

**\*\*ATTENTION\*\***

The City Council meeting will be held in a hybrid format that may include both in-person AND virtual attendance via Zoom. Unless they have cause to appear virtually, Councilmembers will attend the meeting in person in Council Chambers, second floor of City Hall, 220 N. 27th Street. In order to honor the Right of Participation and the Right to Know in Article II, Sections 8 and 9, of the Montana Constitution, the City of Billings and City Council are making every effort to meet the requirements of the open meeting laws.

Citizens are invited to:

- . Review the Agenda Packet on the City's website at: [www.billingsmt.gov](http://www.billingsmt.gov) and click on "Your Government," "City Council," and "Agendas & Minutes".
- . View the meeting:
  - . On Community 7 TV - Channel 7 or Channel 507 -- Spectrum Cable. *(On evenings when there is a conflict with School District No. 2 Board meetings, the City Council meeting will be broadcast on Channel 8 - Spectrum Cable.)* Channel 7 or Channel 978 - TDS Fiber.
  - . Online at [www.comm7tv.com](http://www.comm7tv.com) and click on the "Watch Live" icon. Community 7 also has links to their Facebook page and YouTube channel.
  - . On the City's website at [www.billingsmt.gov](http://www.billingsmt.gov) and click on "Watch Meetings Online" on the homepage.
  - . In-Person.
  - . Virtually via Zoom (see the link below).

Citizens may submit public comment via the following methods:

- . Mail: City Clerk, P.O. Box 1178, Billings, MT 59103
- . Email: [Council@billingsmt.gov](mailto:Council@billingsmt.gov).
  - . Emails received after 3:00 PM on the day of the meeting, may be posted on the Council's webpage the following day for public viewing.
- . Attend the meeting in person.
- . **Please note that citizens wishing to observe or participate in providing public comment virtually through Zoom, MUST PRE-REGISTER BY NOON on the day of the meeting. Citizens will need to enter the Webinar ID and Passcode indicated below for that meeting to gain access.** Click on *Zoom Meeting Instructions* and *Zoom Hybrid Meeting Details* below for more information. The link will allow you to attend, view and participate in the meeting on your computer, laptop or smart phone. (You must have the Zoom App on your device [Click Here to Download Zoom App](#)) To provide public comment at the appropriate time, click on the "raise hand" icon located at the bottom of the screen and the moderator will unmute your device.
  - o **Don't have a smart phone, computer or laptop?** That's okay -- you can attend a Zoom meeting using your **landline phone**. Call the Zoom phone number, **1.253.215.8782** to join the meeting and follow the operator's instructions. Want to give public comment? Simply "*raise your hand*" by pressing \*9 and the moderator will give you permission to speak when it is your turn. *\*Note this is a long distance toll number and charges may apply depending on your plan.*
- . Click Here for [Zoom Meeting Webinar IDs and Passcodes](#)
- . Click Here for [Zoom Meeting Instructions for Attendees \(as guests\)](#)

Please contact Denise Bohlman, City Clerk, at [bohlmand@billingsmt.gov](mailto:bohlmand@billingsmt.gov), or at 406.657.8210, with any questions.



**VISION STATEMENT:**  
"The Magic City: A diverse,  
welcoming community  
where people prosper and  
business succeeds."

**WORK SESSION AGENDA  
FEBRUARY 5, 2024**

**COUNCIL CHAMBERS**

**5:30 P.M.**

**CALL TO ORDER:** Mayor Cole

**PUBLIC COMMENT ON ALL ITEMS.** This is the time to comment on any matter (Agenda or Non-Agenda) falling within the scope of the Billings City Council. There will also be time in conjunction with each agenda item for public comment relating to that item. You may only speak once for each item during the meeting.

Please note, the City Council cannot take action on any item of significant interest to the public that does not appear on the agenda. Comments are limited to three (3) minutes during each public comment period or as set by the Mayor. **Speaker sign-in required.** Please sign the roster at the cart located at the back of the Council chambers or at the podium.

**1. Yellowstone County Short-Term Jail Request.**

-Public Comment

**2. Montana Rescue Mission (MRM) Overview.**

-Public Comment

**3. Crisis Response Unit and Mobile Response Unit Update.**

-Public Comment

**4. Domestic Violence Investigation Unit Initiative Discussion.**

-Public Comment

**5. CPTED Committee Plan Update.**

-Public Comment

**6. Highlight Upcoming Agenda Items of Council Interest.**

-Public Comment

**COUNCIL DISCUSSION:**

**PUBLIC COMMENT on "NON-AGENDA ITEMS".** Speaker Sign-in required. *(Restricted to ONLY items not on this printed agenda. Comments are limited to 3 minutes or as set by the Mayor. Please sign the roster at the cart located at the back of the Council chambers or at the podium.)*

**ADJOURN:**

Note:

- This meeting is an "informal" meeting of the City Council. The content of the Agenda is subject to change at the meeting.
- In the event there is a Closed Executive Session, the sole purpose is to discuss litigation strategy. The other parties to the case(s) discussed are not public bodies or associations as described in Section 2-3-203(1) and (2), MCA. The meeting is closed, as allowed by Section 2-3-203(4) (a), MCA, "to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position" of the City of Billings.

**City Council Work Session**

**Date:** 02/05/2024  
**Title:** County Short Term Jail Request  
**Presented by:** Chris Kukulski, City Administrator  
**Department:** City Hall Administration  
**Presentation:** No  
**Legal Review:** Not Applicable  
**Project Number:** N/A

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**RECOMMENDATION**

Council set a path forward to provide a thoughtful and well-informed response to the County's January 30 letter.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

A lack of incarceration space in the Yellowstone County Detention facility continues to cause significant problems for safety in our community. The improvement of safety remains the City's top priority. Staff will continue to work with law enforcement, legal, the judiciary and finance to provide the council with critical information to make well informed decisions. Attached are two letters. The first is from the city to the county asking the county to consider a temporary solution to bridge the gap to a permanent expanded jail. The second is the County's response dated January 30, 2024. I placed this item on the agenda to provide the council with an opportunity to discuss your response to the County's letter.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve

**FISCAL EFFECTS**

NA

**SUMMARY**

NA

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**Attachments**

City ltr to County temp short term jail  
1-30-24 letter from YC



November 7, 2023

P.O. Box 1178  
Billings, MT 59103  
P 406.657.8433

Yellowstone County Commissioners  
Attn: John Ostlund, Chair  
316 North 26<sup>th</sup> Street, Room 3101  
P.O. Box 35000  
Billings, MT 59107

Yellowstone County Sheriff  
Mike Linder  
2323 2<sup>nd</sup> Avenue North  
P.O. Box 35017  
Billings, MT 59107

Re: Proposal for a temporary misdemeanor pre-arraignment detention facility

Dear Commissioners and Sheriff Linder,

As stated in our April 2023 letter to you regarding a jail needs assessment, the City of Billings stands ready to partner with Yellowstone County to address overcrowding at the Yellowstone County Detention Facility (YCDF), as well as inefficiencies throughout the local criminal justice system. We know that a multi-pronged approach will be needed to move cases more quickly, support effective prosecution, and bring down barriers between jurisdictions. We applaud the efforts of county leaders to establish a working group to evaluate needs at YCDF and make recommendations to the Criminal Justice Coordinating Committee. We appreciate the opportunity to participate in the working group and would like to continue identifying areas of collaboration that enhance public safety.

Specifically, in the Fiscal Year 2024 budget, City Council voted to allocate funds to enter into an agreement with the Yellowstone County Sheriff's Office (YSCO) to develop a temporary, pre-arraignment misdemeanor detention facility. As you know, our community and the surrounding areas are plagued with individuals who commit crimes – often multiple infractions in short periods of time – and flagrantly defy the criminal justice system. They disrespect police officers, fail to appear in court, avoid warrants, and continue to walk free in the community without consequence. This situation must come to an end. Importantly, we must give officers tools to ensure that individuals are held accountable for their first offense, before criminal behaviors escalate into more violent crimes.

