconnect between various parts of the criminal justice system where prosecution efforts were not assertive and the imposition of penalties was weak. This perspective was coupled with a significant decrease in countywide DUI enforcement results, despite data suggesting that actual DUI levels had not experienced a similar reduction.

Initial research showed me that:

- 1) Between the years 2009 and 2012, DUI arrests decreased by 55 percent for the Bozeman Police Department and 46 percent for the Gallatin County Sheriff's Office. Countywide, arrests decreased 39 percent when including the Montana Highway Patrol (MHP).
- 2) During the same time, DUI arrests increased by 55 percent for the Missoula Police Department, 18 percent for the Billings Police Department, and remained relatively stable for Montana in its entirety.
- 3) The average blood alcohol level for a DUI arrestee in Gallatin County is approximately 0.15, or nearly twice the established legal limit of 0.08. Blood alcohol levels this high may indicate that enforcement practices are having minimal effect in deterring incidents of DUI.
- 4) Reported numbers of DUI crashes in Gallatin County (fatal, injury, and property damage only) between 2008 and 2012 were relatively stable, despite a significant reduction in local DUI arrests, suggesting that current DUI enforcement is not having a deterrence effect.
- 5) Countywide DUI arrests between 2004 and 2012 declined from 1075 to 709, or a decrease of 34 percent. DUI crashes in the same period increased from 146 to 177, or an increase of 21 percent. In 2004 approximately one DUI arrest occurred per seven DUI crashes, and in 2012 approximately one DUI arrest occurred per four DUI crashes.

While the research of DUI arrest numbers can yield a number of different interpretations, it lent support to the Task Force coordinator’s concern about her perception of a decline in DUI enforcement in Gallatin County. Causing further concern was that the coordinator stated that she was told to refer to DUI arrests as “citations” when providing statistics for criminal justice system members to review. A citation is solely a document that records an enforcement action, whether that is an enforcement action for jaywalking or DUI. The actual enforcement action taken during a DUI incident is an arrest, be it misdemeanor or felony.

I use the term DUI to mean any person who drives a vehicle while under the influence of alcohol and/or any other substance, including narcotics, marijuana, and medicine, and thus, commits a crime when so doing. Every year, more than 10,000 Americans are killed, and nearly one-and-a-half-million are arrested for violating the DUI laws of our states, making DUI the most common crime in the nation. Consider that nearly one-in-three Americans will be involved in an alcohol-related crash at some point in their life, and the fiscal cost of DUI crime is over \$130 billion per year, or almost three-times the annual gross domestic product of the state of Montana.

The fact is that Montana, and Gallatin County, experience substantial DUI levels. Our state is regularly the state with the highest alcohol-related crash-fatality rate in the country. The 2014 “Report to the Nation,” by Mothers Against Drunk Driving (MADD), describes Montana as one of the two least effective states in administering effective DUI prevention and enforcement efforts. “MADD challenges the legislature to take action and provide law enforcement with needed resources to get drunk drivers off the road,” states the report. It goes on to express that Montana needs to “...use high-visibility enforcement and no-refusal crackdown activities.”



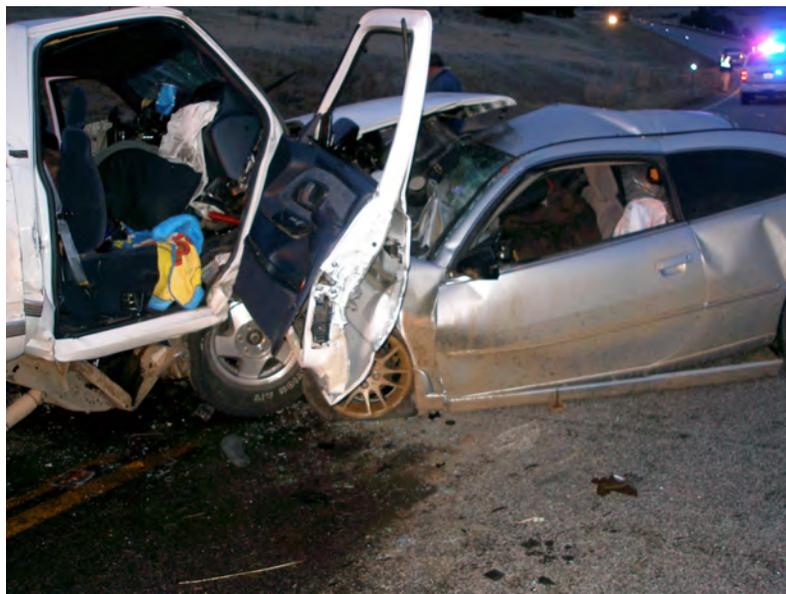
Source: Cartographic Research Lab, University of Alabama

In Montana, well over one third of vehicular crash fatalities are alcohol and/or drug related. The state was recently the butt of national attention when a not so slight tongue-in-cheek descriptor

of each state in the Union was published in *USA Today*. In the map, “The United States of Shame,” Montana was given the moniker of being the “drunk driving” state.

A great deal of research and literature has been produced to demonstrate the accuracy of the above and other relevant facts. The National Highway Traffic Administration (NHTSA), Centers for Disease Control and Prevention (CDC), Montana Department of Transportation (MDT), Gallatin City-County Health Department, University of Montana (UM), and MADD have each conducted detailed research on the area of DUI causes, levels, results, and enforcement.

Reviewing the research, questions that immediately arise are: have incidents of DUI declined during the noted time frame, and thus, are there fewer related arrests? The answers are not simple, as several options may individually or collectively account for a decline in DUI arrests.



An example of the challenges of deterring DUI behavior, upon release from jail for DUI, the driver of this sedan purchased a bottle of alcohol and proceeded to drive home. The driver's blood alcohol level was 0.08. Picture courtesy of Montana Highway Patrol.

Based upon my experience and research, when there is significant reduction in DUI arrests – particularly when those arrests are stable or rising elsewhere – it is an indication that DUI enforcement is not an organizational priority. Officers respond to training and managerial direction, which establish enforcement priorities in concert with the community. If little direction and accountability are given to enforce DUI laws, the result is generally a reduction in DUI arrests. The converse is also true. Other factors for decreased DUI arrests can include changed levels of calls for service, staffing shortages, using proactive policing measures – such as DUI checkpoints that reduce DUI incidents – enhanced public transit systems, and change in law enforcement executive leadership.

The amount of DUI crashes, historically, correlate to rises or drops in DUI arrest numbers and public education. While crash numbers are indeed an indicator of DUI incidents, they may not

always be the most reliable. DUI crashes are often underreported due to hit-and-run incidents, which are often misidentified by incorrect primary crash factor. It is unlikely that solo vehicle crashes caused by an impaired driver, without witnesses, will be reported. Further, new vehicle technologies that enable DUI and sober individuals alike to avoid an injury in a crash, or avoid a crash in its entirety, may skew incidents of DUI. In addition, the simple use of a seatbelt can be the difference between a DUI fatal crash and a DUI minor fender bender.

Returning to researched data on the incidence of DUI, the CDC reports that in 2010, over 1.4 million Americans were arrested for DUI. Additionally, CDC research indicates that over 112 million self-reported incidents of DUI occurred in 2010, meaning that about one percent of likely DUI incidents result in an arrest. One study quoted by MADD estimates that a first-time drunken driving offender has already driven under the influence 80 times prior to their first arrest.

A 2010 report by The University of Montana School of Social Work, wherein a group of felony DUI offenders was queried as to how many times they drove under the influence, gives us further insight into the question of how many DUI incidents are occurring in our community. Their responses yielded data that indicates each felony offender averaged 369 DUI events per arrest.

The CDC further estimates that over 300,000 incidents of DUI occur every day in our nation. Reflecting the population of Gallatin County, that suggests there are at least 95 incidents of DUI driving crimes in Gallatin County every day and almost 35,000 per year. In 2012, 709 DUI arrests were made in Gallatin County. While this arrest statistic is better than the national average, it still means that 98 percent of DUI events go unapprehended in our county.

Objective

The objective of this assessment was to understand DUI enforcement protocol, practice, and effectiveness among the various Gallatin County law enforcement agencies and to recommend best practices, opportunities, and approaches that improve and enhance the public's ability to reduce the incidence of DUI.

Methodology

My research process consisted of four major categories and concluded with a series of findings and recommendations for the DUI Task Force, law enforcement members, elected officials, community leaders, news media, and interested individuals to consider.

The four research categories were:

- Conduct personal interviews regarding DUI issues and the Task Force with law enforcement officers, business and education leaders, health professionals, prosecutors and defense attorneys, members of the judiciary, elected officials, and other residents in Gallatin County.

- Construct and administer an online survey of all peace officers in Gallatin County.
- Conduct meetings with representatives of law enforcement agencies, DUI task force coordinators, DUI and transportation subject matter experts, and traffic safety planners from outside of Gallatin County.
- Identify literature of best and recommended practices in the field of DUI enforcement.

More than 600 hours of meetings, research, and documentation (consisting of the above elements) were conducted over an 18-month period. Funding sources include: the Gallatin County DUI Task Force, Montana Department of Transportation, and personal donation.

Research Findings

I present my research findings in the order of my four methodology categories: Gallatin County interviews, law enforcement survey, non-Gallatin County interviews, and literature and resource review.

Interviews in Gallatin County

I conducted more than 100 interviews in Gallatin County, meeting with persons from the general community, peace officers, managers and executives of various entities, public health officials, news journalists, tavern owners, chamber of commerce members, local and state education leaders, attorneys at law, elected officials, recovering addicts, persons arrested for DUI, all Task Force members, and many more. I was fortunate that so many people were willing to speak with me about DUI enforcement and the Task Force. Though law enforcement perspective is critical to this report, my intent was not to rely too heavily on any single profession or perspective.

There were several overarching and consistent themes that arose from almost every interview.

- Alcohol abuse is epidemic in Gallatin County.
- There is a permissive “Montana culture” that views offenses related to alcohol use as an acceptable or excusable behavior.
- Alcohol is a major contributor to underlying behaviors that lead to criminal acts, such as domestic violence, other assaultive behavior, DUI, and many other offenses.
- DUI is very common throughout the county and many interviewees have friends and family who drive under the influence and/or have been hit by an impaired driver in a traffic crash.
- Prosecution is often weak and the imposition of stringent penalties for committing DUI is low considering the dangers associated with the offense.
- Officer accountability for enforcing DUI laws varies from agency to agency and officer to officer.
- Many people in the community misunderstand DUI laws.
- MSU students engage in alcohol-induced behaviors, including DUI, which have an impact on public safety and the general orderliness of downtown Bozeman on weekend nights.

- The DUI Task Force is little known in the community, minimally reflects community stakeholders, and its role is not well understood in the law enforcement community.
- The long-tenured Task Force Coordinator alienated large segments of the Task Force and critical segments of the community.

I also heard about the perception that other types of crime may have increased over the past few years, thus suggesting a reduced focus on DUI enforcement. Hearing this, I wanted to know if crime had in fact increased, which might suggest that with increased calls-for-service, peace officers would have less time for proactive, traffic stops seeking DUI offenders.

I checked crime data for Bozeman and Gallatin County from the Federal Bureau of Investigation's Uniform Crime Index. What I found was the City of Bozeman and the County of Gallatin had population increases well above 10 percent between 2004 and 2012, and calls for service had similarly increased. Despite notable population increases, however, the City of Bozeman had an 11-percent reduction in FBI-reported crime, and the unincorporated area of the county had a 26-percent reduction in FBI-reported crime. In addition, both the Bozeman Police Department and the Gallatin County Sheriff's Office gained additional staff during this time period. The Bozeman Police Department is currently attempting to hire police officer candidates to fill its authorized personnel strength, and the sheriff's office is having an audit conducted to determine if additional staff is warranted.

Legal community

Members of the legal community weighed in with comments that focused on the need for officers to conduct proper and standardized field sobriety tests, write good reports, and be prepared to give good testimony. In other words, all officers should master traditional and foundational law enforcement work. There was a clear expression that there are some peace officers who do a very good job in all of the above, and that makes for a much greater likelihood that the defendant will plead guilty in a DUI case. As may be inferred, conversely, a DUI case is more likely to result in a trial, plea bargain, or dismissal when officers do not demonstrate expected skills. Members of the judiciary, prosecutors, and defense counsel repeated this sentiment with great consistency.

In addition, the issue of ethics and peace officer credibility was discussed. There was no discernible negative trend of widespread misconduct that caused particular reflection. There was, however, a stated undercurrent that members of the legal community know who the "highly" credible officers are and know who the few "questionable" officers are, but that there is no institutionalized feedback mechanism to give that information to law enforcement leaders.

Selective Traffic Enforcement Program

The Selective Traffic Enforcement Program (STEP) came up in a number of interviews. STEP is a program funded by MDT in which overtime funds are made available to local law enforcement agencies for the purpose of high-profile traffic enforcement focusing on DUI, seat belt, speed, and other crash-related violations. Management of this program comes with minimal accountability from MDT other than via local agency reporting with a statistics sheet that accounts for officer time expended on STEP activities. Obtaining information from MDT proved

somewhat difficult and in some cases required filing Freedom of Information Act requests that were not required of other government agency requests for information.

Historically there has been no analysis of whether the funded activity meets STEP strategic objectives. In interviews and observation, it appears that management of this special enforcement program has not been monitored for strategic intent, as such requirement was not mandated by MDT. Further, it appears that staffing was generally at the discretion of an assigned officer's interest more than being based upon identified enforcement need.

Law enforcement ride-alongs

As part of the interview process, I went on ride-alongs with the Bozeman Police Department, Gallatin County Sheriff's Office, and Montana Highway Patrol. Given my three decades of experience with urban law enforcement, I am quite familiar with the characteristics of urban policing. What I found most noteworthy while riding with Bozeman PD was the large number of intoxicated individuals surrounding certain drinking establishments in the downtown core on weekend nights and during Music on Main.

Based upon my professional experiences, I was surprised that it is not a violation of law to be intoxicated in public in the State of Montana. I found numerous lapses of a respectful nature for the social etiquette expected of individuals in public, which appeared to be occurring due to inebriation, in the downtown core of Bozeman on weekend nights. Nationwide, there is a strong correlation between heavy drinking in urban cores, like downtown areas, and DUI in the surrounding vicinity. Unfortunately, police department records systems are not able to provide timely data to validate the extent to which this occurs in Bozeman. That said, information from officers, personal observation, and anecdotal stories from others suggest that the correlation between heavy drinking in downtown and DUI incidents is, no doubt, just as prevalent here as elsewhere in America.

The time that I spent with deputies and troopers was very valuable as it gave me a perspective different than that of an urban police officer. I gained a much greater appreciation for the nature of rural policing and the great distances involved in a patrol beat, impact that severe weather has on duty time, and different priorities than one might find in an urban environment. While these considerations can greatly impact DUI enforcement, I was impressed with the sheriff's office involvement with DUI arrests, as that is not always a task that other sheriff's offices assume. Deputies and troopers confront an environment in rural and far reaching locales where back-up is not immediately available and staffing is minimal. The two scenarios can then create a circumstance where it is problematic at times to engage in proactive traffic enforcement efforts.

Police officers, deputies, troopers, and prosecutors provided insight into a host of task-specific issues that affected them during the course of their DUI enforcement duties. These themes ultimately formed the questions administered to all county law enforcement officers in the online survey that follows.

Law Enforcement Survey

Approach

I initiated a survey of law enforcement officers in Gallatin County that 1) focused on issues that officers noted as problematic in the enforcement of DUI laws, and 2) assessed perceptions of the role of the county's DUI Task Force. Stephen Thomas, retired police commander and principal in the consulting firm of Tickler and Thomas, worked with me to design the survey based upon the most critical issues discovered during law enforcement officer interviews. Mr. Thomas' firm administered the survey and provided data analysis and reporting.

