

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT
Wednesday, January 27, 2010 2:05 PM – 4:00 PM
Council Chambers, 140 West Pine Street, Missoula, Montana

Members Present: Dave Strohmaier, Pam Walzer, Bob Jaffe, Dick Haines, Renee Mitchell, Ed Childers, Roy Houseman, Jon Wilkins, Lyn Hellegaard

Members Not Present:

Others Present: Jason Weiner, Stacy Rye, Mark Muir, Jim Nugent, Tom Hamilton, Mike McMeekin, Lonie Hutchison, Mindy Goches, Fred Van Valkenburg, Karen Orzech, Gary Henricks

I. ADMINISTRATIVE BUSINESS

1. Approve Minutes from [January 20, 2010](#) . Minutes approved unanimously.

II. PUBLIC COMMENT

III. CONSENT AGENDA ITEMS

IV. REGULAR AGENDA ITEM

1. Discussion of DUI in Missoula and our community's response to impaired driving ([memo](#)).— Regular Agenda (Dave Strohmaier) (Referred to committee: 01/11/10) **REMOVE FROM AGENDA**

Dave Strohmaier introduced the topic and cited the concerns of citizens regarding this issue. He referred to recent DUI fatalities in the community. He indicated that the goal of this discussion is to hear from experts on the panel, and to discuss potential solutions including pursuing legislation at the State level.

Loni Hutchinson (Coordinator - Missoula County DUI Task Force) acknowledged successful efforts in reducing DUI that have been accomplished in recent years. She suggested stronger penalties and more consistency between jurisdictions. She thinks that more education and training for servers will help.

Mindy Goches (Coordinator, Missoula Underage Substance Abuse Prevention). Mindy stressed that education at an early age is important. We need to change the culture of drinking in the community using multiple strategies.

MPD Chief Mark Muir presented statistics and information that documented traffic citations and DUI arrests in the City over the last several years. He discussed the impairment of individuals by substances other than alcohol. He outlined the amount of resources necessary to process DUI offenses. Chief Muir suggested that enacting DUI checkpoints, criminalizing breath test refusals, and prompting cultural changes regarding drinking would help. Offender supervision including vehicle interlocks can be part of the solution. He sees a substantial need for addiction treatment in the community.

MCSO Sheriff Mike McMeekin. Sheriff McMeekin believes that meaningful cultural change needs to occur. Our community needs to set examples of acceptable behavior regarding alcohol consumption. We need to involve the schools. He supports required training for alcohol servers. There needs to be stronger sanctions for server and sales violations.

MTHP Captain Tom Hamilton. Captain Hamilton stated that the Highway Patrol has a goal of reducing highway fatalities overall. He touted drug recognition training for law enforcement personnel. He described the ARIDE and STET programs. He stressed the need for community involvement. He advocated seatbelt violations as a primary offense. Citizens need to bring these issues to the attention of the State legislature. He agrees with the need for cultural change.

Fred Van Valkenberg, Missoula County Attorney, stated that DUI is the one of the most contested offenses for the county. The right of refusal is a problem for prosecution. Right of refusal should be criminalized as a possible deterrent. The large number of offenders that are driving while suspended point to the need for more severe penalties, such as incarceration. We need to find effective methods to scientifically measure the use of drugs since prescription drugs are also a big part of the problem. Blood draws should be required for serious and fatal crashes. The state's public defender system is well funded, but prosecution is not. The recent loss of a Missoula DUI prosecutor needs to be addressed.

Karen Orzech (Missoula County Justice of the Peace). Karen indicated that highway speeds need to be decreased within the urban area. She stressed treatment and accountability. Jurisdictional issues need to be addressed. Alcohol abuse needs treatment for the root issues behind alcohol abuse (not blame and shame). Improve staffing for treatment.

Gary Henricks, Deputy City Attorney. He feels that we need to enact stricter laws/penalties for DUI. He thinks that the Legislature is 'behind the curve' when it comes to addressing this issue.

City Attorney Jim Nugent. He believes that the public defender system outweighs the resources of the prosecutors. He is concerned about the underfunding of law enforcement and prosecution. Breath test refusal is a problem. Cultural change is needed. He used the example of PFMA arrestees being held without bail pending a review, and he suggests a similar process for DUI offenders. He cited a need to influence the State legislature regarding this issue.

Dick Haines sees an 'attitude problem' in regards to the drinking culture. He takes issue with the deprioritization of marijuana offenses and the relation of marijuana use to DUI.

