

## Billings City Administrator Weekly Report

October 4, 2024

1. **2024 Council Meeting Schedule** – Please review the attached draft agendas and provide any feedback regarding the order of business, modification of agenda items, or other changes to the consent or regular agendas. City code requires a specific order of business as it relates to certain items on meeting agendas, e.g., placement of public hearings first on the regular agenda, so your feedback will be incorporated with those code requirements in mind. ([BMCC 2-214](#)) Work session agendas are more flexible and can also easily be modified by the mayor with the consensus of Council during those informal meetings.
2. **CGL Implementation Update** – the court is only addressing recommendations for the Billings Municipal Court.

**Implemented:** Second Judicial Division, Court Processes, Court Automation, Failure to Appear Reduction, Stillwater Security, Protective Orders, Cases Involving Mental Competency, and Driving Without Insurance.

### **In Progress:**

#### **Court Technology**

Update: County has recommended three different case management systems for purchase. City technology committee has been created to assess pros and cons of moving to a new case management system managed by the County and not the State of MT. Cost, interfaces, access, IT capabilities, and point of entry will all be reviewed.

Texting and Email Reminders: Texting is the number 2 priority for the State OCA 2025 Strategic Plan. This must be implemented through the OCA.

#### **Jail Overcrowding**

Update: The court continues to work on bond and sentencing review to ease jail overcrowding. The Billings Municipal Court will also be participating in a new check-in program to assist with jail overcrowding. BMC continues to work with other committees and groups to identify jail overcrowding issues. This issue will be ongoing.

#### **Arraignment Court**

Update: Tentative start date is March; after Billings Municipal Court has moved to the new facility. Multijurisdictional cases with participating courts will be seen at Arraignment Court. 6-month trial period. Failures to appear, overtime, and staff-impact will be reviewed during this time.

#### **Failure to Comply**

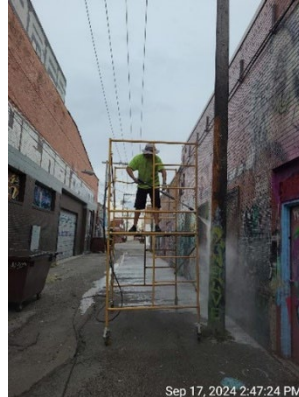
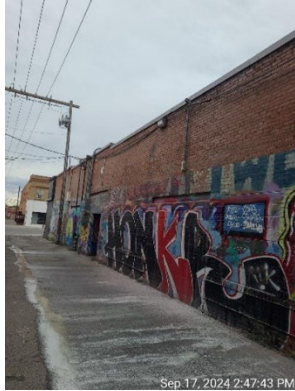
Update: Appointed compliance manager. Reviewing other actions besides a warrant for non-compliance.

#### **Capacity for Continuous Improvement**

Update: Additional training for senior staff has been added. FY 26 will see a budget request for the re-classification of the Court Administrator and an additional request for a Front-Line supervisor.

3. **Implementation of CGL recommendations** – Please see the attached recommendations from the City Attorney's Office.

4. **Graffiti Alley is getting a facelift** - Code Enforcement has partnered with the Downtown Billings Association (DBA) to revitalize the alley shared by businesses in the 100 block between North 30th and North 31st. Initial phase is focused on the west wall of the alley.



September 17, 2024 – Pressure washed the wall from 10' to the top to create a clean line with the help of a Municipal Court Adult Treatment Court volunteer.

September 25, 2024 – Municipal Court Adult Treatment Court (about 25 of them) paint a base coat along 2,000 square feet of wall to prep for mural artists.



October 2, 2024 – The art has begun. Some progress photos.

5. **Parks & Recreation News** – The Park Project Progress Report is attached. The Recreation Division staff attended training over the last 2 weeks. These are updates on what was presented. (Please see the attached memo regarding Billings Parks and Recreation is entering the fall portion of programming for the citizens of Billings. New Training and Conference.)

**Montana Governor's Conference on Aging** - Jennifer Brown, Recreation and Wellness Specialist, and Kaylie Beeman, Recreation and Wellness Support II, attended the 2024 Montana Governor's

Conference on Aging, held at the Billings Hotel and Convention Center. The conference focused on the needs and challenges faced by older adults, individuals with disabilities, and their caregivers. It aimed to address and explore the complexities of supporting vulnerable populations while gaining a deeper understanding of the aging experience. The conference included the luncheon celebrating our Montana Centenarians, offering a unique opportunity to celebrate the remarkable lives and contributions of these citizens.