Municipalities in Montana have limited authority to operate detention facilities, but Council recognizes the need for additional system capacity. At the same time, we believe that innovation and expediency are important as well. City Council has discussed the issue many times during its meetings and voted to set aside an initial \$500,000 to demonstrate our seriousness in working with both the Commission and YCSO. At the direction of City Council, I offer the following proposal for your consideration:

- The City of Billings would like to enter an Interlocal Agreement, pursuant to §7-32-2243 and Title 7, Chapter 11, Part 1, MCA, to establish a temporary, secure facility designated to hold low-risk misdemeanor offenders prior to arraignment.
- The City will contribute an initial \$500,000 to Yellowstone County in FY24 for the development and operation of a temporary/modular structure[s] for use as secure inmate housing.
- Contract amounts for subsequent fiscal years to be negotiated, based on an initial projected annual operating cost of \$700,000-\$800,000 per year;
- Funds will be provided on a lump sum basis, rather than a per-bed or occupancy basis.
- The term of the agreement will be negotiated, but is anticipated to be between 3-5 years, subject to appropriations.
- Yellowstone County Sheriff's Office is solely responsible for the erection, operation, staffing, maintenance, inspecting, repairing, and security of the facility.
- Yellowstone County Sheriff's Office is solely responsible for the health, safety, and security of the inmates housed in the facility.
- At least 20 beds will be designated for misdemeanor offenders arrested within the city limits of Billings and must be available for holding those offenders upon being presented to the facility by law enforcement until an arraignment is held on the charges for which the person was arrested.
- No person will be held at the facility after an arraignment on the charges for which the person was arrested and YCSO will ensure that individuals remanded to YCDF following arraignment will be held at the main detention facility, not the pre-arraignment facility.

The City understands the County is currently evaluating systematic changes to alleviate jail overcrowding, but we believe it is worthwhile to explore this option as a stop-gap measure to address the immediate need for housing criminal offenders until a more permanent solution is found. Therefore, this proposal is intended to be temporary and not a permanent solution to the jail overcrowding, providing an opportunity for the City and County to test the idea and determine the actual need for secure beds to hold misdemeanor offenders.

There are different options for modular/temporary facilities that could be utilized for this proposed purpose. For example, Sprung Structures provides temporary structures that can be used as temporary holding cells or secure housing units. (For more information, please see <https://www.sprung.com/structures/commercial-buildings/correctional-facilities/>.) Attached is a preliminary estimate for a 50' W x 155' L structure and, although this may not include all

necessary specifications or information, it is provided to give an idea of what may be available within the budget proposed by the City.

I am sure there are other points that will need to be included. I would like to invite you and your key staff to meet with me and other city representatives to discuss this matter with the hope of drafting an Interlocal Agreement to memorialize this commitment. It is our hope to commence negotiations as soon as possible. Please reach out to me with any questions, as well as your availability, to further discuss this issue.

Sincerely,

A handwritten signature in black ink that reads "G. Kukulski for". The signature is written in a cursive, slightly slanted style.

Chris Kukulski  
City Administrator

Enc.

cc: Mayor and Council  
Chief of Police  
City Attorney  
Municipal Court Judge

# Yellowstone County



COMMISSIONERS  
(406) 256-2701  
(406) 256-2777 (FAX)

P.O. Box 35000  
Billings, MT 59107-5000  
bocc@yellowstonecountymt.gov

January 30, 2024

Billings City Council  
Attn: Bill Cole, Mayor/Chair  
210 N. 27<sup>th</sup> Street  
Billings, MT 59101

RE: Temporary Detention Facility

Mayor Cole & Members of the City Council:

In your letter dated November 7, 2023 concerning a Short-Term Detention Facility (STDF), you expressed the desire to partner with Yellowstone County and enter into an interlocal agreement to develop and operate a STDF. Your letter stated there are individuals committing crimes, often multiple infractions in short periods of time, who flagrantly defy the criminal justice system. They disrespect law enforcement, fail to appear in court, avoid warrants and continue to walk free in the community without consequence. A STDF will give law enforcement a powerful tool in making sure individuals are held accountable for their first offense, before criminal behaviors escalate into violent felony offenses. An additional benefit will be the boost in morale for law enforcement by assuring that they can arrest an individual at first contact, as appropriate.

Upon receipt of your letter, Yellowstone County engaged Schutz Foss Architects, P.C. (SFA) to review your proposal of a Sprung Instant Structures temporary facility. SFA determined this type of structure is deemed uninsurable by our carrier and presented us with security issues that could not be resolved as submitted. With these developments, Yellowstone County asked SFA to conceptually design an appropriate building according to your requests, while complying with applicable laws, security needs and guaranteeing insurability.

On January 21, 2024, SFA presented a draft concept for a two-floor addition to the existing YCDF structure. The cost estimate to complete the first floor providing up to 48 beds for male inmates, was estimated at \$4.7 million, including professional services and contingency estimates. The cost to complete the second floor with 48 beds is estimated at an additional \$1.3-1.5 million. In sum, the total project cost is approximately \$6 million.

We view this project as a partnership with the City of Billings, providing significant benefits to the City, its police staff and legal department, along with the County and its citizens. An equal share in this construction would yield an obligation to the City of \$3 million. Keep in mind that this will present a material and unilateral obligation to the County for operating this facility. Aside from an estimated staffing requirement of an additional six FTEs at the facility, the County will likely look at operational costs of almost \$100 per bed per night. This is a challenging funding consideration for us.

Yellowstone County accepts your previous offer of \$500,000 in FY24 and request a future payment of \$2.5 million to cover half the cost of this project. This project will reduce crime, hold offenders accountable for their actions and increase the morale of law enforcement officers. It is exactly what the citizens of the City of Billings and Yellowstone County want to see – collaboration by the City and County to solve some of the criminal justice issues plaguing our citizens. The community will view this positively if we are able to construct this project using reserves, and not incur debt or request a tax increase. This will help taxpayers understand our frugal approach, given how we approached this project and the previous 148-bed expansion which didn't involve a tax increase either. When we request a bond and a mill levy increase for extensive jail expansion, a future project to solve lack of inmate capacity at YCDF, we can honestly and openly demonstrate to them that we have always looked for ways to avoid additional debt and a property tax increase, but the overall expansion will be of such scale as to give us no other choice.

Finally, we offer to draft an interlocal agreement to confirm our partnership. In it, we will clearly define Yellowstone County's obligation to cover all operational costs associated with this facility now and into the future. We hope to finalize our agreement promptly in order that we can finalize plans and initiate activities to get construction in place.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

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John Ostlund, Chair

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Mark Morse, Member

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Donald W. Jones, Member

**Date:** 02/05/2024  
**Title:** Montana Rescue Mission (MRM) Overview  
**Presented by:** Chris Kukulski, City Administrator  
**Department:** City Hall Administration  
**Presentation:** Yes  
**Legal Review:** Not Applicable  
**Project Number:** N/A

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**RECOMMENDATION**

No direction is being requested. The Montana Rescue Mission (MRM) requested an opportunity to provide Council with an update on their capital project and services.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

See attachments provided by MRM.

**ALTERNATIVES**

N/A

**FISCAL EFFECTS**

N/A

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**Attachments**

MRM Services  
Homeless in MT



## Our Approach

God loves all people and we do too. Our grace-based approach combines God's grace with accountability to focus on helping homeless individuals and families find solutions. Everyone needs a roof over their head and someone to care about them. We are here to give a hand up, not a handout in the hope of stopping the revolving door of poverty and homelessness.

## Who We Serve

We serve homeless individuals and families, including but not limited to chronically homeless, disabled, limited mobility, LBGTQ, domestic violence referrals, CPS referrals, severely mentally ill, addicts, S.O., and V.O.

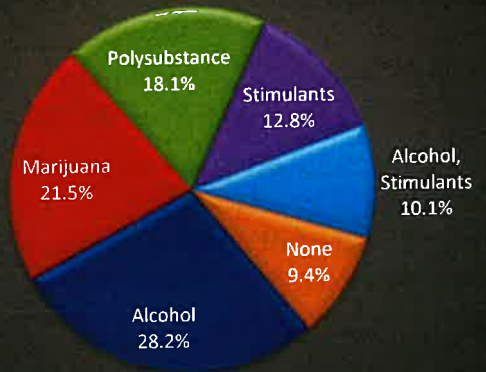
We do our best to provide reasonable accommodations to those who need them, based on the limitations of our current facility.

Children without parents can be accommodated depending on case-by-case circumstances.

We currently are not able to serve those who can't take care of their basic needs or those who are a threat to themselves or others.

### Population Substance Abuse Disorders

4/2022 through 6/2022  
Total Unduplicated People Served = 534



## Services for those in need. Men, Women, and Families

### Shelter and Basic Needs

We offer safe facilities with secured entrances, exits, and surveillance systems. We provide 24/7/365 care with an around-the-clock support staff.