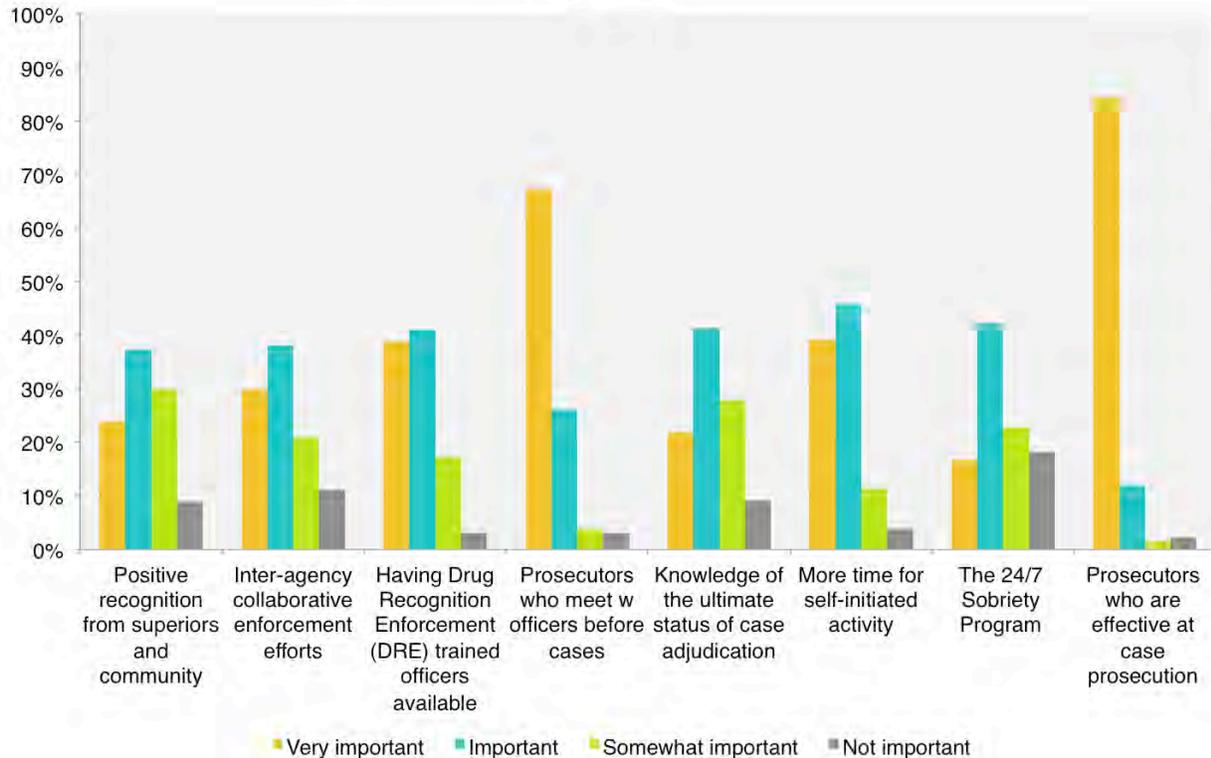
Prior to issuance, administrators from all city police agencies within the county, MSU police, sheriff's office, and MHP gave their full and open support to allow this survey to occur. The response rate was slightly above 80 percent, with a maximum response of 134 answers to any single question. Comprehensive survey results, with comments, are included in Appendix A.

I asked 10 individuals from various professions – who have insight into DUI procedural issues – to review the survey results, and, along with me, try to identify major response themes. The observations for all of us were quite similar. It is important to remember that this survey only included peace officer responses to DUI issues, and there should be no doubt that different concerns, or ratings, might be raised by other professional interests.

Results – Prosecution and administrative impacts

Officers were asked to rank the importance of choices that assist assertive DUI enforcement. Prosecution-related issues were the most important issues that officers identified. Respondents overwhelmingly identified the choices “Prosecutors who are effective at case prosecution” and “Prosecutors who meet with officers before cases” as their top choices. Almost 100 percent of peace officers with less than ten years of service identified the prosecution issues as being “very important” or “important.” 63 percent of officers responded that it was “very important” or “important” that they receive knowledge of the ultimate adjudication of their cases, which many said they do not now receive.

Importance to assertive DUI enforcement n = 134



These results mirrored the responses given to me in personal interviews. All interviewed law enforcement agency members stated they would like a system wherein prosecutors and officers have the opportunity to exchange information on cases before a case goes to court. Further, the feedback loop between arresting officer and prosecution seems to be weak in DUI cases, and there is distress when an officer finds that their case has been dismissed or pled to a lower offense without their knowledge. Frustration with the reality, or perception, of “deals” being made between prosecutors and defense counsel or judge runs very high for peace officers.

Peace officers engaging in DUI enforcement face many hurdles that include personal dangers, a large workload to process and report the incident, and a strong desire to see that justice occurs in the incident. With such a large investment in DUI arrests, officers want to know that their expenditure in time and energy will have a lasting impact on deterring and removing impaired drivers from the road.

I found a disconnect between peace officers and prosecution that does not benefit the good of the effort to fight DUI. Survey responses, interview statements, and my own personal observations led me to this conclusion. Belgrade Police Department data, by example, shows that most of their DUI cases are disposed of in plea bargains to a lesser offense or by outright dismissal. For the five-year period ending in 2013, of 242 first-offense DUI arrests, 107 were amended to a lesser offense. In addition, officers and deputies with the Bozeman Police Department and Gallatin

County Sheriff's Office routinely told me that the DUI arrests that they make result in filings and or dispositions about which they have little or no knowledge.

In Belgrade, the question of why such a large number of DUI arrests are being pled down or dismissed has not been answered, although it is having an effect on officer morale. I was told it lessens an officer's focus on proactive traffic enforcement. There could be a host of reasons accounting for the prosecution record, ranging from performance issues with the prosecutor, judge, and/or officers, but the fact remains that prosecution efforts have a significant impact on an officer's morale and willingness to continue to proactively enforce DUI laws.

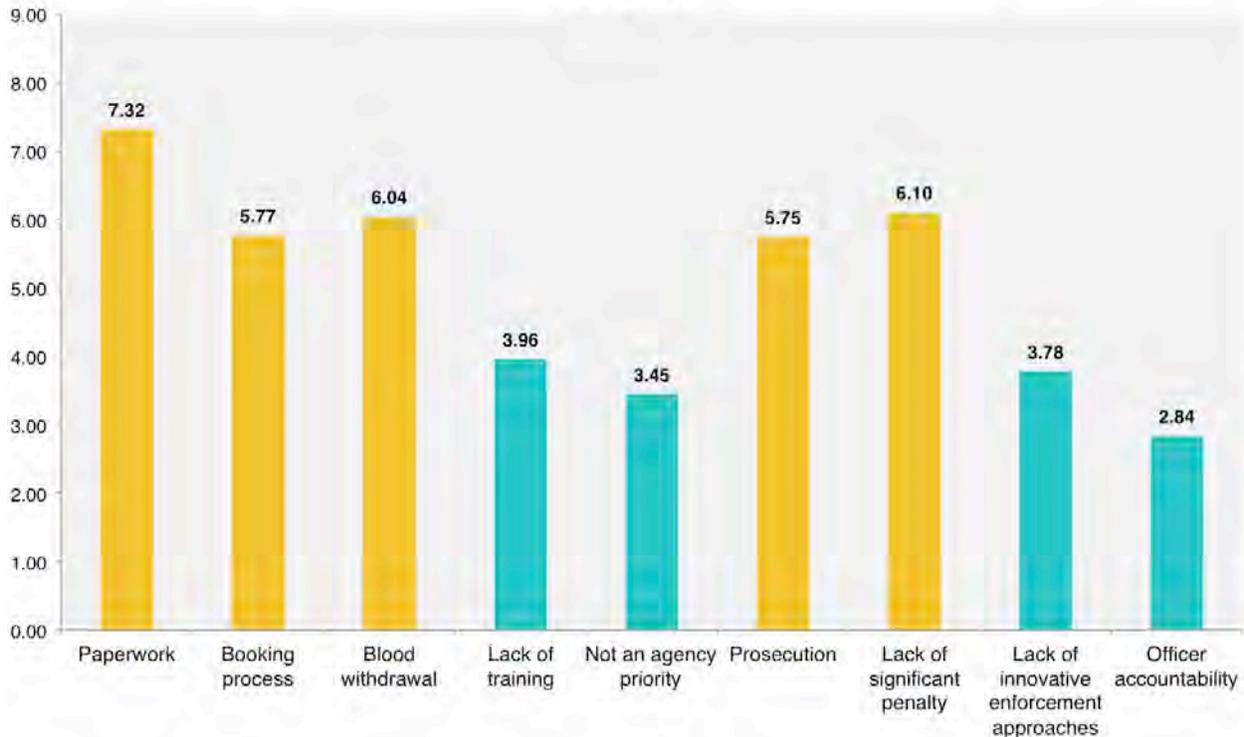
As it has been the officers who have brought this issue forward, and their chief says that he is actively involved with quality control of his officer's performance, the internal focus of the city is now on the city prosecutor and city judge in their role as DUI crime decision makers. The mayor of Belgrade has been meeting with the police department and new city manager to assess the problem and promises to offer a prospective resolution in the near future.

Officers who work with the Bozeman City Attorney's Office related similar stories of challenge between peace officers and prosecutors. Officers told me that their relationship with the prosecutor's office still suffers from past experiences with a former chief criminal prosecutor and hindrances created during those times. Despite the office's change in leadership, some of those hindrances still remain. Other feedback said that not enough two-way interaction between officers and city prosecutors has developed to address these concerns. The recently resigned chief prosecutor acknowledged surprise at the survey's level of officer concerns about DUI prosecution and stated that more "communication" was definitely needed between law enforcement and his office.

Echoing the findings about prosecutorial issues were interview comments pointing to a belief that despite any intervention process, "nothing" will change. Many comments were made about perceptions of inconsistent decisions, and at times volatile exchanges, between leadership in the county attorney's office and some members of the law enforcement community. Some peace officers (managers included) stated that they did not feel that it was prudent to bring complaints or suggestions to county attorney leadership.

Officers were next asked to rank (from 1 to 9) challenges to DUI enforcement in order of significance. For this question, officers clearly identified paperwork associated with a DUI arrest as a major challenge and impediment, with 74 percent of respondents marking this as their top choice (average rank of 7.32). This concern was vocalized throughout the officer interview process and definitely resonates with the vast majority of officers who took this survey. The characteristics of "Paperwork" in the survey included: Takes too much time to complete, repetitive information, and added investigative burden.

**Average ranking of challenges to DUI enforcement
n = 134**



One officer member of the Task Force time tracked several DUI cases and came to the conclusion that it can take between 5-to-8 hours to complete a DUI investigation from beginning to end. Written documentation alone can take at least several hours. Other officers noted that this time frame could be reduced as an officer gains more experience handling more DUI arrests. The fact remains that a DUI arrest report can be very resource intensive, particularly for those jurisdictions where shift staffing is at minimal levels. Additionally, with the significant amount of seemingly repetitive information required in reports, officers stated that some see the burden as providing reason not to enforce DUI laws.

The second most significant issue in this part of the survey was signified by 47 percent of officers who ranked the issue of “Lack of Significant Penalty,” (e.g. judges do not impose strong enough sanctions) in their top three challenges (average rank of 6.10). The survey and personal interviews both clearly established that officers are frustrated with the perceived lack of imposition of less than maximum sanctions against convicted DUI offenders. I found interviewed officers to have a realistic perspective of the leeway that the prosecution and judiciary have when considering penalties, but nonetheless feel that the latitude is often extended to the defendant rather than “the people’s interest.”

Further highlighting this concern, I was provided numerous news articles where DUI offenders were found guilty with circumstances that indicated a severe risk to the people of the state, and yet a judge, sometimes with prosecutorial approval, imposed probation, reduced charges, and/or delivered minimal sanction.

Ranking third in challenges to DUI enforcement, 45 percent of officers noted as a significant concern the issue of the blood withdrawal process that occurs in many DUI arrests (average rank of 6.04). The vast majority of evidentiary blood withdrawal incidents occur in the emergency room of Deaconess Hospital in Bozeman. Though most DUI arrestees are booked into the Gallatin County Jail, the jail itself does not provide the service of blood evidence withdrawal, nor according to the sheriff, are there any immediate plans to do so. West Yellowstone and Big Sky have an alternate medical site to utilize, but these departments account for a minimal number of countywide blood withdrawal cases.

This topic also came up in the interview process with officers frustrated by the delays that occur at the hospital where evidentiary blood withdrawal receives low priority next to emergency physical injury cases. Lost officer time waiting for blood withdrawal can be hours per incident, and with the increase in blood withdrawals due to new legislation allowing telephonic search warrants, wasted time guarding a DUI arrestee who will ultimately be booked in the county jail can collectively amount to many hundreds of wasted peace officer duty hours per year.

Many officers mentioned officer, arrestee, and public safety issues that arise when an arrestee is taken to the emergency room for blood evidence withdrawal purposes. There is no room specifically assigned at Deaconess Hospital wherein an officer may take a handcuffed arrestee and keep that person away from the medical staff, patients, and other individuals who may be present. Interviewed individuals have described instances of arrestee outburst and physical resistance as reason why it is inappropriate to have an intoxicated arrestee proximate to other people in an open emergency room environment.

Listed at fourth, with an average rank of 5.77, there is a general concern about perceptions of a slow and/or bureaucratic booking process. The county sheriff is an elected official. If there is unnecessary delay or "bureaucracy" involved in the booking process, agencies that experience such problems have the obligation to first try to mutually resolve the issues between their agency and the sheriff. Should that process prove unsatisfactory, county and city commissioners have the right to ensure that their resources are being appropriately used (e.g. budgetary control) and can become involved. All of this is predicated on the demonstration that there are specific and continuing instances of poor booking processes, which was not presented to me.

41 percent of officers marked their fifth priority (average rank of 5.75) concerning, once again, "Prosecution," (e.g. officers uncomfortable testifying, prosecution not well prepared, etc.). The disconnect theme between peace officers and prosecution continues throughout the survey and reflects personal interviews. While in this instance additional training, including mock court exercises, would benefit many officers, the broader issue of prosecution not being well prepared for DUI case presentation presents an unease worthy of heightened attention. Though this survey alone cannot comprehensively measure all aspects of DUI prosecution, the evident concern of peace officers suggests further inquiry, understanding, and action are warranted.

There were many individual comments written by respondents to the survey as well. They are all included with the survey results found in Appendix A. Exploring those comments, 103 responses were provided to the question that asks what one thing would significantly improve DUI enforcement efforts. From these responses, two major themes arise:

- Paperwork associated with a DUI arrest needs to be streamlined.
- DUI arrestees need to be held accountable for their actions to a much higher degree than now occurs.

As review will note, there are other issues that peace officers responded to as being problematic in the effort to enforce DUI laws. Some of those are:

- A need for an officer to have unallocated time to conduct self-initiated activity such as traffic enforcement stops that lead to DUI arrests;
- A need for more officers who have received specialized training so that they are designated as drug recognition experts. With what is an increase in DUI with a mix of drugs, marijuana, and alcohol, the specialization of a drug recognition officer provides support in correctly assessing a person as being impaired and driving under the influence; and
- An interest to see greater interagency collaboration. DUI special enforcement on holidays or special events can include enforcement teams from MHP, Gallatin County Sheriff's Office, and local police departments working together toward a common DUI enforcement tactical approach. MDT has stated that under STEP they will fund officers from different agencies teaming up in two-person cars from different agencies if that serves the interest of effective DUI enforcement.

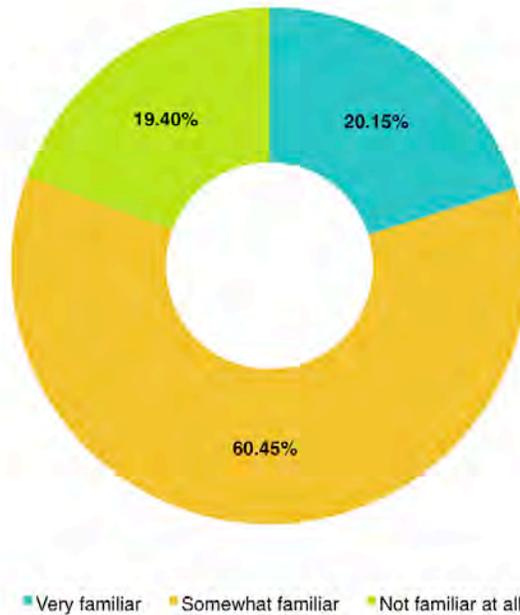
Results – Task Force Challenges

The second half of the survey addressed the Task Force. The first question asked: “How familiar are you with the Gallatin County DUI Task Force?” Despite being in existence for over 20 years, including 14 years under the paid coordination of one county employee, 80 percent of the respondents answered that they were either “Somewhat familiar” or “Not familiar at all” with the Gallatin County DUI Task Force. Only 20 percent indicated a “Very familiar” finding.

The results of this question are most likely skewed in favor of task force recognition, as in the months before the survey several county law enforcement agencies entered into a discussion about the role and value of the Task Force, thus no doubt heightening its internal awareness. Noteworthy, too, is that every law enforcement agency in the county has an officer as a voting member of the Task Force who should be reporting back to his or her agency about its activities. This is all the more disturbing in that only 20 percent of respondents claim a “Very familiar” finding.