The conference offered staff valuable insights into supporting older adults in aging well. Mayor Bill Cole opened with a speech addressing key concerns in local communities and the state over the past five years. Highlights included education on brain health, preventative wellness, and updates on the Older Americans Act. Sessions also focused on strategies to protect seniors from increasing frauds and improve services. The event gave a great networking opportunity to staff and senior service stakeholders across Montana.

**Brain Health:** There are several ways to protect against neurodegenerative diseases like dementia, including staying social (which can reduce risk by 50%), getting restorative sleep, staying active, engaging in lifelong learning, managing stress, and supporting a healthy diet. Barriers often include lack of community support and uncertainty about how to start. These evidence-based tips, provided by AARP, align with activities offered by the Billings Community and Senior Center to promote healthy aging. Creating spaces where seniors can thrive in a community of their peers is crucial for supporting these lifestyle changes. There are also opportunities to expand programming with more enrichment classes focused on stress management, lifelong learning, and building healthier communities.

**Fraud:** This is still an ongoing issue, with new frauds appearing daily. Fortunately, valuable resources are available to help seniors prevent and report potential crimes. We will continue to seek opportunities to provide education, empowering seniors to protect themselves from these threats.

**New Regulations on Policy, Procedures, and Nutrition:** Our Recreation and Wellness Specialist took part in discussions about updates to the Older Americans Act, which will affect any facility receiving federal funding. A key focus was on Nutrition Flexibility and its implications for congregate meal sites. We will continue to engage in ongoing meetings to shape how these changes will be implemented in Montana.

## **6. Next Week's Meetings/Task Forces**

- a. Legislative & Local Affairs Committee, Wednesday, October 9<sup>th</sup> 4:00 pm City Hall Conference Room.
- b. Council Operations Committee, Thursday, October 10<sup>th</sup> 4:00 pm City Hall Conference Room.

## 7. New City Hall Update –



### 5<sup>th</sup> Floor

Terrazzo refinishing in the elevator lobby.

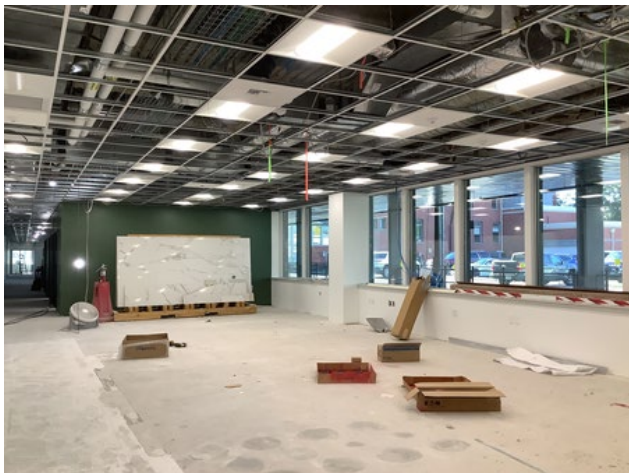
### 4<sup>th</sup> Floor

No work

### 2<sup>nd</sup> Floor

Furniture install continues.

Remove abandoned steam valve and blind it off in fan room.



### 1<sup>st</sup> Floor

Terrazzo refinishing in part of elevator lobby.

Install ceiling grid on west and south side.

Install/ wire up light fixtures on west side.

HVAC trim out west side.

Install PLAM sills and aprons west side.

Install casework in room 145.

Install gallery stair handrail brackets.

Exterior soffit framing.

Install wood trim around gallery stair opening.

Finish mullion mates on west and south side.

Additional metal stud framing at finance counter.

Install cabinet heaters in entry vestibule.





### Site

Frame and sheet blades signs.

### Parking Garage

Startup and load test generator.



## Implementation of CGL recommendations - City Attorney's Office

### Implementing a Second Judicial Division (page 6)

Municipal Court already assigns cases by alphabetical division – defendant last name. The City Attorney's Office divides the Non-DV prosecutors by alphabet as well to assist in the workflow. We went further and changed the way conflicts are reassigned to minimize the amount of time that a prosecutor must straddle dockets of different judges; so, the prosecutors in one judge's court will handle conflicts within that court.