We provide support for basic needs, such as, meals, showers, clothing, transportation, and laundry services. We help guests access benefits and payee services.

We help with basic health check-ups and assist with referrals for medical support in partnership with MSU Nursing Program.

### Behavioral Health and Addiction Recovery

We provide comprehensive mental health and substance abuse counseling through support and recovery groups, as well as one-on-one counseling and peer support. We offer chemical dependency evaluations with UA/BA screenings.

Our case managers help navigate through social support systems, identify assistance needed, and guide those in need as they transition out of homelessness.

### Education and Vocational Training

We assist guests with financial and life skills to support future employment and healthy lifestyles. We offer daily adult education training, classes, and groups.

We provide interview coaching, resume building, job skills training and internship programs to help guests gain experience to get back out into the workforce or to change their careers.

### Spiritual Care and Personal Growth

We offer spiritual care, Bible study, and worship. Our fulltime Chaplain is here to assist guests in their spiritual health journey and provide one-on-one counseling.

We encourage those who come to us for help to work on themselves and focus on personal growth. We teach techniques and healthy habits that improve their lives and relationships.

### Transitional and Housing Support

We provide rental assistance, transportation, phones/phone-minutes to aid guests in finding safe, permanent, affordable housing, and a means to get to work.

We assist with overcoming housing barriers, as well as housing search and retention. Once housing is secured, we help with essential housing needs and offer ongoing support.

### Children's Programs and Family Support

We provide preschool/afterschool programs so families can work during their stay. We offer programs for youth ages 3-19.

We provide family shelter rooms, children's play spaces, formula, and diapers. We help with family benefits, parenting support, advocacy for parents with children in foster care, and offer court-ordered parenting classes.

## Our Programs

**Emergency Shelter Program:** A low barrier program designed for individuals who are not ready to commit to sobriety. The goal of this program is to assist people with finding appropriate options to transition into prior to being housed. Every person has a unique situation, but some examples include reunification with family, sober living, inpatient/outpatient treatment, recovery program and more.

- This program doesn't have sobriety requirements; focuses on harm reduction.
- Temporary Winter Hours beginning September 1st will be 7pm-7am.

**Short-term Program:** A Program for first-time homeless people focused on a quick turnaround due to a low number of barriers a person is experiencing when it comes to being housed.

**Long-term Recovery Program:** A 12-month program for mind, body, and spirit. This wholistic program, focused on nurturing the whole individual while working on mental health, addiction recovery, education, and job training is designed for those who are chronically homeless or in need of addiction recovery.

**Phoenix Program:** A pathway for those who slip back into addiction while in recovery that helps guests quickly get back on the right track.

**Transitional Program:** A 12 to 24-month program that helps those who struggle with finding appropriate housing options and need additional time and support.

- These programs are open 24/7/365 and have sobriety requirements.
- Meals and showers are available with all programs upon request.

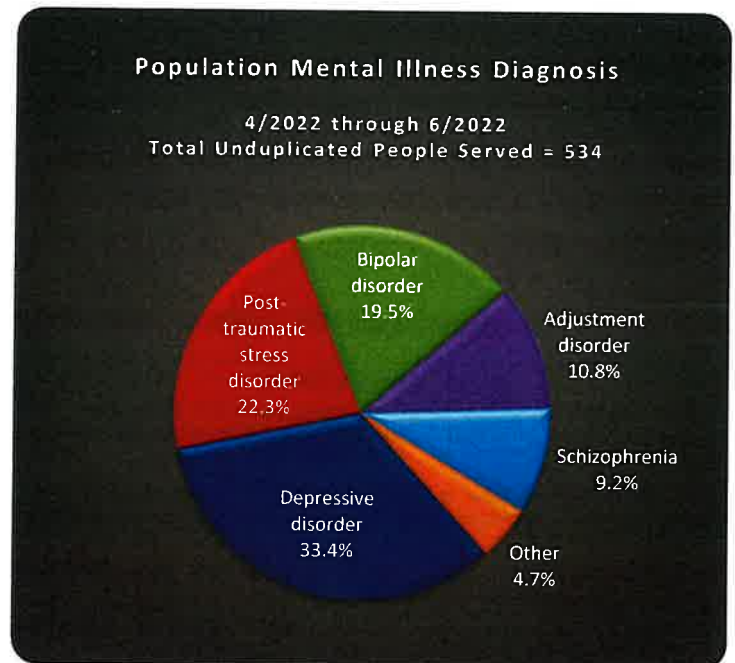
## Additional Supports

**Respite Care:** Provides support to those needing recovery after being released from the hospital, including those needing quarantine or isolation. Care is provided either on site or off site.

**Permanent Supportive Housing:** Allows housed individuals with disabilities to receive supportive services on site while living independently. Roll out is planned for 2023 through the Unified Campus.

**Independent Living and Aftercare:** Allows those who moved out of the shelter to continue to receive help and support if they need it.

**Mission Apartments:** Low-income apartments located on site bringing an additional 29 apartments into the Billings community. Planned completion date is December 2023 within the Unified Campus.



LIVES • CHANGE • HERE

For more information, or to learn about how we can help, please visit us at 2822 Minnesota Avenue, Billings, MT 59101  
[www.montanarescuemission.org](http://www.montanarescuemission.org)

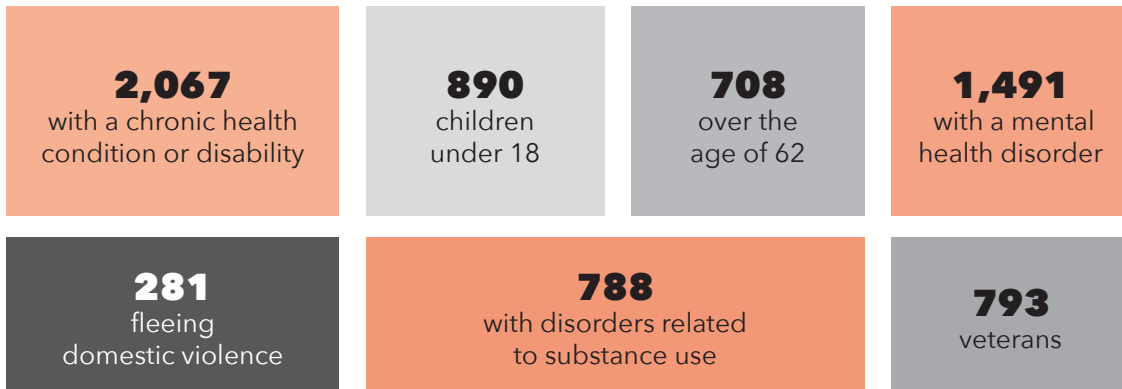


## Facts about shelters and people living unhoused in Montana.

Most of the data in this document is from the Homeless Management Information System (HMIS), a local information technology system used to collect information on housing and services to homeless individuals and families. Data does not include shelters serving victims of domestic violence or homeless prevention.

### There is no one type of person needing shelter and help.

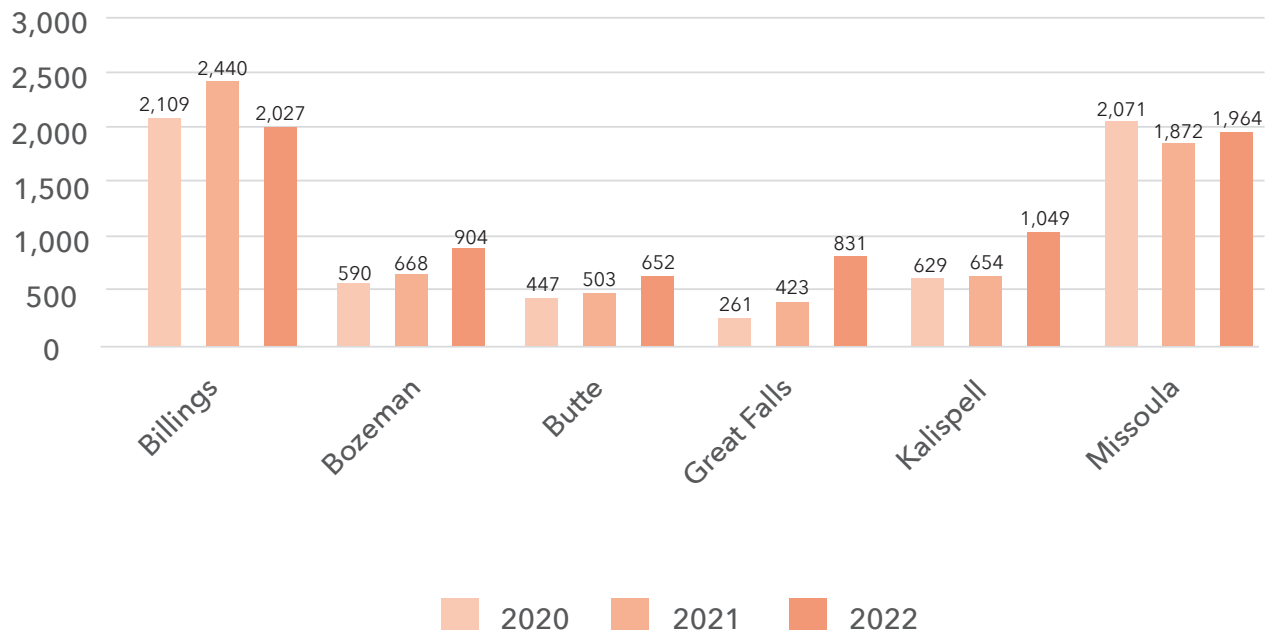
In 2022, shelters and other providers across Montana served **7,619 people** including:



