

Billings City Administrator Weekly Report

July 16, 2020

- 1. Monday's COVID-19 Update** – Monday's update will be presented by Chief Health Official John Felton.
- 2. Founders Park Urban Renewal Analysis Report** – The City of Billings, in response to a property owner petition for consideration of a new or expanded Urban Renewal District (URD) on the east side of Downtown Billings, and to better inform the City Council before making any decision, hired Community Development Services of Montana (CDS) to evaluate the appropriateness of creating a new URD or expanding the existing URD. The study was funded in cooperation with the Downtown Billings Partnership, Founders' District (Russ Fagg and Jeff Kanning) and the City of Billings. Whether expanding the existing URD or forming a new URD, the designation would enable the use of the Tax Increment Financing (TIF) provision to finance projects in the public interest. The Founders Park area is directly west of the downtown URD and generally extends north from Montana Avenue to 6th Avenue North and west from North 31st Street to Division Street. It includes 128 properties held by 77 property owners.

CDS complete the initial analysis for the City in early July and city staff is sharing the findings with the City Council in anticipation of bringing this issue to the Council at an August Work Session for discussion and direction. The full study may be found here <https://ci.billings.mt.us/DocumentCenter/View/42212/Urban-Renewal-Analysis-Report--Founders-Area-7102020>. Hard copies of the study for City Council members may be printed upon request. Please contact wynnette Maddox.

- 3. Quarterly Reports** – The quarterly reports that will be presented Monday night and are attached include: Quarterly Financial Report, Code Enforcement Dirty Dozen and Police.

Have a great weekend.



QUARTERLY FINANCIAL REPORT

FY 2020 Fourth Quarter

CHRIS KUKULSKI, CITY ADMINISTRATOR

Attached is the fourth quarter FY 2020 financial report for your review. The fiscal year 2020 is complete, except for payments for orders and construction completed in June.

Andy Zoeller

FY 2020 Q4

GENERAL FUND

REVENUES

Overall revenue in the General Fund came in at 98% of what was budgeted, or \$36.3M. This is slightly higher than FY19, with an increase of \$89,591 or 0.2%.

As of the end of the 4th quarter, 96% of property taxes billed have been paid. This is consistent with historic payments and collections. Property tax revenue in the General Fund is up \$592,000 when compared to the same time last year.

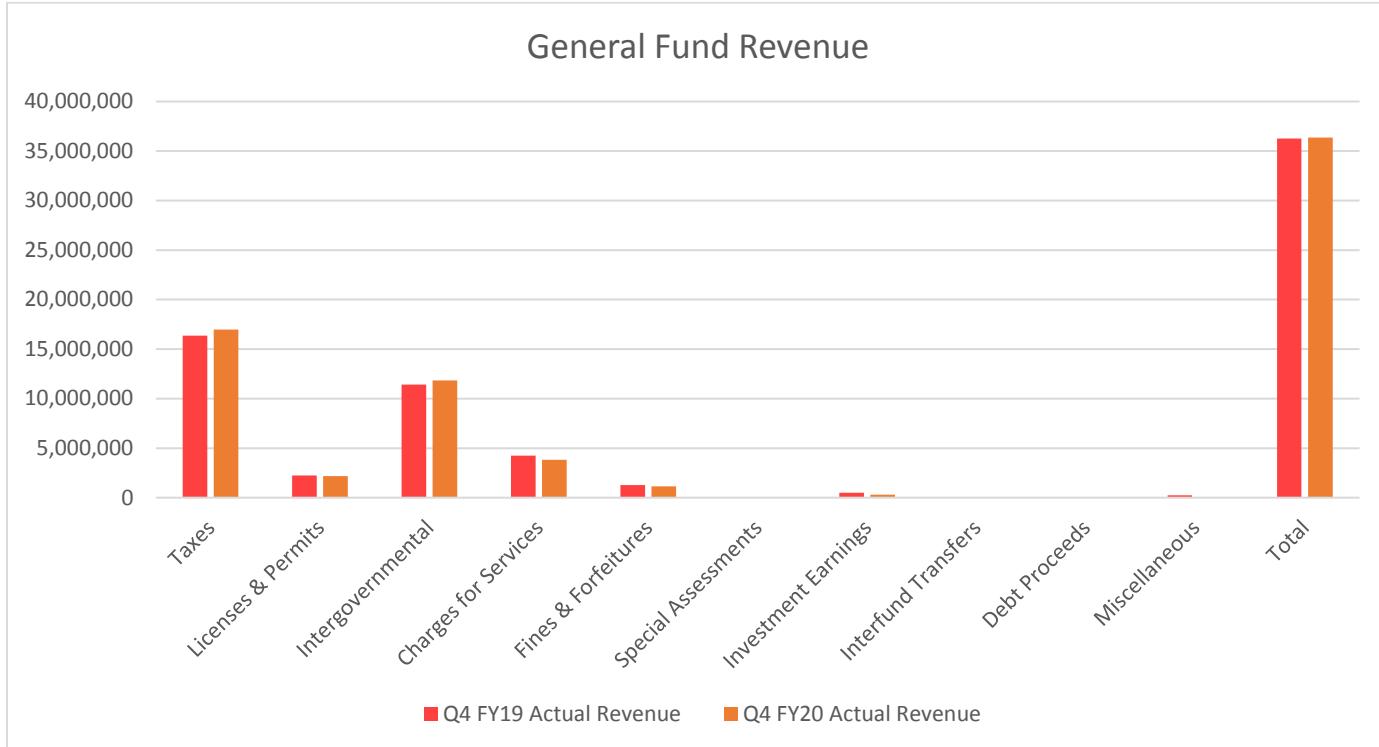
License and permit revenue is collected throughout the year. When compared to the same time in the prior year, there is a decrease of \$56,000. This is largely a result of the cable franchise fee which has been declining each year. Business license revenue is up \$19,500 over the prior year. Below is a chart showing business license activity for the fiscal year, compared to the same time in the prior year.

Fiscal Year	2020	2019
New Business License	842	1,019
Business Lic. Renewals	5,329	5,392

Intergovernmental revenue, which is revenue received from other governments, is up \$434,000 over the same time in the prior year. The City collected more than what was budgeted in FY20, as a result of receiving CARES act funding. Additional information on revenue received due to COVID19 and CARES act is provided below. The majority of the Intergovernmental Revenue is comprised of the State Entitlement Share payments made by the State of Montana.