Because there are three DV prosecutors, one prosecutor must appear in both judges' court while the other two are assigned to one. The DV prosecutors are largely able to handle their own conflicts within the DV Unit. On rare occasions where all three prosecutors have a conflict, the case will be assigned to one of the general prosecutors.

The establishment of a second judicial division has fulfilled the objectives outlined in the CGL study. As anticipated by CGL, a second judicial division has enhanced judicial availability, facilitated extended courtroom interactions, provided greater scheduling flexibility, and increased opportunities for walk-in appearances. Consequently, the court has expanded opportunities for appearances and case resolution (thereby improving overall efficiency and reducing reliance on *Pro Tem* judges). All stakeholders involved in this transition were committed to its successful implementation. Workflows and processes continue to be looked at critically and adjustments are made if warranted.

### Impact of Jail Overcrowding (page 6)

Montana law requires arrest and incarceration of those charged with DV offenses. In practical terms, this means that each offender charged with a DV offense must first appear before a judge before they are eligible to post bond and be released from jail. Depending on the severity of jail overcrowding, this can sometimes be a factor when DV prosecutors make charging decisions. Even in the event of severe overcrowding, Yellowstone County Detention Facility (YCDF) command staff has accommodated DV offenders with rare exceptions. When those exceptions do occur, the DV Prosecutors will work with YCDF to reduce the overall jail population. Non-DV prosecutors use their best efforts to be available at the initial appearance dockets in order to resolve cases up front for those defendants who timely appear for their initial appearance.

With the exception of misdemeanor offenses punishable by more than 6 months in jail, all prosecutors are expected to be prepared sufficiently to try cases in absentia for those defendants who fail to appear for trial. This has led to many more subpoenas being issued to officers for trial and much longer bench trial dockets. However, this also has cut down on the time from case filing to case resolution and the number of cases on pretrial dockets (omnibus, calendar call). All of these steps have an impact on jail overcrowding.

However, the YCDF continues to struggle with overcrowding. While controlling the inmate population is the duty of Yellowstone County, the Billings Municipal Court has been invested in handling its caseload with the greatest degree of efficiency possible (while preserving the rights of the accused.) The CGL study recommends an arraignment center concept. This arraignment center

concept continues to be under consideration, investigation, and development. In addition to determining policy, process, and protocol, there are a variety of factors that must be considered, including technology, funding, staffing limitations, and whether there is a need for legislative changes. As set forth in the CGL study, for the arraignment center concept to be successfully implemented it is essential to allocate judicial, prosecutorial, and defense resources to the development and implementation of an arraignment center. Given the many stakeholders involved, there is continued work to be done to achieve consensus on its implementation.

### Integration of criminal justice information systems, Vital Role of Court Technology, and Prosecutor's Case Management System (pages 7 & 8)

The state previously responded negatively to requests for establishing an interface between the City Attorney's case management system, Prosecutor by Karpel (PbK) and the state's e-file system. Likewise, the state was unable to support an interface between PbK and Municipal Court's Full Court Enterprise (FCE) because the state was still rolling out FCE to all jurisdictions. The Supreme Court IT division indicated they could not engage in any "ancillary or outside projects until [they've] completed the 2025 biennial roadmap." It is unclear when, or if, this coordination and integration will be prioritized by the state in any way. However, there may be a way for the court to export information from their systems to PbK that will require less cooperation from the state but still will require funding for IT support.

There is potential for integration between law enforcement records management system (LERMS) and PbK. However, this will require dedicated staffing to investigate and direct the project as well as funding for such an interface.

### Defendants with Cases in Multiple Courts (page 8)

Municipal Court frequently runs bonds concurrently and allows conditions of sentencing to be met with programs to be completed in satisfaction of Justice and District Court orders.

Prosecutors have access to information in a variety of systems including: LERMS, Corrections, Conweb, and the Montana Public Access Portal. The Montana Public Access Portal has case data from across the state of Montana (including district courts and courts of limited jurisdiction). Staff can also access Full Court for Yellowstone County Justice Court and District Court. These systems identify the nature of the defendant's criminal charges, the parties involved, and the status of the case. Prosecutors are utilizing this technology, to its fullest capabilities, to account for defendants with cases in multiple courts. These programs facilitate cross-jurisdictional cooperation and communication.

### Court processes, Efficiency, and Early Resolution (page 8)

We have begun the process of viewing cases at the initial appearance both for purposes of early resolution and to foster cooperation with those defendants who respect the court sufficiently to appear on the date cited.