The second question asked: “How effective is the Gallatin County DUI Task Force in promoting DUI enforcement?” 89 Percent of respondents answered that it is either: “Somewhat effective” (54 percent), “not at all effective” (eight percent), or “I don’t know enough...to comment” (27 percent). There were only five written comments to go along with the tabulated answers, thus reducing opportunities to infer why respondents answered in such fashion.

How familiar are you with the Gallatin County DUI Task Force
n = 134



Another question asked: “What three things could the Gallatin County DUI Task Force do to promote and support DUI enforcement efforts?” Respondents offered 89 comments, centered on themes of:

- Helping to provide systemic changes to address prosecution difficulties;
- Perceived weak implementation of criminal penalties and redundancies in the report writing process;
- Doing more to provide public education outreach, media interaction, and better communication with law enforcement; and
- Proposing and supporting legislative changes, and funding DUI training for officers and prosecutors.

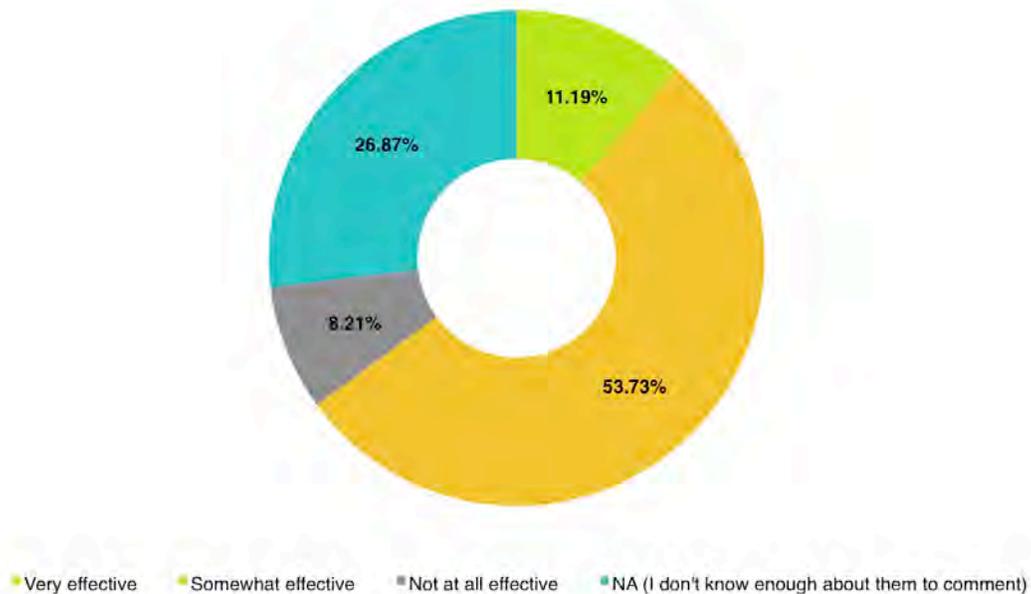
Some of the officer comments include:

- “Contact the judges and push for more penalties. Contact the prosecution and push for fewer deals.”
- “Lobby for stricter penalties.”

- “Get prosecution on board to actually go and just try in court, better to try and lose than not try at all.”
- “Advocate for the County Attorney to more aggressively prosecute DUIs.”
- “Assist in lobbying for more effective DUI penalties.”
- “County wide: DUI training, consolidate DUI paperwork, and coordinate interagency saturation patrols.”
- “Keep DUI situations in the forefront of everyone’s minds (media releases and promotions and the sort).”

Officers were also asked about their perception of the Tasks Force’s effectiveness at promoting DUI enforcement. As is illustrated in the chart below, more than 25 percent of respondents indicated that they didn’t even know enough about the Task Force to comment. For a group whose purpose includes outreach and education, all peace officers should be well aware of the Task Force’s role. That nearly 54 percent of respondents stated that the Task Force is only “somewhat effective” is further sign of the potent opportunities available for the Task Force to improve their performance and outreach efforts.

How effective is the Gallatin County DUI Task Force in promoting DUI enforcement
n = 134



Out-of-County Interviews

Gallatin County is not alone in the DUI enforcement realm. For this phase of my assessment, I made out-of-county site visits and conducted interviews with personnel at the:

- Billings Police Department;
- Cascade County DUI Task Force;
- Cascade County Sheriff's Office;
- Crow Agency Public Safety Department;
- Great Falls Police Department;
- Missoula County DUI Task Force;
- Missoula County Sheriff's Office;
- Missoula Police Department;
- Montana Department of Transportation, Helena;
- Montana Highway Patrol, Helena; and
- Yellowstone County Sheriffs Office.

At each agency I met with one or more representatives who had a working knowledge of the DUI enforcement and related traffic-safety practices in their agency or jurisdiction. Agency representatives extended vast courtesy and greatly helped with the formulation of this report. The interviews, which also included a 2-day DUI task force training session presented by MDT, lasted between 2 and 4 hours each.

Conversations focused upon law enforcement practices, community experiences, and recommendations that each person had to share with me. Many similarities were found with Gallatin County, but so too were there observations and options that bear further consideration. Some of the more percipient observations and recommendations relevant to Gallatin County law enforcement include:

- There are agencies that do not suffer a disconnect between peace officers and prosecution efforts in DUI crime.
- Cooperation and support of prosecution is essential to an effective DUI enforcement effort.
- Law enforcement agency management needs to ensure that DUI enforcement is a modeled organizational priority.
- Peace officers must be shown that good DUI enforcement work is appreciated, part of the culture of crime fighting, and valued within an organization.
- Officers need to be held accountable for traffic enforcement responsibilities, and supervisors must commit to supporting sound leadership and management principles.

- Training for law enforcement management in management-specific traffic safety, enforcement, and planning efforts is lacking.
- Data collected by law enforcement is often under, or not at all, analyzed to understand crime and crash trends and use that information for proactive field policing purposes, including DUI crime enforcement.
- Full consideration should be made by law enforcement agencies to use trained civilians to do many of the current tasks assigned to peace officers for which a peace officer is not needed. Prioritizing the use of officer time for enforcement tasks that only an officer can do, such as DUI, can be aided by delegating non-critical tasks to civilian employees. This may require changing an organizational mix of civilian and sworn employees.
- Field Training Officer programs should have a strong traffic enforcement and investigation component to them.
- The value of good report writing cannot be overstated, and the role of supervisory oversight in review and accountability is likewise critical. While this tenet was noted in reference to DUI cases, it holds true for other cases wherein an individual was arrested too.
- Peace officer ethics training and regular organizational discussions should occur. Topics such as favoritism, selective enforcement, “looking the other way,” and failure to follow through are examples of what should be discussed in facilitated ethics training sessions specifically about DUI crime.
- Difficult to address is the issue of matching duty hours needed to best attack DUI crime with staffing of what is often seen by peace officers as undesirable shift hours.
- STEP overtime should be focused and data driven.
- Consider creating a full time traffic enforcement unit with flexible shifts so as to address DUI crime.
- The new-blood evidence telephonic-warrant process is an excellent enforcement and prosecution tool.
- High blood-alcohol refusal rate has been negated for multiple time DUI offenders by using the telephonic search warrant process.
- Drug recognition experts are a valuable specialty resource, and Advanced Roadside Impaired Driving Education (ARIDE) training is recommended for as many peace officers as possible.

- Traffic safety checkpoints can be used to help educate the driving public and result in criminal arrests.
- The most opportune manner in which to draw blood evidence is at the booking facility.
- The linkage between alcohol and sports/entertainment events where over-consumption is likely to occur should be strongly discouraged and be the focus of concentrated enforcement effort. This proactive enforcement approach serves as deterrence for DUI, assault, and other dangerous crime.
- Support for underage and over consumption compliance checks are proactive measures that reduce the potential for DUI and other alcohol related crime.
- Opportunities for good media relations and consequent public education outreach are important to further educate the public about DUI crime.
- Public education should be a major emphasis of task force outreach efforts.
- DUI task force coordinators can be public or private contract employees. Missoula's task force coordinator is an employee of the Health Department and the Cascade County task force coordinator is a contract employee with a community-based organization.
- A DUI task force can be instrumental at educating law enforcement and the public about new laws, safety practices, and data trends.
- DUI task force membership and involvement must include all major stakeholders in the community and not be overly weighted to law enforcement at the expense of prevention and intervention options.
- DUI task force representation should be made at each citizen police/sheriff academy.
- Law enforcement and DUI task forces must effectively use social media to connect with a wide audience.
- Funds disbursed by task forces should be done with a strategy rather than just "sharing the wealth."
- Maximize resources by reaching out to community non-profit groups to support DUI prevention and intervention programs.
- Recommended legislative priority is to increase penalties for first time DUI offense.

Literature Review and Other Resources

Extensive research, studies, and analytical resources are available to Gallatin County law enforcement agencies looking to improve and enhance DUI enforcement. Many organizations, like NHTSA, CDC, and MDT, have significant amounts of valuable information that is readily accessible and available online.

I began my research into DUI written resources by contacting Sal Rosano and Glenn Cramer, both well-respected and highly experienced law enforcement liaisons with NHTSA. Both kindly availed themselves to me many times by phone and email, and we discussed a variety of issues relevant to DUI enforcement. They provided me direction to other experts and research literature that has been conducted over the past decade on DUI-related matters.

I also spoke with a number of persons who had great familiarity and involvement with Data Driven Approaches to Crime and Traffic Safety (DDACTS), including Gina Berretta, NHTSA specialist overseeing DDACTS research and implementation. NHTSA defines DDACTS as integrating “location based crime and traffic crash data to determine the most effective methods for deploying law enforcement and other resources.” This approach to policing has applicability to Gallatin County, and several Bozeman Police Department supervisors have had training in it from MDT. Two online resources that explain the principles of DDACTS and its effectiveness as a policing model are “DDACTS in Theory and Practice” and “Data Driven Approaches to Crime and Traffic Safety (DDACTS) An Historical Overview” (see Appendix B).

The International Association of Chiefs of Police (IACP) sponsors and reports a great deal of contemporary information on effective policing practices. Their monthly magazine, *The Police Chief*, is a wealth of information on traffic enforcement and safety programs. In Appendix B, I list four articles with direct relevance to Gallatin County policing.

I attended training sponsored by MDT, which proved helpful in the course of this research. Lorelle DuMont, DUI Programs Specialist, was particularly helpful and was able to direct me to more source material regarding successful DUI programs and initiatives. As noted earlier, MDT has a good website with links to various traffic safety programs. Ms. DuMont provided me with superb material that should be read by anyone supervising or managing traffic enforcement efforts. I have listed three key articles in Appendix B.

NHTSA developed a publication that can be useful for the planning, management, and establishment of DUI checkpoints. Unfortunately the use of DUI checkpoints is currently prohibited in Montana. While they should not be used as a ruse for DUI enforcement, safety checkpoints for license and vehicle mechanical concerns are allowed under strict guidelines in the state, however, they are rarely used as a public education, deterrence, and enforcement option. NHTSA promotes the use of DUI checkpoints as the most effective of measures that can reduce the occurrence of DUI incidents. They are outstanding opportunities for public education and deterrence, and I have witnessed such firsthand. Appendix B lists a resource on checkpoint planning and management.

I also reviewed a number of resources, studies, and plans developed in Montana. For example, the University of Montana School of Social Work developed a study about multiple offender DUI subjects. I reviewed the 2014 and previous years “Gallatin County DUI Task Force Plan,” as submitted to MDT’s Traffic Safety Bureau. The plan is a good one, however, it is not followed or achieved due to poor leadership and unfilled membership ranks, which has led to a consequent general lack of motivation among current members. The document itself is worth review and is a good guide for the Task Force. Finally, MHP developed documents about traffic policing and traffic safety funding. Of note in the traffic-policing plan is that it established DUI enforcement as MHP’s number one priority. The documents are all listed in Appendix B.

Recommendations

The following recommendations are intended for the Gallatin County DUI Task Force, law enforcement officials, elected officials, community leaders, news media, and those who wish to join in the battle against DUI crime. Many of these recommendations can be found in other more scholarly reports, but bear repeating at our local level. I have focused on recommendations that are of the most significance to local enforcement officials with the intent that, by emphasizing these issues, we can achieve a measure of success. A list of all recommendations is available in Appendix C.

Enforcement and Prosecution

DUI criminal enforcement must be a stated and practiced integral priority of our local law enforcement systems. Law enforcement and prosecution leadership must make a strong and sustained commitment that their agency will best utilize personnel and technical resources toward that end.

In the latter half of 2013, select law enforcement managers began to stress to their patrol officers that DUI is an enforcement priority that has been neglected and must be corrected. This assertive management resulted in a one year 24-percent increase in DUI arrests by the Bozeman Police Department and a 10-percent increase in DUI arrests countywide. Assertive management and supervision works. This approach, however, was not taken by all county law enforcement agencies, as West Yellowstone Police Department and MSU Police Department had DUI arrest numbers significantly below longer-term trends.

RECOMMENDATION

- 1. Gallatin County law enforcement and prosecutorial agencies must prioritize DUI criminal enforcement and prosecution through the development of measureable organizational strategies, goals, and objectives that establish expectations and commit necessary resources, time, and training.*

Officers, deputies, and troopers are our frontline of defense against DUI crime and must be provided ongoing training in investigative techniques (standard field sobriety tests, ARIDE, etc.), report writing practices, legal update, courtroom testimony, and ethics. Standardized training can result in cost savings, promote interagency collaboration and enforcement support, and provide prosecutors additional assurances in the cases they can prosecute.

Issues revolving around the documentation format for a DUI arrest must be addressed. Officers from all law enforcement agencies complain of information redundancy, ineffective format, and format variance between city cases and county/felony cases. Clearly this is a widespread issue that needs to be addressed between prosecutors and representatives of respective law enforcement agencies.

RECOMMENDATIONS

2. *Gallatin County law enforcement agencies should implement standardized DUI training at regular intervals and maintain a recertification process consistent with any NHTSA recommendations.*
 3. *Gallatin County law enforcement agencies should develop a countywide format for DUI reports that minimizes unnecessary information and misuse of peace officer time.*
-

When peace officers are provided standardized training and given supervisory direction to actively engage traffic and DUI offenders, accountability must be brought to bear so that all staff understands that traffic and DUI enforcement are a public safety duty not to be marginalized. Enforcement staff must be held accountable to this standard. There is no valid reason why a peace officer working night shift patrol should not regularly make DUI arrests. Expectations to that effect need be established. So, too, those officers who excel in this critical portion of public safety should be formally recognized for exemplary community service.

RECOMMENDATIONS

4. *Gallatin County law enforcement agencies should integrate traffic and DUI enforcement duties into peace officer annual performance expectations and written performance evaluations.*
 5. *The Gallatin County DUI Task Force and/or county law enforcement agencies should develop a recognition program, complete with standards and criteria for selection, for peace officers and prosecutors providing significant contributions to DUI prevention, enforcement, and prosecution.*
-

Enforcement and prosecution stakeholders must engage in focused and action-oriented dialogue to address the high level of peace officer generated complaints about current practices and relationships. On neutral ground, a facilitated process with decision-making stakeholders representing prosecution management, enforcement management, prosecution and enforcement employee associations, judiciary, court services, and the public defender must be held in a timely manner.

An advance agenda established by the facilitator, with input from the noted stakeholders, will greatly assist the first stage of this problem-solving process. The topic of prosecution capacity (e.g. enough prosecutors for DUI expectations) will no doubt be part of this discussion. Subsequent stages must address report writing and “paperwork” issues that continue to be raised as a major impediment to effective DUI apprehension and prosecution.

RECOMMENDATIONS

6. *Gallatin County law enforcement and prosecutorial agencies should use the services of a trained, neutral facilitator to open dialogue between DUI-related stakeholders in the enforcement and prosecution arenas.*
 7. *Gallatin County law enforcement and prosecutorial agencies should develop plans for and conduct phased process improvement events for topics identified by stakeholders as impediments to DUI enforcement and prosecution (e.g. report writing).*
-

DDACTS, STEP, COMPSTAT, Problem Oriented Policing, or whatever term or specific style of data and accountability-oriented policing practices one selects, must be further developed and practiced by our local law enforcement agencies. Call-driven policing is an outdated practice, and we should be utilizing technological resources that allow better management, analysis, and deployment of peace officers in the field. Use of DDACTS elicits better resolution of both general crime and traffic-specific crime, but requires a sound database to analyze and a willingness to employ new management techniques. Further supporting quality data, DUI arrest reports should all include a notation on where the offender last ingested an alcoholic beverage, so that such data can be analyzed for future educational and enforcement purposes.