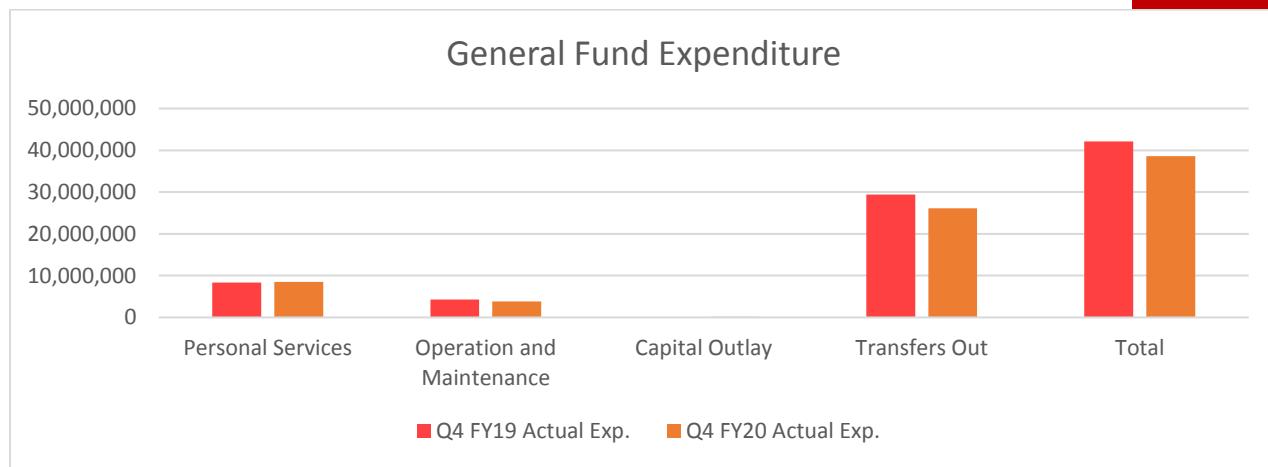
Charge for service revenue for FY20 is \$3.8 million, or 95% of the budgeted amount. This is \$440,000 less than what was collected in the prior year. The majority of this is due to a reduction in methane sales from the landfill.

Fines and forfeiture revenue is down about \$126,500 compared to the prior fiscal year.



EXPENDITURES

The actual expenses in the General Fund for FY20 were 91% of budget, or \$38.6 million. This is a decrease of \$3.5 million when compared to the same time in the prior fiscal year. The decrease is most associated with reduced transfers out. The reduction in transfers over the prior year, is because in FY19 there was a \$2.0 million transfer for the construction of Centennial Park and CARES Act funding that was received in the Public Safety Fund.