Samaritan House clients have lived in Flathead County for **5 years on average.**

### Nearly every Montana community has seen a dramatic increase in the need for shelter and other services over the past three years.

Data below includes all community homeless service providers, such as emergency shelters, rapid re-housing projects, permanent supportive housing projects, street outreach, and coordinated entry systems.



## Rising housing costs are a main cause of increased need.

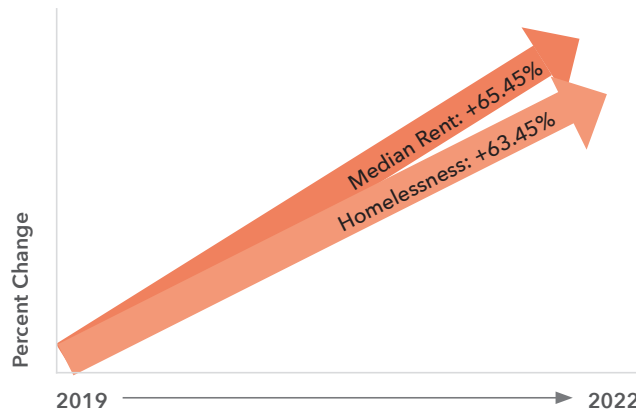
Low vacancy rates, a lack of housing people can afford, rental prices outpacing wages, a lack of mental health services, and a lack of coordinated care locally and across the state are primary reasons for the increase in need, all leading to long-time Montana residents being priced out of homes.

**National data shows that a \$100 increase in median rent is associated with a 9% increase in the estimated homelessness rate. This matches the numbers seen in Montana.**



**To afford a one-bedroom apartment in Bozeman at the median rate of \$1,853, a person must make nearly \$36 per hour.**

## The increase in rent in Gallatin Valley matches the increase in homelessness.



In 2021 the warming shelter in Missoula had 70-90 people staying nightly and 117 on one of the coldest nights. So far this season, they are sheltering nearly double the number of unhoused individuals—averaging 130-160 per night. Billings is seeing significant growth in need. **This winter's need for shelter and services is more than double the need in 2021.**

## Shelters provide a variety of services.

Below are the types of services provided at shelters in Montana. This list is not comprehensive, and not all services are offered at every shelter.

- Emergency shelter
- Medical respite, medical clinic, or dental check-ups
- Food support
- Transitional housing, permanent supportive housing, and other support to get and keep housing
- Mental health and substance use support
- Peer support
- Onsite recovery program
- Application support, including accessing birth certificates and other documents
- Veteran specific programs
- Temporary storage of belongings
- Laundry and showers
- Daily essentials such as clothes and hygiene products
- Job training and skill building
- Outreach
- Case management
- Family shelter and programming
- Youth programs and support



The efforts of shelters across the state are working, but complicated problems like homelessness take sustained, collaborative effort and resources to address.

**In 2022, 1,182 people were successfully moved into permanent housing.**

**City Council Work Session**

**Date:** 02/05/2024  
**Title:** Crisis Response Unit and Mobile Response Unit Update  
**Presented by:** Jason Banfield, Assistant Fire Chief  
**Department:** Fire  
**Presentation:** Yes  
**Legal Review:** Not Applicable  
**Project Number:** N/A

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**RECOMMENDATION**

Continued support of the Crisis Response Unit.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

The Mobile Crisis Response Unit (CRU) is a partnership between the Billings Fire Department and Rimrock Foundation for responding to emergent behavioral health incidents within the BFD's response area, dispatched through the 9-1-1 Center. The CRU team may also respond to non-emergency calls (e.g. welfare checks) as directed. The CRU team will also offer timely follow-up and connection to community resources, usually within 48 hours of the initial call. This team will provide assessments, stabilization, and referrals for a behavioral health-related continuum of care. The purpose of the CRU is to rapidly respond, effectively screen, and provide early intervention to individuals experiencing mental health crises.

We will update Billings City Council on the public-private partnership with Rimrock Foundation. The Crisis Response Unit Program has been implemented for approximately four months. Community partners such as Billings Police Department, AMR, and both hospitals have been included in briefings and the services that are available. We will be sharing call volume and success stories.

**STAKEHOLDERS**

All community members.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve

**FISCAL EFFECTS**

The CHEG (COVID-19 Health Equity Grant) grant will cover the costs of EMS providers' wages until May of 2024.

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**City Council Work Session**

**Date:** 02/05/2024  
**Title:** Domestic Violence Investigation Unit Initiative discussion  
**Presented by:** Chris Kukulski, City Administrator  
**Department:** City Hall Administration  
**Presentation:** Yes  
**Legal Review:** Yes  
**Project Number:** N/A

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**RECOMMENDATION**

To engage in a dialogue with Chief St John and leadership regarding staff's analysis to create a domestic violence investigation unit.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

See the attached memo from Chief St John in response to Council's initiative passed in late 2023.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve

**FISCAL EFFECTS**

Any fiscal effects will be determined based on the direction of the discussion.

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**Attachments**

DVI Unit memo  
CI - Family Violence

## Council Memorandum

**REPORT TO:** Honorable Mayor and Council

**FROM:** Chief St. John

**DATE:** January 25, 2024

**SUBJECT:** Council Initiative Follow-Up on Family Violence Investigative Unit (CM Owens)

**AGENDA ITEM TYPE:** Work Session Discussion

### ACRONYMS

ATL Attempt to Locate  
BPD Billings Police Department  
CFS Calls for Service  
CSO Community Service Officer  
DCI Division of Criminal Investigation  
DVI Domestic violence investigator  
FJC Family Justice Center  
FTE Full Time Employee  
FTO Field Training Officer  
FV Family violence  
FVIU Family Violence Investigative Unit  
IACP International Chiefs of Police  
LE Law enforcement  
MCA Montana Code Annotated  
MLEA Montana Law Enforcement Academy  
PFMA Partner/family member assault (Aggravated and non)  
ROI Return on investment  
TFO Task force officer  
TRO Temporary Restraining Order  
YTD Year to Date

### ISSUE

Domestic and family violence are the most prevalent acts of violence in the City of Billings, resulting in well over 1000 investigations annually. Offenses consist of all manners of violence ranging from disorderly conduct to criminal homicide. These cases involve all types of relationships ranging from

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Billings, MT 59103 F 406.657.8417

dating, cohabitation, to marriage and family and often have a traumatic effect on our most vulnerable population, children.

Domestic and family violence is one of the most common crimes to which officers respond and is a long term challenge for law enforcement. There is significant negative impact on victims, responding officers, and department workload. As such, it is important that the BPD is appropriately staffed and trained to manage the problem and provided with comprehensive support to strengthen our capacity to serve victims.

Currently, the BPD operates a multi-faceted approach to DV/FV, all essentially reactive and all focused on enforcement. Although not the focus of this council initiative, it is worth mentioning that what is lacking is the establishment **and sustainment** (emphasis added) of a Family Justice Center that provides collocated services for victims and their children. In one consolidated location, DV/FV can access support services offered by prosecutors, LE, clergy, and social services. Such a facility would provide a safe haven and efficient means of coordinating resources.

