

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT
Wednesday, December 1, 2010 8:00 AM – 9:00 AM
Council Chambers, 140 West Pine Street, Missoula, Montana

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

Members Not Present:

Others Present: Mark Muir

I. ADMINISTRATIVE BUSINESS

1. Approve Minutes from [October 27, 2010](#). Minutes approved unanimously.

II. PUBLIC COMMENT

III. CONSENT AGENDA ITEMS

1. Annual review of expanded police jurisdiction activity ([memo](#)).—Regular Agenda (Mark Muir)
(Referred to committee: 11/22/2010) **(REMOVE FROM AGENDA)**

Mark Muir provided an overview of expanded police jurisdiction activity. He stated that the expanded jurisdiction did not result in any meaningful impact on the police department's day-to-day operations. He stated that there have been eleven incidents where the expanded authority was utilized. He provided several examples.

Jon Wilkins asked which court would handle a ticket issued by a City officer issued in the County.

Mark Muir responded that it would depend on the violation. Felony violations would go to the Justice court, but misdemeanor violations would be handled by Municipal court. Mark stated that an officer cannot cite an individual for violation of a city ordinance in the County.

Jon Wilkins suggested that the council include the County when revisiting the cell phone ordinance.

Mark Muir stated that the County does not have the authority to enact such a law.

Dave Strohmaier clarified that a County cell phone ordinance needs to originate with the State legislature.

Pam Walzer asked if the Municipal court has had any challenges to MPD citations issued in the County.

Mark Muir was not aware of any challenges. He clarified that the Municipal court has jurisdiction for the entire county under State statute.

Roy Houseman asked if the mutual aid calls that Mark Muir had described went through the usual mutual aid process. He expressed liability concerns.

Mark responded that the calls were enacted under the mutual aid agreement.

Bob Jaffe stated that he asked incoming Sheriff Carl Ibsen about deputizing MPD officers, and Mr. Ibsen responded that he had no intention of doing so.

Mark Muir indicated that he would discuss that issue in regards to the joint drug task force with Mr. Ibsen after he is sworn in as Sheriff.

2. Police Department Update – Ongoing in Committee. (Mark Muir)

Mark Muir outlined the improvement to the Police Department's staffing levels. There are 99 sworn officers, with authority to hire one more. All positions are filled, but four officers are at the Academy, two are off with non-work related injuries, two are off with job-related injuries, and one officer is deployed overseas. He stated that enforcement is up due to the increased strength. He discussed the strategic alcohol plan, and the increase in DUI arrests. He stated that the DUI breath test refusal ordinance has not significantly impacted the refusal rate. 134 individuals have been charged under the refusal ordinance. He believes that the State legislature will be addressing the issue in the upcoming session.

Ed Childers asked about the 'protest rate' for breath test refusal fines.

Mark Muir responded that he was not aware of any appeals to a higher court regarding the fine, and he would obtain statistics regarding the conviction rate for the breath test refusal ordinance.

Bob Jaffe asked about the costs involved as a result of increased DUI enforcement, and the corresponding increase in the statistical numbers.

Mark Muir responded that the increase in the statistical numbers can result in additional funding opportunities.

Bob Jaffe asked if Missoula can compare DUI enforcement and arrest rates with other communities.

Mark Muir described possibilities.

Bob Jaffe asked about additional costs involved as a result of increased DUI enforcement.

Mark Muir responded that additional costs have been minimal, and that the efforts are being funded by grant money. He stated that with 42% of the fiscal year having elapsed, the department has only expended 37% of the budget. He described the second traffic safety checkpoint recently conducted. He described a pending State program that will allow officers to determine if a vehicle has current liability insurance. He feels that officers will write significantly less citations for no proof of insurance once the new system is in place. Officers can write uninsured driver tickets instead.

Pam Walzer would like to obtain more statistical information regarding the correlation between DUI enforcement and actual DUI rates. She would like the public to be better educated about driving impaired.

Mark Muir discussed the effort to increase public perception of the arrest risk involved when driving impaired. He discussed Police Department tracking of special enforcement and overtime hours. Mark stated that the true measurement of progress in regards to DUI rates is through the number of DUI-related crashes.

Jon Wilkins asked if the legislature was working on a requirement for drivers to present proof of insurance when registering their vehicles.

Mark Muir described the pending State program.

Dick Haines expressed his strong support for tougher liability insurance requirements.

Mark Muir described the proof of insurance situation today versus the situation once the pending State program is in place.

Bob Jaffe introduced the idea of a statewide insurance pool that is tied to the vehicle's registration. He asked if officers could run a license plate under the pending State program and stop a driver who does not have a record of insurance with the State.

Mark Muir answered that officers could not, as insurance violations are not a primary offense. He described the difference between a proof of insurance violation versus a driving without insurance violation.

Bob Jaffe asked if a late-night traffic safety checkpoint would be conducted.

Mark Muir responded that the winter weather is currently prohibiting such an operation due to safety concerns.

Bob Jaffe discussed public DUI education via a portable alcohol breath testing device.

Dave Strohmaier agreed with Bob regarding the benefits of using portable alcohol breath testing devices for public education

Mark Muir discussed potential implementation, the costs, and potential liability issues.

Bob Jaffe requested a report regarding the status of a future Police facility, perhaps the library building. He also inquired about crime statistics and current litigation within the Police Department.

Pam Walzer reiterated her support for strengthening consequences for violating liability insurance requirements. She provided some suggestions.

Mark Muir informed the Committee about the upcoming Citizen's Law Enforcement Academy (CLEA).

IV. REGULAR AGENDA ITEMS

V. HELD AND ON-GOING AGENDA ITEMS

1. Fire Department Update – Ongoing in Committee (Mike Painter)
2. Health Department Update – Ongoing in Committee. (Ellen Leahy)
3. 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)
4. 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)
5. Review implementation of the Missoula Outdoor Lighting Ordinance [\(memo\)](#).—Regular Agenda (Dave Strohmaier) (Referred to committee: 08/09/10)
6. Review City-County animal control staffing needs for fiscal year 2012. [\(memo\)](#).—Regular Agenda (Dave Strohmaier) (Referred to committee: 09/27/2010) **(REMOVE FROM AGENDA)**

V. ADJOURNMENT

The meeting adjourned at 9:00 AM. Submitted by Gregg Schonbachler.