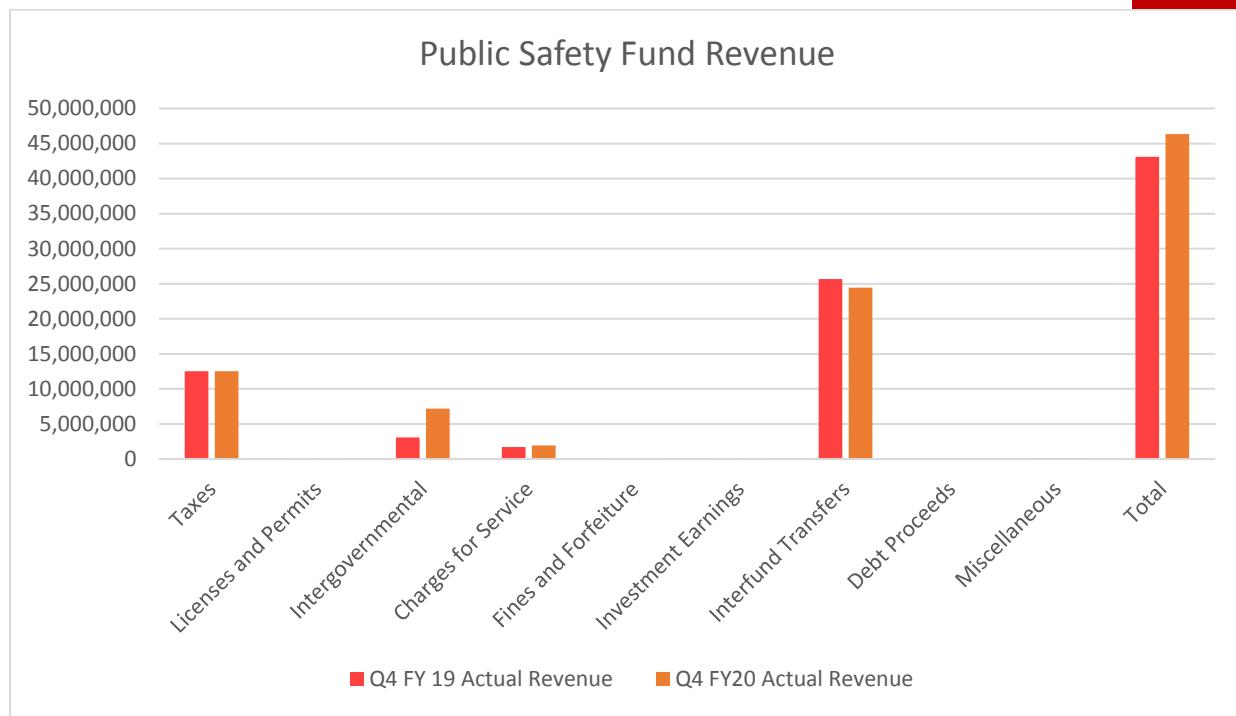


PUBLIC SAFETY FUND

REVENUE

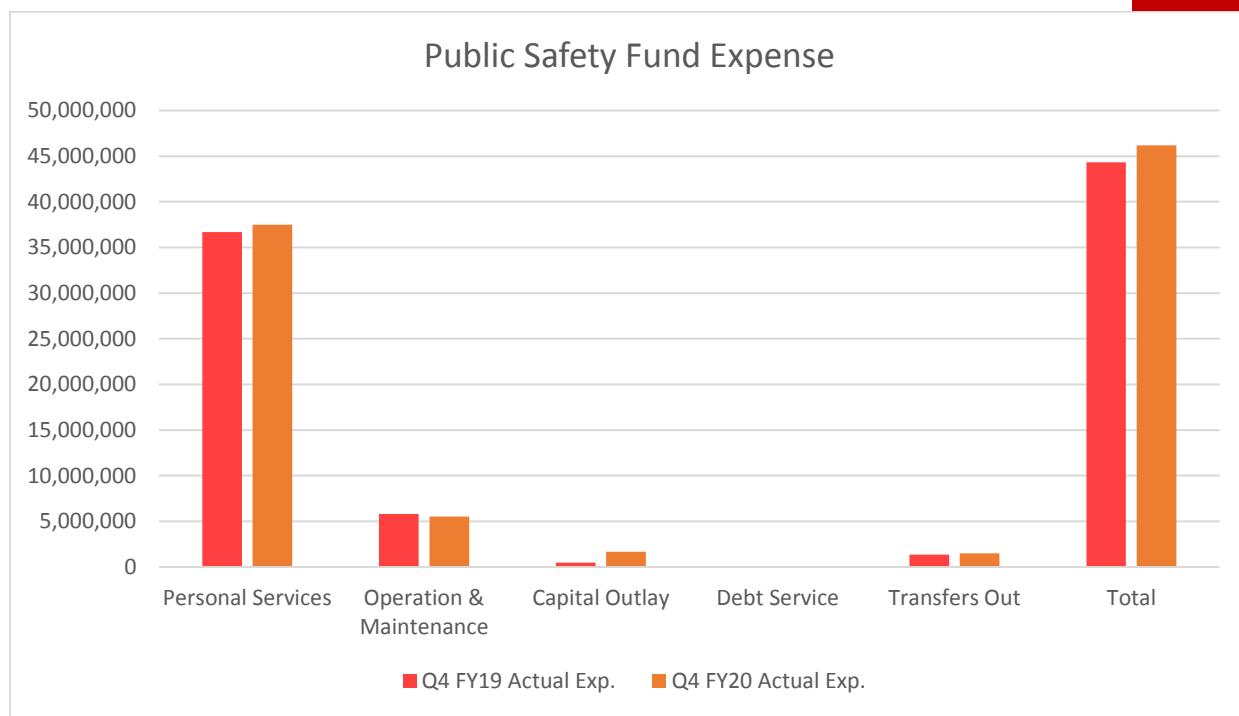
The Public Safety Fund tax revenue collected through the end of the fiscal year is 96%, or \$12.6 million, of the total budgeted amount. Total tax revenue budgeted in the Public Safety Fund for FY20 is \$13 million.

Overall Public Safety Fund revenue increase by 7.5% over FY19, or \$3.2 million. The major reason for this is because the state of Montana reimbursed the City for all Police and Fire salaries that were incurred during Phase 1 of our COVID-19 response. All other revenue sources are similar to the prior fiscal year.



EXPENDITURE

Expenditures in the Public Safety Fund are up 4.2%, or \$1.9 million, over FY19. This increase is a result of the Police Evidence Expansion which is currently under construction. Total expenditures are 99% of the total annual amount budgeted. As a result of extra duty overtime, which is reimbursed, the Police Department is over budget for the year. A budget amendment is likely for the Police Department



FY 2020 Q4 SUMMARY

CARES Act

On March 27th, President Trump signed into law the CARES Act. This provided substantial funding for local governments and businesses impacted by COVID-19. Part of the Act allocated \$1.25 billion to the State of Montana. Governor Bullock along with his advisory council allocated funding to local governments throughout the State of Montana. The funding was to reimburse local governments for eligible costs incurred while responding to COVID-19. The City of Billings requested and received reimbursement for equipment purchases, additional cleaning supplies, modifications to public places, and eligible staffing costs. The total amount received was \$4,200,132. The majority of this funding was deposited into our Public Safety fund as a result of reimbursement for Police and Fire salaries during Phase 1. Other departments receiving CARES Act funding include Facilities, Library, Public Works, and Information Technology.

The CARES Act included \$25 billion for the expressed goal of keeping transit systems running. The City of Billings MET Transit has been awarded \$5,358,483 million to be used for capital, operating, and other expenses generally eligible under those programs to prevent, prepare for, and respond to COVID-19.

The CARES Act included \$9.9 billion for commercial airports throughout the country. The City of Billings Logan International Airport is eligible for grant funds of \$12,721,011 million to be used for operating costs at the Airport.

The CARES allocated \$850 million for the Coronavirus Emergency Supplemental Funding (CESF) grant program to prevent, prepare for, and respond to the coronavirus. This funding has been allocated using a predetermined funding calculation. The City of Billings has been awarded \$230,612. Much of this funding will be used to purchase PPE for our first responders and employees who have interaction with the public. While we've been notified of our allocation, we must submit application for the grant with identified expenditures included.

HUD allocated \$3.0 billion through its CDBG program to local governments around the country as a part of the CARES Act. The City of Billings has been allocated \$386,973 through the act. Limitations on these funds are still being determined, but generally must be used to mitigate the impacts of COVID-19 within our community. The Community Development division is working with Riverstone Health to identify the funding needs within our community.

City of Billings		GENERAL FUND OPERATING					
		Total 2020 Amended Budget	YTD 2020 Actual	2020 Encumbrance	Variance	%	YTD 2019 Actual
Revenues:							
TAXES	\$17,202,088	\$16,959,084	\$	-	\$ (243,004)	99	\$16,367,128
LICENSES & PERMITS	2,191,863	2,178,201		-	(13,662)	99	2,234,380
INTER-GOVERNMENTAL	11,704,794	11,838,745		-	133,951	101	11,404,984
CHARGES FOR SERVICES	4,010,224	3,808,157		-	(202,067)	95	4,247,836
FINES & FORFEITS	1,513,333	1,145,294		-	(368,039)	76	1,271,808
SPECIAL ASSESSMENTS	-	4,157		-	4,157	-	189
INVESTMENT EARNINGS	290,000	314,773		-	24,773	109	499,221
INTERFUND TRANSFERS	6,600	42,257		-	35,657	640	2,022
DEBT PROCEEDS	-	-		-	-	-	-
MISCELLANEOUS	-	54,848		-	54,848	-	228,359
Total Revenues	\$36,918,902	\$36,345,516	\$	-	\$ (573,386)	98	\$36,255,925
Expenditures:							
By Category							
PERSONAL SERVICES	\$ 9,106,087	\$ 8,476,800	\$	-	\$ 629,287	93	\$ 8,356,984
OPERATIONS & MAINT	4,173,093	3,829,659		94,617	248,817	94	4,299,468
CAPITAL	122,470	132,568		-	(10,098)	108	80,404
DEBT SERVICE	-	-		-	-	-	-
INTERFUND TRANSFERS	28,977,203	26,148,937		-	2,828,266	90	29,374,283
Total Expenditures	\$42,378,852	\$38,587,963	\$	94,617	\$3,696,272	91	\$42,111,139