For Council's information, the current DVI staff and community partners are preparing for the "Start Small" phase of the FJC, which will see both DVIs moving to the YWCA campus, along with office space to house rotating members of the City Attorney's contingent and a County Clerk to help with filing orders of protection. There is momentum and sentiment that the FJC is imminent. Sustainment will be a key factor.

BPD statistics from 2018 through 2023<sup>1</sup> show an average of 1059 DV/FV incidents a year compared to an average of 712 incidents of all other violent crime. Combining all violent crime numbers for this period, the BPD responded to 10633 incidents. The 6358 DV incidents represents 59% of all violent incidents.<sup>2</sup> These numbers demonstrate the prevalence of DV/FV that is often viewed by the community as a personal issue that takes place in the home. Conversely, a spate of overt and egregious acts of violence has shocked the community and resulted in fully justified demands for decisive action. However, the holistic view shows the DV/FV numbers are significant and beginning to generate public interest and concern. As a correlation, statistical and empirical evidence show that juveniles who join gangs and/or commit such violent acts almost certainly witnessed violence in their homes. As such, robustly addressing DV/FV at all phases<sup>3</sup> will help break the cyclical violence.

The BPD does a good job responding to these calls and taking appropriate action. However, the requisite follow-up requirements are enormous and the department has only two detectives assigned, primarily working misdemeanor PFMA cases. Although there are other department assets supporting the DV/FV mission, our DVI's are overwhelmed which causes inefficiencies and decreased effectiveness. That, in turn, affects how victims are supported and offenders held accountable.

To increase the BPD's effectiveness and capacity in this area, a council initiative was passed directing staff to look at the creation of a stand-alone FVIU.

## BACKGROUND

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<sup>1</sup> At the time of this report, not all 2023 statistics were available.

<sup>2</sup> DV referenced only includes misdemeanor, aggravated, and strangulation cases. It does not include stalking, OOP violations, or other family related physical or sexual violence.

<sup>3</sup> Phases refers to prevention, intervention, and enforcement.

BPD core policy 4-3, provides guidance on DV response. Policy is further supported by requirements in M.C.A. Specifically, officers responding to domestic disturbances shall make an arrest when probable causes exists when a partner or family member has been injured or the use of, or threat of the use of a weapon has been made. Officers shall make an arrest when a violation of an order of protection has been made or if the suspect creates a situation that may present imminent danger to the partner or family member.

All DV calls are initially handled by patrol officers. This will not change even if additional DVI's are created. Contemporary DVI work is follow-up in nature. Patrol officers respond to 911 calls and DVI's do follow-up work. Pursuant to policy, they (patrol) are expected to respond safely and in a timely manner to intervene. As stated previously, if a primary aggressor is identified, an arrest is required. If no primary aggressor is identified and no arrest made, M.C.A. and BPD policy requires a report be written explaining why no arrest action was taken. Regardless of disposition on scene, the officer(s) are required to conduct a thorough investigation contacting victims, suspects, witnesses, and collecting evidence. In most situations, the case is forwarded to the city attorney's office (misdemeanor) or county attorney's (aggravated) for review.

Prior to council initiative, the BPD and City Attorney's Office recognized the magnitude of the situation and took steps to mitigate. Going back several years, the BPD assigned two full time DVI's and the City Attorney's Office assigned three (3) prosecutors, three (3) assistants, and one (1) in support. Montana's DCI assigned one (1) agent who was collocated with city personnel. The DCI agent primarily handled follow-up cases from the county attorney's office as well as other major cases as assigned by her supervisor. That agent has transferred out and the position is currently vacant and pending a replacement.

Additionally, the BPD fields a specially trained DVI team of patrol officers and CSO's who work DV cases on a grant funded overtime basis.<sup>4</sup> Currently, the two DVI's and DVI team are carrying 60 cases. YTD, the DVI program has worked approximately 700 cases, the majority referred by the City Attorney's Office.

The grant funded DVI team deals mostly with ATL's for victims who have stopped communicating with prosecutors and suspects with active DV related warrants and/or TRO's needing to be served. This is an important function as patrol officers are too busy to actively look for people due to daily CFS. Some of these individuals are extremely dangerous and need to be located and picked up.

Suffice to say, DV/FV response is labor intensive for the BPD both on the initial response and follow-up sides. The issue is widely recognized as a precursor to other crime to include homicide, mass shootings, cyclical FV. While the BPD dedicates resources to DV/FV, additional investigators and support would be beneficial keeping in mind there are needs in other PD areas as well.

The department has access to a range of training in this area, both in-house and from external sources. MLEA and the FTOs train on basic response; general courses on interviewing and crime scene processing

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<sup>4</sup> The current (FY'24) DVI grant allows for **\$30,418 toward OT shifts**. Using the average. OT rate of \$57/hour, that equates to approx. 533 staff-hours for the year or **0.25 FTE**. Provided by DVI Detective Katie Nash.

can be applied to DV investigations. Other specialized training would need to be brought in or we would have to send officers. Training consists of anywhere from basic response to advanced interviewing techniques. Similarly, prosecutors have access to specialized training. Currently, the BPD's FY24 budget, excluding specialties and firearms, allots approximately \$110,000 for all department training. The BPD can do a better job providing timely in-service and topic specific training.<sup>5</sup>

## ALTERNATIVES FOR CONSIDERATION

### 1. Status Quo

- Pros
  - No adverse impact on current staffing.
  - No adverse impact on other specialty assignments.
  - Maintain current level of services.
  - Opportunities to engage other partners.
- Cons
  - Large and increasing case load.
  - Officer frustration and burn out.
  - Not able to handle all cases in timely or efficient manner.
  - Not providing best service for victims.
  - Lack of offender accountability may lead to increased violence.

### 2. Redirect Assets

- Pros
  - Identifies DV/FJ as department priority.
  - Increased capacity to handle DV/FV cases.
  - Smaller case load and better service for victims.
  - More cases for prosecution allows for offender accountability.
  - Opportunities to engage other partners.
- Cons
  - Other crime deemed not as important. Property, traffic, drugs, e.g.
  - Reassigning personnel from Specialized Unit will diminish abilities and capabilities of affected unit.
  - Reassigning personnel from Operations or Investigations will reduce available staffing and adversely affect responses.
  - Potentially adversely affect task force relationships and benefits.
  - Increased OT depending where personnel come from – same amount of work, fewer officers.

### 3. New FTE's and Restructure

- Pros
  - New FTE's will allow for expansion of DV/FV program.
  - Increased capacity for follow-up of DV/FJ cases.
  - Increased efficiency and effectiveness.

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<sup>5</sup> Other DV-specific trainings are generally funded by the DVI grant, and therefore not something the BPD seeks out or is responsible for.

- Better service for victims.
- Better able to hold offenders accountable – reduce reoccurring DV/FJ incidents and other violent crime.
- Cons
  - No budget for additional FTE's or requisite equipment
  - Not to be considered in this initiative
  - Part of a larger discussion on staffing – Operations, Investigations, Clerical.

## ANALYSIS

The BPD fully understands the magnitude of the problem and the damage done, not only to victims, but to the community as well. “DV/FV is a long-term challenge for law enforcement that leaves deeply scarred victims in its wake, emotionally taxing for officers, presents unique officer safety concerns, and requires a significant amount of resources” (IACP). To that point, the BPD has committed modest resources in the form of a DVI team consisting of two FTE's and part-time officers who are 100% reliant on grant funding (footnote 4). Current DVI's want a direct supervisor. A detective supervisor has been more involved than others in the past, but still has other supervisory duties. Current DVI's report they get not additional support beyond what patrol officers receive. Each DVI handles their own case management. Nobody in the clerical staff is dedicated to DVI and overall staffing issues are at a critical level.<sup>6</sup> Similarly, the City Attorney's Office has dedicated resources as well<sup>7</sup>, though probably not as robust as desired.

***Both the BPD and City Attorney's Office wants to provide the very best service for DV/FV victims. Additionally, no one in either office downplays or diminishes the seriousness of these cases.*** However, the lack of resources and necessity to deal with other equally problematic issues requires balance and prioritization. The BPD wants to support all enforcement efforts of specialized and non-specialized units, to include DVI. However, the BPD is limited by a hard-cap budget, authorized strength limit, staffing issues, and few avenues to generate revenue.