This is an area that the prosecutors have put tremendous effort into. During jail arraignments, prosecutors are verbally conveying plea offers to defendants to resolve minor cases and increase timely case resolution. During initial appearances in open court, there are (2-4)

general prosecutors present. Prosecutors are handling the docket diligently. They are preparing plea offers, speaking with *Pro Se* defendants, contacting victims to determine if restitution is owed, and taking every action possible to avoid any need to reset defendants' appearance dates. The general prosecutors have shifted their attention toward resolving matters, whenever possible, during the defendant's initial contact with the court while also maintaining a balance between offering favorable deals and public safety. The DV prosecutors are also readily available to answer the court's inquiries on a variety of topics including bond conditions, revocations, no contact orders, and other matters. This has paid dividends by reducing the need to reset hearings.

### Capacity for Continuous Improvement (page 9)

Historically, the City has prioritized the urgent to the detriment of the important and there is an acute shortage of staff who hold the ability and intellectual curiosity to see the big picture of how all of the departments relate to each other and how information and work flows through the system. While funding is necessary to improve systems, it is also important to staff in such a way that those who are capable of understanding the systems and designing improvements are relieved of the incessant and urgent work that prevents them from working on longer-term strategies that would create a capacity for continuous improvement.

### Defendant Failure to Appear and Failure to Comply (page 9)

A master trial scheduling order has been implemented by the Billings Municipal Court which has dramatically cut down on the number of warrants for failure to appear (FTA). The master trial scheduling order sets trial dates and other deadlines at a defendant's initial appearance instead of requiring additional hearings or appearances by the defendant before scheduling a trial. Other than for serious misdemeanors, the current master trial schedule results in FTA warrants only being issued for failure to appear at the initial appearance or failure to appear at sentencing when convicted in absentia.

The implementation of the master trial schedule has led to notable efficiency improvements. It ensures a prompt response to criminal conduct when defendants fail to appear and are convicted in absentia. As noted above, there are constitutional constraints based upon whether the offense is a "serious" or "petit" misdemeanor. The master scheduling order is best suited towards "petit" misdemeanors (i.e. offenses which carry less than one year in jail). Furthermore, the master trial schedule also requires that defendants are arraigned. They must appear before a judge to answer to their criminal charge. Due to jail overcrowding, processes such as issuing a notice to appear limit the defendant's initial contact with the court, resulting in downstream consequences and disrupting efficient justice outcomes.

Prosecuting attorneys are rigorously evaluating all incoming violations of bond and sentence conditions. When sufficient evidence exists to file a violation, prosecutors are facilitating voluntary appearances by requesting the court to schedule revocation hearings and notify defendants by mail. This approach has successfully engaged a segment of defendants willing to avail themselves to the court without the need for arrest.

Additionally, general prosecutors are requesting summonses when charging cases, except in situations where victim safety is a concern. This practice has proven effective in ensuring the timely arraignment of defendants.



### Cases involving family violence and protective orders (page 10).

We began a direct filing process prior to the CGL study, and we are starting to see its benefits. “Direct filing” refers to a process where the police officer files a complaint directly to the court with a request for the court to issue a warrant in cases that were previously sent to the City Attorney’s Office for review/filing when the offender was no longer at the scene. This avoids any unnecessary delay in getting an initial review completed before charges are filed where the facts and circumstances clearly justify filing charges against a suspect.

Once the individual is picked up on a direct file case and a master trial order is issued while the defendant is still in jail, the only FTA warrants that will issue are calendar call FTAs on serious offenses and FTAs upon conviction in absentia.

The direct file warrant process has been an unparalleled success. This is reflected in case dismissal and declination rates. In 2020, the sole DV prosecutor dismissed an average of 23.91 cases and declined an average of 39.91 cases per month. Through August 31, 2024, with 3 DV prosecutors, only 6.75 cases are dismissed and 18.37 are declined per month. Additional data in support of this policy improvement include case filings compared to overall cases referred. In 2020, the sole DV prosecutor filed an average of 57% of cases referred per month. In 2024, that number increased to 74.8%.

The CGL recommendations suggest strategies that have already been in place since well before 2015, and reinforcing these strategies with BPD has been an annual priority. Unlike other Victim/Witness programs in the state, the City’s VW Specialists are proactive with victim contact. The VW Specialists are empowered to request follow-up from BPD directly in the event that a report is missing critical information or victim contact information. The VW Specialists attempt contact with every single domestic violence victim prior to arraignment, and all information obtained from these contacts are forwarded to the DV Prosecutors prior to arraignment.