City of Billings**GENERAL FUND-BY DEPT DIVISION**

For fiscal year 2020, Periods 1 - 12

	Total 2020 Amended Budget	YTD 2020 Actual	2020 Encumbrance	Variance	%	YTD 2019 Actual
Expenditures:						
By Department/Division						
MAYOR & COUNCIL	\$ 261,042	\$ 222,591	\$ -	\$ 38,451	85	\$ 210,784
CITY ADMINISTRATOR	906,846	859,844	1,193	45,809	95	771,940
HUMAN RESOURCES	826,205	740,989	62,964	22,252	90	709,118
CITY ATTORNEY	1,891,799	2,042,723	0	-150,924	108	2,045,840
MUNICIPAL COURT	1,504,239	1,369,024	0	135,214	91	1,349,478
FINANCE	1,625,031	1,553,476	469	71,086	96	1,426,527
CODE ENFORCEMENT	564,362	505,574	2,506	56,282	90	481,691
PARKS & RECREATION	5,617,665	5,148,562	25,035	444,067	92	7,254,604
NON-DEPARTMENTAL	29,181,664	26,145,180	2,450	3,034,034	90	27,831,156
COUNCIL CONTINGENCY	0	0	0	0	-	30,000
Total Expenditures	\$42,378,852	\$38,587,963	\$ 94,617	\$3,696,272	91	\$42,111,139

City of Billings**PUBLIC SAFETY FUND**

For fiscal year 2020, Periods 1 - 12

	Total 2020 Amended Budget	YTD 2020 Actual	2020 Encumbrance	Variance	%	YTD 2019 Actual
Revenues:						
TAXES	\$13,044,663	\$12,549,803	\$ -	\$ (494,860)	96	\$12,542,324
LICENSES & PERMITS	28,500	40,535	\$ -	12,035	142	38,922
INTER-GOVERNMENTAL	3,149,574	7,212,139	\$ -	4,062,565	229	3,095,248
CHARGES FOR	1,598,256	1,963,327	\$ -	365,071	123	1,700,307
FINES & FORFEITS	2,400	2,503	\$ -	103	104	2,540
INVESTMENT EARNINGS	700	13,944	\$ -	13,244	1,992	12,936
INTERFUND TRANSFERS	27,316,978	24,451,462	\$ -	(1,220,648)	90	25,666,599
DEBT PROCEEDS	2,800,000	-	\$ -	(2,800,000)	-	-
MISCELLANEOUS	49,478	122,867	\$ -	73,389	248	67,920
Total Revenues	\$47,990,549	\$46,356,580	\$ -	\$ 10,899	97	\$43,126,795
Expenditures:						
By Category						
PERSONAL SERVICES	\$37,679,120	\$37,488,779	\$ -	\$ 190,341	99	\$36,675,224
OPERATIONS & MAINT	5,951,080	5,529,370	195,831	225,879	96	5,817,046
CAPITAL	3,339,537	1,663,494	1,732,678	(56,636)	102	489,736
DEBT SERVICE	-	1,871	-	(1,871)	-	-
INTERFUND TRANSFERS	1,470,841	1,509,103	-	(38,262)	103	1,346,998
Total Expenditures	\$48,440,578	\$46,192,617	\$ 1,928,509	\$ 319,452	99	\$44,329,004
By Department/Division						
POLICE	\$27,207,914	\$25,558,622	\$ 1,700,309	\$ (51,017)	100	\$24,306,068
FIRE	21,232,664	20,633,996	228,200	370,469	98	20,022,937
Total Expenditures	\$48,440,578	\$46,192,617	\$ 1,928,509	\$ 319,452	99	\$44,329,004

City of Billings		PUBLIC WORKS-SOLID WASTE FUND					
For fiscal year 2020, Periods 1 - 12							
	Total 2020 Amended Budget	YTD 2020 Actual	2020 Encumbrance	Variance	%	YTD 2019 Actual	
Revenues:							
TAXES	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
LICENSES & PERMITS	-	-	-	-	-	-	-
INTER-GOVERNMENTAL	-	-	-	-	-	-	-
CHARGES FOR SERVICES	15,862,598	16,399,054	-	536,456	103	15,071,565	
FINES & FORFEITS	-	-	-	-	-	-	-
INVESTMENT EARNINGS	174,000	471,178	-	297,178	271	501,048	
DEBT PROCEEDS	-	-	-	-	-	21,990,000	
MISCELLANEOUS	-	1,705	-	1,705	-	4,064	
Total Revenues	\$16,036,598	\$ 16,871,937	\$ -	\$ 835,339	105	\$37,566,677	
Expenditures:							
By Category							
PERSONAL SERVICES	\$ 5,576,090	\$ 5,511,051	\$ -	\$ 65,039	99	\$ 5,312,527	
OPERATIONS & MAINT	5,622,038	5,303,183	315,032	3,823	100	5,127,232	
CAPITAL	30,954,140	16,252,753	11,311,926	3,389,462	89	4,883,645	
DEBT SERVICE	1,561,774	432,738	-	1,129,037	28	335,542	
INTERFUND TRANSFERS	-	-	-	-	-	-	-
Total Expenditures	\$43,714,042	\$ 27,499,724	\$ 11,626,957	\$ 4,587,360	90	\$15,658,945	