Redirecting assets to DVI is the easiest thing to do internally but will adversely affect other areas. Simply stated, the work remains, but there are fewer officers, detectives, or TFO's to do the work. Conversely, the DVI's would get relief and able to provide better services as mentioned previously. It is the proverbial “robbing Peter to pay Paul.”

For example, moving personnel from patrol will reduce the number of available officers and potentially result in a minimum staffing situation or increase response times. Moving a sergeant from either patrol or investigations will provide direct and narrow supervision to the DVI's but increase the span of control for other sergeants. Moving an officer from a task force will adversely affect their respective operation. Again, redirecting assets is easy with little or no budget impact.

Similar scenarios exist with reassignment of a volunteer and CSO. The CSO program was developed to reduce the call load on patrol and free them for more urgent calls. To date, the CSO's have handled over 3000 calls. Reassigning one would diminish their impact on patrol while positively impacting the DVI's. To reiterate, CSO's already work DV/FJ cases on a part-time basis. However, they operate with limited scope in that they cannot investigate crimes against persons. Currently, they are restricted to

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<sup>6</sup> Clerical staff down 3 FTE's. Rocky Mountain HIDTA has one (1) grant funded support position. None other in PD.

<sup>7</sup> City Attorney's team of seven (7) fulfilled through Public Safety Levy.

jail-call investigations. Ideally, case management and grant writing could be off-loaded to a civilian. Additionally, a civilian position could work with data analysis to help identify high lethality projections.<sup>8</sup>

As council can see, there is great potential to create a robust DV/FV investigations unit. Unfortunately, given the department's current status, coupled with the stipulation of "no new FTE's", raises the question to council of "what do you not want us to do?" Without additional resources, something has to give. Currently, I have the department focused on overt gang violence. While fully justified, it is understood that DV/FJ is a problem as well. The BPD and City Attorney's Office have stepped up and addressed the issue. Unfortunately, the work is overwhelming both departments' capacity.

Although not in the scope of review, adding additional resources to the BPD in general is a discussion that needs to take place. This would not only allow us to grow the DVI program, but others as well. Internal analysis shows that the patrol division needs between 15-20 officers and investigations another six (6). On top of that, the BPD is required to provide a second court officer. An internal request from Street Crimes is for two (2) additional to work gangs. Additionally, School District #2 wants four (4) SRO's if their safety levy passes. We would like to accommodate all requests but are faced with finite resources.

Specific to DV/FV and per the initiative which includes crimes against children, the Investigations Division has proposed adding six (6) new FTE's and changing the division's model. When full, the division would dedicate ten (10) investigators to DV/FV/Crimes against children and fourteen (14) to major crimes. Both would be supervised respectively by existing sergeants. This would significantly improve effectiveness and efficiency for investigations across the board. If positions were added to patrol, it would help facilitate increasing specialized positions, to include DVI.

CSOs are currently used on a part-time grant funded basis and help primarily with jail calls. Picking up evidence is helpful but within their normal duties. Use of volunteers needs to be researched as to where they could be productive. DV/FJ cases are very sensitive and may not be a good fit for a volunteer. Additionally, volunteers do not provide the reliability and stability needed.

Currently, the fully staffed CSO program is engaged with community outreach, victim contact, accident management, and accident enforcement. Again, we would be pulling an asset and reassigning. We continue to partner with DCI and they are trying to fill the vacancy. When filled, the department's DVI stands at three (3) full time investigators, six (6) part-time grant funded investigators<sup>9</sup>, and one (1) part-time supervisor.

## DEPARTMENT REVIEW

BPD Administrative Staff  
BPD Operations Staff  
BPD Investigations Staff  
DVI  
Support Services/Records

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<sup>8</sup> The PD currently uses interns for analytics in support of Project Safe Neighborhood and other department projects.

<sup>9</sup> Reiterate that "part time" = **0.25FTE**.

## FINANCIAL IMPACT

1 FTE \$30.39 hourly	\$87,000/year salary and benefits
O/M for new officer	\$18,000 equipment
Fully equipped patrol car	\$100,000 (approx.)
Detective car	\$29,000

## RECOMMENDATIONS

### IMMEDIATE

Maintain status quo until staffing numbers increase (down 6 with 7 in background).  
Recruit additional part-time DVI and CSO team members to increase qualified pool.  
Explore reassignment of grant application and management process.<sup>10</sup>  
Explore modifying scope of grant in coordination with DVI.  
Request DCI expedite filling DVI/major crimes vacancy.  
Identify contemporary DV/FV training for patrol and detectives.<sup>11</sup>  
Identify specialty training (forensic interviewing, e.g.) for DVI's.<sup>12</sup>

### PHASED

Review and assess all positions in consideration for transfer DVI.  
Explore use of patrol officers for DV/FV follow-up when shift(s) are sufficiently staffed.<sup>13</sup>  
Develop additional partners (public/private) to expedite FJC.

\*\*Top recommendation by staff - increased FTE's.

## ESTIMATED EXPENSE FOR INVESTIGATIONS MODEL

6 FTE's @ \$87,000 each. <sup>14</sup>	\$522,000
Officer equipment x 6 @ \$18,000 each.	\$108,000
3 Detective Cars (initial) @ \$29,000 each.	\$117,000
<b>TOTAL</b>	<b>\$747,000</b>

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<sup>10</sup> City grants writer.

<sup>11</sup> BPD budget.

<sup>12</sup> BPD budget.

<sup>13</sup> Currently, extra patrol officers over minimum of nine (9) are assigned to work traffic, double a beat, work warrants, or special projects. In this scenario, they would be assigned to work DV/FV follow up.

<sup>14</sup> Addition of FTE's can be phased on over a period of years. Two (2) per year for example.

**COUNCIL INITIATIVE PROPOSAL FORM**

**City Code Sec. 2-214(14).** *Council Initiatives. This section of the agenda is reserved for individual councilmember requests for future legislative or staff action. These shall be limited to giving direction to staff to assist in formulating policies, work plans, etc. for future consideration of the city council. An initiative moves forward by majority vote of the city council.*

COUNCIL MEMBER PROPOSING INITIATIVE: JENNIFER OWEN

SHORT NAME OF INITIATIVE: RECOMMENDATIONS ON ESTABLISHING A FAMILY VIOLENCE INVESTIGATION UNIT IN THE BILLINGS POLICE DEPARTMENT.

SUMMARY OF PROPOSED LEGISLATIVE OR STAFF ACTION: (Please be as specific as possible. Indicate if action may be divided into steps or phases.):

This initiative requests that the City Administrator work with staff/leadership to develop recommendations to Council on the creation of a permanent dedicated Family Violence Investigative Unit in the Billings Police Department that meets at least the following criteria:

- Comprised of patrol, detectives, leadership, CSOs, technicians and administrative support.
  - Must have promotion potential within the BPD hierarchy
- Has a minimum scope of domestic violence (e.g. PMFA, violation of Order of Protection, harassment, stalking), crimes against children (e.g., assault on a minor, criminal child endangerment), and sexual assault.
  - This is not intended to interfere with existing task forces/special units, unless recommended by the City Administrator. However, this unit may be a liaison.
  - Consider where human trafficking belongs, as well as elder abuse (e.g., assault, exploitation)
  - Other scopes added as appropriate. Offenses Against the Family should be evaluated thoroughly.
- Has the ability to respond in real time to the scene for investigations.
- Includes robust initial and ongoing training in family violence-related topics.
- Able to analyze and assess complex crime data to detect patterns relevant to investigations and enforcement.
- Does not increase FTE unless there is a critical skill set missing.
  - One-time start-up and ongoing O&M expenses are allowable.

The recommendations should also include the appropriate format to formalize the creation of this unit in the BPD; for example, a Council resolution or ordinance.

SUMMARY OF DEPARTMENTS EXPECTED TO BE IMPACTED; CITY ADMINISTRATOR WILL DETERMINE APPROPRIATE STAFF TO CARRY OUT THIS INITIATIVE: Police, Legal, Leadership

DIRECTED TO TAKE ACTION: City Administrator to direct staff

HAS COUNCIL MEMBER MAKING INITIATIVE COMMUNICATED WITH THESE STAFF MEMBERS (OR DEPARTMENT HEAD) ABOUT THE INITIATIVE? YES  No

ESTIMATE OF APPROXIMATE STAFF TIME REQUIRED: Unknown

APPROXIMATE TIMELINE FOR STAFF/DEPARTMENT ACTION: Recommendations to Council for consideration in 60-90 (on a work session prior to year-end)

COSTS OTHER THAN STAFF TIME, IF ANY: NO

PRIORITY RELATIVE TO EXISTING INITIATIVES (SEE LIST AVAILABLE FROM CITY ADMINISTRATOR):  
This is consistent with the number one priority of public safety.