Managers and supervisors must be provided training in these crime management philosophies and practices. This need is further impetus for local agencies, the Task Force, MDT, and NHTSA to work together to develop a traffic management training program that can help provide the tools that trainers, supervisors, and managers need to craft and implement strategic local traffic enforcement policing plans. One meeting was recently held that included law enforcement leaders, several prosecutors and a university representative, and the preliminary needs of a “traffic management school” were discussed. This process needs to continue but with the involvement of MDT.

RECOMMENDATIONS

8. *Each county law enforcement agency should establish Data-Driven Approach to Crime and Traffic Safety (DDACTS) methodologies for DUI enforcement and prevention, and agencies should consider all options for consistency in support of interagency collaboration.*
 9. *Gallatin County law enforcement agencies should work collaboratively with MDT and NHTSA to develop a traffic management-training program that can serve as a model for all of Montana.*
-

The issue of securing blood evidence in DUI cases is becoming increasingly important as a best evidence practice, prosecution tool, and time management opportunity for officers. Recent legislation allows peace officers the ability to obtain telephonic search warrants from a

magistrate for the purpose of procuring blood evidence outside of the implied consent driver's license forfeiture process under set circumstances. Some officers utilize this best practice while others do not. It is in the best interest of enforcement and prosecution to use this process whenever lawfully feasible, and officers must be directed by law enforcement management to utilize it.

RECOMMENDATION

10. Gallatin County law enforcement agencies and prosecution should implement protocols and expectations for obtaining telephonic search warrants for the purpose of procuring blood evidence in DUI cases.

Currently when an officer requires a magistrate to consider a telephonic search warrant for DUI blood evidence purposes, it is up to the arresting officer to locate a magistrate. There is no on-call list of magistrates from which an officer can easily locate a judge, often at odd hours of the night and weekend. There are 10 magistrates in Gallatin County capable of signing a DUI telephonic search warrant.

An issue that came up in this assessment, through anecdotal commentary, is that at times judges do not answer their phones; some might understandably be unable to answer their phone, and some can express annoyance at being called repeatedly. Most times when a judge is located, he or she is helpful in considering the request. Some officers reported that they prefer to seek out specific judges and avoid others when processing a warrant request.

The bottom line is that a readily understood, equitable, and expeditious process for the 24/7 procuring of telephonic search warrants for DUI blood evidence must be enacted. The underlying problem of rapidly finding a magistrate will only become worse as more telephonic warrants are sought by peace officers.

Nationwide, jurisdictions of sizes similar to and larger than Gallatin County have an on-call list of judges who are available at any specific time of the day or night, or day of the week. There are numerous ways to accomplish this and it is important that enforcement, prosecution, and judiciary stakeholders meet to formally discuss how this need can best be met and propose a formal solution that is readily understood by all DUI enforcement and prosecution players. According to the Missoula County DUI Task Force coordinator, Missoula County provides a local example of how to accomplish this approach.

RECOMMENDATION

11. Gallatin County courts should establish a rotating, on-call protocol for magistrates who can be contacted 24 hours a day, 7 days a week for DUI-related telephonic search warrants and provide the schedule and contact information to every county law enforcement agency.

Efforts have been recently made with Bozeman Deaconess Hospital to ease the manner in which the blood evidence withdrawal process can be accomplished. While helpful, the result is still that officers must drive a DUI arrestee, who is oft behaviorally problematic, from the point of arrest to the hospital emergency room, wait for the blood withdrawal process to be completed, and then drive the arrestee to the county jail for booking.

This can be a very time consuming process that creates patrol staffing issues for all agencies, fails to preserve evidence that dissipates with time, is a prospective danger to emergency room users, and is a misuse of policing resources. The best resolution to the problem would be for certified jail staff to withdraw blood evidence in a lawful and medically approved manner at the time of booking. The sheriff has control of this option and states that, due to staffing and other considerations, he does not consider this option viable. This should be a discussion point for conversation between the sheriff and involved stakeholders who see the need to expedite the blood evidence withdrawal process.

American Medical Response (AMR) is the ambulance firm that provides service to many areas in Gallatin County. Upon my contact, the company expressed an interest in entering into a contractual commitment with interested entities to provide lawful and medically approved blood withdrawal services. AMR does this in other parts of the country (e.g. City of Portland, Oregon) and will respond to the location of law enforcement choice, which could be the county jail. Such a contract would obviate the time and danger associated with transport and guarding of a DUI arrestee to and from the hospital emergency room.

The proposed blood withdrawal cost is approximately \$200 more than the hospital charges, however, this cost includes AMR staff testimony time for which the hospital would charge an additional fee. In light of what could soon be hundreds of arrests requiring blood withdrawal services, the fiscal cost in lost personnel hours and overtime, and enhanced dangers to the community in the emergency room and on the street where the peace officer is not available, must be weighed carefully.

This option was discussed with an assistant attorney general in the Montana Office of the Attorney General and was found to be lawful. Glacier County Sheriff's Office has utilized an ambulance response for its DUI blood evidence and found it an excellent manner in which to address timeliness of evidence collection, safety of the arrestee and others, and time management efficiency for deputies.

The Gallatin County sheriff stated that he would be open to this approach after ensuring cost effectiveness and liability concerns. Not addressed is whether the prosecuting agency could request reimbursement for such costs upon a DUI defendant's conviction.

RECOMMENDATION

- 12. Gallatin County law enforcement agencies should conduct a cost-analysis study and select either jail-based blood withdrawals conducted by jail staff or contract with AMR to conduct blood withdrawals at the county jail.*

The process of civilianization of police staff must be actively considered. This practice has been well established throughout the United States for many decades. Civilian staff can address many tasks traditionally assigned to sworn peace officers just as effectively and at less cost. The use of civilian custodial staff in the jail is a good local example of civilianization in practice. Trained civilian staff can investigate traffic crashes, burglary, all manner of thefts, vandalism, missing persons, and other tasks not requiring arrest authority or placing the civilian in unnecessary danger. If DUI enforcement efforts are ramped up, and an agency capacity to do so becomes stretched, options such as civilianization of policing tasks can be helpful and cost effective.

RECOMMENDATION

13. Gallatin County law enforcement agencies and prosecutors should establish a working group to identify peace officer responsibilities that can be delegated to civilian staff. Further, the working group should conduct a cost-benefit analysis and make recommendations to law enforcement decision makers about how to establish and/or better use civilian resources to free peace officers for duties truly requiring peace officer status.

Law enforcement agencies should explore novel and new options to enforcement. MDT has stated that STEP funding may be used for officers from multiple agencies to work as a team on specified traffic enforcement events. Teaming officers from various agencies in two-person vehicles builds rapport, enhances enforcement activity, and makes for efficient use of personnel when both officers share workload to maximized effect.

Sting operations involving persons with suspended or revoked driver's licenses can be coordinated with the court. Officers can attend courtroom proceedings where persons acknowledge their license suspension or revocation status, and then observe to see if the person attempts to drive a vehicle away from the courthouse. When the criminal violation of driving on a revoked or suspended license subsequently occurs, an officer can take immediate enforcement action, thus reinforcing the deterrence of Department of Motor Vehicle or court ordered driver's license actions.

DUI warrant stings or round-up operations can be regularly planned to hold accountable those for whom DUI warrants have been issued.

Continued uses of underage alcohol service stings and over-service enforcement provide further opportunities to deter and prevent DUI. When appropriate, law enforcement should join with the Task Force and other entities to educate the business community as to their legal mandates regarding alcoholic beverage service and sales.

RECOMMENDATION

14. The Task Force should maximize and share its expertise with Gallatin County law enforcement agencies, prosecutors, prevention organizations, businesses, and the

community to help craft state-of-the-art proposals to enhance specialized DUI enforcement tactics and prevention programs.

The Montana Department of Fish, Wildlife & Parks (FWP) employs six wardens who operate in Gallatin County with limited peace officer powers and are precluded from utilizing full powers absent a signed memorandum of understanding (MOU) between the county sheriff and FWP. This is a matter of policy and not state law. All wardens attend the same basic law enforcement academy as do all Montana police officers, sheriff's deputies, and state troopers. By not entering into an MOU with the state, the county loses the opportunity to increase the number of sworn peace officers capable of handling generalized law enforcement incidents in our county (e.g. DUI crime, Minor in Possession of Alcoholic Beverage).

Establishing this MOU does not suggest that FWP wardens would routinely handle service calls that are otherwise the responsibility of local law enforcement agencies. Instead, this MOU would allow the wardens to take action upon criminal violations, in addition to fish and wildlife crime (e.g. DUI crime), which occur in their presence. Operationally, it is common in the nation for fish and wildlife wardens to exercise full peace officer powers.

There are sheriffs in Montana who have signed an MOU with FWP at no fiscal cost to their county. The sheriff of Madison County cross-deputizes the wardens who work in his county. I spoke with FWP's law enforcement chief and he stated that he would fully support a MOU with the Gallatin County sheriff to have the six wardens operationally allowed to enforce all laws of the state of Montana while in Gallatin County. While the Gallatin County sheriff does not support this opportunity, it should be publicly discussed, as it is a policy that affects, and could benefit, the safety of the community.

RECOMMENDATION

- 15. Gallatin County Commissioners and other municipal elected officials should encourage the Gallatin County sheriff to enter into an MOU with FWP to enable the six wardens assigned to Gallatin County to enforce the laws of the state of Montana, including DUI crime.*
-

Task Force

Earlier this year, recommendations were made to the county commission to bring a professional level of accountability to the county employee position functioning as the Gallatin County DUI Task Force (Task Force) coordinator by instituting changes to the long history of independence from supervision. The recommendations included having the coordinator be part of a county department, have a workstation physically present in that department, and have the coordinator supervised and evaluated by a supervisor within that department. The commissioners accepted those recommendations and they were accomplished earlier this year.

As the tenured coordinator has departed the employ of the county as of September 2014, the time is opportune to fully consider the best and most effective use of a personnel resource that previously was not optimized. The coordinator's job responsibilities were redrafted and now best fit the specific interests of the Task Force. The county issued a job announcement for the position and is seeking a qualified and enthusiastic candidate. With these positive changes already in progress, the Task Force now has an opportunity to grow its membership and strengthen and enhance its operations and services.

The Task Force must fill its ranks with individuals willing to actively work toward goals as set forth in the Task Force strategic plan. Membership must entail more than just attending occasional meetings, as has been the past practice for some members, and should instead reflect active engagement and participation. To this end, the Task Force should develop a set of rejuvenated member expectations and opportunities to aid in future recruitment efforts.

Particularly important is obtaining membership that reflects the key stakeholders in the community. Past practice has been to have the Task Force largely represent law enforcement interests with citizen participation at a minimum. The strategic plan currently lists stakeholder positions that should be on the Task Force but have been largely absent for more than a decade. With the prospects that a qualified coordinator can bring organization, leadership, and rejuvenation to the group, now is the opportune time to develop member expectations and effective recruitment strategies.

RECOMMENDATION

- 16. The Task Force should develop a comprehensive member recruitment and retention plan that will assist them in identifying, selecting, and engaging new members interested in working toward the group's strategic goals.*

The Task Force has significant potential to be the recognized expert and go-to resource for anti-DUI public education, outreach, and prevention. These focuses greatly aid peace officers enforcing DUI laws and government and non-profit organizations assisting substance abusers. DUI and substance abuse are still misunderstood by a large segment of the population, and the Task Force, once appropriately staffed, is perfectly suited to conduct sustained public education and outreach efforts. They have taken initial steps to develop such programs, and it is imperative that their efforts continue through to fruition.

The Task Force should work with both social and traditional media, as well as government and non-government agencies, on a regular basis to disseminate items of community interest relevant to DUI prevention and enforcement. They should also promote novel and new enforcement efforts as they are developed and implemented by local law enforcement agencies, and they should highlight DUI crime and crash data. Development of key messages, talking points, and DUI-specific communication strategies will further benefit their outreach efforts.

RECOMMENDATIONS

17. The Task Force should develop a strategic communications plan, specifically outlining key messages, talking points, information release standards, public education campaign strategies, and coordination with other entities involved in the prevention and enforcement of DUI.

18. The Task Force should recruit a volunteer communications and media specialist to aid in the development and execution of the strategic communications plan.

The Task Force has the opportunity to be the clearinghouse for local DUI data, however, they must do more than simply collect it. If data is to be collected, which it should be, then it must also be analyzed. The Task Force can assist local law enforcement with the gathering of data and its analysis, which can then serve both entities. Local law enforcement can use the data to drive management decisions and enforcement strategies. The Task Force can use the data as part of its public outreach and education campaigns.

Further, the Task Force can evaluate whether or not legal requirements for court ordered ignition interlock devices are being addressed, and make recommendations to decision makers and lawmakers about opportunities to strengthen enforcement and penalties for driving under the influence. The Task Force should also coordinate the monthly gathering of DUI arrest and crash statistics for posting on their website and disseminating to the media and law enforcement agencies, both additional forms of outreach.

Montana State University, Bozeman (MSU) hosts a wealth of educator and student knowledge, skills, and resources, specifically in research and data analytics. The Task Force should establish a dialogue with the university to identify potential partnerships and direct participation by MSU civilian staff with the Task Force. Departments like MSU's Mathematical Sciences are ripe with eager and talented individuals with the analytical abilities to process DUI numbers into impactful statistics. Similar partnerships could be formed with the university's Psychology Department to conduct special studies and to better understand human patterns related to DUI.

RECOMMENDATIONS

19. The Task Force should develop a data clearinghouse plan and serve as the county's primary source for analyzed DUI data.

20. The Task Force should partner with MSU to provide analytical and other research services in benefit of anti-DUI outreach and community education.

A significant concern of peace officers in the DUI survey is a perception that prosecution and courts are not maximizing the legal options available to hold DUI offenders accountable. For example, the October 7, 2014 issue of the Bozeman Daily Chronicle reported that a woman received probation after conviction for her third DUI. This case involved a hit and run traffic crash and her four-year-old child not being properly restrained in a child seat. The woman's blood alcohol content was appreciably above the legal limit of .08. Judge John Brown stated in the sentencing: "That was a bad thing to do."

This case is but of one wherein the court does not sentence an individual who has committed a serious crime against the community to the most serious set of requirements that can change behavior, act as a deterrent, and provide justice in light of the danger of DUI crime. It is a stretch to see where probation for a third-offense DUI is an appropriate sanction, and yet the court and prosecution accepted such.

Mother's Against Drunk Driving (MADD) has a membership position on the Task Force, and as MADD has historically maintained a presence in the monitoring of DUI prosecution and court activity, the Task Force should work with MADD, or an identified group of trained volunteers, to regularly monitor DUI court cases and report back findings to the Task Force. The information provided by the Belgrade Police Department demonstrating that a significant number of their DUI cases are not fully prosecuted highlights the need for a citizen-based courtroom monitoring program. Knowledge is powerful, and having direct, rather than anecdotal, information about case resolution benefits the community.

There are many other DUI task forces throughout the state that should be consulted for their perspectives and practices on prosecution and court monitoring efforts. The Montana Common Sense Coalition, Buckle-Up Montana, as well as peace officer associations, should be queried for their suggestions and available data as well.

Officers have noted that the standard court ordered "victim impact panel" that all misdemeanor DUI offenders are required to attend appears to them to be of little deterrence or educational value. I attended a session at the Gallatin County Courthouse and found a number of concerns:

- The management of the large audience (more than 100 attendees) was poor, and some attendees were sleeping.
- There was no interaction between attendees and those holding the event. Communication was one-way.
- An outdated and poor quality home video regarding a DUI death was shown. The video depicts the circumstances of a high school student killed in a DUI incident. While tragic and moving, the relevance of the incident to the audience – as a behavioral change agent – is questionable.

- One of the two speakers stated that it was “okay” to drink and drive as long as one kept his or her blood alcohol content less than .08%.
- The other speaker, who had killed his girlfriend in a DUI crash and was given a drastically suspended sentence, has gone on to be arrested for DUI again.

Clearly this session was of minimal value in the fight against DUI. This program is administered under the auspices of the court services administrator’s office. The administrator is aware of, and trying to address, the problems with the victim impact panel process, which is currently administered by MADD representatives.

RECOMMENDATIONS

- 21. The Task Force should collaborate with other anti-DUI efforts and interest groups to create a citizen-based court-monitoring program that observes DUI prosecution and judicial actions, and reports the results to the Task Force for policy consideration and public education.*
- 22. The Task Force should collaborate with the court services administrator’s office, and any agency that contracts to provide victim impact services, to facilitate a victim impact panel process that also creates an analytical data measuring tool that helps determine the effectiveness of the victim impact panel process.*

As an advocacy group, the Task Force has the opportunity to lobby for increased DUI penalties, deterrence opportunities, and tools for peace officers to identify, prevent, and arrest DUI offenders.