City of Billings		PUBLIC WORKS-WATER FUND					
For fiscal year 2020, Periods 1 - 12							
	Total 2020 Amended Budget	YTD 2020 Actual	2020 Encumbrance	Variance	%	YTD 2019 Actual	
Revenues:							
TAXES	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
LICENSES & PERMITS	-	-	-	-	-	-	-
INTER-GOVERNMENTAL	-	369	-	369	-	-	-
CHARGES FOR SERVICES	27,991,770	24,961,120	-	(3,030,650)	89	24,057,175	
FINES & FORFEITS	-	-	-	-	-	-	-
INVESTMENT EARNINGS	297,300	1,161,913	-	864,613	391	1,535,874	
DEBT PROCEEDS	-	-	-	-	-	-	-
MISCELLANEOUS	7,200	236,918	-	229,718	3291	156,331	
Total Revenues	28,296,270	26,360,320	-	(1,935,950)	93	25,749,381	
Expenditures:							
By Category							
PERSONAL SERVICES	\$ 5,016,863	\$ 4,617,824	\$ -	\$ 399,039	92	\$ 4,912,535	
OPERATIONS & MAINT	9,104,831	7,700,130	350,456	1,054,245	88	7,125,249	
CAPITAL	37,479,055	14,122,978	12,184,201	11,171,876	70	9,269,678	
DEBT SERVICE	2,770,500	315,390	-	2,455,110	11	342,574	
INTERFUND TRANSFERS	-	-	-	-	-	-	-
Total Expenditures	\$54,371,248	\$26,756,321	\$ 12,534,657	\$15,080,270	72	\$21,650,035	

City of Billings**PUBLIC WORKS-WASTEWATER FUND**

For fiscal year 2020, Periods 1 - 12

	Total 2020 Amended Budget	YTD 2020 Actual	2020 Encumbrance	Variance	%	YTD 2019 Actual
Revenues:						
TAXES	\$ -	\$ -	\$ -	\$ -		\$ -
LICENSES & PERMITS	-	-	-	-	-	-
INTER-GOVERNMENTAL	-	-	-	-	-	-
CHARGES FOR SERVICES	20,383,650	20,245,676	-	(137,974)	99	23,347,164
FINES & FORFEITS	-	-	-	-	-	-
INVESTMENT EARNINGS	485,000	746,345	-	261,345	154	1,439,334
DEBT PROCEEDS	-	-	-	-	-	-
MISCELLANEOUS	-	179,539	-	179,539	-	5,574
Total Revenues	\$20,868,650	\$21,171,561	\$ -	\$ 302,911	101	\$24,792,072
Expenditures:						
By Category						
PERSONAL SERVICES	\$ 4,184,414	\$ 3,876,926	\$ -	\$ 307,488	93	\$ 3,776,194
OPERATIONS & MAINT	5,658,748	5,057,417	446,688	154,643	97	4,888,852
CAPITAL	37,675,062	17,123,176	5,558,204	14,993,683	60	27,821,622
DEBT SERVICE	5,330,000	1,347,300	-	3,982,700	25	186,064
INTERFUND TRANSFERS	-	-	-	-	-	-
Total Expenditures	\$52,848,224	\$27,404,819	\$ 6,004,892	\$19,438,513	63	\$36,672,732

City of Billings**AIRPORT OPERATING FUND**

For fiscal year 2020, Periods 1 - 12

	Total 2020 Amended Budget	YTD 2020 Actual	2020 Encumbrance	Variance	%	YTD 2019 Actual
Revenues:						
TAXES	\$ -	\$ -	\$ -	\$ -		\$ -
LICENSES & PERMITS	-	-	-	-	-	-
INTER-GOVERNMENTAL	5,311,557	9,074,260	-	3,762,703	171	2,076,225
CHARGES FOR SERVICES	13,467,909	10,807,849	-	(2,660,060)	80	12,377,800
FINES & FORFEITS	-	-	-	-	-	-
INVESTMENT EARNINGS	278,272	253,108	-	(25,164)	91	368,376
DEBT PROCEEDS	-	-	-	-	-	-
MISCELLANEOUS	75,580	72,853	-	(2,727)	96	94,591
Total Revenues	\$19,133,318	\$20,208,070	\$ -	\$ 1,074,752	106	\$14,916,992
Expenditures:						
By Category						
PERSONAL SERVICES	\$ 4,420,047	\$ 4,440,917	\$ -	\$ (20,870)	100	\$ 4,429,364
OPERATIONS & MAINT	3,522,976	2,818,774	41,599	662,603	81	2,781,110
CAPITAL	46,941,236	10,136,391	3,671,721	33,133,123	29	5,902,842
DEBT SERVICE	1,329,394	250,243	-	1,079,151	19	325,715
INTERFUND TRANSFERS	-	-	-	-	-	-
Total Expenditures	\$56,213,653	\$17,646,325	\$ 3,713,321	\$34,854,007	38	\$13,439,031



Code Enforcement Division

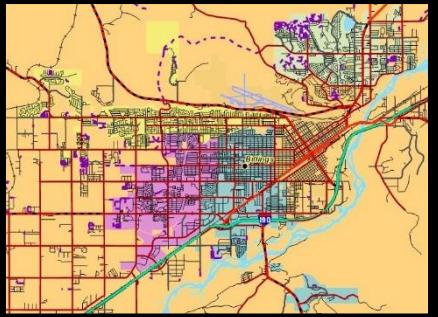
2nd Quarter 2020 Report

Dirty Dozen Update

Division Statistics

NICOLE CROMWELL, AICP
ZONING COORDINATOR
CODE ENFORCEMENT SUPERVISOR
PROJECT RE:CODE





2020 1st & 2nd Quarter Highlights

- ▶ **2026** New complaints – Jan 1 to June 30
- ▶ **117** complaints of Junk Vehicles (not on street) **+ 72%** from 2019
- ▶ **173** Open Storage of Junk, Trash & Debris **+ 30%** from 2019
- ▶ **296** Obstructions of Public Right of Way **-10%** from 2019
- ▶ **337** RV Storage or Use for Living **+ 10%** from 2019
- ▶ **147** Snow on Sidewalk or Moving Snow Across Public ROW **-55%** from 2019
- ▶ **27** New Public Nuisance locations **-29%** from 2019
- ▶ **63** Tree cases – Branches too low over Public ROW **+ 21%** from 2019
- ▶ **335** Parking tickets issued = **\$6,110** in fines
- ▶ **155** Commercial Building Permits Reviewed or Final Inspections completed
- ▶ **542** Occupation Licenses Reviewed for Zoning Compliance

2020 2nd Quarter Highlights

- ▶ **3** Locations Retired from Dirty Dozen List
 - ▶ **114/118 S 29th St** – Court ordered demolition completed!
 - ▶ **4116 State Ave** – House sold to adjacent owner through AG assistance – appointed City as Administrator of Estate
 - ▶ **623 Avenue F** – Last vehicle removed