**Date:** 02/05/2024  
**Title:** Crime Prevention through Environmental Design CPTED Committee Plan Update  
**Presented by:** John Caterino, Facilities Manager  
**Department:** City Hall Administration  
**Presentation:** Yes  
**Legal Review:** Not Applicable  
**Project Number:** N/A

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**RECOMMENDATION**

Staff will provide an update on the City's CPTED Committee roadmap and plan as it applies to city property, particularly properties with high crime rates.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

Crime Prevention Through Environmental Design (CPTED) is an approach that focuses on the design and management of the built environment to enhance the quality of life and reduce the opportunities for crime. In an effort to enhance public safety, the City created an implementation committee of City employees that have taken CPTED training. The CPTED Committee has formulated a plan to implement CPTED strategies at various City Park locations throughout the city (see the enclosed presentation). CPTED evaluations have been completed at various City Parks throughout the city. Crime data and CPTED principles were used to select North Park, South Park, Dehler Park, Pioneer Park, Stewart Park, Skate Parks and determine the best phased-in approach to implementation to have the greatest impact.

**STAKEHOLDERS**

The City of Billings CPTED Committee includes Wyeth Friday, Nathan West, Brendan Binns, John Caterino, and Nick Miller. Vista Inanna Hencke has also been contributing to CPTED efforts with the committee.

**ALTERNATIVES**

City Council to provide direction, if any.

**FISCAL EFFECTS**

The current budget includes ~\$120,000 of crime prevention dollars for CPTED implementation. We are also working with the federal government to use CDBG funds to implement CPTED the plan.

**SUMMARY**

The City of Billings CPTED Committee would like to share with the City Council our plan moving forward with the proposed CPTED improvements to the 6 city parks selected.

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**Attachments**

CPTED Presentation



# *MOVING FORWARD*

***City of Billings CPTED Committee***

Facilities – John Caterino

Parks – Nick Miller

Planning – Wyeth Friday

Police – Nate West

Public Works – Brendan Binns

# The Big Six

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***North Park***

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***South Park***

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***Dehler Park***

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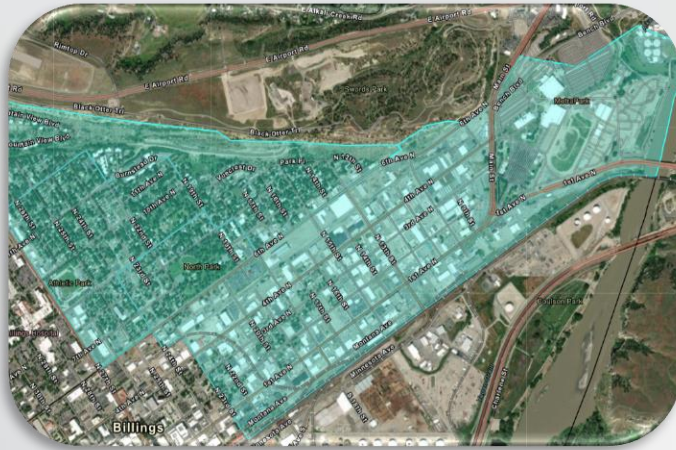
***Pioneer Park***