The Task Force should do the following to advocate on behalf of anti-DUI issues:

- Support legislation that increases penalties for first time DUI offenders and enables accountability that ensures that courts will impose said sanctions. Multiple time offenders have stated that imposing harsher first-time penalties is the most effective manner to deter re-offense.
- Support legislation that enables DUI checkpoints. NHTSA promotes DUI checkpoints as being the most effective public education for, and deterrent to, DUI crime.
- Support legislation that makes not wearing a seat belt a primary offense. The wearing of a seat belt has been proven time and time again as a life saving act, and wearing one can save the life of a DUI offender and victim alike.
- Help craft and support legislation that allows a peace officer to impound the vehicle of a person whose driving privilege has been suspended or revoked and:
 - has two or more DUI convictions; or

- has one DUI conviction and is being arrested for a second DUI offense.

The vehicle impound option of this type is new to Montana. It would be separate from criminal action is not intended to be punitive, rather directly related to safe and lawful driving, and would be at the driver's expense for a period not to exceed 30 days. Administrative safeguards that meet constitutional requirements would be included in this proposal. Research has shown that persons with suspended, revoked, or no driver's license are more likely to be involved in a crash than is a person who is lawfully licensed. Legislation of this nature has been long in place in other states and is constitutional under U.S. law. A Montana assistant attorney general tells me that this would also be lawful under the Montana State Constitution.

A local state legislator has offered to help craft and carry this proposed legislation to the Montana State House. This legislation, if law, would be a deterrent to both DUI and driving on a suspended license, and would be far easier to implement than current law that allows a civil seizure of vehicles pursuant to specified DUI actions, which is rarely, if ever, used for DUI purposes.

RECOMMENDATION

- 23. The Task Force should work with Gallatin County law enforcement agencies and lawmakers to identify legislative enhancements that increase penalties for DUI arrest and provide more legislative tools to prevent and deter DUI incidents.*
-

Conclusion

Countywide DUI arrests between 2004 and 2012 declined from 1075 to 709, or a decrease of 34 percent. This precipitous decline in DUI arrests was the initial motivation for this assessment and report, as that decline occurred without any substantive reflection as to its cause or effect on public safety. Data demonstrates that appropriate levels of arrest, prosecution, and accountability are proven deterrents to DUI crime. While effective prevention, intervention, and enforcement effort reduces the number of DUI crimes that occur, the level of sustained effort in Gallatin County is not enough to significantly reduce the amount of DUI crime on our roadways.

I hope that this volunteer-generated local report will assist in formulating a path that enables Gallatin County to more effectively identify, apprehend, and prosecute DUI offenders. Enacting report recommendations such as “Gallatin County law enforcement and prosecutorial agencies must prioritize DUI criminal enforcement and prosecution through the development of measureable organizational strategies, goals, and objectives that establish expectations and commit resources, time, and training” will go a long way in assisting the fight against DUI crime. Further, I hope that recommendations supporting the Gallatin County DUI Task Force will be followed so that the Task Force can become a positive educational resource and change agent in our community.

Collectively we must embark on a journey that leads to a change in long-term cultural attitudes by combatting the enabling behaviors regarding driving after ingesting intoxicating and/or impairing substances. Long-term goals in any anti-DUI effort are reduced driving under the influence, no DUI crashes, and fewer DUI arrests. These goals can be accomplished only if there is a paradigm shift in public attitudes and governmental performance. State and local government must be more accountable and efficient in the use of public resources. A mindset of problem solving, rather than a tradition of reactive-oriented service, is critical if we are to succeed in our public safety efforts.

I am indebted to the many people who have assisted me in this report and to the researchers who conducted the many detailed articles and studies that I turned to for guidance. It is my sincere hope that this report will assist the enforcement of DUI crime to be more effective and the workings of the Task Force to be valuable. My particular and deep thanks go to the men and women of Gallatin County law enforcement who choose to be the thin blue line that protects us from the immediate dangers of those who commit crimes against the public safety.

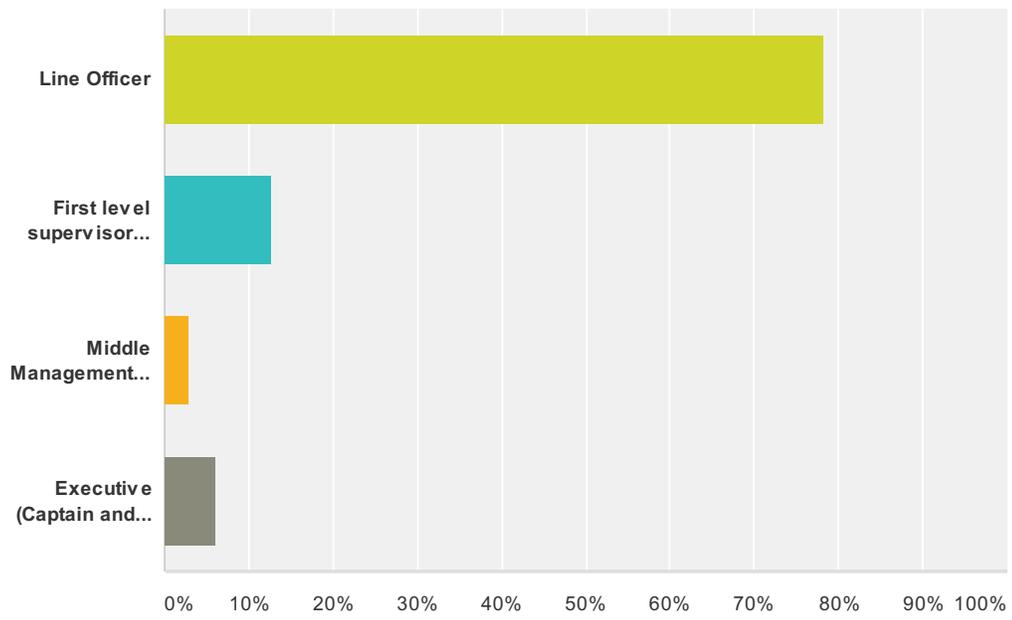
Appendix A – Survey Results

THIS PAGE LEFT INTENTIONALLY BLANK.

Gallatin County DUI Enforcement

Q1 What is your rank

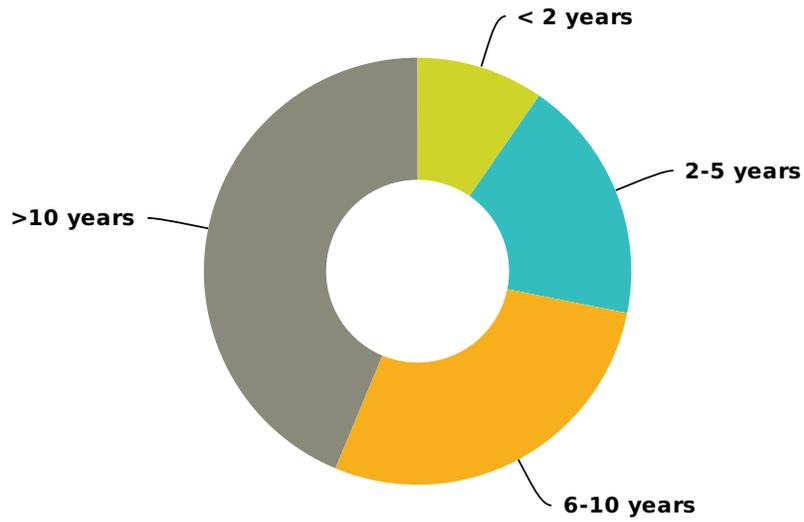
Answered: 134 Skipped: 2



| Answer Choices | Responses |
|-----------------------------------|------------|
| Line Officer | 78.36% 105 |
| First level supervisor (Sergeant) | 12.69% 17 |
| Middle Management (Lieutenant) | 2.99% 4 |
| Executive (Captain and above) | 5.97% 8 |
| Total | 134 |

Q2 How many years have you been a full time peace officer

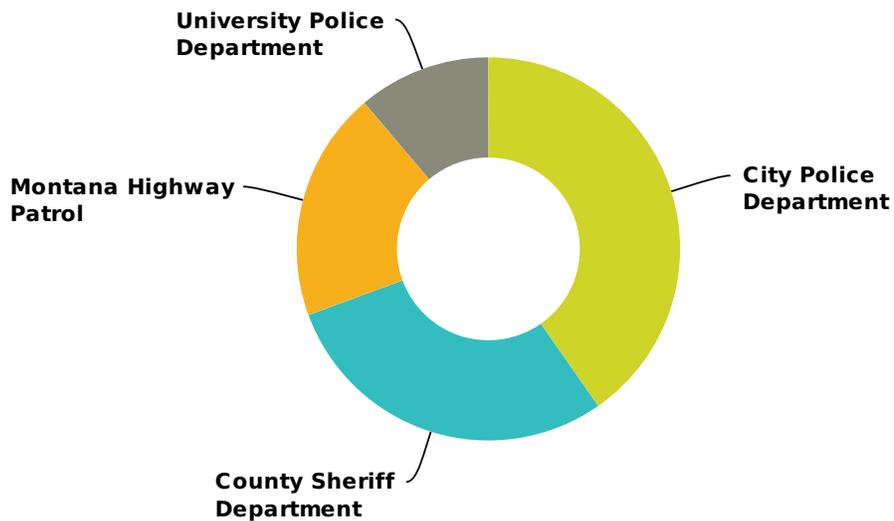
Answered: 135 Skipped: 1



| Answer Choices | Responses | |
|----------------|-----------|------------|
| < 2 years | 9.63% | 13 |
| 2-5 years | 18.52% | 25 |
| 6-10 years | 28.15% | 38 |
| >10 years | 43.70% | 59 |
| Total | | 135 |

Q3 Which best characterizes your employing agency

Answered: 134 Skipped: 2

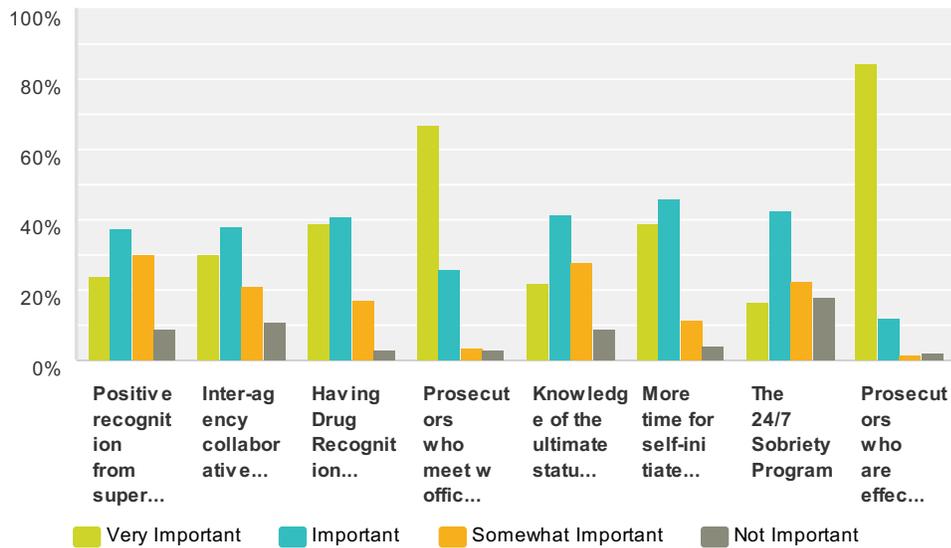


| Answer Choices | Responses | |
|------------------------------|-----------|------------|
| City Police Department | 40.30% | 54 |
| County Sheriff Department | 29.10% | 39 |
| Montana Highway Patrol | 19.40% | 26 |
| University Police Department | 11.19% | 15 |
| Total | | 134 |

Gallatin County DUI Enforcement

Q4 How important are the following to assertive DUI enforcement

Answered: 134 Skipped: 2



| | Very Important | Important | Somewhat Important | Not Important | Total |
|--|----------------|--------------|--------------------|---------------|-------|
| Positive recognition from superiors and community | 23.88% 32 | 37.31% 50 | 29.85% 40 | 8.96% 12 | 134 |
| Inter-agency collaborative enforcement efforts | 29.85% 40 | 38.06% 51 | 20.90% 28 | 11.19% 15 | 134 |
| Having Drug Recognition Enforcement (DRE) trained officers available | 38.81% 52 | 41.04% 55 | 17.16% 23 | 2.99% 4 | 134 |
| Prosecutors who meet with officers before cases | 67.16% 90 | 26.12% 35 | 3.73% 5 | 2.99% 4 | 134 |
| Knowledge of the ultimate status of case adjudication | 21.80% 29 | 41.35% 55 | 27.82% 37 | 9.02% 12 | 133 |
| More time for self-initiated activity | 39.10% 52 | 45.86% 61 | 11.28% 15 | 3.76% 5 | 133 |
| The 24/7 Sobriety Program | 16.67% 22 | 42.42% 56 | 22.73% 30 | 18.18% 24 | 132 |
| Prosecutors who are effective at case prosecution | 84.33% 113 | 11.94% 16 | 1.49% 2 | 2.24% 3 | 134 |

| # | Comment | Date |
|---|---|---------------------|
| 1 | 2nd offense search warrant blood draws were a tremendous help in obtaining evidence | 10/25/2013 9:09 PM |
| 2 | 24/7 Sobriety Program?? What is this? | 10/25/2013 10:10 AM |
| 3 | I am ranking the below as #1 being the most important | 10/24/2013 6:03 PM |
| 4 | I had to look up the 24/7 Sobriety Program. | 10/24/2013 1:41 AM |
| 5 | I do not know what the 24/7 Sobriety Program is. | 10/24/2013 1:25 AM |
| 6 | DUI requires stiffer penalties and more aggression from prosecution. | 10/23/2013 6:07 AM |
| 7 | It would be nice not to have the weakest prosecutors working DUI cases. | 10/21/2013 11:32 PM |
| 8 | Most prosecutors are not effective | 10/18/2013 6:32 PM |

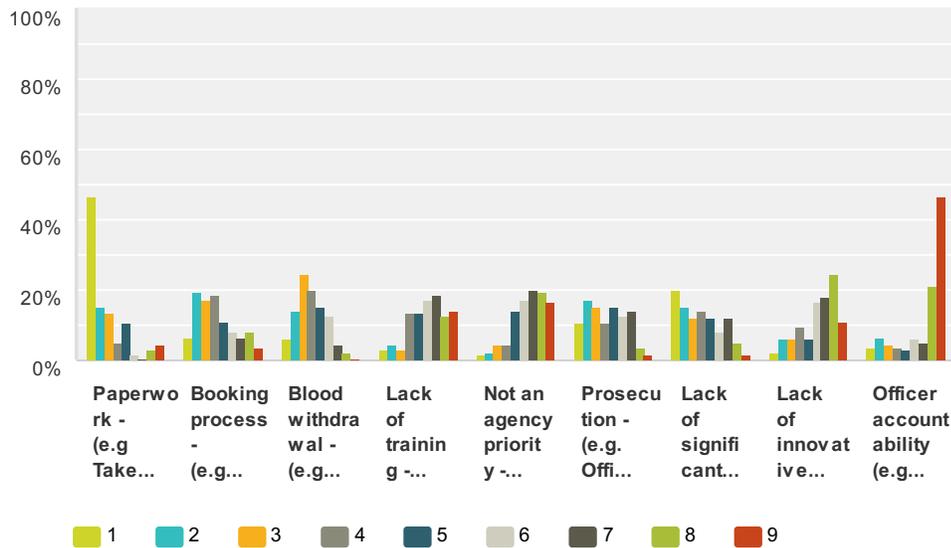
Gallatin County DUI Enforcement

| | | |
|----|--|---------------------|
| 9 | In regards to self-initiated field activity, at times we have a high call for service volume and officers go from call to call and do not have much time for self-initiated DUI enforcement activity. | 10/16/2013 12:50 PM |
| 10 | Prosecutors appear to be more concerned about good statistics than prosecution. Far too many cases are pled down or dismissed because of either too high work load or not wanting to take the chance of losing a case. This is common in all counties I have worked. I have never known of a single defendant charged with purgery when lying in court. TOO MANY CASES PLED DOWN OR DISMISSED. | 10/16/2013 9:57 AM |
| 11 | the two I scored as not important are very important to the overall process, but I feel they are not important to assertive enforcement | 10/11/2013 4:18 PM |
| 12 | Stop making deals on offenders, which removes them from the tier of punishment | 10/7/2013 10:34 AM |
| 13 | Effective prosecution and ultimate status are top priorities | 10/5/2013 1:58 PM |

Gallatin County DUI Enforcement

Q5 Please rank the following challenges to DUI enforcement in order of significance