The Dirty Dozen – #12

- ▶ 120 S 29th St – Jonathan Porta, Billings, MT
- ▶ Returning the List after 6 months – sale of property fell through
- ▶ Water shut off in 2013
- ▶ Case started in 2017 – re-opened Jan 2020



The Dirty Dozen – #11

- ▶ 301 S 32nd St - John Skauge, Billings, MT
- ▶ Current Case started in Dec 2019
- ▶ Explosion and Fire
- ▶ Dangerous Structure/Boarded Building



June 2020



April 2020



April 2020

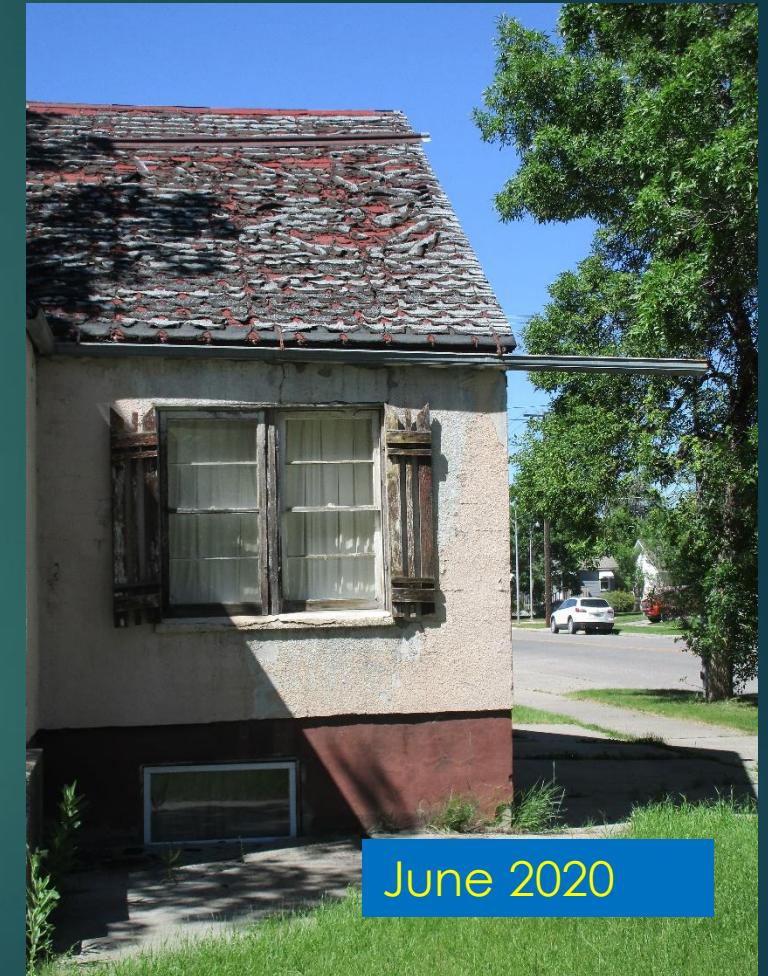
The Dirty Dozen – #10

- ▶ 114 Custer Ave – David & Sherry Daly, Billings, MT
 - ▶ Dangerous Structure/Abandoned & Decaying Structure
 - ▶ DOR rates structure as “unsound” – ready to collapse
 - ▶ Court appearance July 24, 2020



The Dirty Dozen – #9

- ▶ 503 Cook – William Wagner, Billings, MT
- ▶ Current Case started in May 2019
- ▶ Dangerous Structure



The Dirty Dozen – #8

► 835 Miles – Jerome Kautzman, Billings, MT

- Original Case opened Dec 2016 – New case opened Jan 2020 under revised Nuisance Code
- Old Auto Service Garage (1926) – Boarded up, Deteriorating, tree fell through roof Dec 2019
- Water shut off in 2015
- Court Hearing June 2020 – ordered to repair – status hearing in Dec 2020



The Dirty Dozen – #7

- ▶ 504 Hillview, Donald and Delia Sheriff
 - ▶ Case opened March 2019
 - ▶ Working with relative – Sandra “Sammy” Fischer - to secure property and remove trespassers



The Dirty Dozen – #6

► 206 & 213 S 30th St – Ken Glock

- Case started in Dec 2016
- Judge orders abatement in November 2019
- Asbestos testing completed April 2020
- Property in the process of sale to new owner June 2020



The Dirty Dozen – #5

► 20 Washington – Melvin Boyer, Billings, MT

- Fire in 2001
- Case opened Oct 2016
- Court ordered owner to repair or demolish May 2017
- Owner entered buy/sell in March 2020 – sale not completed



The Dirty Dozen – #4

► 911 Terry – Donald & Gesin Kostelic

- Case Opened June 2019
- Appears to be a long-term collection
- Refused assistance offered by Central Terry TF
- Contacting owners again – clean up delayed
- May cite to court in August 2020



The Dirty Dozen – #3

- ▶ 1015 McKenney Road – Brad Redlich
- ▶ Incomplete building – construction halted in 2007 – case opened June 2017
- ▶ Court Case continued to July 2020
- ▶ Building permit approved March 2020
- ▶ Work has started May/June 2020



The Dirty Dozen – #2

► 816 N 25th St – Vivian Young

- Boarded Building – case opened Nov 2017
- Vacant for over 10 years
- Requested demolition plan by April 30, 2020
- Court hearing June – ordered to clean up
- Status hearing August 2020



The Dirty Dozen – #1

► 23 Rhea Lane – Timothy Hert

- Case started in May 2017
- Home abandoned in 2000
- Incomplete garage
- Home unsecured
- Municipal Court granted owner 6 months (Sept 2020) to complete demolitions



Questions?