While the CGL did not officially recommend increased family counseling services, the DV prosecutors are obligated to vehemently oppose any treatment option that requires victim participation. Couple’s counseling is widely discouraged in domestic violence cases and is prohibited by the Violence Against Women Act. As the CGL notes, the Municipal Court does not have jurisdiction over victims specifically and non-parties generally. Given the possible loss in funding and the danger posed to victims, the DV prosecutors are uniformly opposed to any form of couple’s counseling.

The Municipal Court has generally been very protective of domestic violence victims and consistently orders bond conditions requested by the DV prosecutors. With the establishment and soft opening of the state’s first Family Justice Center, coordination and appropriate responses to offender behavior and victim safety will improve.

The issuance of protective orders has dramatically improved with the addition of a second Municipal Court Judge. While the CGL recommends legislative improvements to the protective order process, it seems unlikely the 2025 Legislature will be amenable to changes that alter the due process rights of respondents. The City Attorney’s Office is also apprehensive about supporting such a change. With the US Attorney’s Office recently offering increased prosecutions of unlawful

firearm possession cases, the due process component should be protected in order for these federal laws to be adequately enforced.

### Cases involving mental competency (page 11).

First, it is important to distinguish “Fitness to Stand Trial” from generalized concerns about the defendant’s mental health. This section of the CGL study attempts to address both simultaneously. However, there are significant distinctions in how these matters are handled. If there are grounds to believe that the defendant is unfit to stand trial, he or she must be evaluated by either a competent community-based professional or by the Montana State Hospital.

The state of Montana recently implemented the Community-Based Court-Ordered Evaluations and Stabilization Near-Term Initiative. This was launched on May 8, 2024, based on recommendations made by the Behavioral Health System for Future Generations Commission (BHSFG). This program provides another avenue for Fitness to Stand Trial evaluations to be conducted (and more importantly, paid for). This program also offers a list of community-based providers accepting referrals. One of our prosecuting attorneys, Chantel Anderson, has taken a special interest in these issues. She brought forth information about this initiative and has been in contact with DPHHS. She has been advised that there is funding available for evaluations conducted on behalf of municipal courts. She is coordinating with the court on reimbursement opportunities.

Fitness to Stand Trial issues are very complicated. There is a balancing of issues taking place (the right of the accused to a speedy trial, the cost of evaluation and restoration, and the interests of victims and public safety). The City and County Attorney’s Office work closely on these issues. The County has remained a strong partner in this area and accepts referrals for involuntary commitments. During the prosecution, it may become evident that a criminal case is not prosecutable because the defendant is unfit to stand trial. However, some of these defendants also present a risk to themselves or others. In these instances, there is coordination between the City Attorney’s Office, Yellowstone County Detention Facility, and the Yellowstone County Attorney’s Office civil division. These individuals are transported to Billings Clinic for a Psychiatric Admission Assessment. Based on the results of that assessment, the involuntary commitment process may begin and may ultimately result in a commitment to the Montana State Hospital. This also prevents the immediate release of individuals into the community who may be a danger to themselves or others. Through this established process, at the very least, the city ensures that a professional has evaluated these defendants and determined they are not a threat to themselves or others.

The Billings Municipal Court has a co-occurring treatment court. This program is available to individuals with co-occurring diagnoses (mental health and substance use disorder). The court has strengthened its partnership with the Mental Health Center. The Mental Health Center is offering a variety of resources to the co-occurring treatment court. The Mental Health Center also has a partnership with Yellowstone County Detention Facility. Staff from the Mental Health Center are making referrals to the co-occurring treatment court. They are also providing services, including placement in their mental health group home.

### Prosecution based diversion programs (page 12).

General prosecutors already regularly utilize this option when appropriate. The DV prosecutors also utilize diversions when appropriate but using diversions as a default resolution is prohibited by the Violence Against Women Act.

#### **Criminal Justice Coordinating Committee (page 12)**

The CCJC and its subcommittees continue to meet on a regular basis. The CJCC continues to see strong cross-jurisdictional participation and includes membership from the Billings City Council.