Answered: 134 Skipped: 2



| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | Total | Average Ranking |
|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-------|-----------------|
| Paperwork - (e.g. Takes too much time to complete, repetitive information, added investigative burden eg search warrants affidavit of probable cause redundancy, etc.) | 46.27% 62 | 14.93% 20 | 13.43% 18 | 5.22% 7 | 10.45% 14 | 1.49% 2 | 0.75% 1 | 2.99% 4 | 4.48% 6 | 134 | 7.32 |
| Booking process - (e.g. Requiring clearance for minor or non- injuries, takes too long, etc.) | 6.72% 9 | 19.40% 26 | 17.16% 23 | 18.66% 25 | 11.19% 15 | 8.21% 11 | 6.72% 9 | 8.21% 11 | 3.73% 5 | 134 | 5.77 |
| Blood withdrawal - (e.g. Process at hospital takes too long, no alternative process/location to draw blood, etc.) | 5.97% 8 | 14.18% 19 | 24.63% 33 | 20.15% 27 | 14.93% 20 | 12.69% 17 | 4.48% 6 | 2.24% 3 | 0.75% 1 | 134 | 6.04 |
| Lack of training - (e.g. Uncomfortable with gauging level of intoxication, lack of familiarity with the process, lack of knowledge of alcohol laws, etc.) | 2.99% 4 | 4.48% 6 | 2.99% 4 | 13.43% 18 | 13.43% 18 | 17.16% 23 | 18.66% 25 | 12.69% 17 | 14.18% 19 | 134 | 3.96 |
| Not an agency priority - (e.g. other activities are more important, supervisors/management don't push for it, etc.) | 1.49% 2 | 2.24% 3 | 4.48% 6 | 4.48% 6 | 14.18% 19 | 17.16% 23 | 20.15% 27 | 19.40% 26 | 16.42% 22 | 134 | 3.45 |
| Prosecution - (e.g. Officers are uncomfortable with testifying, prosecution not well prepared, etc) | 10.45% 14 | 17.16% 23 | 14.93% 20 | 10.45% 14 | 14.93% 20 | 12.69% 17 | 14.18% 19 | 3.73% 5 | 1.49% 2 | 134 | 5.75 |

Gallatin County DUI Enforcement

| | | | | | | | | | | | |
|---|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|-----|------|
| Lack of significant penalty - (e.g. Judges do not impose strong enough sanctions) | 20.15% 27 | 14.93% 20 | 11.94% 16 | 14.18% 19 | 11.94% 16 | 8.21% 11 | 11.94% 16 | 5.22% 7 | 1.49% 2 | 134 | 6.10 |
| Lack of innovative enforcement approaches - (e.g. Driver safety checkpoints, suspended drivers license "sting" programs, better use of media, saturation DUI patrols during holiday periods using STEP funds) | 2.24% 3 | 5.97% 8 | 5.97% 8 | 9.70% 13 | 5.97% 8 | 16.42% 22 | 17.91% 24 | 24.63% 33 | 11.19% 15 | 134 | 3.78 |
| Officer accountability (e.g. Supervisors do not hold individual officers accountable for arresting DUI offenders) | 3.73% 5 | 6.72% 9 | 4.48% 6 | 3.73% 5 | 2.99% 4 | 5.97% 8 | 5.22% 7 | 20.90% 28 | 46.27% 62 | 134 | 2.84 |

Gallatin County DUI Enforcement

Q6 If you could change one thing that would significantly improve DUI enforcement efforts, what would it be?

Answered: 103 Skipped: 33

| # | Responses | Date |
|----|--|---------------------|
| 1 | It seems like I need a slide-rule to figure out what to offense to charge and when I can apply for a warrant. Perhaps fewer time periods to remember would make enforcement easier. | 11/15/2013 1:35 AM |
| 2 | I have to go back to penalties as we see numerous individuals who are repeat offenders. Does not seem they are held accountable. Increase penalties for each offense. | 11/8/2013 7:06 AM |
| 3 | Simplify the process. Set a BAC limit (currently .08) and arrest those that are above the limit. Suspend the license of refusals to two years. | 10/29/2013 7:42 AM |
| 4 | Notarization of probable cause affidavits in Gallatin County. This only occurs in this county and adds precious time to our DUI investigation and often prohibits us from apprehending multiple offenders in a single shift. | 10/28/2013 1:51 PM |
| 5 | To stream line paper work so that it is more efficient. Not to avoid work, but it should be evaluated so that officers can be more effective and efficient. | 10/27/2013 4:54 PM |
| 6 | 1. It is more less the State Laws and not judge. MORE ACCOUNTABILITY TO THE TAVERN ASSOCIATION TO NOT SERVE SO MUCH ALCOHOL. | 10/27/2013 6:54 AM |
| 7 | To able to obtain blood on any offense without warrant. | 10/27/2013 12:49 AM |
| 8 | Blood draw on 1st time refusal and harsher penalties. | 10/27/2013 12:48 AM |
| 9 | Besides manpower, if the paperwork process was significantly reduced it would allow for a quicker turnaround to get out and find more offenders. | 10/26/2013 8:43 AM |
| 10 | Requirement for all officers to complete yearly training in SFSTs. Recent training with the wet lab were very helpful. The Impied Consent Advisory needs to be changed to identify the requirement that if the offense you (officer) are dealing with is a second offense that we have to notify them that we could apply for and possibly obtain a warrant for their blood as the telephonic search warrant states we must tell the offender. | 10/25/2013 9:09 PM |
| 11 | A blood warrant takes an extra 2+ hours due to the evidence submissions and meeting with the judges. Why does the audio and transcript need to become evidence? There are very few patrol deputies in this department who are interested in looking for DUI drivers. No one will turn one down if they come upon it, but very few look for DUI drivers by running traffic. | 10/25/2013 8:58 PM |
| 12 | Reduce paperwork, especially obtaining search warrants. | 10/25/2013 10:10 AM |
| 13 | Requiring less paperwork and time in the office. | 10/25/2013 9:39 AM |
| 14 | Stiffer penalties for refusing to take a breath, blood or urine tests | 10/25/2013 8:20 AM |
| 15 | Better penalties. | 10/24/2013 8:48 PM |
| 16 | We need more Aride and DRE trained officers | 10/24/2013 6:03 PM |
| 17 | Stronger sanctions, people need to realize how serious of an offense DUI is because right now, they so obviously do not. | 10/24/2013 1:41 AM |
| 18 | Make it a felony. | 10/24/2013 1:26 AM |
| 19 | Hold people convicted of DUI more accountable for their actions i.e. make it a felony offense (having multiple DUIs is unacceptable) | 10/24/2013 1:25 AM |
| 20 | Streamline the DUI process as far as paperwork. Blood draws are far too complicated and time consuming. Simply said, writing a DUI just takes me off the street too long. | 10/23/2013 7:42 PM |
| 21 | Stiffer penalties for all DUI penalties. | 10/23/2013 6:20 PM |
| 22 | Make it an agency priority. | 10/23/2013 2:29 PM |
| 23 | Streamline the paperwork and reduce/eliminate the number of times we have to write the defendant's name and duplication of information in multiple report narratives. | 10/23/2013 2:20 PM |
| 24 | Staffing | 10/23/2013 12:25 PM |
| 25 | Streamline/simplify paperwork involved | 10/23/2013 11:50 AM |

Gallatin County DUI Enforcement

| | | |
|----|---|---------------------|
| 26 | Paperwork | 10/23/2013 9:24 AM |
| 27 | Less paperwork. Paperwork for a single DUI is incredibly redundant. | 10/23/2013 9:09 AM |
| 28 | Stiffer penalties. DUI is the most hotley contested charge we deal with. One DUI can take over 10 hours for an officer to complete when it's all said and done. Stiffer penalties in the begining puts the prosecution at a position of advantage. They can always recommend less of a sentence in order to get the defendant to plead. Most officers are not as agresive about DUI enforcement as they should be because they don't want all the extra work (making an arrest+paperwork+discovery+pretrial hearings+trial) The change must come from the top down in order to be effective. | 10/23/2013 6:07 AM |
| 29 | Less processing time | 10/23/2013 3:58 AM |
| 30 | Efficiency in the process | 10/22/2013 11:50 PM |
| 31 | Stream line the paperwork process and create a simpler blood warrant process. | 10/22/2013 11:49 PM |
| 32 | fewer hurdles ie....pbt lots of work and inadmissable result. Very time intensive for enforcement | 10/22/2013 8:49 PM |
| 33 | I would streamline the redundant and unnecessary bureaucratic process that is required to take a DUI driver to jail and get them off the roadway. It takes far too long to process an individual for DUI than it should. It takes approximately four times as long to arrest a DUI today as it did 5 years ago. Additionally, the current Justice Court Judges are too light on sentencing guilty persons. I have seen adjudication paperwork where our Judges have deferred sentences for DUI drivers. This is against state law. There is no reason for anyone to plead guilty if they know they will get less of a penalty if they contest the charge. The courts are sending the wrong message to DUI drivers. I was told by one individual I had arrested for DUI that he didn't care about the arrest because "it's just a ticket" and "it's not like I'm going to do any jail time." In regards to Gallatin County the suspect was not wrong. This also creates additional unnecessarily time consuming paperwork that takes law enforcement off the road. I believe these factors have discouraged a normally motivated officer to avoid proactive DUI enforcement. | 10/22/2013 6:24 PM |
| 34 | Make the process faster.. it takes twice as long to test, arrest and book one DUI offender than it does to arrest two Assault/Domestic Assault offenders. | 10/22/2013 3:17 PM |
| 35 | stiffer penalties, jail time for offenders. Why take time to get blood, fight with intoxicated subjects when they don't get put in jail but given a ride home. Can look for drugs, or suspended drivers get more jail time and less frustration. | 10/22/2013 3:00 PM |
| 36 | More Deputies to allow proactive patrol instead of reactivve patrol, prosecution used to be great but has significantly declined | 10/22/2013 1:10 PM |
| 37 | Simplify the process; which charge to use, blood draws, search warrants, etc. | 10/22/2013 1:09 PM |
| 38 | Make time available to on shift officers to work. (Need more help). We already work too much OT, STEP patrols help, but are not the answer. | 10/22/2013 12:47 PM |
| 39 | More time for self-initiated work. | 10/22/2013 12:23 PM |
| 40 | Making the paperwork and time spent on cases less so Officers could be back on the street | 10/22/2013 10:04 AM |
| 41 | Simple remanding suspects to the jail and do away with the unnecessary, redundant paperwork. | 10/22/2013 9:40 AM |
| 42 | paperwork is to lengthy | 10/22/2013 9:23 AM |
| 43 | Add DUI only patrol who will take other Officer's DUI investigations like Missoula does. DUI'S would double or triple. | 10/21/2013 11:02 PM |
| 44 | 1. When an individual refuses a PBT and/or Intox/Blood sample, don't give them their license back. Make the license stay suspended for six months for a year even if they are found not guilty or the charges are dismissed/reduced. 2. Eliminate APC. | 10/21/2013 10:14 AM |
| 45 | Quicker trials | 10/21/2013 6:18 AM |
| 46 | Have the courts enforce the current penalty | 10/20/2013 7:38 PM |
| 47 | Not being required to submit all of the required "necessary" paperwork" such as incident reports and PC affadavit (which is not required in most other counties). | 10/20/2013 6:40 PM |
| 48 | Impose a penalty where DUI offender's vehicle is subject to seizure/forfeiture. | 10/19/2013 3:13 PM |
| 49 | competent prosecutors | 10/19/2013 6:45 AM |
| 50 | Montana Implied Consent should be what it says it is. They have already consented and should not be able to refuse breath or blood. | 10/19/2013 4:38 AM |
| 51 | Easier blood warrant process. | 10/18/2013 9:27 PM |
| 52 | The time it takes to do APC's, Warrants and supplemental reports. | 10/18/2013 8:25 PM |
| 53 | Have judges hold people accountable | 10/18/2013 6:32 PM |

Gallatin County DUI Enforcement

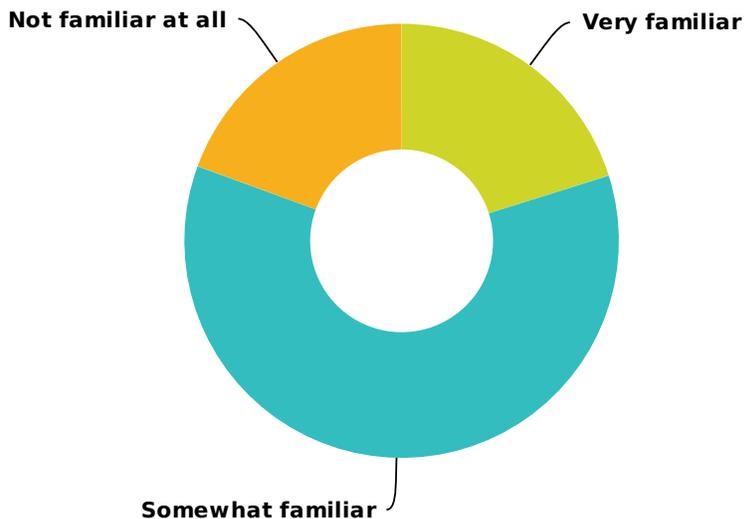
| | | |
|----|---|---------------------|
| 54 | While the amount of time needed to complete a single DUI investigation is too much the lack of significant penalties continue to allow DUI offenders to endanger others on our roadways. The need for stronger penalties and streamlining of investigations would assist in DUI enforcement greatly. | 10/16/2013 7:00 PM |
| 55 | Interesting, local officers have been getting it done for years and now that numbers are down due to their efforts- we now have a "problem"? Section 5 forces the implication that there are many issues, that is inaccurate. It also does not work correctly and auto-fills it 1-9 on its own when you click in the section. | 10/16/2013 4:24 PM |
| 56 | Improve morale and quality of work will improve. Judges need to not defer DUI's and prosecutors need to actually prosecute the good cases! | 10/16/2013 2:41 PM |
| 57 | paperwork | 10/16/2013 1:45 PM |
| 58 | Booking process for medical clearance and the affidavit of probable cause associated with booking a DUI driver into jail. The process takes a long time in which officers are off the road and at times officers are not able to do additional DUI enforcement on those shifts. | 10/16/2013 12:50 PM |
| 59 | knowing that they would be prosecuted to the fullest | 10/16/2013 12:16 PM |
| 60 | more officers to allow more time to hunt for DUI | 10/16/2013 10:08 AM |
| 61 | none | 10/16/2013 10:06 AM |
| 62 | Make county attorney's more accountable to prosecute cases instead of pleading them down or dismissing them so that they have good "prosecution" stats. | 10/16/2013 9:57 AM |
| 63 | The jail processing center sucks. The room is too small so you have to have the intoxicated person sit outside the room. No video available for officers. Cannot have your cell phone in the same room or it gets RFI. Jail takes too long for pre-booking, and if your driver hit a mailbox going 10 MPH you have to spend an hour at the hospital getting him medically cleared by a Doctor, which takes 1+ hours. Since the county attorney requires all dui's to be put in jail, and the jail makes it as difficult as they do, DUI's are down. Fix the jail = fix the dropping DUI problem. | 10/16/2013 9:40 AM |
| 64 | The entire process for processing a DUI takes entirely too much time. The concept needs to be streamlined. There is way too much redundancy. PC notarization needs to be modified. My understanding is we have a nurse staffing the Detention Center. That nurse should be used for pulling blood on warrants and the equipment and staffing should be in place for uncooperative suspects all at the Detention Center. We put officers and hospital staff at risk having to take people to the hospital for blood warrants. Taking of blood warrants and blood draws (when applicable) at the Detention Center would help with streamlining and officer safety concerns. | 10/16/2013 8:48 AM |
| 65 | Streamline arrest procedure and paperwork. Eliminate the need for a notary on APC's. | 10/16/2013 8:37 AM |
| 66 | Hold people more publicly accountable for their dui offenses and significant increase penalties and fines. | 10/16/2013 8:30 AM |
| 67 | fix your survey. Unable to rank priorities in Step 5 | 10/16/2013 7:58 AM |
| 68 | The prosecution | 10/16/2013 7:05 AM |
| 69 | The booking process and jail policy regarding suspects involved in minor traffic crashes | 10/16/2013 7:01 AM |
| 70 | Make the warrant process for blood much easier and less time consuming | 10/16/2013 12:50 AM |
| 71 | The recent changes relating to counting prior offenses, additional related laws - Aggravated DUI and requirements for when/how to do telephonic search warrants for DUI's have created much confusion and an air of confusion surrounding DUI enforcement. At a minimum, thorough training is needed to ensure everyone understands what they're working with. At best, simplify the statutes and processes to make it easier to enforce. | 10/15/2013 10:03 PM |
| 72 | More provisions for proactive DUI enforcement | 10/15/2013 2:59 PM |
| 73 | Streamlined paperwork | 10/15/2013 2:39 PM |
| 74 | More severe penalties and judges that hold offenders accountable. | 10/15/2013 10:17 AM |
| 75 | Cut back on the paperwork involved. | 10/14/2013 6:55 AM |
| 76 | To streamline the paperwork involved to eliminate redundancy in information. | 10/12/2013 11:30 PM |
| 77 | If I could change one thing for the enforcement process it would be better and more aggressive prosecution. | 10/11/2013 4:18 PM |
| 78 | Aggressive prosecution for offenders, no cutting deals for lesser (and non-stackable) offenses such as endangerment instead of DUI | 10/11/2013 5:55 AM |
| 79 | after being convicted the courts need to follow through with the max penalties instead of allowing a plea to a lesser crime, or time served. | 10/11/2013 2:39 AM |
| 80 | Enforcement after the arrest. | 10/11/2013 2:23 AM |