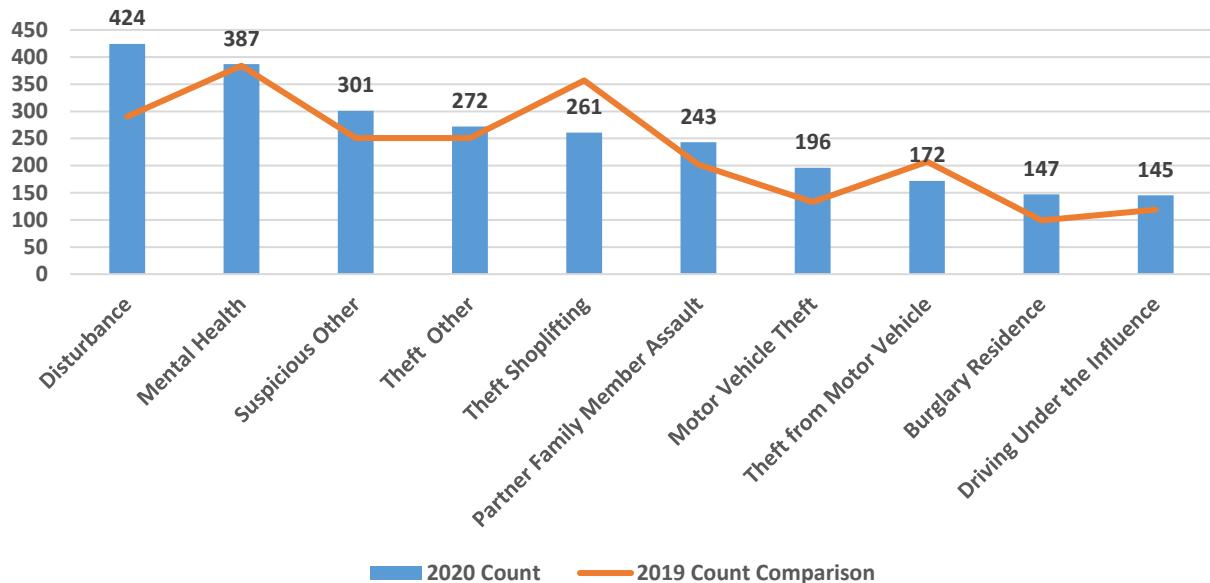
Billings Police Department ~ April 1 to June 30, 2020, with 2019 Comparison

Category	2020	2019
Calls For Service	24,567	24,797
Cases Written	19,684	19,752
Arrests - Adult	2,408	3,944
Arrests - Juvenile	141	273
Citations	4,251	5,339
 Citation Type	 2020	 2019
Animal Warning	143	93
City Ordinance	404	97
Criminal	23	17
MAAP	12	237
Moving	1	3
Municipal		
Infraction	1,128	1,147
Traffic	850	1,226
Warning	1,685	2,514
Total	4,251	5,339

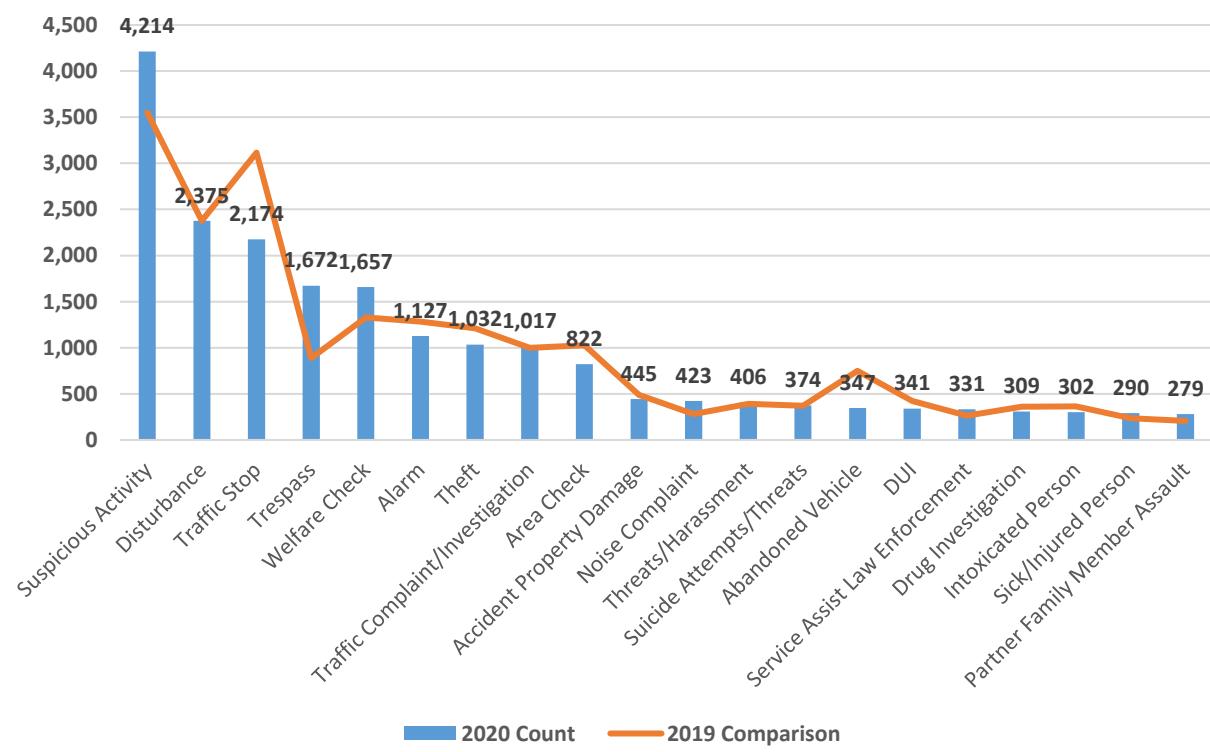
Violent Crimes	2020	2019
Homicide	5	0
Robbery	38	28
Forcible Rape	54	51
Assault - Aggravated	342	326

Property Crimes	2020	2019
Burglary	189	138
Thefts	685	766
Motor Vehicle Theft	212	137
Arson	6	3

10 Most Frequent Q2 Case Types 2020 with 2019 Comparison



Most Frequent Q2 Call For Service Types 2020 With 2019 Comparison



Over the past weeks, I have received several questions regarding the national conversation on the police reform movement. Specifically, the 8 Can't Wait campaign. This campaign is a series of recommended use of force policies, procedures, and principals designed to improve results and community safety. I am aware of the current climate of frustration and resentment related to abuse of authority, including the indefensible and unforgivable killing of George Floyd. I am listening to community conversations and making sure that our policies, procedures, and practices reflect the best in policing and reflect community values and an atmosphere of public trust.