Stacy Rye asked the panel how DUI laws in Montana compare to the laws in other states.

Fred Van Valkenburg responded that MT law is similar to other states. He stated that the Montana Supreme Court's interpretation of the right of privacy contained in the Montana Constitution can make it difficult for the Legislature to pass certain laws regarding DUI.

Loni Hutchinson stated that we need to increase consequences and manage the public's perceptions of the severity of DUI.

Stacy Rye contrasted the one-time offender who is easily shamed vs. repeat offenders. She also cited Montana's 'driving culture' and the rural nature of our state where driving long distances is common. Expanding transportation options should be investigated.

Loni Hutchinson stressed that drinking establishments need to be more involved in the designated driver program.

Gary Henricks cited national DUI fatality statistics and the general public's apparent apathy towards those statistics when compared with other preventable causes of death. He stated that the Montana Constitution does not prevent breath test refusal since Federal court decisions have found them constitutional.

Jon Wilkins discussed treatment options and how results are measured. He supports increased funding for treatment programs that are based on results and outcomes.

Karen Orzech provided an outline of current treatment programs.

Jon Wilkins stressed the need to evaluate treatment effectiveness.

Karen Orzech described the societal challenges involved in rehabilitation including breaking harmful routines and promoting positive behavioral changes.

Mike McMeekin stated that long-term sobriety is the key to rehabilitation.

Dave Strohmaier opened the discussion to public comment.

Harold Holm related a personal experience and the described the cultural issues that make change difficult.

MT State Senator Ron Erickson stressed the need for citizens to address this issue with their Legislative representatives. He believes that ignition interlock devices should be required for first-time DUI offenders.

Jodine Tarbert emphasized that behavioral change and treatment is necessary.

Sue Wilkins (Missoula Correctional Services) described the need for supervision and effective probation programs. State funding is needed. Grants need to be pursued. She described some of the tools that are available such as alcohol monitoring, the use of GPS technology, and urinalysis testing. Consequences for non-compliance and re-offenders also need to be addressed.

Dave Strohmaier raised the issue of establishing DUI checkpoints within the City.

Mark Muir described a past DUI checkpoint organized by MTHP and MPD along highway 200. He indicated that the political will for DUI checkpoints is lacking due to the culture of drinking in Montana. He also pointed to the culture of privacy that make acceptance of checkpoints difficult to implement.

Pam Walzer feels that a holistic approach needs to be taken. She feels that repeat offenders need to surrender the vehicle involved in a DUI arrest.

Ed Childers agrees that the confiscation of the DUI offender's vehicle would be a potential deterrent.

V. HELD AND ON-GOING AGENDA ITEMS

1. Police Department Update – Ongoing in Committee. (Mark Muir)
2. Fire Department Update – Ongoing in Committee (Mike Painter)
3. Health Department Update – Ongoing in Committee. (Ellen Leahy)
4. An [ordinance](#) amending Chapter 10.42 of the Missoula Municipal Code entitled "Bicycles" that would require minors to wear headgear while bicycling on streets, roadways, sidewalks, alleys and trails; and holding responsible the parent or guardian of a minor found to be in violation of this ordinance. ([Alternative Ordinance](#)) ([PS&H](#)) (Returned from Council floor: 2/26/07)
5. Update on the Police facility project. ([memo](#)) – Regular Agenda (Mark Muir)(Referred to committee: 05/12/08)
6. An [ordinance](#) amending Missoula Municipal Code Chapter 6.09 entitled "Missoula Cat Ordinance" section 6.09.010 through 6.09.090 to amend definitions, to limit the number of cats over the age of four months that a person, family, or household can harbor, keep, or maintain to five and to enact other general amendments. ([PS&H](#)) (Returned from Council floor: 01/12/09)
7. An [ordinance](#) amending Missoula Municipal Code Title 6 entitled "Animals" generally amending Chapter 6.04 entitled "Animals Running at Large" and Chapter 6.08 entitled "Dogs and Pet Shops," increasing the fee when an animal is impounded and establishing a fee for a boarding kennel license. ([PS&H](#)) (Returned from Council floor: 01/12/09)
8. Review Public Safety and Health referrals. ([memo](#)) – Regular Agenda (Marty Rehbein) (Referred to committee: 01/11/10)

V. ADJOURNMENT

The meeting adjourned at 4:00 PM. Submitted by Gregg Schonbachler.