Gallatin County DUI Enforcement

| | | |
|-----|--|--------------------|
| 81 | Shorten up paperwork in some fashion. | 10/10/2013 1:28 PM |
| 82 | With marijuana being more prevalent I feel a need for better indicators of impairment from both marijuana and alcohol. | 10/10/2013 5:41 AM |
| 83 | Higher, mandatory bond amounts | 10/9/2013 8:35 PM |
| 84 | Stiffer Penalties | 10/8/2013 7:39 PM |
| 85 | Steamline process from stop to end of case. DUI specific prosecutor much like PFMA | 10/8/2013 1:08 PM |
| 86 | City and some county prosecutors don't care except for stats, they don't talk with officers and prep them for court or they backdoor them by have the suspect plea to a lesser charge that does not go on their driving record. | 10/7/2013 6:25 PM |
| 87 | More trust in the justice system and that the jury will believe the testimony of the officer over the defendant. | 10/7/2013 12:03 PM |
| 88 | Stronger Punishment | 10/7/2013 10:34 AM |
| 89 | Penalties in MT for DUI (2nd and beyond offenses) are not significant enough to deter behavior. MT needs a dedicated DUI prison/jail facility that includes treatment and a work program. | 10/7/2013 7:08 AM |
| 90 | The amount of work that is required by the officer directly affects the number of DUI arrests by a department. Right now, the DUI arrest process and paperwork is far too complex, especially the search warrant. | 10/6/2013 9:48 PM |
| 91 | Work with state legislature for harsher penalties and real public education. | 10/6/2013 9:11 PM |
| 92 | Cut down on the paperwork | 10/6/2013 4:29 AM |
| 93 | Streamline report/documentation process. | 10/5/2013 10:14 PM |
| 94 | Having competent attorneys who will follow through with cases and not just simply drop them because their case load is "to full." | 10/5/2013 2:29 PM |
| 95 | Officer/Supervisor accountability. SGT's should be taking control of their shift and assigning officers to do specific duties as BozPD resources are often mismanaged (i.e. all patrol doing call back reports, no enforcement activity because of assigned beat) Shift briefings should not be a BS session but include priorities for the shift and constant educational updates and/or review of current law/policy/procedure | 10/5/2013 1:58 PM |
| 96 | A dedicated DUI step team | 10/5/2013 6:20 AM |
| 97 | Less paperwork | 10/5/2013 4:06 AM |
| 98 | The long process of obtaining evidence that is leaving with time. | 10/5/2013 12:54 AM |
| 99 | Stiffer Penalties | 10/4/2013 4:23 PM |
| 100 | Streamline paperwork to keep officers on the street rather than in the office. | 10/4/2013 4:21 PM |
| 101 | Faster, more streamline process for DUI warrants. Allowing NTA's to be the APC | 10/4/2013 3:10 PM |
| 102 | Streamline the warrant process. | 10/4/2013 10:08 AM |
| 103 | With the people working now, I feel the best way other than being held accountable for doing nothing is to simplify the paperwork process. | 9/29/2013 3:53 PM |

Q7 How familiar are you with the Gallatin County DUI Task Force

Answered: 134 Skipped: 2

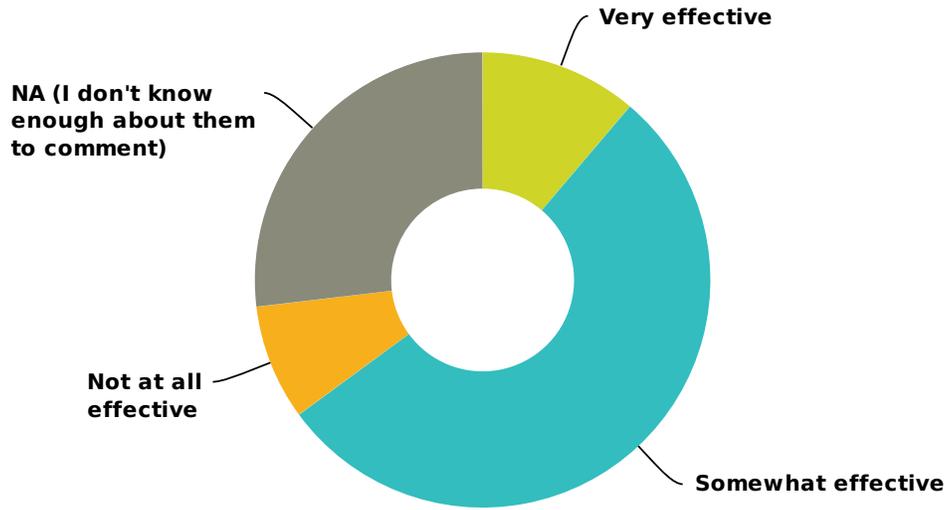


| Answer Choices | Responses | |
|---------------------|-----------|------------|
| Very familiar | 20.15% | 27 |
| Somewhat familiar | 60.45% | 81 |
| Not familiar at all | 19.40% | 26 |
| Total | | 134 |

| # | Comment | Date |
|---|---|--------------------|
| 1 | I was on the GCDUITF | 10/24/2013 6:06 PM |
| 2 | Fairly new to the area. | 10/19/2013 3:26 PM |
| 3 | Only certain (selected) officers attend these meetings | 10/11/2013 2:40 AM |
| 4 | Swimming up stream awards and occasional DUI training are the two things I know this group does. If they do something else I'm unaware. | 10/5/2013 2:02 PM |

Q8 How effective is the Gallatin County DUI Task Force in promoting DUI enforcement

Answered: 134 Skipped: 2



| Answer Choices | Responses |
|--|------------|
| Very effective | 11.19% 15 |
| Somewhat effective | 53.73% 72 |
| Not at all effective | 8.21% 11 |
| NA (I don't know enough about them to comment) | 26.87% 36 |
| Total | 134 |

| # | Comment | Date |
|---|---|---------------------|
| 1 | Good job of public outreach, but little outreach to officers. We find out about events through the media, not our agency. | 10/22/2013 12:50 PM |
| 2 | Over the years it seems it has become harder to get dui task force funds for overtime shifts. | 10/16/2013 8:35 AM |
| 3 | Swimming upstream awards has been the only notable or regularly recognizable activity this group does for the line officer. | 10/5/2013 2:02 PM |
| 4 | Seems to be a waste of every's time. | 10/4/2013 10:32 AM |
| 5 | The community is unaware of the progress and/or shortfalls of the DUI task force and if local communities and members are unaware, it demonstrates that the task force could be more effective. | 10/3/2013 1:25 PM |

Gallatin County DUI Enforcement

Q9 What three things could the Gallatin County DUI Task Force do to promote and support DUI enforcement efforts?

Answered: 89 Skipped: 47

| # | Responses | Date |
|----|--|---------------------|
| 1 | Continue regular update training. | 11/15/2013 1:43 AM |
| 2 | -Continue to provide monetary assistance to departments to help train DREs -Continue ad campaigns to alert citizens to the issue -Grants to purchase equipment | 11/8/2013 7:11 AM |
| 3 | I don't feel the enforcement efforts are the concern. The long process is the problem and the current law dictates the process (maneuvers, blood draws, warrants for agg DUI, etc). If the law was simple (arrest above .08) there would be a significant increase of officers available throughout a shift to deal with the issue. | 10/29/2013 7:46 AM |
| 4 | 1. Not worry so much on whether or not DUI stats are down or up. Emphasis is to continue to get the message out to the public. This I believe is the most important position the DUI Task Force should promote. 2. Support Officer type DUI enforcement efforts 3. Continue to legislate and interact with City, County, State, and US representatives for the political persuasion to change or continue to update laws. 4. Get the research out and show why it is not just alcohol that effects driving. Talk about the MJ and RX. There is a huge misperception on MJ impairment. | 10/27/2013 7:02 AM |
| 5 | More Deputies on the street (fund it) Training updates Fund equipment | 10/27/2013 12:51 AM |
| 6 | 1. More Officers on streets, Funding 2. Training 3. New Equipment, (PBT's ect....) | 10/27/2013 12:51 AM |
| 7 | They doing a great job. Keep up the good work! | 10/26/2013 7:28 PM |
| 8 | Keep getting better at the things they are doing: 1. Continue the direction of this survey 2. promote upcoming training for officers 3. Keep DUI situations in the forefront of everyones minds (media releases and promotions and the sort) | 10/26/2013 8:46 AM |
| 9 | Continuing education for public and officers Publish reports of drunk/buzzed driving arrests Create a task force between the law enforcement agencies in the area to focus certain officers through out the week to specifically work DUI enforcement patrol.....not just Friday and Saturday night. | 10/25/2013 9:13 PM |
| 10 | Quarterly updates? | 10/25/2013 8:59 PM |
| 11 | 1. Pay more off duty officers for enforcement 2. Deploy a roving enforcement detail at the end of football games, concerts, or other venues where alcohol is being consumed 3. Be more visible during enforcement details | 10/25/2013 9:41 AM |
| 12 | 1. Solicit suggestions from officers about ways to improve the penalties. (like your doing now.) 2. Help agencies obtain STEP funds for DUI enforcement. 3. Gain support from city/county for prosecuting attorneys to attend specialized training in DUI prosecution and yearly updates on DUI prosecution/defense trends | 10/25/2013 8:26 AM |
| 13 | County wide: DUI training (Aride/DRE), consolidate DUI paper work, and coordinate interagency saturation patrols | 10/24/2013 6:06 PM |
| 14 | Increase OT opportunities for officers to focus on DUI enforcement(funding) Continue Public Awareness Campaigns Increased focus on college age population | 10/24/2013 10:00 AM |
| 15 | Help create steeper penalties. | 10/24/2013 1:42 AM |
| 16 | Better advertisement about ramifications of DUI (not just monetary penalties, but the cost in lives, etc) | 10/24/2013 1:38 AM |
| 17 | Be more poractive in affecting community attitude & acceptance (or NOT) of drinking & driving. Line officers don't know how the DUITF can or does benefit them. Training - help provide additional training for DUI enforcement. | 10/23/2013 2:22 PM |
| 18 | media / public education, participation in Driver's ed, and outcome reporting to the public (actual stats that are accountable to successful prosecution) | 10/23/2013 12:27 PM |
| 19 | 1. Increase funding for DUI enforcement-specific OT shifts. 2. Increase funding for FST refresher training and ARIDE, to help officers be more confident/comfortable with DUI investigations. 3. Pressure on agency heads to make DUI enforcement a higher priority. | 10/23/2013 11:54 AM |
| 20 | 1. Legislative change. Make 3rd offense a felony. 2. Less paperwork. 3. Less time processing DUI's. | 10/23/2013 9:26 AM |
| 21 | 1. Stiff penalties for DUIs. 2. Higher bond. 3. Reduce redundant paperwork to get LEOs on the street quicker. | 10/23/2013 9:12 AM |
| 22 | more money to promote dui enforcement. | 10/23/2013 8:43 AM |

Gallatin County DUI Enforcement

| | | |
|----|--|---------------------|
| 23 | 1)Keep Judges accountable using media to show when they are overly lenient in adjudicating DUI cases. 2) Help advocate for stiffer penalties and show support for Judges running on a pro- DUI enforcement platform. 3) Advocate for the County Attorney to more aggressively prosecute DUI's. They have a tendency to plea charges down to a point where the consequences are negligible and therefore have less effect. | 10/23/2013 6:17 AM |
| 24 | Fund additional positions for traffic enforcement, not just STEP - talking about full time positions. Get new Prosecutors experience with the system and legal standards. Further legality standards surrounding DUI's. Mandatory breath samples, stricter laws for refusals, heavier fines for driving suspended due to DUI refusal, etc..... | 10/22/2013 11:57 PM |
| 25 | 1) Stream line the paperwork/blood warrant processes. 2) Advocate for better prepared, more aggressive prosecution through the county attorneys office. 2) Lobby for harsher penalties for DUI convictions. | 10/22/2013 11:51 PM |
| 26 | Figure out how to do away with PC Affidavits just as almost every other county in Montana has done. Encourage the detention center to get a full time nurse to medically clear suspects for jail and draw blood samples. There is too much time and money being wasted taking suspects to the hospital. Find new Justice Court Judges. | 10/22/2013 6:29 PM |
| 27 | Public Education Assist with camera purchases | 10/22/2013 3:19 PM |
| 28 | The task force is not known to all patrol officers. Most street officers don't know who they are or what they do. Could also give recognition to 1 officer in each agency arresting the most DUI's. | 10/22/2013 3:02 PM |
| 29 | More media promotion. | 10/22/2013 1:20 PM |
| 30 | Work to simplify the process. Create cheat sheets for officers regarding past convictions, aggravated, etc. Work at standardizing the process. | 10/22/2013 1:13 PM |
| 31 | assist the Office in proper in-car video systems and new DUI enforcement equipment. Lobby community support for more deputies | 10/22/2013 1:12 PM |
| 32 | Officer involvement motivation community involvement | 10/22/2013 1:03 PM |
| 33 | Not familiar enough to know. Find volunteers to help with paperwork? | 10/22/2013 12:50 PM |
| 34 | More event-targeted PSAs, support short (shift-brief) refresher/training modules for officers, help make investigation/arrest process more efficient | 10/22/2013 12:46 PM |
| 35 | Assist in conversations with the Commissioners regarding the need for more deputies. Fund more trainings Legislative activities for penalties | 10/22/2013 12:25 PM |
| 36 | More overtime patrol money available. | 10/22/2013 9:40 AM |
| 37 | equipment overtime | 10/22/2013 9:24 AM |
| 38 | They do a pretty good job assisting local needs. The biggest thing would be to push for criminalized refusal and increased fines/sentencing | 10/21/2013 11:33 PM |
| 39 | Possibly more checkpoints. | 10/21/2013 11:02 PM |
| 40 | 1. Better indoor facilities throughout the county for SFSTs/DRE. Belgrade PD and Three Forks PD have facilities but they are small. Would be great to have facilities in West Yellowstone, Big Sky, Three Forks, Manhattan, Belgrade, Bozeman. Each facility should have an Intox, line painted on floor for Walk and Turn, audio and video recording with two camera angles. 2. Eliminate APC. Citations should be all that are needed for incarceration. 3. Don't give license back if they refused PBT, Intox, Blood - keep it suspended for full 6 months or year. Mandatory interlock device for all 2nd offense and greater convictions. | 10/21/2013 10:34 AM |
| 41 | Continue to Support Step Contact the Judges and push for more penalties Contact the Prosecutors and push for fewer deals | 10/20/2013 7:40 PM |
| 42 | Lobby management and judges to not require current mountain of required paperwork that go along with DUI arrests. Also work with detention center to streamline accepting arrestees who have been in a crash, but are not injured - hospital clearance is a colossal waste of taxpayer money and LE time. Oversee court cases involving DUI and others involving DUI as an element such as Negligent Homicide etc. and be aware of court cases where these are being plead down to minor misdemeanors. | 10/20/2013 6:45 PM |
| 43 | provide regular updates on legal changes more than once a year. Provide more info regarding what they currently are doing and have planned. | 10/19/2013 7:11 PM |
| 44 | 1. Educate area officers of DUI Task Force mission. 2. Public relation events or message broadcasts. 3. Improve Task Force visibility. I've been an officer in the area since April, 2013, and have not been apprized of Task Force functions, goals or purpose. | 10/19/2013 3:26 PM |
| 45 | #1. Make themselves known. | 10/19/2013 4:40 AM |
| 46 | More media, More involvement with the public | 10/18/2013 9:28 PM |
| 47 | Help streamline the amount of time a DUI takes from time of stop until the paperwork is completed. | 10/18/2013 8:26 PM |