In response to your requests, I would like to share the following:

Ban Chokeholds and Strangleholds

The Billings Police Department (BPD) complies with this request. BPD policy does not authorize, nor does it prohibit, the use of chokeholds or vascular restraint unless deadly force is justified. Vascular restraint techniques (different from chokeholds) are introduced at the Montana Law Enforcement Academy. However, the BPD does not train its officers in chokeholds, strangleholds, or any other similar techniques, to include placing handcuffed and/or defenseless persons on their face. Officers receive training on positional asphyxia and techniques to avoid such positioning.

Require De-escalation

BPD complies with this request. BPD personnel train in both verbal and tactical de-escalation techniques, to include crisis intervention (CIT). Crisis intervention focuses on effective communication and de-escalation with people in crises. Specific training focuses on mental health issues, conflict resolution, active listening, verbal skills, verbal persuasion, and professional communication. Tactically, officers train to utilize time, distance, barriers, containment, and less lethal tools when feasible. Additionally, officers utilize a wide variety of scenario based training to promote calm and confidence in stressful situations.

BPD Policy 2-1. Oath of Office and Code of Ethics says in part:

"A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances. Force should be used only with greatest restraint and only after discussion, negotiation, and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from applying the unnecessary infliction of pain or suffering and will never engage in cruel, degrading, or inhuman treatment of any person. (See Policy #3-1)."

Require a Warning before Shooting

BPD complies with this request whenever feasible. BPD Policy 3-1. Use of Force, says in part:

"Whenever feasible officers should identify himself or herself and give verbal commands. For example: An officer challenges a suspect by shouting; "Police, don't move."

We reinforce this policy through extensive classroom and scenario based training. Officers train to communicate, provide verbal warnings, and make reasonable efforts to warn that deadly force may be used.

Exhaust All Alternatives before Shooting

The BPD complies with this request. BPD Policy 3-1. Use of Force, says in part:

"It is the policy of the Billings Police Department to value and preserve human life. Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others. Officers shall use force only when no reasonably effective alternative appears to exist and shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances."

"The decision to use force requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight."

"In addition, 'the 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight...the question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them."

"Officers are authorized to use physical force when and to the extent force is objectively reasonable to accomplish official duty. The amount of physical force varies in degree and shall only be the amount of force that is objectively reasonable depending on the circumstances of each situation based on the totality of circumstances to obtain compliance for official purpose. Use of excessive physical force in any situation is prohibited."

Duty to Intervene

BPD complies with this request. BPD policy and rules of conduct state in part:

"Officers will not engage in activity or commit act that would bring discredit or impair the efficiency or reputation of the Department or its officers . . . use of excessive physical force in any situation is prohibited."

Additionally, this core value and culture is prevalent throughout organization. Officers train on ethics and integrity. In general, do the right thing, in the right way, for the right reason, at the right time. Additionally, officers train on requirements stipulated in 42 US Code section 1983.

Proposed policy revision will include specific verbiage stating:

"Any officer present and observing another officer using excessive force, engaged in unlawful conduct, or in violation of BPD department policy, has an affirmative obligation to intercede and report."

Ban Shooting at Moving Vehicles

In most circumstances, BPD complies with this request. BPD policy 3-1. Use of Force, states in part:

“Firearms shall not be discharged at a moving vehicle unless:

1. *A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or*
2. *The vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which include moving out of the path of the vehicle.*

Officers shall exercise good judgment and not move into or remain in the path of a moving vehicle. Deliberately moving into or remaining in the path of a moving vehicle may not be by itself justification for discharging a firearm at the vehicle or any occupant.”

Require Comprehensive Reporting

BPD complies with this request. BPD has a robust use of force report and review process. BPD policy 3-1. Use of Force, states in part:

“A Response to Resistance Report will be completed when physical or less lethal force was used by an officer. In circumstances where a minimal level of force / restraint was used, a Response to Resistance Report can be completed at commander discretion.

1. *Officers shall notify an on-duty Commander as soon as reasonable regarding use of physical or less lethal force.*
2. *A Commander is responsible for completing the Response to Resistance Report as part of the use of force review procedure.”*

In-car and body cam video is reviewed, along with witness statements, photographs, and corresponding police reports. Note: Every patrol car is equipped with high-quality video/audio equipment. Not every officer is equipped with a body cam. Program development underway.

All recordable use of force incidents undergo three levels of administrative review and subsequently archived in an internal database.

Require Use of Force Continuum

BPD does not support this recommendation as presented. We do have a continuum called “Response to Threat.” Our use of force policy and de-escalation training provides strong intervention measures, techniques, and tactics within authorized force options. The proposed continuum is impractical and dangerous when applied to real-life situation.

Other Issues in Reform Discussion

Racial Profiling Prohibited

YES

- US 42 Section 1983
- BPD Policy Explicitly Prohibits the Practice of Racial Profiling
- BPD Policy 2-3 Racial Profiling
- BPD Policy 2-2 Rules of Conduct
- BPD Policy 2-1 Oath of Office and Code of Ethics

Diversity Training

YES

- Community Policing and Communication
- Cultural Diversity Training
- LGBTQ
- Implicit Bias
- Constitutional Policing (4th Amendment / Search & Seizure)

Audio / Video Recordings

YES

- All BPD Patrol Cars are equipped with in-car cameras. Officers wear a microphone on their person.
- Policy requires use during arrest and high risk contacts. Equipment automatically activates with lights.
- Body Cams – Used by specialized unit officers often away from vehicles. SROs, DBA, Billings Clinic, Bike Patrol, K9 Officers, Street Crimes Unit.

Officer Selection and Training

- Rigorous Testing and Hiring Process
- In Depth Background Investigation
- Blind Hiring Panel
- 12 Week LE Basic Course
- 3 Week Admin (CIT, Defensive Tactics, De-Escalation, Scenario Based Training, First Aid, etc.)
- 16 Week Field Training evolution

Decertification Data Base

- Montana P.O.S.T. (Police Officer Standards Training)
- BPD Required to check National Decertification Index (NDI) prior to hiring all officers
- In-Depth background investigations discover misconduct in the event other organizations to not report to NDI.

No Knock Warrants

- Not used as a standard practice
 - certain criteria must be met

- Even during No Knock warrant execution, officers deliberately and methodically enter the residence while simultaneously making announcements of police presence audibly and visually
- “No Knock” warrants used in situations where exigent circumstances exist (extreme high risk, fortified structures, weapons present, crimes of violence, hostage rescue, etc.)
 - “No Knock” warrants increase the safety of all involved when significant exigencies exist