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***Stewart Park***

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***Skate Park***



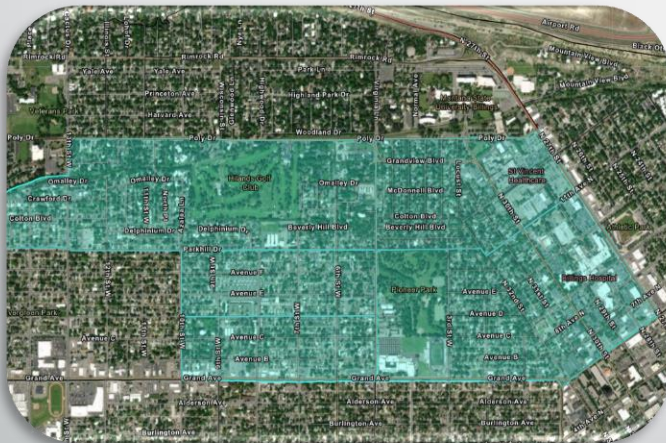
**NORTH**  
**76.43% LMI**



**SOUTH 72.89%**  
**LMI**



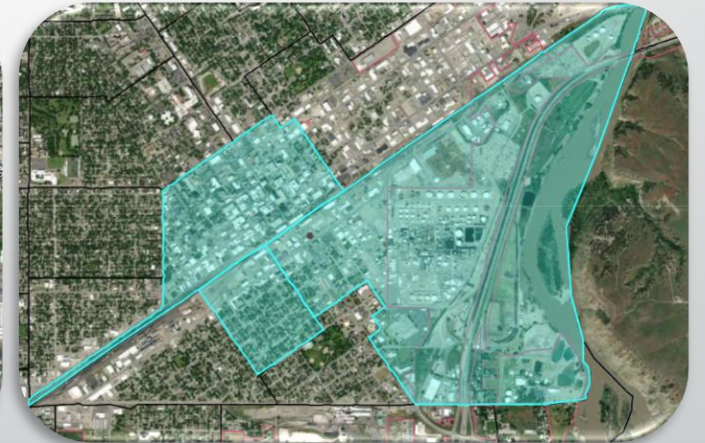
**DEHLER**  
**63.71% LMI**



**PIONEER**  
**52.18% LMI**



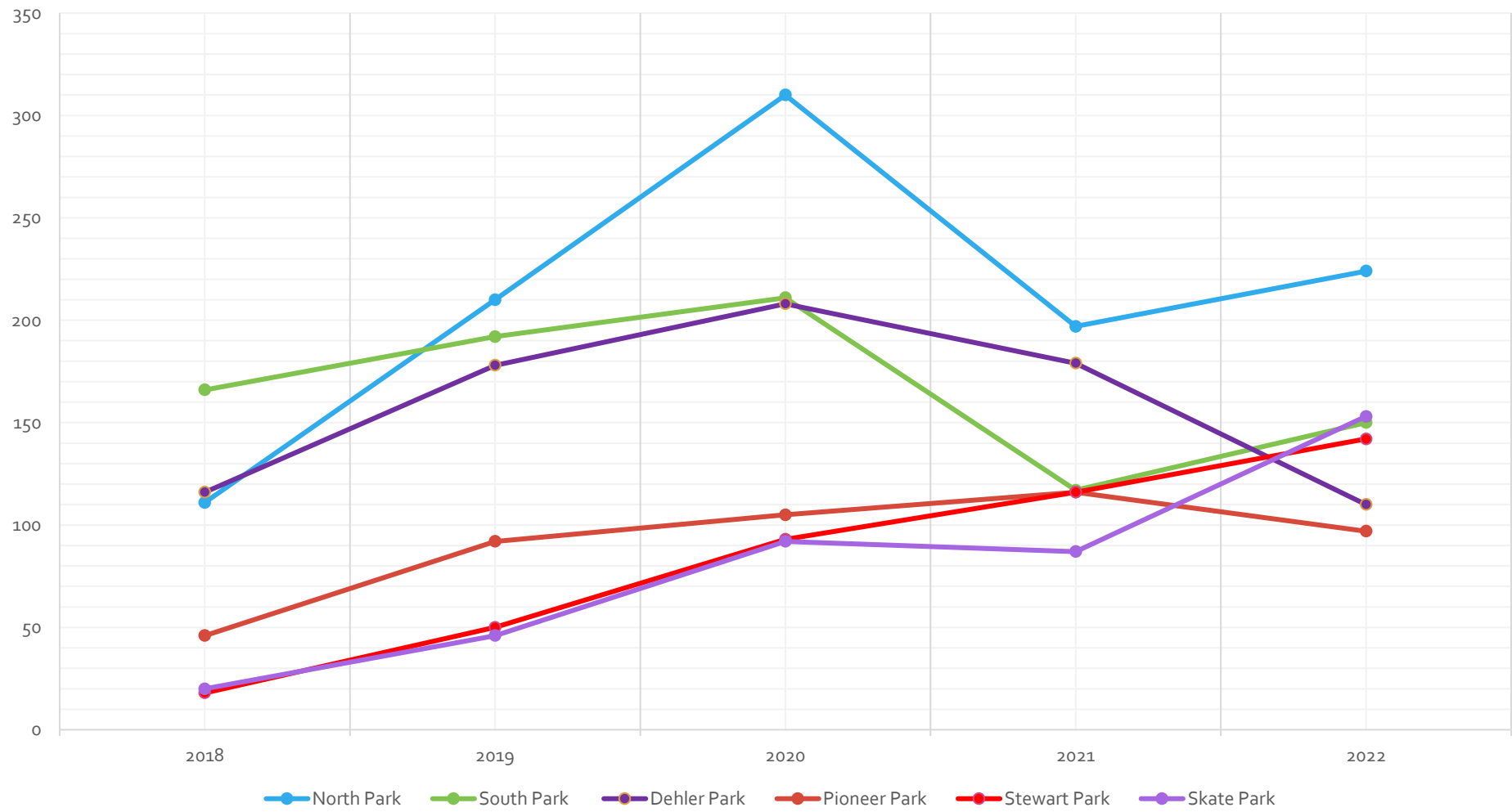
**STEWART**  
**44.67% LMI**



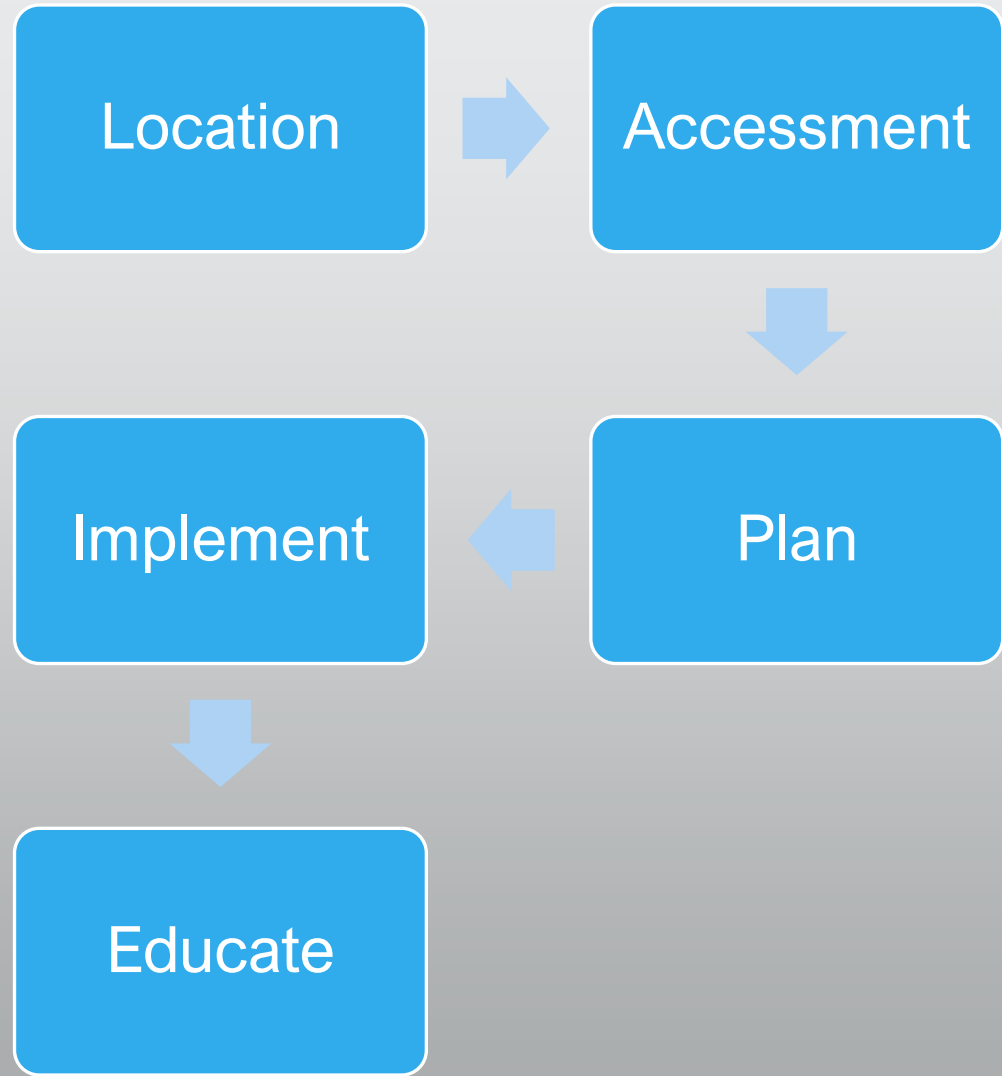
**SKATE PARK**  
**85.26% LMI**

Rank	Park	2018	2019	2020	2021	2022	Total
1	North Park	111	210	310	197	244	1072
2	South Park	166	192	211	117	150	836
3	Dehler Park	116	178	208	179	110	791
4	Pioneer Park	46	92	105	116	97	456
5	Stewart Park	18	50	93	116	142	419
6	Skate Park	220	46	92	87	153	398

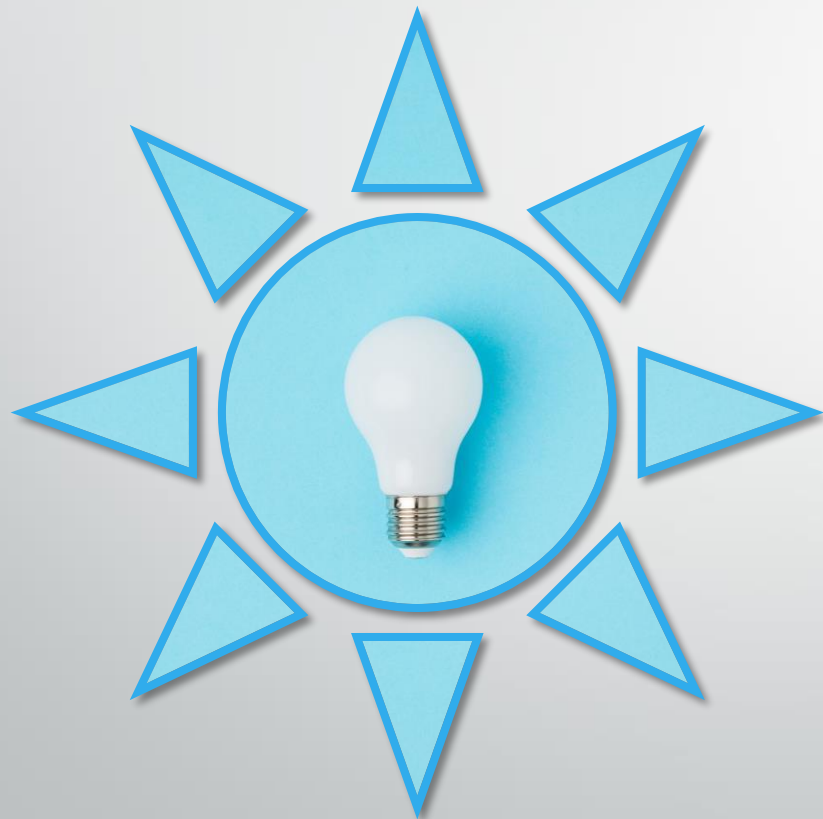
# INCIDENTS 2018-2022



# The Process



# What's missing?



# North Park

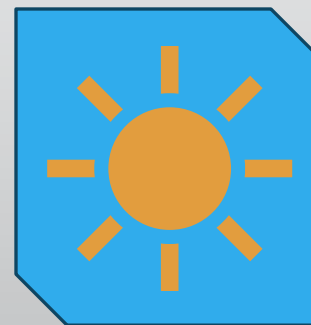
*Top of the  
list*

*Public  
Perception*

# Anew North



Massive  
Improvements  
for 2024



21 Solar  
Lights




New  
Events

# Bringing down the walls

City  
Departments  
working together

Focus on public  
safety

Community  
involvement



# Where do we go from here?

- ***Future Plans***

- ***South Park lighting improvements***
- ***Skate Park improvements***
- ***Dehler Park***
- ***Stewart***
- ***Pioneer Park***

A group of 15 young people, mostly teenagers, are standing on a wooden bridge over a stream. They are dressed in casual summer attire. The background features lush green trees and a clear blue sky. The scene is bright and sunny. A large blue and white graphic element is on the left side of the image.

Thank you

Questions?