Gallatin County DUI Enforcement

| | | |
|----|---|---------------------|
| 48 | 1. Assist in lobbying for more effective DUI penalties. 2. Provide funding for training and equipment. 3. Assist in streamlining and shortening the DUI investigation. | 10/16/2013 7:03 PM |
| 49 | How about simply acknowledging the fact that the efforts of all in this process have been extremely successful. That is why the numbers are down, there is not a true "problem" out there. Keep up the work you have been doing, it's working. | 10/16/2013 4:26 PM |
| 50 | Enforcement is the only way to truly change behaviors. DUITF could be less restrictive in DUI OT. | 10/16/2013 2:42 PM |
| 51 | N/A | 10/16/2013 1:45 PM |
| 52 | 1. Possibly help with booking process. 2. Possibly help with paperwork (affidavit probable cause) that takes an officer off the road after booking a DUI driver into jail. 3. Continue to help MHP with grants for DUI overtime shifts. | 10/16/2013 12:51 PM |
| 53 | not sure | 10/16/2013 12:17 PM |
| 54 | I think they are doing a good job. They supply funds for when possible to pay officer overtime to hunt DUIs. The task force could do a little more stuff in high school and MSU to help people change the mind set that drinking and driving is ok | 10/16/2013 10:10 AM |
| 55 | 1. Put pressure on prosecuting attorney's to prosecute cases. 2. Put pressure on judges to have severe penalties, not grant licenses back to refusals and charge defendants and attorneys for purgering themselves in court. 3. Educate the public more on drug DUI, in particular marijuana DUI. | 10/16/2013 10:00 AM |
| 56 | Fix the Jail. Hire a phlebotomist to be at the jail so no going to the hospital for a blood draw. Fix the jail. | 10/16/2013 9:41 AM |
| 57 | 1. Push hard to streamline the process—get the troop back on the road to work more DUI enforcement 2. Funding for overtime shift at important times—i.e Halloween, MSU start of school, MSU Homecoming 3. Further media—i.e. billboards/radio adds—then we all got to come through and back up what we say we're going to be doing—i.e back to #1 | 10/16/2013 8:48 AM |
| 58 | 1. Work with the judges, CA's, and LE agencies to streamline arrest procedure. | 10/16/2013 8:39 AM |
| 59 | 1. provide follow-up to media as far as what local mobilizations accomplished. | 10/16/2013 8:35 AM |
| 60 | media adds | 10/16/2013 7:45 AM |
| 61 | Work with the various prosecutors to ensure communications are occurring between them and the law enforcement officers. Work with the courts to ensure stiff penalties are handed down to those found guilty of DUI. Continue to provide training to officers regarding DUI detection and effective report writing. | 10/16/2013 7:07 AM |
| 62 | Checkpoints, funding, public education | 10/15/2013 3:00 PM |
| 63 | More legislation for tougher DUI laws, increased funding for overtime, media coverage | 10/15/2013 2:43 PM |
| 64 | talk with judges educate public speak with legislators | 10/15/2013 10:19 AM |
| 65 | 1: help with better training for prosecutors and judges 2: help with better and more training for officers 3: help with organizing checkpoints | 10/11/2013 4:20 PM |
| 66 | Push for stronger prosecution in DUI cases, more training with officers how to investigate to NHTSA standards, training how to testify in court to NHTSA standards | 10/11/2013 5:56 AM |
| 67 | Training, Keeping the Public Informed, Prosecution Statistics | 10/11/2013 2:24 AM |
| 68 | Continue in what they are doing. Maybe if possible make a visit to each facility to discuss needs if any. Send out bulletins on DUI issues like updates. | 10/10/2013 1:31 PM |
| 69 | More wet lab trainings and trainings that involve marijuana impairment also | 10/10/2013 5:42 AM |
| 70 | interagency operations dedicated enforcement aide classes | 10/9/2013 8:36 PM |
| 71 | Public Education, More Training, Meet with Officers | 10/8/2013 7:40 PM |
| 72 | Collaborate LE agencies in Gallatin Count to a common enforcement goal. Stop using Gallatin COutny funds for enforcement in Yellowstone national park. Swiming upstream awards are not a good use of task force funds. | 10/8/2013 1:10 PM |
| 73 | Keep the prosecutors accountable for not doing their jobs | 10/7/2013 6:27 PM |
| 74 | Supplement Patrols, Assist with Equipment Purchases, Sponsor Civilian DUI education classes. More Advertisement | 10/7/2013 10:35 AM |
| 75 | Use of crashed cars at events is effective. Increased use of web based messages (websites, ad banners, etc.) Maybe a billboard ad or two. | 10/7/2013 9:06 AM |
| 76 | Lobby for stiffer penalties. Talk to prosecution to communicate and prosecute to the fullest. DUI Task Force communicate with Officers | 10/7/2013 7:11 AM |
| 77 | Make shift briefings for local agencies More direct contact with individual officers (email etc.) | 10/7/2013 5:58 AM |

Gallatin County DUI Enforcement

| | | |
|----|--|--------------------|
| 78 | 1. More work at the Legislative level to eliminate the "Driving Under the Influence" statutes and move to a DUI Per Se with penalties for refusals. 2. More emphasis on Blood Draws and less on Intoxilyzer results as these are continuously a point of litigation. 3. Help educate judges as to the importance of DUI enforcement. | 10/6/2013 10:41 PM |
| 79 | Find attorney's who will push for prosecution instead of plea agreements. | 10/5/2013 2:30 PM |
| 80 | PSA's (radio, video) that include local law enforcement and promote message of zero tolerance for DUI. We have all seen enough of the non-attitude changing nice guy approach to enforcing law in this county (and state). It would be a good start to see an outside group like the DUI task force promote a zero tolerance message. | 10/5/2013 2:02 PM |
| 81 | Public education provide local training opportunities communicate more with the public and agencies | 10/5/2013 12:58 AM |
| 82 | 1) Speak more about what they do 2) Lobby more for stricter penalties 3) More PSA's | 10/4/2013 4:24 PM |
| 83 | Work with city businesses, commission, etc. more. Have a more personal working relationship with Officers and Deputies. | 10/4/2013 4:23 PM |
| 84 | Objectives, op plans and large DUI task force at events. | 10/4/2013 3:11 PM |
| 85 | Change the leadership within the DUI Task Force. Attend more community events, nobody knows you exist. More grants for DUI related enforcement. | 10/4/2013 10:32 AM |
| 86 | more PSA's legislative support to change laws | 10/4/2013 10:09 AM |
| 87 | Engage and host community involvement activities to better involve and educate the public. Require that at least one position on the task force board be held by a local community member that is not affiliated with law enforcement or the state government. (local citizen volunteer) We need more local community participation in the DUI task force. Task force staff should report their job progress and accomplishments at every task force meeting and a work plan with goals and objectives should be presented to all board members to monitor the progress of the position and the staff member. Staff members need to be more accountable to the board and task-force because progress and shortfalls are going unnoticed. | 10/3/2013 1:25 PM |
| 88 | I feel they are doing a good job promoting as is. | 10/1/2013 7:34 AM |
| 89 | 1. reduce paperwork 2. find a way to motivate personnel to do DUI's again 3. get prosecution on board to actually go and just TRY in court, better to try and lose than not try at all | 9/29/2013 3:56 PM |

Appendix B – Literature

DDACTS articles

“DDACTS in Theory and Practice.” John F. Finn Institute for Public Safety. Robert E. Worden, PhD., and Sarah J. McLean, PhD. September 2009.

“Data Driven Approaches to Crime and Traffic Safety (DDACTS) An Historical Overview.” NHTSA. Alexander Weiss, PhD. July 2013.

IACP articles

“Hot Spot Policing at Work in Non-Urban Jurisdictions.” *The Police Chief*. Tim Hegarty, Captain, and L. Susan Williams, PhD. January 2014.

“Predictive Policing: Understanding and Applying Analytical Techniques to Prevent and Combat Crime.” *The Police Chief*. William Ford, Division Director. April 2014.

“Predictive Policing in Action in Atlanta, Georgia.” *The Police Chief*. George Turner, Police Chief, Dr. Jeff Brantingham, Professor, and, Dr. George Mohler, Assistant Professor. May 2014.

“Professional Practices and Perceptions in Standardized Field Sobriety Training.” *The Police Chief*. Robert E. Welter, PhD., and Robert Ticer, Police Chief. October 2013.

MDT articles

“National Cooperative Highway Research Program Report 500, Volume 16: A Guide for Reducing Alcohol-Related Collisions.” Transportation Research Board. Arthur Goodwin, Robert Foss, James Hedlund, Jamie Sohn, Ronald Pfefer, Timothy R. Neuman, Kevin L. Slack, and Kelly K. Hardy. 2005.

“Countermeasures That Work: A Highway Safety Countermeasure Guide For State Highway Safety Offices, Seventh Edition.” NHTSA. Arthur Goodwin, Bevan Kirley, Laura Sandt, William Hall, Libby Thomas, Natalie O’Brien, and Daniel Summerlin. 2013.

“State of Montana Assessment of the Impaired Driving Program.” NHTSA. Susan Bryant, Judge Linda Chezem, Darrell Fisher, Judge Joseph Thomas Flies-Away, Robert Lillis, and Joan Vecchi. May 2013.

DUI checkpoint resource

“DUI Checkpoints Planning and Management.” D-Prep, LLC. California Commission on Peace Officer Standards and Training. April 2011.

Montana-developed articles and resources

“To Drink is to Drive: Final Report to the Montana Legislature on Multiple Offender Drunk Drivers Prevention Strategy Ideas.” The University of Montana School of Social Work. Kimberly Spurzem, Timothy Conley, PhD., Sara Shapiro, and Stacy Hardy. February 2011.

“Gallatin County DUI Task Force Plan.” Gallatin County DUI Task Force.
http://www.gallatin.mt.gov/Public_Documents/gallatincomt_duitaskforce. August 2014.

“MDT Grant Application Highway Traffic Safety Funding: Safety Enforcement Traffic Team II.” Montana Highway Patrol. James Kitchin, Captain; Undated.

“Montana Highway Patrol 2014-2015 Traffic Policing Plan.” Montana Highway Patrol. Undated.

Appendix C – Summary of Recommendations

1. Gallatin County law enforcement and prosecutorial agencies must prioritize DUI criminal enforcement and prosecution through the development of measurable organizational strategies, goals, and objectives that establish expectations and commit necessary resources, time, and training.
2. Gallatin County law enforcement agencies should implement standardized DUI training at regular intervals and maintain a recertification process consistent with any NHTSA recommendations.
3. Gallatin County law enforcement agencies should develop a countywide format for DUI reports that minimizes unnecessary information and misuse of peace officer time.
4. Gallatin County law enforcement agencies should integrate traffic and DUI enforcement duties into peace officer annual performance expectations and written performance evaluations.
5. The Gallatin County DUI Task Force and/or county law enforcement agencies should develop a recognition program, complete with standards and criteria for selection, for peace officers and prosecutors providing significant contributions to DUI prevention, enforcement, and prosecution.
6. Gallatin County law enforcement and prosecutorial agencies should use the services of a trained, neutral facilitator to open dialogue between DUI-related stakeholders in the enforcement and prosecution arenas.
7. Gallatin County law enforcement and prosecutorial agencies should develop plans for and conduct phased process improvement events for topics identified by stakeholders as impediments to DUI enforcement and prosecution (e.g. report writing).
8. Each county law enforcement agency should establish Data-Driven Approach to Crime and Traffic Safety (DDACTS) methodologies for DUI enforcement and prevention, and agencies should consider all options for consistency in support of interagency collaboration.
9. Gallatin County law enforcement agencies should work collaboratively with MDT and NHTSA to develop a traffic management-training program that can serve as a model for all of Montana.
10. Gallatin County law enforcement agencies and prosecution should implement protocols and expectations for obtaining telephonic search warrants for the purpose of procuring blood evidence in DUI cases.
11. Gallatin County courts should establish a rotating, on-call protocol for magistrates who can be contacted 24 hours a day, 7 days a week for DUI-related telephonic search warrants and

provide the schedule and contact information to every county law enforcement agency.

12. Gallatin County law enforcement agencies should conduct a cost-analysis study and select either jail-based blood withdrawals conducted by jail staff or contract with AMR to conduct blood withdrawals at the county jail.
13. Gallatin County law enforcement agencies and prosecutors should establish a working group to identify peace officer responsibilities that can be delegated to civilian staff. Further, the working group should conduct a cost-benefit analysis and make recommendations to law enforcement decision makers about how to establish and/or better use civilian resources to free peace officers for duties truly requiring peace officer status.
14. The Task Force should maximize and share its expertise with Gallatin County law enforcement agencies, prosecutors, prevention organizations, businesses, and the community to help craft state-of-the-art proposals to enhance specialized DUI enforcement tactics and prevention programs.
15. Gallatin County Commissioners and other municipal elected officials should encourage the Gallatin County sheriff to enter into an MOU with FWP to enable the six wardens assigned to Gallatin County to enforce the laws of the state of Montana, including DUI crime.
16. The Task Force should develop a comprehensive member recruitment and retention plan that will assist them in identifying, selecting, and engaging new members interested in working toward the group's strategic goals.
17. The Task Force should develop a strategic communications plan, specifically outlining key messages, talking points, information release standards, public education campaign strategies, and coordination with other entities involved in the prevention and enforcement of DUI.
18. The Task Force should recruit a volunteer communications and media specialist to aid in the development and execution of the strategic communications plan.
19. The Task Force should develop a data clearinghouse plan and serve as the county's primary source for analyzed DUI data.
20. The Task Force should partner with MSU to provide analytical and other research services in benefit of anti-DUI outreach and community education.
21. The Task Force should collaborate with other anti-DUI efforts and interest groups to create a citizen-based court-monitoring program that observes DUI prosecution and judicial actions, and reports the results to the Task Force for policy consideration and public education.
22. The Task Force should collaborate with the court services administrator's office, and any agency that contracts to provide victim impact services, to facilitate a victim impact panel process that also creates an analytical data measuring tool that helps determine the

effectiveness of the victim impact panel process.

23. The Task Force should work with Gallatin County law enforcement agencies and lawmakers to identify legislative enhancements that increase penalties for DUI arrest and provide more legislative tools to prevent and deter DUI incidents.

Appendix D – Acronym List

| | |
|----------|--|
| AMR | American Medical Response |
| ARIDE | Advanced Roadside Impaired Driving Education |
| CDC | Centers for Disease Control and Prevention |
| COMPSTAT | Complaint Statistics |
| DDACTS | Data Driven Approaches to Crime and Traffic Safety |
| DRE | Drug Recognition Expert |
| DUI | Driving Under the Influence |
| FWP | (Montana) Fish, Wildlife & Parks |
| IACP | International Association of Chiefs of Police |
| MADD | Mothers Against Drunk Driving |
| MDT | Montana Department of Transportation |
| MHP | Montana Highway Patrol |
| MOU | Memorandum of Understanding |
| MSU | Montana State University, Bozeman |
| NHTSA | National Highway Traffic and Safety Administration |
| STEP | Selective Traffic Enforcement Program |
| UM | University of Montana, Missoula |

About the Author

Scott D. Swanson served as a peace officer with the Santa Rosa Police Department in California for 30 years. Scott served in all ranks, many different assignments, and retired as the only deputy chief of police in the department's history. Early in his career, he was both a traffic investigations specialist and sergeant of a traffic unit of 20 officers. Chief Swanson helped craft traffic-related legislation and was actively engaged in bringing DUI enforcement to the forefront of policing efforts in California. He was also a leader in the transition to community policing at a time when it was early in the national trend to do so.

Scott has a bachelor's degree with highest honors and general distinction, and a master's degree, both from the University of California at Berkeley. He was the "Outstanding" graduate of Class 7 of the California Command College at California State Polytechnic University at Pomona, and graduated from the Federal Bureau of Investigation's National Academy at Quantico, Virginia.

Chief Swanson was an active developer of new programs and taught throughout his career, focusing on subjects such as community policing, traffic safety, gang crime, supervision, ethics, media relations, report writing, and environmental crime. He created one of the nation's first local police environmental crime investigations units and was a part time instructor for the United States Environmental Protection Agency, Advanced Environmental Crime Training Program at Glynco, Georgia, for more than a decade.

Scott has addressed the subject of environmental crime issues for not only the U.S. EPA, but for the International Association of Chiefs of Police, as he is the senior member of its Environmental Crime Committee. The U.S. Department of State and Michigan State University utilized Scott's skills on a two-week series of meetings and lectures with government and educational leaders in the Republic of the Philippines. He also addressed a gathering of state environmental agents in Perth, Australia.

Chief Swanson now lives full time in Bozeman, Montana, with his wife of 40 years. He has two sons: one is a management analyst with the Office of Inspector General for the U.S. Department of the Interior and the other an officer with the Bozeman Police Department.