September 26th, 2024 Progress Report

Park	Progress	Project	Status	*updated information for this week
	Started -----> Completed	Completed		
Castle Rock playground addition	<div></div>		Waiting for warranty replacement parts for zipline	
Castle Rock parking lot	<div></div>		Parking lot replacement completed week of 8/26	
Cottonwood Park masterplan	<div></div>		Presented at November 8th Park Board meeting and approved for recommendation to City Council	
*Coulson Park South & North Improvements	<div></div>		*Bids opened 10/1 6 Bids Received	
Gorham irrigation automation	<div></div>		Installation and testing completed	
Grandview irrigation automation	<div></div>		Power upgraded to 480V, awaiting contractor availability to begin construction	
Highland playground replacement	<div></div>		Playground install complete.	
Millice irrigation automation	<div></div>		Sealed bids opened, project over budget, rebid at a later date	
North Park adult exercise & shelter	<div></div>		Install complete, contractor waiting on delivery of replacements for vandalized equipment	
North Park playground replacement	<div></div>		Playground installation complete, contractor waiting on delivery of replacements for vandalized fixtures	
North Park restroom replacement	<div></div>		Contractor completed restroom install, awaiting final inspection	
*Pioneer Park tennis courts replacement	<div></div>		*Landscaping work is in final stages, substantial completion inspection scheduled for 10/4	
*Poly Vista inclusive playground and parking lot	<div></div>		*contractor is working to finish landscaping, fence installed week of 9/23	
Rose Park pool spray equipment replacement	<div></div>		Per Park scheduling pool spray ground replacement delayed till the fall of 2024.	
*Skypoint sail replacement	<div></div>		*Complete week of 09/24/2024	
*North Park Dog Park	<div></div>		*Complete	
*Dehler Park Spring Improvements	<div></div>		*Spring improvements are complete.	
*Castle rock bathroom	<div></div>		* Preconstruction meeting held on 10/2	
*Optimist Park Lighting	<div></div>		*Preparing to go out to bid.	
*N. Park wall demo, light install.	<div></div>		*Foundations and lights installed week of 09/24/24. They are complete. Wall demo scheduled for the end of October. Disc golf is complete.	
*Arnold Drain Trail/Big Ditch Trail	<div></div>		*Consultant under contract, working on bid package.	
*High Sierra Dog Park Shade Structure.	<div></div>		* Shade structure expected delivery is Monday September 16th. Upon arrival a construction schedule will be set.	
*Pickleball Assoc. Shade Structure Lillis Park	<div></div>		* Met with Jill from PA on 06/05. Began planning and reached out to suppliers for pricing on a structure.	
*Centennial Sidewalk	<div></div>		*Contractor has been selected and working on getting them under contract.	
*Dehler Park Protective Netting	<div></div>		*Under contract with consultant. Working on design now for netting	
*Skyline Shade Structures	<div></div>		*VE items submitted. Waiting on approval from P4P	
*Dehler Park Irrigation Repair	<div></div>		*Repair complete and operational	
*Dehler Park Infield Sod	<div></div>		*Estimate package has been sent out, waiting on estimates from contractors.	

# Memo

**From:** The Recreation Department

**Billings Parks and Recreation is entering the fall portion of programing for the citizens of Billings. New Trainings and Conferences.**

Youth sports and special interests kick things off as kids head back to school. The Miracle League of Billings is entering its 5<sup>th</sup> season with 6 Saturday games to be played throughout the fall. 60 plus athletes and buddies are participating. NFL Flag Football enters its 9<sup>th</sup> season with 200 2<sup>nd</sup>-5<sup>th</sup> graders participating, and over 40 volunteer coaches. Other Fall programing includes Intro to Martial Arts, Tennis Is Elementary, Kids in the Kitchen and more.

Adult Co-Ed Volleyball will started Sept. 22<sup>nd</sup> with 28 teams and 170 players. Open Play, Boot-camps, and court reservations available for all to enjoy Pickleball at their favorite park.

All 3 Rec Specialist went to the Trailhead Supervisor Training on September 26th. This training was conducted be the MSU Extension for Local Government Supervisors. This training not only provided excellent tactics and strategies for becoming an excellent supervisor; but we also spent time becoming more self aware of who we are as supervisors and what our strengths and weaknesses are. Also the month of October is the NRPA National Conference which the Recreation staff will be attending virtually. We will spend a few days learning what is new and exciting in Recreation, trends of nationwide programs, and how to be better local government employees.



These are just a brief summery of what Recreation is up to for the fall, one of the most eventful times of the year for the Rec Department!